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THE HISTORY OF SOCIAL LEGISLATION IN ARGENTINA



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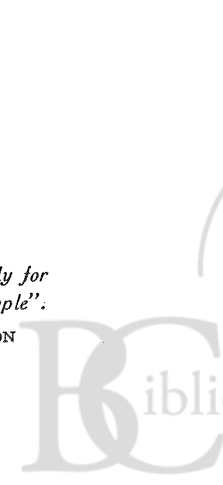
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THE HISTORY OF
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IN ARGENTINA



*"One should legislate solely for
the happiness of the people".*
PERÓN


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1 *Legislation in Argentina has always been for the attainment of some social good. The ASSEMBLY OF THE YEAR 1813 set a categorical precedent.*

2 *But, throughout the long period, from 1860 to 1940, during which oligarchy held sway in Argentina, social legislation became entirely submerged. Theoretically it existed, but in practice it was non-existent.*

3 *The Justicialist Revolution confirms this, since at the beginning it was only necessary to bring certain social laws into practice to initiate the profound social changes that were to direct the future course of history in our country.*

Later, once parliamentary sessions had been resumed, a social legislation, figuring at present amongst the most humanitarian the world has to offer, was completed.


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SOCIAL LEGISLATION IN THE ARGENTINE REPUBLIC


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PART ONE

HISTORICAL OUTLINE

- I. THE BEGINNINGS OF LEGISLATION
- II. THE INDIVIDUALIST CONSTITUTION
- III. THE FIRST LABOUR LAWS
- IV. SOCIAL WELFARE LAWS



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I

THE BEGINNINGS OF LEGISLATION

1. — HISTORICAL OUTLINE
2. — POSITION OF THE INDIAN
3. — FREEDOM OF BIRTHRIGHT
4. — OTHER PROVISIONS
5. — THE RIGHT TO WORK



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HISTORICAL OUTLINE

THE Argentine system of safeguarding the rights of the people by legislation is of long standing. It was born with the Republic. As the Nation took shape, it began by suffering growing pains, due to the far reaching changes then taking place. The earliest manifestations of this system were unorganised and sporadic, and they occurred in response to outstanding needs, parallel with the evolution of ideas, not always, as yet, very clearly defined and not infrequently lacking in form. Later, disorder, decay and oblivion were the order of the day, until such time as the legislature should be regenerated and individualism score a triumph.

The crowning victory attained by Argentina to-day came about not only as the result of passing through many vicissitudes in the liquidation of a policy directed by self interest. It had also been necessary to break down the strong resistance of a ruling class, unwilling both by temperament and expediency to accept legal recognition of the rights of the workers. The final victory of popular desire actually came about after one hundred and thirty years of independence.

Impelled by events no less than by the demands of history, the main preoccupations of the first governments to be set up in our country were to endorse the Revolution, to extend the campaign for freedom and success in the struggle for liberty. To become a Nation, to constitute a State — that was the prime and the essential need. To be accepted, above all else, as a colleague amongst other sovereign states. Its achievement demanded great sacrifices, given ungrudgingly and with success, by the people.

Yet, even then, in the midst of the crippling demands of war and whilst urgent general needs were being attended to, some praiseworthy government action was being undertaken in laying plans for future institutions, and concern over the rights of the people and social matters. In those days, authority could only be guided by a mere concept of the law, allied to a supreme need. A Constitution had to be devised with a complete lack of precedent or experience to serve as an example. Armies had to be organised, endowed with more courage than men and more decision than generals. All had to be found — training grounds, mounts, equipment and funds. Activities of such a nature were apt to absorb energy and initiative. And yet, they did not prevent an upsurge of fresh ideas or deter

the Government from displaying willingness to satisfy other aspirations. The desire was to safeguard these expressions of justice and equality, for the attainment of which, the people must be allowed both spiritual and material rights.

2

POSITION OF THE INDIAN

THE first resolution to be passed by an Argentine Government which may be said to be social in character on account of its aims, was adopted on June 8th., 1810, by the First "Junta", or Council. Undoubtedly inspired by Mariano Moreno, it provided that all differences between the white and the Indian soldier be abolished. It established that "both are equal and always shall be". Could there have been a finer and more noble beginning to Argentine social legislation!

On September 1st., 1811, the Provisional Governmental "Junta" decreed that the taxes, forced service, slavery, bondage and personal services, hitherto required of the Indians, should be abolished.

At its session on March 12th., the Assembly of 1813 approved this decree, declaring it was its sovereign will that "the aforementioned Indians in all the United Provinces be created, and held to be, free men, with rights equal to those possessed by all other citizens who inhabit the said provinces".

3

LIBERTY OF BIRTHRIGHT

ANOTHER deeply social decision to be adopted by the Assembly of 1813 was that which declared "the freedom of all those born into slavery". That decree provided that all children born to slaves should be free as from January 31st., 1813. Thus, "the barbarous right of the strongest" was to be abolished by progressive stages, "untill all classes in the State should become equal, for men were fashioned by nature, not slaves".

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The Assembly did not press forward where the rights of ownership were concerned. But the proposal to arrive at complete emancipation was evident when on May 10 th., of the same year, the Assembly expressed its will that the Municipality of Buenos Aires should free six slaves by payment at the legitimate rate. One need only go back to that period and consider the laws customs prevailing in those days, to appreciate to the full such a measure and realise how completely revolutionary it was, since slavery was an established institution. In its legal abolishment, another American country, the United States saw itself obliged to wage an inhuman war (1861-65), which all but split its national territory in two.

4

OTHER PROVISIONS

THE spirit which prevailed at the Assembly of 1813, also determined other legislative measures that were strictly just and equitable, and favoured progress towards a social order proper to a democratic Republic. By a law passed on August 13th., the right of primogeniture was abolished as a civil policy injurious to progress and the concept of equality, whilst another law suppressed titles of nobility.

The only titles to retain validity were those which engendered a love of the people, and a passion for glory, honour and true worth.

5

THE RIGHT TO WORK

A far reaching innovation was contained in a clause of the Constitution of the United Provinces of South America, dated April 22nd., 1819. In spite of having earned the term reactionary, on account of its aristocratic ideals, it provided for considerably progressive measures, all of which were to be lost later in the disorder which followed. "The State owes work and assistances to every citizen who shall demand them".

Thirty years later, the right to work was proclaimed in France.

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II

THE INDIVIDUALIST CONSTITUTION

1. — THE CONSTITUTION OF 1853
2. — THE WILL TO EQUALITY
3. — LEGISLATIVE INACTIVITY
4. — SOCIAL FERMENT



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THE CONSTITUTION OF 1853

THE men who drew up the Constitution of 1853 were patriots, federalists and advocates of civil government, imbued with the ideals of Montesquieu in so far as the structure of the State was concerned, and admirers of a foreign example whose adaptability to Argentine needs was feasible, as had already been foreseen, taught and demonstrated by Alberdi. They feared all the troubles by which the Nation was being beset at the time, and felt how pressing it was that a decision should be arrived at which would prevent civil war from breaking out anew and causing the loss of all that had been gained. But they felt no concern for social problems. They believed in the citizen and his relation to the State, but they never thought of man in his relation to the people and still less did they pay any heed to the role the latter were constantly playing in the magnitude and depth of their own specific problems. Man, to them, was an isolated individual — a principle and an end in himself.

Hence the Constitution was individualist. It proclaimed the rights of the individual and "the inhabitant" of our Nation, that he might function to the greatest advantage and in the best manner individually. Social rights were not considered, nor did any private proposal regarding them arise. Nonetheless, amongst the better principles adopted, there were clauses worthy of attention which are in themselves a magnificent institutional tribute.

THE WILL TO EQUALITY

WHAT had been adopted as a revolutionary measure by the Assembly of 1813, was solemnly ratified by the Constitution of 1853 which displayed a considerable advance over the former in some aspects, whilst lagging behind in others.

"The Argentine Nation admits of no prerogative of blood or birth; it allows no personal privileges or titles of nobility", is laid down in article 16 of the Constitution. And it had already made a

categorical statement with "In the Argentine Nation there are no slaves; the few who remain are now freed by this Constitution". And it adds that "slaves, no matter from where they may be brought, acquire their freedom through the sole act of treading the soil of the Republic".

It affirms that "all the inhabitants are equal before the law", an indication in itself of nobility of purpose, but devoid of support by other guarantees and obligations which could enable this equitable design to be carried out.

Citizens were equal in civil law — certainly, up to a point. But what of their equality in social law? No thought had been given to this side of the matter. And more than ninety years were to go by before Social Rights were given constitutional status!

The representatives of 1853 cannot have been completely ignorant of social problems. They would have read Echeverría's "Dogma", in whose stirring pages there appear passages like, "There can be no equality where a wealthy class imposes itself and is more privileged than the others; where a single class looms large in the public ideal; or where influence and power paralise the action of the law for some and strengthen it for others..."

The relative nature of the concept of equality and its failure to be effectual stand out particularly in the clause that directs "that pacific treatment be pursued when dealing with the Indians and that their conversion to Catholicism be promoted", since the injunction to such treatment implies harsh methods in use and bears evidence of inequality before the law. To make this attitude clear to us, but not to justify it, we must remember that in the first place, Indian raids were a great problem to the landowner of those days.

3 ARGENTINA

INACTIVITY OF THE LEGISLATURE

THE work achieved by successive legislative assemblies, which had arisen out of constitutional precepts was notable. Little by little, the foundation of the Argentine State grew in stability and there were similar developments in the provinces. Parliament distinguished itself at certain periods, yet it failed to face the social question. For oligarchy was gaining a foothold in a Government which, notwithstanding the fact that it was supported by a liberal

constitution, or perhaps because of it, allowed man to exploit man. The poor were under an obligation to work and a right to... die of hunger.

Only during the closing years of the past century were two laws, possessed of some social content, sanctioned. Though they referred to incidental provisions, they were nonetheless important.

The railway law of November 18th., 1891, established the duties not only of personnel, but also what was incumbent on each undertaking towards its personnel. It solved the differences between enterprises and their employees regarding salaries, hours of work and labour conditions, which could be settled by the holding of an enquiry in council and facilitate a direct solution by conciliatory measures, or through a court of arbitration.

Through the General Railway Ruling of September 20th., 1894, the concern over social matters was carried forward and it began to acquire shape. By it, every undertaking was required to employ the staff necessary for its needs, expressed in article one, while, in article ten, a maximum timetable of continuous work was fixed for those who actually worked on the trains, of "eight hours on passenger trains, ten on mixed and twelve hours on goods trains, with eight hours for repair gangs". It is true reasons of security motivated this measure, nevertheless it was a beginning.

The law of the Maritime and River Policy was sanctioned in 1896 and, in its turn, it contained provisions for labour at the ports. But no law, of a minor or mayor social content, was to be ratified during the following ten years.

SOCIAL FERMENT

DESPITE legislative inactivity, there had been an evident awakening of the social sense which would eventually bear fruit. Individualism in the Constitution did not hinder the accentuation of social unrest. An increasing population, the great variety of occupations, the earliest signs of industry, the spreading of ideas in the popular mind, and a knowledge of what was going on elsewhere in the world, were all, together with Argentina's growing social sense, to bring about increasing changes, in theory at first and later in practice. Legislation for the good of the worker had begun.

In 1904, Dr. Joaquín V. González drew up a scheme for a National Plan for Labour. It failed to pass into law, but it served a valuable purpose in effecting an opening breach into the individualist structure of our Law and its backing of prejudiced policy.

There was an increasing awareness that the rights of the inhabitants of our country were not bound by geographical, and to a certain extent, political limits. Other ideas began to grow up based on the prerogative born of "the principle of the sovereignty of the people", or their Social Rights.

Forty years were to pass before their final consummation, even though they did occasion some interesting developments in the meantime.

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III

THE FIRST LABOUR LAWS

1. — SUNDAY REST
2. — WOMEN AND CHILDREN AT WORK
3. — ACCIDENTS AT WORK
4. — PAYMENT OF SALARIES
5. — HOURS OF WORK
6. — OTHER LAWS
7. — NATIONAL DEPARTMENT OF LABOUR

SUNDAY REST

ON August 31st., 1905, law 4,661 was sanctioned, prohibiting there by in the Federal Capital "work contributing to the material gain of another or carried out publicly for self gain", on a Sunday.

Law 9,104 extended the same benefits to workers throughout our national territory, whilst by another, numbered 9,105, the days May 25th. and July 9th., were also included in the category of non-working days. Both these laws were sanctioned on August 12th., 1913.

The victory of a Sunday rest was won throughout the Republic by various provincial laws, prescribed respectively on the following dates: Salta, December 13th., 1905; Mendoza, October 22nd., 1906; Tucumán, July 25th., 1907; Córdoba, October 8th., 1907; Buenos Aires, January 7th., 1908; San Juan, August 1st., 1911; San Luis, July 12th., 1915; Corrientes, December 9th., 1919; La Rioja, August 7th., 1934; Jujuy, July 28th., 1935.

In Catamarca, Sunday work was suppressed by law 786, with the addition of New Year's Day, Good Friday, May 25th., and July 9th. as non-working days.

This list serves to show how the various provinces reacted to the new forms of national legislation. The whole was followed up by law 11,640 of September 29th., 1932, establishing the Saturday half holiday.

In the Federal Capital, the Sunday rest day had been achieved through insistent public demand and it became extended to the provinces, bringing similar benefits to the six provincial capital cities and later, to all other urban areas.

WOMEN AND CHILDREN AT WORK

ON September 30th., 1907, our National Congress sanctioned the law which laid down rules for female and child labour. By it, minors under the age of ten might not be employed. And similar

provisions applied to girls who were older and had not completed their elementary education, unless legal authorisation were obtained, proving that their earnings were essential for the maintenance of parents or brothers and sisters. Night work was forbidden to boys and girls under sixteen years of age.

For the first time in the history of Argentine law legitimate working hours were established, to include a maximum of eight hours work daily, or forty-eight per week, for women and minors.

Law 5,291, by which it was established, was superceded by another, 11,317, on September 30th., 1934, which broadened the former law's scope of benefit and incorporated its provisions into our Civil and Penal Codes of Law. Amongst the ammdements effected by it was the reduction of the working day for minors under eighteen, to six hours, or thirty-si per week, and that no one under twelve years of age might be employed.

This law was ammdened by statute 11,932 of October 15th., 1934.

A concern on the part of the legislative Assembly of Argentina for the position of the working mother, was shown for the first time in law 5,291, her position being upheld and strengthened through its reforms. In 1907 it was established "that working women might absent themselves from their occupation thirty days subsequent to childbirth and that, in the meantime their posts would be kept vacant for them". It assumed, in practice, the nature of a permit. Work was forbidden "throughout a period of six weeks after the birth", by law, in 1924. And in 1932, the two periods of a quarter of an hour each, per day, formerly allowed for nursing the infant, were extended to half hourly ones.

3

ACCIDENTS AT WORK

ON October 11th., 1915, law 9,688, which defined obligations in cases of accidents while at work, was promulgated. Its provisions, with certain timely ammdements, introduced by laws, 12,631, 12,921 and 13,639 still remain in force and their benefits have been extended to cover the whole country.

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4

PAYMENT OF SALARIES

OUR workers, above all those employed in workshops, had been iniquitously exploited by receiving pay in the form of a bond or an IOU, for their wages and labour. Law 11,279, of August 5th., 1925, was directed towards terminating this abuse, since it required "that every wage or salary due to an employee or other worker, be paid exclusively in national currency, under pain of its being declared void".

This law was strongly opposed by the private undertakings. Proof of this lies in the fact that, first proposed on October 23rd., 1923, it only secured ratification two years later. "Quantum mutatur ab illo".

5

HOURS OF WORK

"WORK shall not exceed eight hours a day, or forty-eight per week, for any person gainfully employed for the benefit of another, in private or public enterprise", was laid down by article one, of law 11,544, on September 12th., 1929. For night workers the period must no exceed seven hours.

6

OTHER LAWS

CERTAIN other workers' statutes were ratified during the period 1905 to 1943, which we are now examining. Let us list them as follows:

- a) Rules for out-workers, occupied in their homes, 10,505, October 8th., 1918.

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- b) Timetable of night work at bakeries, 11,338, September 9th., 1926.
- c) Reform of articles 154 and 160 of the Commercial Code, through 11,729; September 18th., 1934.
- d) Use of seats with backs in commercial and industrial establishments, law 11,729, September 23rd, 1935.
- e) Relating to commerci travellers, 12,651, October 8th., 1940. The provisions of this las were incorporated in our Commercial Code.
- f) Relating to out-workers in their homes, 12,713, October 3rd., 1941.
- g) Work done by casual labourers, 12,789, October 14 th., 1942.

7

NATIONAL DEPARTMENT OF LABOUR

IN 1912, the National Department of Labour was set up legally for the proper discharge of all that had been so laboriously and slowly achieved. A General Direction of Labour had been in existence since 1907, when it had been included as an item on the budget, though its operation and powers were vested en law 8,999.

It was an organisation from which much practical good had been expected, but in reality its results were purely theoretic. It operated with an ever decreasing efficiency inside the Federal Capital, and the services demanded of it in our national territories were evaded and finally disregarded. By laws 9,148 and 9,661, in 1913 and 1915 respectively, employment bureaux of the provinces and territories became incorporated to the General Direction of Labour, but failed to succeed in infusing life into it. And in many cases, the bureaux were not even set up. This body began, by degrees, to serve the interests of private enterprise, a fact which is easy to understand when one realises that it was the bureaucratic instrument of an oligarchical state. Consequently, it was to cause a great deal of harm to workers' organisations, so definitely in need of its support at the time.

This non-fulfillment of labour legislation did not disturb the more responsible state officials in the least, nor were they moved to take action by high motives. If there had been little legislation, there had been even less accomplished. To the backward outlook of the

legislators, was added administrative lethargy. Hence the reason for discontent and opposition on the part of the workers. The National Department of Labour was not in a fit condition to react through its incorporation, into the National Movement in 1943. And so, it was suppressed, and in its stead, there arose immediately a fine and admirable structure, featuring qualities of strength and vigour, balance and justice and as steadfast as it was spiritually minded.



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IV

SOCIAL WELFARE LAWS

1. — CIVIL GRANTS AND PENSIONS
2. — RAILWAY EMPLOYEES
3. — PRIVATE UNDERTAKINGS OF PUBLIC SERVICES
4. — BANK EMPLOYEES
5. — OTHER LAWS
6. — MATERNITY BENEFITS



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CIVIL GRANTS AND PENSIONS

THE first law to concern itself with civil grants and pensions was prescribed on September 20th., 1904, for the benefit of the railwaymen who were employed and officials of the National Administration.

As law number 4,349, it was revised in 1905, 1907, 1910 and 1934, when the amendments in laws 12,578, 12,579, 12,601 and 12,345 were appended, all prior to 1934.

RAILWAY EMPLOYEES

THE Grants and Pensions to Railways Workers and Employees Fund was established on June 30th., 1915, by law 9,653. It was superseded in 1919 by law 10,650, which received amendments in 1920, 1921 and 1924 and assumed definite form in law 12,598.

EMPLOYEES WITH PRIVATE UNDERTAKINGS OF PUBLIC SERVICES

ON February 11th., 1921, law 11,110 was promulgated for the benefit of the permanent personnel of the privately owned tramway, telephone, telegraph, gas, electricity and wireless enterprises. And the corresponding National Fund for Grants, Pensions and Subsidies was set up for the purpose.

The Provinces of Buenos Aires, Entre Ríos, Corrientes, Córdoba, Tucumán and Santa Fe all partook of the benefits provided by this law, in the years 1923, 1936, 1923, 1935, and 1924 respectively.

EMPLOYEES OF BANKING HOUSES.

LAW 11,232, which provided for the setting up of the National Fund for Grants and Pensions to Employees of Banking Houses, was promulgated on October 8th., 1922.

By law 11,575, of December 29th., 1929, the statute of 1922 was revised. These amendments introduced as laws 12,822 and 12,823 were commented upon by the Executive Power in reports of October 19th., 1942.

OTHER LAWS

LAW 12,581 established the Fund for Grants and Pensions to Journalists and was sanctioned throughout the country.

Law 12,612 was responsible for setting up the Fund for Grants, Pensions and Retirement Benefits to personnel of the National Mercantile Marine.

MATERNITY BENEFITS

ARTICLE 5 of law 11,933, passed on September 29th., 1934, dealing with leave of absence for sickness of employees and workers, set up a fund to provide subsidies for expectant mothers. And so the Maternity Benefits Fund came into being.

PART TWO

THE SOCIAL SENSE IS AWAKENED

I. A NEW ERA

II. SOCIAL VICTORIES

III. SOCIAL WELFARE



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I

A NEW ERA

1. — OUTLINE
2. — POPULAR OPINION
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5. — ACHIEVEMENTS
6. — RAPID SURVEY



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OUTLINE

IN 1943, the abuses being endured by the Argentine working class did not arise solely out of a lack of the proper legislative measures, due to shortcomings in the administrative mechanism. They arose too, and more particularly, from a failure to put into practice the laws that had already been enacted. Furthermore, the Government itself lacked a sense of social justice. The spirit of bureaucracy prevailed over the social ideal.

Laws, true in themselves in theory, were being offset by their insubstantiality in practice. The statutes of our country had ceased to be valid, due to an absence of the social sense in those responsible for carrying them out. Even at a time when the concept of the workers' rights had become clearer, the recovery of the working class was being restrained by force. Highways, roads, fields, land under cultivation — all bore the taint of swated labour. Incomprehension on the part of the Government prolonged and provoked the struggle of the workers which was finally to cost so much sorrow, sacrifice and loss of life. Hence the Revolution was being delayed until the day when the movement for restitution came into being. It became clear that this movement identified itself, as soon as it had been set up, with the ideals of a better world which, based on feelings for human solidarity, brought with it principles of social justice and an equality that hitherto would have been thought impossible. All could sense in Argentina the profundity of desire and crying needs of the working masses. Yet, not a soul took these feelings wholly and fully to heart. Now and then some politician would raise his voice on the principle of the workers' rights. But should the subject become the cause of more general debate, either the legislative assembly prevented it from assuming greater proportions, or the governing body would fail to carry out its precepts. Thus the ideals of the Argentine workers were constantly being repudiated, when all the while they might have been in the vanguard. The fulfillment of their dreams of an ideal world was receding into unreality, in a country so suited in every way to their materialisation.

But a reaction for deliverance was already at hand. Investigations into what was actually to become a strict interpretation of social justice prevailed over academic theorising. Deception, and the consequent depression it caused, were to give way before a cult for

the truth — and a truth which would be confirmed by fact. "It is better to do than to say, and better to accomplish than to promise", were the words of Perón, typifying the true revolutionary movement, a determining factor in the success that was so essential to the triumph of Argentine ideals.

2

POPULAR OPINION

SOCIAL problems gained a complete understanding and popular demands were readily heard. Voices long stifled by class hatred, unheeded due to a lack of understanding from the Government, or frustrated by petty political speculation, now reached a sympathetic ear and had their reflection on the Argentine mind.

The revolutionary Government was rooted deep in popular feeling. Hence it secured the maximum of understanding and its successful continuity became assured. It might so easily have strayed into the maze of petty ambitions being displayed by certain politicians. But happily, it followed and persevered along the course mapped out for it by history. The State began to support the cause of social justice, the only means whereby it might be enabled to carry out to the full the constitutional precept which directs "that the general good be promoted".

3

SECRETARIAT OF LABOUR AND SOCIAL WELFARE

ON November 27th., 1943, the Government of the Revolution, unsurpassed as the revolutionary organ, set up the Secretariat of Labour and Social Welfare, held accountable to the President of the Republic. Four days later, with the issue of another decree, the perfect complement to the creation of the new entity, Colonel Juan Perón was nominated its controller. But time itself was to prove to the majority how important these two government enactments were to loom historically. The new organisation, putting into immediate action the social ideal, in its fullest sense, was to concern itself with all that pertained to labour legislation, social and industrial hygiene, people's dwellings, public health, immigration,

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grants and pensions, National Post Office Savings, rent tribunals, and the policy of labour and all that relates to labour and social welfare.

4

A NEW ERA

ON December 2nd., Colonel Perón announced in a broadcast speech that the establishment of a Secretariat of Labour and Social Welfare was to usher in a new era in Argentine social policy. He had guarantees to offer both the workers and their employers. And he declared that the State would be putting an end to its policy of "laissez faire", to embark on one of fulfillment of its social obligations. "The employers", he continued, "the workers and the State are at the bottom of every social question. Unity and a merging of the purposes from these three sources can form a basis from which to take action against the true enemies of society". And, after declaring that his followers should be the workers of Argentina, he added, "In defending those who toil and suffer in shaping the greatness of their nation, I am defending my country, thus fulfilling what I have pledged myself to uphold with my life".

And, on a basis of those ideals, serving as they did as a starting point, the task of transformation was begun. It was to satisfy the ambitions of the people to the full, from the point of view not only of their material needs, but also the urgent demands of their revived spirits.

5

IMMEDIATE ACHIEVEMENTS

THIS gigantic task was embarked on without passing through an intermediate stage. While the Secretariat of Labour and Social Welfare had been built on bodies already existent, some of very long standing, it assumed, nonetheless, a form that was entirely new. It was animated by a strong team spirit. Its mechanism was set in motion by the energy of youth, endowing all with fresh vigour. Yet, important as this aspect was, even more worthy of attention was the fact that it possessed but a single authority and a singleness of purpose. Things were no longer allowed to drift in haphazard fashion

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and a definite course was pursued. Carefully outlined in theory, and manifest in practice, this strictly defined conviction acted as a powerful stimulus to the workers. Hope sprang anew under its influence.

The Secretary of Labour and Social Welfare made contacts with the workers' organisations, listening to them, giving them his attention and expressing himself frankly before them. They would have to organise themselves and to unite, to achieve all of which there must be understanding. And this understanding could only be reached through a feeling in common of patriotism, for justice and of hope for the future.

The railwaymen were the first to react. Their's was the best organised union and the one of the most long standing. It was in a position to go straight to the point in satisfying their needs.

→ Law 12,825 had allocated a sum of 10,000,000 pesos to the National Fund for Grants and Pensions to Railway Employees. But it had not been possible to make these allowances payable. But now, it was procured that the Executive Power should insist on the payments being made.

In 1937, a sum of 900,000 pesos had been assigned the Railwaymen's Union for the building of a hospital, and social welfare centre. However, notwithstanding trades union pressure and the fact that it was in the public interest that it should be paid, the allowance had never actually been rendered effective. On January 7th., 1944, by a decree, framed at the initiative of the Secretariat of Labour and Social Welfare, a sum of a million pesos, was handed over to the Railwaymen's Union. By a decree of the Executive Power, union representation of the administrative personnel and supervising staff of the railways on the Railwaymen's Union gained recognition.

By a decree of December 23rd., 1943, in compliance with the purposes of social justice, the annual holidays of railwaymen were graded on an ascending scale, according to the number of years service that they had rendered. This decree was a confirmation of "the injunctions that social justice must be rigidly carried out by local authorities". To understand to the full how successful the measure had been, one had only to go back in imagination to the time when railway enterprises were looked upon as omnipotent.

On January 10th., 1944, colonel Perón made an announcement in Rosario of an important scheme to provide railwaymen with the following amenities, namely a hospital, for medical treatment and social welfare, a sanatorium for tuberculosis cases, regional medical consultation centres, regional pharmaceutical services, maternity and child welfare centres, a for the use of railwaymen and their de-

pendents. Contacts had already been made with members of the teaching profession who wished to organise themselves similarly. Journalists too had been approached, and were then engaged in drawing up the basis for their statute. Others included farmer labourers, had been suffering the effects of postponement and delay in every form, members of the nursing profession, sailors, bakers, printers, bank employees, artists, etc. The housing problem was taken in hand, the rents question studied, and stability guaranteed the tenant farmers. All workers were rendered equal in the eyes of the law.

That was how it began. And, still maintaining the rhythm of those early days, certain laws, theoretically in existence for some time past, but quiescent in practice, gradually grew into life and effectiveness.

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RAPID SURVEY

SUMMING up the main items accomplished during the previous five months, the Secretary of Labour and Social Welfare said in an important speech on May 1st., 1944, speaking from his office at the Workers' Centre, "From this very spot the workers' representatives have gone forth, furnished with a collective workers' contract. Two hundred thousand railway workers have benefitted by grants. The Professional Journalists' Statute has been issued from this office. A fair and just solution has been arrived at to the conflicts of the butchers, textile operatives, cabinet makers, pasteboard and paper pulp workers, electricians, employees in the catering trade, and dockyard workers. Forty thousand city workers have been awarded a Sunday rest day. And a similar number of workers in the retail trade have benefited by an easier daily schedule and more just remuneration for their services".

Enquiries into hundreds of cases were held and differences settled. Collective workers' agreements were painstakingly drawn up and fittingly concluded. These improvements reached the Indian in El Chaco, the artist in the city, the factory hand, the casual labourer on the "pampas", and the petroleum worker in Patagonia. "We legislate for every Argentine", said colonel Perón, "because our social status is as indivisible as is our geographical position". And, aware that he was expressing a truth with the noblest of implications, he added, "The workers of our land are no longer defenceless".

SOCIAL VICTORIES

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II

SOCIAL VICTORIES

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LEGISLATION BY DECREE

DURING the period 1943 to 1946, legislation by decree became essential since the parliament had been dissolved. In granting the workers recognition of their rights, a social victory in itself, it became imperative that such legislation should be backed up by some sort of structural form. Agreement between the parties would not have been enough. Mediation on the part of the State, apart from acting as a control and stimulating justice, could, by an expression of principle and adoption of rules, be made to extend those prerogatives which, had times been otherwise, would have been exercised by the proper directive power.

Just as there were in existence some principles which were never adopted to become part of our legal code, so too, there were others quite unsuited to such a measure, besides which many laws which we needed were lacking. It had become indispensable then to satisfy the crying needs of the time by a new concept of the function of government along lines that were truly revolutionary. To remain passive in the face of events would only have been to procrastinate and lead to the even greater danger of stagnation, since legislation which does not evolve socially brings disorder to a community.

And so laws were reformed, trade union statutes sanctioned and fresh measures prescribed. Later on, once parliament had reassembled, it would convert this very substantial amount of decrees into the proper instruments of the law and, in so doing, add a valuable contribution to the social legislation of Argentina. These decrees were to become the basis of the social reforms towards which advances began to be made from that very moment, not actually set down in writing, yet nonetheless, factors in a far reaching plan which would slowly but surely come into being. The course then embarked upon, we maintained without change. Subsequent legislation endorsed it fully, not only by approval in fact, but also through its action in bringing it up to date, finishing and perfecting its proposals.

In this manner the victories we had won acquired the necessary stability by peaceful means.

THE JOURNALISTS' STATUTE

SINCE "it is an essential function of the State to provide laws for the protection of those responsible for its economic output, there must, without a doubt, be included amongst these latter, not only the producers of a State's material wealth, but also those who play a highly important role in ministering to the needs of the spirit and the intellect". Hence the Professional Journalist's Statute was instituted by decree 7,618, on March 25th., 1944. It brought about the financial liberation of a union of the highest intellectual significance and gave it a social status.

A national register was compiled of journalists and conditions of membership, working hours, security, and social welfare were established. A salary scale was settled on, based on specific duties and the various categories of press work.

It was the final outcome of lengthy, intelligently and enthusiastically conducted negotiations on the part of a body of men imbued with a great and true sense of social rights, caring deeply for their profession and intimately bound up with the interests of their colleagues. The Secretariat of Labour and Social Welfare responded to the union movement among journalists, treating it with the respect due to it, thus bettering the position of the journalist in every way.

The Journalist's Statute gained full legal status by law 12,908, on December 8th., 1946, to be amended later in law 13,503, of October 15th., 1948.

By decree 13,839, which became law in 1946, the administrative staffs of press undertakings partook of the same security, social welfare, benefits, salary scale and promotions, coming within the scope of their particular occupations, coupled with all the other advantages granted to the professional journalist.

Reaction to the Journalist's Statute was widespread indeed. As one of the initial acts of the men responsible for building the new Argentina, it came in for close scrutiny, both in our own country and abroad.

STATUTE OF THE FARM LABOURER

FORMERLY, the daily agricultural labourer had been excluded from labour legislation. No rights sheltered him, other than those which protected every inhabitant of the Republic in a general way, and which, in any case left him in a precarious position.

In 1944 the Government tackled the social and economic situation of Argentine rural life with a breadth and discernment needed in the understanding of a problem as complex, with the greater majority of its people sunk in poverty and backwardness. Clearly it would be necessary to stimulate an increase in the population. "One of the principal factors", official sources stated at the time, "in gaining an increase in the population is to improve the wages paid to labourers and the housing of workers on the land, since the chief cause of backwardness is a low standard of living and the meager salary earned by agricultural workers", both of which, the report goes on to say, "must be raised by the setting up of more humanitarian rural conditions and better living standards which, by counteracting the attractions of city life, shall maintain in these areas a permanent and constantly growing rural population to serve as a reserve from which to draw for healthy and vigorous labour on the farms".

Out of such preoccupations there grew the scheme for a Labourer's Statute, with its lofty economic and social aims. On October 17th., 1944, the decree authorising such a Statute was proposed, drafted by the Secretariat of Labour and Social Welfare.

This decree 28,169, was sanctioned as law in 1946 by the Congress of the Nation, and its provisions were set out in law 12,921.

The Labourer's Statute lays down conditions for rural workers throughout the country, including such matters as wages, medical assistance, housing, food and rest days, together with rules for the various kinds of rural activity, be it on the plains, in the forests, in the mountains or the rivers. It also provides a scale of wages and salaries which are revised periodically.

Thus, by incorporating the labourer into the Argentine legal system, new conditions were promoted in our countryside, with a desirable standard of living and a just scheme whereby activities essential to the national economy benefited Argentine social progress notably.

THE DOCTORS' STATUTE

THE practice of medicine, dentistry, obstetrics and other branches of the medical sciences was regulated by decree 6,216, on March 11th., 1944. The significance of such a ruling is evident if one considers that the practice of the medical profession had, until then, been controlled by a provincial law dating back to 1877.

On July 20th., 1944, the medical specialisation of tuberculosis was placed on an organised footing. On September 19th., of the following year, the Statute of Members of the Medical and Related Professions was proposed and was adopted as law in 1946. The doctors, dentists and chemists who benefited by it were then able to offer their permanent services to "hospitals, homes, orphanages, institutions, dispensaries, medical centres, or, in a general way, to any similar form of establishment, whether independent or subsidised out of national, provincial or municipal funds".

It laid down a scheme for duties, dealing on such matters as rules of membership, security, incompatibility, working schedules, qualifications, promotions and salaries, and it furnished the professional medical man with all the advantages attached to a social welfare scheme.

Prior to this, decree 22,294, in 1944, had fixed minimum salaries for the staffs of sanatoria and private hospitals, and was adopted as law later.

RADIO-TELEGRAPHIC OPERATORS

ON May 24th., 1946, decree 14,954 was proposed, whereby the working conditions of operators in radio-telegraphy, cable, telegrams and similar occupations were laid down, whether they were employed by national or private undertakings.

Article 38 of this Statute of theirs, once it had become law, establishes that "the operator cannot be dismissed from his post, so long as his behaviour is beyond reproach and he maintains his working standard". Article 44 provides for a minimum period of annual holidays with pay for such operators.

THE ECONOMIC SCIENCES

CONDITIONS governing the activities of economists, actuaries and accountants were laid down by decree on March 2nd., 1945, at the instance of the Secretariat of Labour and Social Welfare.

The passing of this Statute served to satisfy demands frequently voiced in university circles or at congresses of professional men.

By it, the calling in of professional assistance in a mediatory capacity on various matters was made obligatory, a measure which did much to raise the prestige of this profession in the eyes of the public.

DAIRY WORKERS' STATUTE

AN important section of rural labour is covered by the Statute of the Tenant Dairy Farmer, proposed by decree 3,750 in 1946. The title of tenant dairy farmer is applied to "the workers who, under this or any other name, are engaged in exploiting dairy produce on a percentage of profits basis".

The proprietor must pay the dairy farmer "a percentage of the profits accruing from the exploitation of the dairy", on account for services rendered. This amount may not be less than forty per cent of the whole. Further fixed payments are also due to him on each cow or heifer he may train, and on each calf weaned and handed over in good condition.

The tenant dairy farmer shall, besides being provided with cows and bulls, also receive the equipment he may need for his work, transport for milk, a dwelling house with two or more rooms, and a plot of land of one hectarea on which to make a garden and rear poultry.

The Statute has given the dairyman his social and economic independence, thus effecting a radical change in his life and habits.

UNION OF CASUAL LABOURERS

LAW 12,789, of October 14th., 1942, was proposed for the suppression of abuses being practiced at the time by certain middlemen associated with the large sugar refineries, above all, where it concerned the recruitment of labour for dealing with by-products. A report was drafted on this law, on May 31st., 1944, at the Secretariat of Labour and Social Welfare, concerning the position of workers in the sugar industry, and classing its articles as urgent, since they had not, as yet, been put into operation. For the first time, the great proprietary sugar enterprises were obliged to treat their workers in the sugar cane plantations as free men, by providing them with a minimum of amenities and a reasonable salary.

From then on, the social laws became something more than a dead letter for millions of workers in Northern Argentina who had, until then, suffered the humiliation of ignominious labour conditions.

By a decree on April 26th., 1944, the duties of the sugar refinery workers who were not already provided for by the previous law of 1942, were laid down.

Conditions established for unskilled and casual labour were notably better than those that had been in force hitherto, and they served as a true example of distributist justice, whose manifestations were to become more and more favourable in the course of time, towards the workers and their dependents.

PETROLEUM WORKERS

"RELATIONS between the working personnel and the privately owned petroleum companies" were regulated by decree 15,356 in 1946, whereby a scale of adequate wages for services was fixed. Workers who, until then, had been casual labourers; now acquired security by receiving a regular monthly wage.

Personnel were classified into categories and zones, each individual receiving his appropriate monthly remuneration. This decree became law in 1946 and, in doing so, scored yet another definite victory.

Skilled workers employed by our "Yacimientos Petrolíferos Fiscales" had already been enjoying a properly graded scale of salaries, which had been granted them by decree 31,650 on November 22 nd., 1944.

ALLOWANCES TO WORKERS IN THE CATERING TRADE

THE provisions laid down by the Secretariat of Labour and Social Welfare on September 4th., 1945 were specially significant in so far as they related to employers and employees of hotels, restaurants, bars, confectioners, night clubs, cafes, milk bars and other similar establishments whose duty it is to supply the public with accomodation, food and beverages. They are particularly significant due to the fact that, in spite of the many different aspects being covered by this occupation, an equitable distribution of duties for all was arrived at, and tips were suppressed.

Until this latter measure was adopted, workers in the catering trade received low wages, and in some cases none at all, the basis of their livelihood arising from the tips they received from customers or guests. The tip was "an oligarchical institution" which reflected on the dignity of the worker. Hence the campaign for its suppression. Added to this, was the fact that such a system could not ensure a regular flow of payments.

"The suppression of the tip", Colonel Perón stated in the provisions, "will contribute to the dignity of labour and it ought to dispel any influences being exercised by employers or employees, since the character of a gift or favour which is intrinsic to it, acts as a deterrent to equality, so paramount a feature in the setting up of such contracts".

How far was it possible to arrive at an equitable distribution of salaries to workers in the catering trade? A shareable percentage was set aside to be distributed among the staff. That percentage varied with the type of service being offered. The allocation of the proceeds of this surcharge was then assigned to the various workers on the basis of a points system and distributed accordingly. The expedient has, and is producing most satisfactory results.

These allowances to catering workers were established by law. Through article 3, of law 12,921, the abolition of the tip, which had at first only referred to the federal capital, was now extended

to the whole of the Republic, whilst the manner and extent to which personnel were to be so rewarded was left to the individual decision of provincial governments.

The abolition of tipping, a moral victory gained by the catering trade, became a motive for praise and the barbers and hair-dressers union adopted a similar measure.

THE MINIMUM LIVING WAGE, THE BASIC SALARY AND THE CHRISTMAS GRATUITY

ON December 20th., 1945, decree 33,302 was publicly endorsed and proclaimed. By it the National Remuneratory Institution was set up for the following fundamental purposes:

- a) To establish a minimum living wage and a basic salary.
- b) To intercede for the legalisation of the payment of an annual gratuity.

This annual gratuity, commonly known as the "Christmas Box", became recognised as obligatory from then on. It was one of the social measures which met with the greatest opposition at the beginning, but which soon became generally accepted throughout the country. Many who had fought it at first, later became its staunchest supporters.

The basic salary, the minimum living wage and the annual gratuity, came up, in the first place, for discussion by the General Federation of the Employee in Trade and, later on, at the General Confederation of Labour. Their approval constituted the most important joint social victory ever to be attained by Argentine workers regarding wages.

Personnel who were members of the pensions fund for trade employees were awarded increases in salaries ranging from 25 % on salaries up to 200 pesos monthly, with a graded decrease in the percentage up to salaries of 920 pesos. Those who were not members of the pensions fund received an increase of 15 % on up to 200 pesos monthly. with the graded decrease up to salaries of 660 pesos. These measures were taken purely in an emergency capacity, since the settling of wages in the future was to be in the hands of the National Remuneratory Institution.

Article 18 of decree 35.302, later to be adopted as law, defined the minimum living wage as "remuneration for work which in its respec-

tive zone, shall ensure the worker and his family adequate food, healthy dwelling quarters and clothing, together with schooling for his children, medical attention, transport, social welfare, holidays and recreation".

"The minimum living wage", "is stated in article 21", shall be readjusted periodically to meet fluctuations in the cost of living". When the monthly index figures indicate a rise or a fall of ten percent in the cost of living, the situation shall be considered by the National Remuneratory Institution.

Basic salaries are those established in accordance with the nature of work or risk involved, local customs, economic capacity, wages paid in other similar occupations, etc. The scale of payment is decided by the Institution. Basic salaries, which form the natural complement to the aims of the living wage, cannot be reduced, whether by individual or collective decision, "all statements to the contrary being rendered null and void" by this clause which places the worker out of reach of proprietary restraint.

The annual gratuity, whose payment is obligatory to every employer, has been in force since December 31st., 1945. "By this annual gratuity, the duty of every employer to pay, is understood the twelfth part of the total wage or salary, earned by the employee or worker throughout the respective calendar year". The gratuity may only be reduced to the limit that is due in such cases as where a worker ceases to be employed or resigns, when the proportion is to be based on the wages earned by him during the year in question, between January 1st. and the date at which his employment ceased.

By this same decree were established guarantees of security and stability for the worker, and rules were laid down for the most equitable solution to such differences as might possibly arise. Amongst social measures to which due consideration has been given are holiday homes, holidays camps, rest homes, etc.

HOLIDAYS WITH PAY

ANOTHER important social victory, based on a decree dated January 22 nd., 1945, and enacted as law, was the institution of annual holidays with pay "for every person who works for the gain of another, under the direction of an employer".

In order that an employee shall be entitled to annual holidays with pay, it is necessary that he should have worked a minimum of half the working days between January 1st. and December 31st. of the same year. The salary due for each vacation day is the thirtieth part of the normal month's salary. Where wages are paid daily, hourly or as piece work, payment allowances for each day of the holidays shall be equivalent to that due for a normal working day.

The minimum annual holiday consists of ten day and the maximum is a fortnight.

Minors aged between 14 and 18 years of age have been incorporated into the system prescribed by decree 1,740 and included in decree 32,412, on December 17th., 1945. The annual holidays of a minor may not be less than a fortnight, and during that period the young worker is prohibited from "working for his (or her) own, or another's account, since such action would counteract the purpose of the holiday".

The whole of these precepts were enacted to permanent legal status by law 12,921.

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WAGES AND WORKING CONDITIONS

THE number of agreements that have been reached on salaries and working conditions are concrete proof of how active the Government has been in carrying out the postulates of social justice, in full agreement with the wishes of the workers.

So great has been the number of these agreements between owners and workers, dealt with by the Secretariat of Labour and Social Welfare, that it would be impossible to enumerate them separately. It could be claimed that there is not a single activity which has not been adjusted in one way or another, or a single essential salary which has not had its rate regulated. During the third quarter alone of 1944, ninetyfour collective agreements were concluded. Amongst them there figure the Printers' Federation of Buenos Aires, the press and publishing undertakings, barbers and hairdressing establishments, rubber manufacturers, builders, electricians, etc.

During that same period, sixteen decrees concerned with labour conditions in the public administrative services, were passed.

Furthermore, through their respective decrees, salaries for occupations where and agreement would not be practicable, have

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been settled through direct means. Such, for instance, occurred in the case of the working days and schedules for labourers engaged in the harvesting of fine grained cereals and maize. The first decree of this kind, truly emancipatory in character, was proposed on November 20th., 1943, when a scheme for remuneration of the farm labourers engaged in the 1943-44 harvest was drawn up.

Later, all these provisions were to pass through a process of being brought up to date and completion, as the result of experience and in response to social ideals.

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JUSTICE OF LABOUR

TO guarantee the social victories, such as we have just been enumerating; it became necessary to set up the judicial machinery to ensure subsequent harmonious and progressive application of the new workers' rights.

To bring this new social legislation into harmony with legal procedure, it became indispensable that a new form of statutory law should be adopted, capable of remaining independent of the pitfalls of legislation based on a capitalist concept and developed along those classical lines in legal matters which render the machinery of the law so cumbersome and costly.

The proper judicial institution would have to be expedient and flexible, and possessed of very clearly defined guiding principles. Furthermore, men were required who should be endowed with a modern and very special frame of mind, of a kind that has been all too rare in the judicial and administrative history of our country. An outlook had to be reached which would treat both the lowliest worker and the representative of the wealthiest owner as equals before the law.

These and similar preoccupations prompted the Government to set up Labour Tribunals through decree 33,347, on November 30th., 1944. The drafting of the relevant motion for this had been carried out in accordance with a resolution of the Secretary for Labour and Social Welfare, colonel Juan Perón, on May 11th., of the same year.

The Labour Tribunals which operated within the limits of the Federal capital were composed of the Committee for Conciliation, the arbitrating commissioners, the workers' judges, and their respective Court of Appeal. The nomination of magistrates to the new

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judicial authority was only made after a careful selection, with an eye to obtaining the maximum of guarantee and ensure in the personal sphere that the social and humane objectives of labour legislation were expedited to the full.

The decree covered organisation, competence, procedure, resources, precautionary measures, etc., the whole of its provisions representing a notable advance on what had been achieved in other countries in this sphere, or had hitherto been advocated by congresses or conferences of trade union leaders.

The opposition aroused against it, as a great social victory, by private interests, was sufficient proof of its calibre and proficiency. Time has since confirmed our most optimistic hopes.

Justice of Labour is one of the great achievements of an era, now happily established, that has been rich in a remarkable initiative. Social Justice, from that very moment, gained an efficient organ for the interpretation of its ideas and as an instrument of achievement.

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NATIONAL SOCIAL WELFARE INSTITUTE

To "achieve throughout the national territory the objectives of the State where social welfare is concerned", by protecting persons both bodily and financially from social and occupational risks; to provide the necessary means for a livelihood in cases of cessation or interruption of work, by a government centralisation of the existing organs of social welfare or of those about to be installed; it was for these purposes the National Social Welfare Institute was set up. The respective decree of October 27th., 1944, acquired for that very reason an enormous social significance.

Scattered entities of social welfare were centralised. Disjointed elements were united. Strength and stability were infused into a movement which had lacked the necessary vigour before and was harassed by financial difficulties that had arisen out of a wrong economic structure or misguided administrative policy. The way towards stability and security was initiated by the Institute and, immediately it gained impetus and became more general.

Speaking at the installation of the first president of the new body, in October, 1944, the Secretary for Labour and Social Welfare said, "We shall eradicate privilege and extend protection against social and occupational risks to every active zone in our country". And it was with aims in view, such as these, that this magnificent centre of Argentine social security set forth on its task.

The effects of the setting up of this Institute, adopted by law 12,927 continued to be extended to fresh zones of activity, and they dealt with a variety of different social conditions, putting into practice the lofty ideals of social security.

RAILWAYMEN

ON June 3rd., 1944, decree 14,534 was proposed, reforming thereby law 10,650, referring to Grants and Pensions to Railway Workers and Employees. The new measure extended the trade union

scope of these benefits and increased the allowances to beneficiaries. The original benefits enjoyed by the latter had been curtailed considerably when law 12,825 had been adopted for reasons of financial bankruptcy. The new reform abolished the rebates and increased loans. It rendered obligatory the reinstatement of personnel who had been recapacitated for work and made it impossible to lay an embargo on wages and salaries, annuities and pensions.

By another decree, family allowances were established.

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JOURNALISTS

THE law of Pensions to Journalists, adopted in 1938, had never been duly practised. To endow it with proper legal status, decree 14,535 was drawn up on June 3rd., 1944, whereby the mechanism for protecting some thousands of intellectual workers was given shape. Henceforward, journalists who had been struggling for the successful issue of this measure, were effectually incorporated as beneficiaries of Argentine social legislation, and new life was infused into a law that had lain in abeyance.

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EMPLOYEES IN TRADE

EMPLOYEES in trade and allied occupations had been negotiating their incorporation into the pensions scheme for many years previously. The law, which was to be the fulfilment of their just demands, had actually been ratified, only to be repealed later. Capitalist opposition had triumphed over the rights of these workers. A quarter of a century after this episode in the legislative assembly, hundreds of thousands of men and women were to witness the fulfilment of all their desires.

On November 22nd., 1944, a social welfare scheme which covered all personnel engaged in trade and similar occupations was drawn up in decree 31,665. It found in the recently created National Insti-

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tution for Social Welfare a fresh element to act as outlet to its noble aims. For, the setting up of this Institute was an enterprise which, due to its importance, acquired a widespread influence, remaining all the while, true to the lofty ideals and great benefits it had to offer.

Allocations under the scheme were as follows: an ordinary full pension is paid to men after 30 years service and 55 years of age, and to women after 26 years service and 50 years of age; and it dealt with the ordinary reduced pensions, the pension on voluntary retirement, pensions for incapacitation, grants and subsidies.

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EMPLOYEES IN INDUSTRY

AT the initiative of the National Institution for Social Welfare, the department was set up to deal with the pensions scheme for personnel in industrial and similar undertakings, through decree 13,977, dated May 15th., 1946. Its allowances are identical with those made to personnel in trade, and its advances too, have been along uniform lines.

On July 26th., 1946, general Juan Perón, President of the Republic, proposed by decree the rules of this new departure of the Institute, into which the revolutionary movement and the action of the Constitutional Government entered in genuine combination.

6

NATIONAL MERCANTILE MARINE

ERRORS that had been in control throughout the five years that law 12,612 was applied to the social welfare scheme for personnel of the National Mercantile Marine, were amended through decree 28,011 on October 18th., 1944, which brought many of its provisions up to date and adapted the whole to a more uniform plan.

Later, in 1946, it was modified to include personnel of civilian aviation as well.

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OTHER PROVISIONS

A large number of measures dealing with social welfare were adopted between 1943 and 1946, thus broadening, bettering and making more general the scope of its benefits. Personnel engaged in insurance, the stock market, and savings were incorporated into the pensions scheme for bank employees, and work done in these many different bodies was declared to be eligible for a pension. Precepts were brought up to date on a basis of experience, amendments made, and rules laid down.

In its rulings and jurisdiction the National Institution for Social Welfare has come to be what it is in order that "pensions shall cease to be the privilege of the few to become the right of all who work", in the words of the President of our Republic.

MATERNITY BENEFITS

THE health of the mother or the future life of the unborn child have become the cause of detailed and constant care on the part of the State. Such measures are evident in workers' regulations and the full recognition of their rights. The real benefits which accrue to subsidies for mothers have now been extended to the whole of our country, thus ensuring State protection to both mother and child.

HOUSING

THE housing problem has occupied the attention of the Secretariat for Labour and Social Welfare from the time of the latter's installation. The Government which initiated its task in 1943 and still continues to plan the new Argentina, has not limited itself

to adopting provisions for encouraging the building of dwelling houses by private enterprises. For it has itself erected buildings, to a greater extent, in many respects, than was ever foreseen. Furthermore, strict measures for the purpose of preventing an undue rise in rents, have been carried out, and the tenant been definitely protected.

On June 29th., 1943, at a time when rents were rising due to speculation arising out of war conditions, orders were issued for them to be lowered. Shortly after, a Rentals Department was created, its rules being drafted by decrees 1,580, 2,175 and 7,862 of July 29th., 1943.

On September 14th., 1944, a credit of \$ 25,000,000 (pesos), an enormous sum for those days, was opened for the building of dwelling houses in different areas of the country. Building which henceforward received an enormous impulse, went rapidly forward in the Federal Capital and the surrounding zones, the provinces and the territories. Thus the foundations were laid upon which was to be built up the ideal of a house for every family.

SCOPE

SOCIAL action being undertaken by the State reaches every sector of our country direct and it comprises every form of activity, benefiting men, women and children, and the aged. The legal machinery is there as a preventive or defensive measure as well as for assistance. It promotes and trains future craftsmen. Similarly, it ensures State assistance to the sick, the injured and the suffering. Hospitals, infirmaries and homes have been set up for their benefit. Medical science has been made available in the most distant and far flung parts of the country. Our social task has gained breadth and scope, simply because it is being moulded in the ideals of human solidarity and operates in keeping with the loftiness of its calling. We set before us the ideal towards which we are working and the manner in which we are to act in defence of our greatest national good, namely our human capital.



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PART THREE

STABILITY OF THE REFORM

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- II. LABOUR LAWS
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- IV. CODIFICATION OF SOCIAL RIGHTS

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1

JUSTICIALIST CONSTITUTION

1. — SOCIAL JUSTICE
2. — BASIC CONCEPTS
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SOCIAL JUSTICE

THE new Constitution of the Argentine Nation was ratified on March 11th., 1949.

It differs from the Constitution of 1853 whose political lineaments it still preserves, but whose classical statement were characteristic of the individualist nature of the earlier Constitution. Our new Constitution was not devised for man as a unit. It is preoccupied rather with the individual in order that he might reach his full stature, while at the same time having a care for his relations in the community as a whole.

Nor is our new Constitution, by virtue of this fact, a collectivist one. For rights that are collective do not destroy the individual. The unit cannot be absorbed by the mass, since the ideal of the latter is attained in the former, thus enabling each individual to work out his, or her destiny. A balanced relation has been achieved between the individual and the community, and there is a perfect fusion of the concept of the rights of man with that of the rights of the natural association of men to arrive at their true ideal, that of social justice.

Justice, not as the expression of a passing individualism, nor as an inspiration of a collectivism doomed to failure, but rather as a blessing to the active community — that is the secret of the mystic and dynamic power of the new Constitution, which differs from all earlier bodies of this sort, amongst our own or other people.

The Constitution of 1949 is a Justicialist Constitution — the first ever to be drafted in the world, and which places before humanity a new prospect, whereby it may learn to liberate itself from its anguish and enter upon its long cherished happiness. In it the social question is not shelved at the mercy of the future, but it is faced fairly and squarely and a solution sought in the social justice in which it is inspired and from which it draws both courage and purpose. It guarantees social legislation, proposing it imperatively and categorically, thus ensuring that it be adopted.

BASIC CONCEPTS

THE basic constitutional concept in the order of ideas and things that are at present interesting us, is contained in the preamble to our "Magna Charta". It is this which endorses our "irrevocable decision to constitute a socially just nation".

The determining factor which arises therefrom is that of guaranteeing the immutable principle of social justice by means of social legislation. There can be no room left for error or possible confusion. Article 39 states that "capital should be at the disposal of the national economy and have the social well being as its main objective. The many forms its exploitation takes must not run counter to the Argentine people". Article 40 reaffirms the concept that "the organisation of wealth and its exploitation have as their end the well being of the people, within an economic order in keeping with social justice".

And, foreseeing what might nevertheless occur "in abuse of those rights", thus endangering the community, those abuses have been declared to be transgressions punishable by law. Thus, exploitation of man by man, whatever the form it may take, has been eliminated.

RIGHTS OF THE WORKER

THE declaration of the rights of the worker, solemnly enacted by the President of the Argentine Nation on February 24th., 1947, constitutes the most complete, survey of social rights, in so far as they refer to the active individual, that we have known up to the present, and which touches on all our needs and potentialities for the future.

In the role of "interpreter of the aspirations of social justice, by which the people are being reassured and, bearing in mind the fact that the rights derived from labour, no less than individual rights, are national attributes, inalienable and indispensable to the human personality", general Perón considered it necessary and opportune to proclaim those wishes in order that for the present and future they should serve as a pattern "whereby the actions of individuals and

public authorities might be guided towards raising the standard of social culture, dignifying labour and humanising capital".

The rights of the worker, incorporated later in Part One, Chapter III, Article 37 of our National Constitution may be listed as follows: I. The Rights to Work. II. The Right to a Just Wage. III. The Right to a Proper Training. IV. The Right to Fit Working Conditions. V. The Right to Preserve Health. VI. The Right to Well Being. VII. The Right to Social Security. VIII. The Right to Protection of the Family. IX. The Right to Social Betterment. X. The Right to a Defence of Professional Interests.

It is the duty of society, moved to do so by constitutional demands, to supply the worker with an occupation, thus enabling him to gain satisfactory and compensatory moral and material returns. It is an obligation to stimulate individual effort, providing it with a high standard of culture and professional knowledge, and the individual is in duty bound to demand fit and just conditions in which to undertake his tasks. Society is under an obligation to watch over the health of the worker, furnishing him with adequate living quarters, clothing and food, that he may satisfy his own needs undisturbed as well as those of his family by raising his standard of living and that of his work.

The individual has a right to protection in cases of diminished, suspended or loss of faculties, with a similar protection for his family, that he might contribute towards the betterment of the human race and to the consolidation of all that is essential to life lived in community. Society is under an obligation to support and favour the initiative of individuals and to direct it towards an improvement of their economic status. The individual has a right to form trade unions freely, for the defence of his occupational interests, a right which society is bound to respect and protect. And so, this long standing social aspiration has reached fulfillment in Argentina.

RIGHTS OF THE FAMILY

THE State, backed up by its Constitution, protects the marriage status and it guarantees equality, in the eyes of the Law, for either partner, and the right to found a family. It pledges the economic unity of the family and guarantees its good. The mother and child enjoy special privileged consideration from the State.

THE RIGHTS OF OLD AGE

THE Declaration of the Rights of Old Age was solemnly enacted by Sra. Eva Perón on August 28th., 1948, when she handed over the document on which its laws were inscribed to the President of the Republic. "We refuse to let one more day go by without remembering the last of all our forgotten people", said the wife of President Perón. Those rights are classified under the following headings: I. The Right to Assistance. II. The Right to Dwelling Quarters. III. The Right to Food. IV. The Right to Clothing. V. The Right to Care of Bodily Health. VI. The Right to Care for Moral Welfare. VII. The Right to Recreation. VIII. The Right to Work. IX. The Right to Quiet. X. The Right to Respect.

Primordial obligations on the part of the family have been established, but, in cases of destitution, a decision is arrived at as to whether it is the duty of the State or of some institute or a foundation entity to offer the necessary assistance to the aged person in question.

The Right of the Aged gained official recognition by the Executive Power, through a decree, on October 15th.

And, on November 22nd. they were placed before the Social Committee of the United Nations, by the Argentine Chancellor. On being drawn up, the Constitution incorporated them in its laws, as set down in Section III, Article 37, Chapter 5, the first paragraph.

II

LABOUR LAWS

1. — STABILITY OF THE REFORM
2. — FULFILLMENT OF THE LAW
3. — LAW 12.921
4. — RURAL WORKERS
5. — EMPLOYMENT BUREAU
6. — NEW STATUTES
7. — ACCIDENTS AT WORK
8. — THE TRADE UNIONS AND THE STATE
9. — APPRENTICESHIP AND EMPLOYMENT OF MINORS

STABILITY OF THE REFORM

THE decrees, or the laws and resolutions which were drawn up between June 4th., 1943 and June 4th., 1946, and referred to labour and social welfare, are in themselves a true social reform.

They had been reformed throughout. Their provisions were all the better suited to our needs, since due to their very nature, we had penetrated deeply into the problems they involved, as Argentines and, in Argentine fashion too, we solved them. Thus social justice came into being.

In order that the social victories gained, should not come to an untimely end, Argentine citizens elected as their President the man who had promoted the reform. With him as leader in the Government and true Justicialists in Congress, the reforms were consolidated by legal status, thus securing that there should be no further danger to the continuance of the work.

The Constitution of 1949 became an unyielding basis upon which to erect this new state of affairs. It remained to the legislature to accomplish the rest. The Argentine social structure, built with such care and intelligence, could not be otherwise than an excellent and a balanced one.

Between 1945 and 1949, that is to say, before the Justicialist Constitution had been sanctioned, laws were drawn up which responded fully to the high ideals of that concept. And, during the later years, work has continued on the task itself.

And so, the reform had now become definitely established.

FULFILLMENT OF THE LAW

ON September 9th., 1926, law 11,338 had been adopted which, as we have already seen, prohibited night work in bakeries, pastry cooks, confectioners, etc., It had been a real social victory, but private interests frustrated it.

In it, article 2 authorised the Executive Power to permit night work in machine run bakeries, "where the public interest demanded it". And since then, public interest always has demanded it!

On July 1st., 1946, the President of the Nation drew up decree 2,102 which rendered nul and void the decree of January 15th, 1934, which authorised night work in bakeries. One of its clauses stated "The social and human principles which motivate the prohibition of night work in bakeries cannot be deprived for an indefinite period of their powers by speculations which, by now, must be quite obsolete". In addition, it said, "The survival of a system which still maintains its applications in suspense, twenty years after the enactment of its law, is an obstacle that must be removed".

A period of thirty days was allowed during which to arranged for day schedules of work, between the hours of 5 a.m. and 9 p.m., and firm and energetic action became necessary to overcome private resistance. The latter was more persistent in some provinces than in others, but all opposition was overcome by the enthusiasm of the unions and intelligent action on the part of the leaders.

Thus the law drawn up in 1926 began to function in the interests of an important section of workers, after being in abeyance twenty years.

3

LAW 12,921

ON December 31st., 1946, law 12,921 was adopted, giving legal status to decrees and laws of especial importance, proposed between June 4th., 1943 and June 3rd., 1946.

These decrees numbered one hundred and twenty-three all told, and the greater number of them had been drawn up at the commencement of social legislation by decree.

4

RURAL WORKERS

BY law 13,020 of September 27th., 1947, the National Committee for Rural Employment was created, charged with the task of forming the local co-ordinating committees and to decide on their zones of activity, to be based on similar affinities and economic conditions, besides settling any difficulties which might arise between them.

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The local, co-ordinating committees of each zone, upon which both worker delegates and owners sat, decided the conditions of labour for each year, which became obligatory and settled the respective salaries.

This law had been very carefully drawn up on January 20th., 1946.

On September 8th., 1948, the Executive Power enacted law 13,346 to deal with farm rentals and tenantry and to control the contract terms between proprietors and tenants of rural properties, on whatsoever basis these were held. Article 46 of this law provides for the creation of regional councils to be used for cases of conciliation or arbitration in each of the more important agricultural zones, with the central council in the Federal Capital itself.

By decree 34.147, of December 31st., 1949, the Labourers, Statute was ammended to include benefits for a wider class of workers and, among other matters, it lays down the obligation to grant the rural labourer an annual holiday with pay.

On January 26th., 1950, decree 2,895 was drawn up, whereby 192 was fixed as the minimum number of working days for a sugar cane worker in a season.

5

EMPLOYMENT BUREAU

BY law 13.591 on September 29th., 1949, the National Employment Bureau was set up for the control, co-ordination and regulation of the labour demand, and to oversee all that relates to security of employment, as well as to attend to the creation and maintenance of sources of labour and look into cases of forced stoppage of work.

6

NEW STATUTES

LAW 12,867 of October 11th., 1946, established a work scheme for privately employed chauffeurs. The provisions of its statutes were ammended later by laws 13,270 in 1948, 13,517 in 1949, and 14,055 in 1915.

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By law 12,908, on December 8th., 1946, the Statute of the Professional Journalist was adopted, to be amended later by law 13,503, in 1948. The statute of the administrative personnel in press undertakings was included in law 12,921 and later, by law 13,502, of October 15th., 1948, increased payments and improvements were effected.

The Statute of representatives of house and estate agencies was established by law 12,981, of April 18th., 1948, and amended by laws 13,263 and 14,095.

Law 13,047 was promulgated on October 4th., 1947, setting forth resolutions that had been adopted for the teaching staffs of private educational establishments.

The professional Statute for flying personnel in civil aviation was approved by decree 16,130, on June 3rd., 1946.

7

ACCIDENTS AT WORK

LAW 9,688 has been amended several times. In 1944, it was reformed by decree 10,135 which brought it up to date. By law 13,169, of November 9th., 1949, its benefits were extended to include employees and workers who earned over 3,000 pesos a year, that is to say, it superseded a provision that had been laid down in 1915.

8

THE TRADE UNIONS AND THE STATE

By a decree of October 2nd., 1945, were drawn up the legal terms of the Professional Associations of workers, which later was adopted as law 12,921.

It legislated regarding the rights of free association, on associations with a trade union membership, the statutes, direction and administration of associations, rights and obligations, inheritance, suspension or the withholding of recognition from a trade union,

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associations without trade union connections, federations and confederations, trade union rights, and the National Council of professional relations.

Trade unions were required to be constituted according to the provisions laid down in this law. In order to attain trade union status, it was necessary to fulfill all the provisions demanded by this law. But a union or a syndicate without trade union status and merely associated, was able to act freely.

Due examination reveals that this law really endows the trade unions with an important role, not only where union action is concerned, but the government itself is manifesting a nobility of feeling towards trade union entities. From being instruments apt to provoke struggle, the trade unions have become elements for frank and useful co-operation.

Their efficiency is manifest in progressive reduction in the number of strikes which occur. Cases coming up for trial before the Labour Tribunals have likewise decreased. And there has been an increase in the numbers of collective agreements on labour concluded, in relation to the number of trade unions that have had licences granted.

9

APPRENTICESHIP AND EMPLOYMENT OF MINORS

IT is the duty of the State, in accordance with the provisions of decree 14,538 of 1944, together with the amendments which are included in law 12,921, to watch, control and direct the work and apprenticeship of minors between the ages of 14 and 18 years. The organisation which undertakes this task is the National Committee on Apprenticeship and Occupational Guidance.

Apprenticeship, the preparation for apprenticeship, a daily routine, the registration of minors, the apprenticeship contract, medical examinations, occupational guidance, conditions of hygiene, and security and other services, etc., are carefully controlled by this body.

Law 13,524, of July 8th., 1949, established the granting of a workers' identity document to minors.

A salaries scale first became settled by decree 32,412, in 1945, which was adopted as law in 1946.

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III

SOCIAL WELFARE LAWS

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IMPRESCRIPTIBLE RIGHTS

THE laws concerned with social welfare, drawn up during the first Presidency of general Juan Perón, while being a force in themselves, did not amount to so very many, since the ground had already been well prepared by the decrees prescribed between 1943 and 1946, ready to be adopted as law. All that remained was to complete this task.

On September 29th., 1949, law 13,561 was adopted, whereby "the rights accorded by the national grants and pensions laws became irrevocable, whatever the nature of the benefit they conferred or their title to do so".

Another law which refers to grants and pensions was 13,576 in 1949, which authorised the various departments of our National Social Welfare Institution to advance monthly sums temporarily to members whose pensions were still in the process of transaction.

OBLIGATORY INSURANCE

LAW 13,003 in 1947 established an obligatory insurance for all civil servants. Through payment of a low quota, a life insurance becomes payable through the National Post Office Savings Fund, in the event of the decease of the insured person.

Law 14,003 of 1950 extended the limits up to which an employee may carry his insurance. Thus, 12,000 pesos was the basic limit and 18,000 pesos, for extensions, the former being obligatory and the latter optional.

THE "EVA PERON" FOUNDATION

A highly important role in the social work being carried out in our country is played by the "Eva Perón" Foundation. Hospitals, boarding schools, holiday camps, homes for the aged, are

all run under the auspices of this benevolent fund. Yet there is only one law which refers specifically to the Foundation. It is 13,992 of November 10th., 1950, which entrusts the Foundation with the social aims enumerated by decree 33,302, that is to say, all that refers to holiday tours and camps, the lowering of prices to employees, etc.

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HELP FOR THE BLIND

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A long suffering section of the population is benefitted by law 13,926, of September 5th., 1950, which obliges "those establishments and State institutions wherein tasks are performed that could be undertaken by the blind", to employ one blind person for every hundred of their employees.

Priority is to be granted to blind persons applying for posts in kiosks for the sale of newspapers and magazines, cigarettes, confectionary, etc.

The social aims of this law have been fully carried out and they enable every blind person to become a useful member of the community.

5

OTHER SOCIAL WELFARE LAWS

BY law 12,919 of September 21st., 1946, all railway personnel were included in the benefit and Christmas gratuity schemes proposed in decree 33,302-45.

Law 14,056, of September 27th., 1951, provided for the livelihood and social welfare of all employees of the glass trade.

For banking personnel a self governing body was set up which offered them a social welfare service, through law 13,987 of October 10th., 1950.

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CODIFICATION OF SOCIAL RIGHTS

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WHAT HAS BEEN DONE

IN 1943 we had a few social laws that had been highly inspired, but they were very inadequately applied. The purposes of a well intentioned legislature were always defeated by bureaucratic action. Where the rights of the worker were concerned, an anti-social policy prevailed in government circles. Certain isolated exceptions served but to confirm the sad truth of what was the general attitude. A labour law might delay twenty years in being adopted. While a social welfare measure, proposed in those days, would meet with rejection.

A careful, earnestly planned and highly important task was begun on social legislation, so soon as the Secretariat of Labour and Social Welfare had been set up. Wrongs were righted, evils liquidated, and what was good, bettered, while the scope of the whole was extended notably.

It became evident that defects lay, not so much in the laws themselves as in the will of the men who pretended to respect them and carry them out. Their intentions were nothing but a dead letter, for they knew not, neither did they wish to know, how life could be infused into those laws. They were devoid of a social sense and could have no idea of the spirit and magnitude of society. The proper organisation was lacking, and, above all, the will to do service to the people. There was no clear idea present on the part being played, and to be played in the future, by social matters in our Nation. And so, these torpid ideas had to be brought back to life. Our National Labour Department had been fulfilling none of its obligations, and tampering instead with matters which did not concern it. Hence, above its ruins there arose undaunted, the structure of the Worker's Centre, where the ideals of social justice replaced former indifference.

So great was the change, it appeared little short of a miracle.

Laws, as the instruments of justice, were set in motion. Not only did they acquire life, but also vitality, that is to say, sufficient force to carry forward, in theory and in practice, both ideally and yet in reality, the measures which were to be manifest in initiative and accomplished fact.

The workers began to have faith. Hope and faith began to stir in the hearts of the disillusioned. An indomitable will to co-operate made its appearance on all hands. How would it be possible, once

this stage had been reached, not to work for the good of society! The evils and defects of the past stood out clearly in the light of the new era now dawning on the Argentine social horizon. Possibilities for the future were apparent, pointing the way towards a transformation of the scene which coincided with the dearest and most cherished wishes of every worker.

The frank assistance extended to them caused the will of the people to grow in intensity and the way to become ever clearer. The workers experienced that noble and inspiring sensation of having gained their Leader and found their Path. And they repaid their efforts, their action and their sympathy.

The law-giving decrees between 1943 and 1946 bear testimony to how much it was possible to achieve without violating the law. The social improvements of those years are ample proof of what can be accomplished when a will in favour of justice prevails.

There is no doubt that more than was ever hoped for was accomplished. To do such, is the mark of the true statesman, who takes his stance with progress, instead of remaining behind in the comfortable and all too frequently ineffective rear-guard.

Those decrees and the laws they became later, under constitutional auspices, have gone to enrich Argentine social legislation. Their provisions are many and of great value in safeguarding rights and in endowing the new order with vigorous form and balance. They are of extraordinary importance, both for the present and the future. But, even more worthy of mention, is the sense of social right they have brought to the hearts of Argentine workers.

All in this noble country of ours are aware of what is their's by right and never would they cede, be it ever so little, any part of those rights. Such a determined stand is worth all the laws in the world.

2

THE IDEAL ACHIEVED

ARGENTINA, as a country, is socially just. Not only is this so because it is laid down in the Justicialist Constitution, nor because of its social legislation. It is so, because of the spirit of its men and women, the feelings of its rulers and because of the affection which binds us, one to another.

Argentina, with her people, has attained an ideal. She has achieved it in carrying out her Social Reform. The Constitution of 1949, and the laws it sanctioned, ensure that this great good shall remain a happy legacy to future generations.

Argentina is aware of having taken a positive stand in the great transformation she has undergone. The days of ignominy are over, for we have trod the path of victory with determination, ever since October 17th., 1945. There can be no return to the past, for we are advancing towards the future.

To-day Argentina is in a position to display, before the whole world, the social legislation which has won her a place in the vanguard. And it is with deep satisfaction we can state it is due to no mere collection of provisions set down on paper, since every single precedent is part of a living organism, applied in answer to some ardent need. Our law is part of and the reflection of our social achievement. All that was hoped for has been attained. And Argentina is proud to note to-day that the ideals being expressed in the minds of her own people are being re-echoed in the minds of the people of other nations.

3

TOWARDS CODIFICATION

WE are on the move and nothing can deter us. To endow our reform with legal stability, we shall in time add the Code of Social Rights to our laws.

It will be no matter merely of adopting the Labour Code only for we shall go further, by collecting, co-ordinating and completing all the provisions which have a bearing on the lives and activities of the working people.

The Code of Social Welfare has been included in the Justicialist Constitution as amongst those measures which it is imperative the Congress of the Nation shall adopt. The task is a substantial one, but we shall fulfill it in keeping with the precept that it is essential to make laws which shall contribute to the happiness of the people.



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