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The ILO and the shift towards economic liberalization in the international professional rehabilitation policy of people with disabilities after World War II

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Created in 1919, the International Labour Organization (for which the International Labour Office acts as the secretariat) aims at promoting reformist solutions to social problems, using dialogue between social actors to avoid social and economic conflicts. A universal and lasting peace is possible only on the basis of social justice. The ILO tripartite composition (employers, employees, States) radically breaks with the model of State-controlled economy implemented in the USSR. We can thus consider the ILO the result of a first cold war.¹ During the interwar period the ILO worked on a number of social reforms in order to control industrial and agricultural working conditions in the context of a capitalist economic system. These reforms were inspired by socialist-reformist and social-liberal traditions, with standards developed by experts. They have been legitimated as conventions or recommendations, and therefore have a universal reach.

The International Labour Office (ILO) had been interested in the vocational rehabilitation of the war-disabled since 1920, when they created an administrative service to deal with this question. ILO intervention was necessary to protect the placement of injured soldiers and the wages they receive. Directed by Adrien Tixier, a Frenchman, in 1922 and 1923 this service organized two international conferences of experts on assistance to injured veterans, which legitimated the standards used in the countries of continental Europe (right to free prostheses for injured veterans, legal obligation for the government and private companies to hire a high percentage of injured veterans, salary continuation for workers with war injuries).² In the middle of the 1920s, the ILO legitimized the rights of disabled workers to medical rehabilitation (free care, prostheses) adopting various international conventions on the subject, but it only hesitantly committed to their vocational rehabilitation.

If the subject of the vocational rehabilitation of the disabled had disappeared from the ILO agenda by the middle of the 1920s, it reappeared at the end of World War II, because many countries were forced to find vocational opportunities to millions left with disabilities by the war. In the 1950s, during the International Labour Conferences, the government representatives of the two power blocs promoted in their speeches labour measures inspired by their respective ideologies. In a Cold War context, the main point was to demonstrate which ideological system was more effective in the employment of citizens. The capitalist governments' representatives in the ILO focused on a free economy, and they accused socialist countries of violating the freedom of workers, while socialist governments' representatives focused on social rights and equality, and emphasized the capitalist exploitation and the false freedom of the workers in a "non-regulated market."³ The rehabilitation of disabled citizens became part of this ideological competition between the two power blocs within the ILO. Seeking qualified workers, the socialist governments strongly

favoured the vocational rehabilitation of the disabled in order to quickly increase their available labour supply. The Asian and African countries were only marginally involved in these debates, whereas they played a central role in the debates on self-determination within the UN Human Rights Commission during the same period.⁴

The International Labour Office promoted a new policy of vocational rehabilitation of the disabled which clearly differed from its earlier policy. This policy reorientation was facilitated both by the leadership role of the United States and the United Kingdom within the International Labour Organisation (ILO), and by the replacement of all the civil servants working on the subject. Between 1948 and 1970 the ILO was led by David Morse, an American civil servant. Dr H.A. de Boer was the first person in charge of the medical rehabilitation of the disabled within the industrial hygiene division beginning in 1946. In 1953, the vocational training section (within the manpower division) of the ILO pre-empted and managed the ILO vocational rehabilitation policy. Briton Arthur Bennett began work there in 1953,⁵ followed by Vera Marinova, from Bulgaria, hired as an assistant in 1958. In 1961, these two civil servants were assigned to this newly created vocational rehabilitation section of the manpower division. Two other civil servants joined them in 1964 and 1965: Isamu Niwa, from Japan, and Norman Edward Cooper, from the UK.

In 1945, the committee on employment of the ILO management board prepared a report on the employment of the disabled, which promoted experiments inspired by economic liberalism carried out in English-speaking countries in the field of vocational rehabilitation. This report stated, in particular, that the legal obligation to employ disabled persons was not absolutely necessary and recommended selective placements as the main solution to employment problems.⁶ However, the contents of the ILO vocational rehabilitation policy had been seriously discussed only from 1953, with the preparation of a new international standard on vocational rehabilitation by the International Labour Conference. In these debates the government representatives of capitalist countries confronted the government representatives of socialist countries, while the employers' representatives faced off with the workers' representatives. In 1955, they led to the adoption by the 38th International Labour Conference of the Vocational Rehabilitation (Disabled) Recommendation (n°99).

This article examines the actions of the ILO in the sector of vocational rehabilitation both internationally and nationally. Its hypothesis is that after World War II the policies of vocational rehabilitation shifted in a liberal-economic direction. I will explore this issue in two steps. Firstly, I will look at the construction of the main normative text related to the vocational rehabilitation of the disabled (recommendation n°99). Secondly, I will study how this standard circulated on the international level and its impact on national debates.⁷ To demonstrate this, I will discuss the contents of the technical assistance given by the ILO experts in vocational rehabilitation in several developing countries (Argentina, Brazil) during the 1950s and 1960s. While this article contributes to the debate on the role of the ILO in the expansion of the modern welfare state,⁸ it does not aim to analyse the complex influence of the actions of the ILO on the development of legal standards in the field of vocational rehabilitation in Argentina and in Brazil.

I undertake a close reading of the relevant ILO documents and place them in an international context. In order to understand the meaning of recommendation n°99, I analyse the debates that took place within the committees on vocational rehabilitation and during the

plenary assemblies of the 37th and 38th International Labour Conferences. In order to examine the technical assistance given by the ILO experts in vocational rehabilitation in Latin American countries, I carried out research in the administrative files of the ILO, in particular in the personnel files and the files of the programme of technical assistance, as well as in a number of government and associations files in Argentina and in Brazil.

I. The institutionalization of a liberal legality in the field of vocational integration for the disabled.

In 1952, the ILO management board decided to include the vocational rehabilitation of the disabled on the agenda of the 37th International Labour Conference. The international harmonization of the programme of vocational rehabilitation was necessary in order to rationalize the management of this workforce and to promote social justice. The civil servants of the ILO vocational rehabilitation service (Arthur Bennett, Vera Marinova) wrote a report and a draft recommendation starting from the answers sent by the government members of the ILO. On this basis, many debates took place within the committees on vocational rehabilitation and during the plenary assemblies of the 37th and 38th International Labour Conferences. In a Cold War context, the positions adopted by the representatives of the leading countries of the two blocs were strongly ideological. The measures they promoted in their speeches reflected only a part of the measures that existed in the countries of each bloc; a few countries may have had very different experiences.

A. The rejection of the proposals of socialist countries.

Socialist countries were strongly represented during the debates. While Poland and Czechoslovakia had been members of the ILO since 1919, the USSR had left the ILO in 1939, that is to say five years after its adhesion, and had then renewed its membership only in 1954.⁹ The government representatives of socialist countries wanted the regulation on vocational rehabilitation to take the form of a *convention*, in order to guarantee the access to this benefit to all the disabled. But this proposal was overwhelmingly dismissed (192 votes against 10).¹⁰ The majority favoured the adoption of a *recommendation*, i.e. a sufficiently flexible regulation so that each country could act according to its economic conditions and its possibilities of development.

Socialist countries defended the idea that all the disabled should have the right to access to vocational rehabilitation and employment, including the severely disabled, regardless of the employment situation in the country. The government adviser of Poland, Aleksander Hulek, argued that “the difficulties arising out of the economic structure of some countries, such as unemployment, should not hamper the development of vocational rehabilitation.”¹¹ But this idea was rejected by the majority. In accordance with the position defended by a number of capitalist countries (including the USA), recommendation n°99 limited the benefits of vocational rehabilitation to the disabled who had reasonable prospects of securing and retaining suitable employment.

Socialist countries' representatives also required that this vocational rehabilitation be the exclusive responsibility of public authorities and be entirely free for the disabled.¹² But many members of the committee on vocational rehabilitation were opposed to it and underlined the role of private organizations in their countries. The recommendation adopted in

June 1955 just indicated the role of public authorities in the control and development of vocational rehabilitation policies, and their mission of coordination and support to the action of private institutions.

The proposals of socialist countries as regards rehabilitation were in conformity with socialist ideology (free services, social security, right to employment, cooperatives, State control). They were articulated in public during the International Conferences in order to build a symbolic opposition between the two blocs (socialist/capitalist) and to demonstrate the unity of the Soviet bloc.¹³ The rejection of the socialist proposals was not a surprise, and the same situation repeated itself on other subjects because the socialist countries were marginalized within the ILO.

B. A largely moderated quota system resulted from the protest of employers and of a number of capitalist countries' governments.

In the first draft recommendation, the civil servants of the vocational rehabilitation section of the ILO had suggested including an article (n°29) with coercive measures to support the employment of the disabled. This article provided that:

29. Wherever appropriate in the national circumstances, and consistent with national policy, measures should be taken to promote the employment of disabled persons by
(a) compelling employers to employ a quota of disabled persons;
(b) reserving certain designated occupations for disabled persons;
*(c) ensuring that seriously disabled persons are given preference for employment in certain occupations considered suitable for them.*¹⁴

During the discussions of the committee on vocational rehabilitation convened during the 37th Conference, the employer members recommended removing the whole article 29. They argued that “such schemes were often against the best interests of the disabled since they caused employers to engage no more than their quota, that they singled out disabled persons and that experience in certain countries was against such schemes.”¹⁵ Other experts defended the utility and effectiveness of this type of measure in countries with a high rate of unemployment and pointed out that the text allowed each country the freedom to legislate on the matter. The committee finally rejected the amendment of the employers, and article 29 was approved during the plenary assembly in June 1954.

During the 37th session, the representative of the government of Iran, Mr. Naficy, suggested adding a new subparagraph aimed at encouraging the creation of cooperatives of disabled persons. This amendment was approved by the majority. The phenomenon of the cooperatives of disabled persons constituted then a central element of the employment policy carried out by two socialist republics (Poland and Czechoslovakia). Thereafter, the government of the United States declared itself opposed to the inclusion of this measure in the article on the employment of the disabled, considering that the creation of cooperatives was only justified “in areas where employment in the competitive labour market is not available or there is no such competitive labour market.”¹⁶ Hence, it should not be a general measure of common practice for all countries. Conscious that these criticisms were related to a minority of countries, the ILO did not modify this subparagraph.

Upon being consulted by the ILO, the Australian, American, Canadian, Norwegian and Finnish governments positioned themselves against measures for compulsory employment of the disabled.¹⁷ In the United States, the compulsory employment of disabled workers was perceived as counterproductive, discriminatory and in contradiction to the method of selective placement. Taking into account these disagreements, the ILO civil servants chose to moderate the content of the article in the draft recommendation, which was to be presented during the next International Labour Conference. They replaced the words “compelling employers to employ a quota of disabled persons” by “requiring employers to employ a quota of disabled persons” in article a) of the paragraph.¹⁸

The committee on vocational rehabilitation convened during the 38th Conference again discussed this article. The rapporteur of the project, Mr. Slater, who was also the representative of the government of the United Kingdom, proposed a new text to replace that of the ILO, reconciling the different points of view. His text replaced the gerund “requiring” with the term “engagement,” which offered more flexibility in the interpretation of the text. These proposals were approved. During the debates in plenary assembly, the technical adviser of the Polish government regretted the rewriting of this article “which, to some extent, opens the door to philanthropy in tackling the problem of employment of disabled persons.”¹⁹ Finally, the 38th International Labour Conference approved the following text unanimously:

Wherever appropriate in the national circumstances, and consistent with national policy, the employment of disabled persons should be promoted by means such as
(a) the engagement by employers of a percentage of disabled persons under such arrangements as will avoid the displacement of non-disabled workers;
(b) reserving certain designated occupations for disabled persons;
(c) arranging that seriously disabled persons are given opportunities for employment or preference in certain occupations considered suitable for them;
*(d) encouraging the creation and facilitating the operation of cooperatives or other similar enterprises managed by, or on behalf of, disabled persons.*²⁰

Resulting from negotiations between employers' representatives, workers' trade-unions and government representatives, the text of recommendation n°99 represented a compromise between antagonistic visions on the access to employment. Those in favour of compulsory employment managed to keep it mentioned in the declaration, and their opponents managed to clearly moderate this idea with the following sentence: “Wherever appropriate in the national circumstances, and consistent with national policy,” and by the absence of the word “compelling.” The coercive solution did not disappear from the recommendation, but its adoption in a country was from now on subjected to the existence of specific circumstances in this country (without specifying these circumstances). Although the text did not clarify it, the general idea defended from 1955 by the ILO was that the application of this type of compulsory measure should be limited to public administrations and social security authorities, but should not affect private companies in order not to hurt the good will of employers, who were supposed to train and to accommodate the rehabilitated workers. However, the implementation of compulsory employment in private and public companies was allowed (at least temporarily) in the countries affected by a war.

The solutions to support the employment of the disabled, the implementation of which had been recommended in all the Member States of the ILO, were not very ambitious (promotion of the working capacities, improvement of the tools, exemption of the employers' responsibility in case of a new accident, sheltered workshops, promotion of free-lance work). In addition, the recommendation prohibited any wage discrimination due to a disability, but did not guarantee to disabled workers equal wages for the same number of working hours as the other workers. Indeed, the employers' representatives refused categorically to be compelled to give disabled persons the same wage as able-bodied workers for a lower output.²¹

C. An individualized solution of placement for a collective problem.

Recommendation n°99 of the ILO promoted professional training, vocational guidance and selective placement for all disabled people who had a reasonable prospect of securing and retaining suitable employment, whatever the nature and the origin of their disability. This text dogmatized the practice of a remunerated professional activity in the context of a liberal market economy. It excluded less productive disabled workers from ordinary work placements and expected them to work in sheltered workshops, as free-lance workers or condemned them to the absence of remunerated activity. The development of sheltered employment was considered necessary for the employment of severely disabled and underproductive persons, and even disabled persons fit for competitive work but excluded from employment because of a high unemployment rate.²² Sheltered employment was a recent concept, included in public policies developed by the British and American authorities at the beginning of the 1940s, in the context of the market economy. The implicit idea was to help private companies and public administrations preserve their high standards of productivity by avoiding hiring severely disabled people, who were perceived as less productive. The principles and the running of sheltered workshops had to conform to the minimum working conditions existing in factories, in order to facilitate their future transfer to employment in a competitive market. Sheltered workshops had to be non-profit-making entities subsidized by public authorities, so that they could concentrate their efforts on the employment of the severely disabled.²³ The sheltered industries organized in the United Kingdom after the adoption of the Disabled Persons (Employment) Act of 1944 represented an international model. A decade later, the Disabled Persons Employment Corporation (Remploy) managed 90 factories and employed 6000 severely handicapped persons, “unable to compete in a normal industry,” thanks to grants given by the Ministry of Labour.²⁴ The experiment of the Russian sheltered workshops, placed within industrial plants, was also highlighted, since it enabled severely handicapped people to be in touch with a normal industrial and social life.²⁵

According to prevailing ideas in English-speaking countries, this international text conveyed the idea of equal professional opportunity and implied complete freedom of action for the employer. This document favoured thus the defence of equal professional opportunities over the defence of the right to employment (advocated by socialist countries' representatives). Instead of solving the problems of employment through a complete restructuring of the social organization of the labour force, the representatives of capitalist countries favoured the solution of the selective placement of the disabled in private companies and public administrations. The selective placement method had been developed in several

Western countries (United States, Great Britain, then in Canada, Finland, Denmark) for twenty years and consisted of a careful selection of a placement in conformity with the capacities of the worker and the needs of the workplace. Introduced in the 1920s, this method then earned its reputation thanks to the development of scientific instruments (statistics on the performances and the productivity of the disabled in the industry, use of psycho-technical tests). A disabled person had to be placed in an employment “in which its disability does not constitute a work handicap.”²⁶ Only disabled persons who had reached the necessary standards of competence and productivity were allowed to enter the ordinary job market, in order not to impact the profits of the employers. According to the ILO, this method widened the scope of professional opportunities for the disabled, while improving their personal capacities, and contributed to overcoming the prejudices employers might harbour regarding the capacities of disabled workers.

D. The shift towards liberal legalities in the field of vocational integration of the disabled.

This recommendation ratified the swing of the policies of vocational integration of the disabled towards liberal (in the economic meaning of the term) legalities.²⁷ It included all the legal standards on the vocational integration of the disabled that exempted large private companies from their legal responsibility for organizing work based on solidarity, in order to maintain high profits in the hands of a minority of individuals.²⁸ These liberal legalities could take different forms: the first one disputed any form of compulsory employment (orthodox vision of liberalism defended by the American representatives), while the second accepted the adoption of compulsory measures as regards social security organizations and public administrations. Lastly, by extension, it appears relevant to us to add to the list of liberal legalities a third form: the legal standards which, although they included measures of quotas, did not include any strict control measures for their implementation (such as dissuasive fines) and/or incorporated devices aimed at guaranteeing a high rate of profits for large private companies (very strong tax exemptions, exclusion of disabled workers considered to be the least productive from compulsory employment chances, etc). Indeed, these softened measures in the introduction of quotas deconstructed its solidarity-based nature.

The first and second forms turned the legal duty of private companies to employ disabled workers into a mere moral duty. The ILO favoured the second form, which was considered an inspiring example for private companies, and a way to offer job opportunities for the rehabilitated disabled. This form was the one to be internationally institutionalized, and the one that the ILO experts developed in Latin America.

Nevertheless, from the middle of the 1960s, the ILO admitted in its manual on selective placement that a slightly different policy of placement of the disabled could be considered in developing countries. Indeed, a strong unemployment rate in these countries made it difficult to secure access to employment for rehabilitated disabled workers without a limited compulsory measure. So even if it was reaffirmed “That compulsion is wrong in principle,”²⁹ developing countries could consider introducing a measure involving weak quotas, restricted to large companies of the capital city. Before adopting this type of measure, each country had to have an effective system to register the disabled, a service of selective

placement, and an inspection system to supervise the employers' compliance with their obligations.³⁰

Recommendation n°99 mainly favoured the liberalized methods of vocational integration of the disabled (selective placement in a competitive market, depreciation of the quotas measures, creation of sheltered workshop, etc.), but its content and its form were sufficiently flexible to be interpreted in a number of different ways by the actors (association representatives, employers' representatives, etc.) according to their strategic interests. Disabled persons were encouraged to apply for a job in a professional environment based on merit and success, which led to massive failure: At the end of the 1970's, disabled persons living in developed countries were still massively victims of unemployment,³¹ their situation exacerbated by the economic crisis of 1974. Moreover, most of the disabled workers laboured in sheltered industries and in a restricted number of profession (crafts, secretariat, telephony, etc.).

Since its adoption, recommendation n°99 of the ILO has been widely spread throughout the world by ILO publications and technical assistance missions. The relatively non-binding nature of this regulation, and its liberal economic guidelines produced strong international criticism by several non-governmental organizations (*International Society for the rehabilitation of the disabled*, *International Federation of the Blind*, *World Council for the welfare of the Blind*, etc.) from the beginning of the 1960s. Representatives of these NGO required the adoption of more binding measures (a convention at the international level, some legislation at national level) in order to compel the states and private companies to employ disabled people.

In 1963, the rehabilitation committee of the *Fédération internationale des mutilés du Travail et des invalides civils* required the ILO to adopt an international convention in order to secure better protection for injured workers.³² Aleksander Hulek, an influential member of the International Society for the Rehabilitation of the disabled, had advocated since 1960 for the creation of an expert commission that would take care “of the implementation of the ILO recommendation n°99 on a larger scale.”³³ Finally, a vocational rehabilitation expert commission was organized within the ISR, and its conclusions remained very respectful of the ILO's action, because one of its members was an ILO civil servant. In 1968, this vocational rehabilitation expert commission concluded that “the enactment of appropriate legislation requiring employment of disabled workers could be one of the means open to governments to ensure that the disabled have a fair share of employment opportunities.”³⁴

The same year, the Chilean Government representative to the International Labour Conference, Mr. Santa Cruz, submitted a draft resolution inviting the ILO director general to carry out research on the employment policy of disabled workers, in order to have an international instrument which can secure their right to work. The main objectives of this new international instrument should be to proclaim the rights of disabled workers to rehabilitation, to employment retention (with the same salary), and to “the establishment of an employment and job reservation policy designed especially to lay down preferences, or percentages, or both, with a view to the filling, in undertakings, of certain vacant posts with a job content particularly suited to disabled workers.”³⁵ The employers' representatives in the Resolutions Committee fought against this resolution, arguing that “there were limitations to the

possibilities of organising jobs in undertakings to suit such workers. The primary aim of the undertaking was, of course, economic and the organisation of jobs to suit disabled workers was only one factor that had to be taken into account.”³⁶ The Canadian Government representative and the United States’ Workers’ representative were reluctant, too. The US Workers’ representative considered that “it is impossible to set percentages.” All these criticisms led to the approval of a totally different resolution, which invited the director to carry out research on how to widen possibilities of employment for disabled workers, setting aside research on a quota system or on the reservation of vacant posts.

The International Labour Conference partially answered the associations' claims and adopted on several occasions (June 23rd, 1965 ; June 24th, 1968 ; June 24th, 1975) a number of enabling resolutions that reinforced the right of the disabled to vocational rehabilitation, without, however, contesting liberal legality.

II. The exportation of a liberal economic legality in the field of vocational rehabilitation of the disabled in Latin America (1955-beginning of the 1970s).

At the end of the 1950s, the Argentinian and Brazilian governments requested the ILO to send an expert in vocational rehabilitation in order to promote the activities of vocational rehabilitation in the recently created national institutes of rehabilitation in São Paulo (*Instituto Nacional de Reabilitação*, INAR) and in Buenos Aires (*Instituto nacional de rehabilitación del Lisiado*, INR). The ILO accepted this request, and sent several experts to Argentina and Brazil for varying periods of time. We will examine the work carried out by these experts, in order to analyse the way they interpreted and applied recommendation n°99 in these Latin American countries.

A. The choice of experts in vocational rehabilitation qualified in selective placement.

The experts sent on mission were selected by the civil servants of the ILO Personnel Office (in particular, R. Lyman), with the advice of the leader of the vocational rehabilitation programme, Arthur Bennett. The ILO civil servants used a number of criteria to make their choice among a large number of candidates: their technical skills (in particular their knowledge of industrial activities) and their degree of practical experience (in particular in the selective placement of disabled people) represented the main selection criteria. These elements determined their capacity to plan and run a rehabilitation centre, to investigate and to build coherent recommendations for the governments of the developing countries. During the preliminary interview of the applicants, the ILO civil servants were also sensitive to the way each applicant viewed vocational rehabilitation and its practical methods of implementation in developing countries: the civil servants wanted the experts to have a “flexible” approach, and not an intellectual or theoretical approach.³⁷ Their personality (self-confidence, stable temperament, sociability, etc.) and their knowledge of the local language were also taken into account because these would determine their capacity “to become a government adviser at the highest level,”³⁸ and their capacity to remain unperturbed in the face of the multiple delays and generally observable frustrations in the missions of short duration.³⁹ Almost all the selected experts were men: being a woman was not a reason for being excluded, but it

represented a discriminating element when the mission aimed at organizing the vocational rehabilitation of disabled men.

Once chosen, the applicant had to sign a declaration of discretion and honesty with respect to the ILO, and had to undergo a medical examination. In practice, these experts often kept close links with their country's government.⁴⁰ The candidature of the expert was then submitted to the host country's government for approval, which was generally granted.

In 1957, the ILO sought to select an applicant to carry out a one-year mission in Brazil to promote vocational rehabilitation services for disabled people within the INAR of São Paulo. For this matter, the ILO requested the advice of its Canadian office, which quickly favoured the candidature of John Alfred Humphreys.



Born in the United Kingdom in 1905, John Alfred Humphreys attended the Duke of York's Military School, and then held many different jobs in the commercial sector. From 1943, he had been in charge of rehabilitation in the *Workmen's Compensation Board* of British Columbia. In addition to his long professional experience in the field of vocational rehabilitation (as well as in the field of the vocational guidance and selective placement), he also had experience in the management and organization of a rehabilitation centre. He had the support of the National Coordinator for Civilian Rehabilitation in Canada, Ian Campbell, and of the Chief Rehabilitation Officer for the Workmen's Compensation Board of Ontario.⁴¹ During his interview, he was considered "highly qualified" for the mission projected in Brazil.⁴² This expert knew only English, but the language problem was overcome when he decided to learn Portuguese on his own initiative (in October 1957), and when it was agreed that he would work under the direction of a Portuguese-speaking United Nations' expert, Paul Albright. John Humphreys was thus sent to São Paulo from March 2nd, 1958 to February 1959. Even though the Brazilian government, the UN and the ILO wished to extend the mission of John Humphreys until June 30th, 1959, the *Workmen's Compensation Board* of British Columbia refused to extend his leave of absence and required his return in February.⁴³ The mission of the expert ended thus on March 2nd.

In 1960, the civil servants of the ILO personnel office wanted to recruit a very experienced expert to carry out a two-year mission in Buenos Aires in order to organize a vocational rehabilitation programme. After considering several candidates, they chose Georges-Yves Rouault, a Frenchman who ran a rehabilitation centre for tuberculosis patients in Germany (American zone) for the International Refugee organization (1947-1952).⁴⁴ He was selected to carry out the mission in Argentina (December 1960 - December 1962), and this mission was extended until December 1964. Rouault asked in 1961 that an expert in selective placement be sent to assist him in order to organize a more intensive action in this field. The ILO personnel office considered then several candidates among the experts recommended by the London office, and chose Norman Phillips.

At the end of the war, from 1946 to 1953, he was responsible for a number of vocational rehabilitation and placement units for the disabled in the Ministry of Labour in

Manchester. He was then chief of the Employment Exchange Newton Heath of the Ministry of Labour (Manchester) until September 1962. In spite of his long experience and his recognized skills, his perception of rehabilitation in developing countries had seemed too theoretical and not very thorough to the ILO representatives. Although his candidature had been rejected for other missions, he was more positively considered for the Argentinian mission projected in 1962, because it had a more restrictive character (selective placement) and because he would be supervised on site by Georges-Yves Rouault. Technically qualified in selective placement, Mr. Phillips was selected for this mission,⁴⁵ after his writing and oral skills in Spanish had been checked. He went to Buenos Aires from September 14th, 1962 to August 25th, 1963 to organize a vocational rehabilitation programme. After that, he carried out short missions in Chile, Costa Rica, Peru and Brazil.

To carry out missions in Latin America, the ILO civil servants generally selected experts in vocational rehabilitation, who came from English-speaking or Scandinavian countries, because these countries represented the most advanced policies in vocational rehabilitation and selective placement. In the same way, when the ILO awarded grants for specialization in vocational rehabilitation to Brazilian or Argentinian professionals, the scholars were primarily sent to the countries that applied selective placement methods (United States, United Kingdom, Canada, Norway, Sweden). Otto Marques da Silva, a Brazilian, got a grant from the ILO from June 10th to November 4th, 1960 to visit vocational rehabilitation institutions in the United States and Canada.⁴⁶ In Argentina, Jose Cibeira, the chief officer of the rehabilitation centre, got a grant from the ILO from October to December 1967 to visit institutions in England, Norway and Denmark. However, the Argentinian Antonio Lacal Zuco carried out his training course in vocational rehabilitation in France, Switzerland and Belgium, from September 27th, 1966 to March 21st, 1967, because he had a very poor command of English and a good command of French.⁴⁷

B. The slow and difficult promotion of vocational rehabilitation and selective placement activities in rehabilitation institutes.

In the two countries, the ILO experts developed a vocational rehabilitation policy in the national rehabilitation centres, the INAR in São Paulo and the INR in Buenos Aires. Since his arrival in Brazil, John Humphreys had faced many obstacles. He managed to quickly train two Brazilians, Otto Marques da Silva (as placement officer), and Wilma Seabra Mayer (as vocational guidance adviser), but these two specialists did not work full-time in the INAR, and maintained difficult relations with it. Moreover, until the end of 1958, he failed to organize vocational rehabilitation services, because the majority of the people receiving care could not be professionally rehabilitated. So the two Brazilian specialists who had been trained did not have enough patients, i.e. disabled persons able to be professionally trained and to get a job.⁴⁸ The situation changed in November 1958, following the pressure exerted by representatives of the United Nations and the ILO on the director of the INAR, Dr. Godoy Moreira. The latter finally agreed to promote vocational rehabilitation within the Institute.⁴⁹ The following month, John Humphreys managed to organize an independent pre-professional unit, but for a long time the INAR management team refused to finance the recruitment of a supervisor for this pre-professional section. This section started to work fully from December 1959, giving training in watch-making, and radio and shoe repair. From 1958 to July 1966,

663 patients were trained, and approximately 320 were provided with permanent employment.⁵⁰

The ILO experts also took part in the organization of the vocational rehabilitation services of the social security offices. As early as 1959, John Humphreys spoke with the Ministry of Labour and the director of the rehabilitation services of the *Instituto de aposentadoria e pensões dos industriários* (IAPI) in order to promote the vocational rehabilitation of disabled workers insured by the National Insurance Scheme. In 1960 and 1961, the IAPI created three vocational rehabilitation centres for disabled workers (Porto Alegre, Recife, São Paulo) that included professional training workshops and placement agencies. In December 1963, these three centres were transferred to the vocational rehabilitation services directorate of the social security offices (*Superintendência de Serviços de Reabilitação Profissional da Previdência Social*, SUSERPS), recently created in order to organize vocational rehabilitation on a national level. In 1966, the arrival of an ILO expert was considered necessary to advise the SUSERPS vocational rehabilitation centres and to prepare for the creation of new centres. Norman Phillips carried out a six-month mission in Brazil (from May 19th to November 27th, 1966), a period during which he trained social workers in charge of selective placement in the three centres. Norman Phillips considered that the work on selective placement carried out by these three centres was very ineffective (lack of knowledge of industrial activities, absence of an up-to-date register of the employers, lack of follow-up of the persons placed, etc).⁵¹ The expert also took part in a working group on the future vocational rehabilitation programme of the SUSERPS. Following his visit, he suggested that the SUSERPS establish a pilot unit of professional evaluation in São Paulo, to accommodate forty trainees during six to eight weeks.

In Argentina, the *Comisión nacional de rehabilitación del lisiado* (CNRL) projected from 1959 to create a *Centro de rehabilitación profesional* in collaboration with the ILO. In 1962, a few months after his arrival, Georges-Yves Rouault built a large vocational training school, which would have no connection with the INR, and which would be able to accommodate between 300 and 500 boarders and day students. But economic difficulties and the lack of interest on the part of the authorities caused the project to be abandoned. Conscious of the limited funds available, the expert favoured the fast installation of a vocational rehabilitation centre integrated into the INR.⁵² This idea was belatedly realized in a limited way, thanks to the financial support of a private association (ACIR). Opened at the end of 1963, the centre accommodated about twenty male apprentices at the beginning, and then fifty students in 1968. The *Centro de rehabilitación profesional ACIR* was composed of a professional training service, responsible for training in manual occupations and industrial trades (tailor, shoemaking, mechanics, woodwork, mathematics, optics, electromechanical winding, radio) “to solve the problem of the disabled belonging to the lowest social class.”⁵³ It was also composed of a selective placement service, which placed applicants on a case-by-case basis in factories or in sheltered workshops, or helped them open small independent businesses.

Georges-Yves Rouault complained to the CNRL about the lack of specialized personnel in the professional training centre, and about the lack of money for the construction of additional buildings. His requests for additional human and material resources were generally rejected. In June 1964, in a letter sent to the president of the CNRL, the ILO expert

declared that “a professional centre cannot obtain the desired results with a lack of personnel, and with a failing basic organisation.”⁵⁴ In 1964, Norman Philips advocated that the CNRL set up additional employment agencies in the main industrial areas, taking the pilot agency established within the INR as a model.⁵⁵ He also recommended an increase in the staff of the disabled workers’ placement service of the employment section of the Ministry of Labour in order to offer a complete and effective service.⁵⁶ But his requests remained a dead letter.

In both countries, the ILO experts organized the selection and vocational guidance of the disabled, using professional aptitude tests. They created vocational training services, and forced or persuaded the disabled to accept the discipline of industrial work (concept of performance and merit at work). The majority of the disabled submitted themselves to these conditions in order to obtain professional training and employment. A minority of them preferred to stay with their disability pension. The ILO experts also took part in the installation of small services of selective placement and sheltered industries. Nevertheless, they faced difficulties in implementing the planned programmes, either due to a lack of economic and personnel resources, or because of disagreements with the local leaders over the policies to be pursued. The rehabilitation professionals who had obtained an ILO grant (Antonio Lacal Zuco, Otto Marques da Silva) followed the action carried out by the ILO experts, and managed the vocational rehabilitation and selective placement services for several years. During the courses they gave, they widely disseminated the rehabilitation principles developed in English-speaking countries (downplaying the compulsory solution, promotion of the selective placement method, creation of sheltered workshops).

C. The socialization of local actors to liberal standards on professional insertion.

In both countries, ILO experts and civil servants supported the legislative changes on the employment of the disabled, in order to facilitate the recruitment of the rehabilitated disabled without compelling employers to hire them. They supported the inclusion of the most liberal measures contained in the ILO recommendation n°99 in the national legislation: non-discrimination because of a deficiency; the creation of a second injury funds; the introduction of tax exemptions for employers hiring disabled people; the creation of sheltered workshops to accommodate the less-productive disabled. They advised the governments against the adoption of legislation on the compulsory employment of rehabilitated disabled workers in private companies. They also encouraged local actors (associations of disabled people, rehabilitation professionals, political officials) to accept the liberal principles of professional integration of the disabled (selective placement, rejection of the quota system for the private companies, utility of sheltered workshops).

However, association leaders and rehabilitation professionals had been aware of the European principles on the vocational redeployment of the war-disabled (principle of a high quota of recruitment of disabled and injured workers within administrations and private companies, maintenance of high wages), and were convinced of their relevance. Thus, in Argentina, many association leaders (gathered around the leaders of the Marcelo J. Fitte Club) said in 1957 that the State “would have to make laws so that there would be plenty of possibilities of employment [for the disabled], by requiring that a percentage of employment be reserved to the disabled in any industrial or commercial plant.”⁵⁷ They called upon the ILO

recommendation n°99 to legitimate their claim for vocational rehabilitation and employment. So the ILO experts had to deconstruct the legitimacy of the quota measure and to convince disabled leaders to give it up. Georges-Yves Rouault organized several conferences, including one for the disabled members of the Marcelo J. Fitte Club on August 31st, 1962, during which he defended the idea “that it is necessary to train the disabled and to convince the employers that they must use their services.”⁵⁸ Rouault's speech seemed to have been effective since this association stopped demanding legislation for compulsory employment.

In Brazil, John Humphreys wanted new legislation to be adopted in order to support the professional integration of the disabled. Indeed, the staff regulations of the civil servants of the Federal Union prohibited the employment or the retention of a “paralytic” within the administration. A new law was supposed to forbid any discrimination due to a disability and to support the recruitment of disabled worker thanks to the creation of a *second injury funds*.⁵⁹ These measures were inspired by American legislation, and in particular by *Public Law 565 - Vocational rehabilitation amendments* (1954).

In Argentina, Dr. Héctor Ruiz Moreno, a local delegate of the ILO, restrictively interpreted the unclear ILO recommendations during the 3rd Argentinian rehabilitation congress in 1959. He began his speech by pointing out that the international recommendations had to be adapted to the characteristics of each country. In fact, that

*the compulsory placement of the disabled, necessary in countries that had experienced war, could be substituted in certain cases, in countries that had not experienced any war, by an action to promote the social, economic and technical benefits of hiring rehabilitated disabled workers.*⁶⁰

Dr. Moreno argued that compulsory employment was not called for in Argentina, since the country had not experienced a recent war. He quoted a number of measures planned by the ILO, for example the right to receive vocational training and the necessity to reduce the insurance premiums covering the accidents of rehabilitated disabled workers at work.

A few years later, Norman Phillips advised the Argentinian government against the adoption of legislation compelling private companies to employ disabled workers, at least not before the administrative organization was ready to manage the application of such measures. He said that “it is better to develop the idea that the disabled, when they are carefully selected and professionally rehabilitated if necessary, are as productive economically speaking as the able-bodied, and they thus do not need any particular protection.”⁶¹ Nevertheless, he considered that administrative departments and local authorities should study the possibility of employing voluntarily a given percentage of disabled workers (2%), in order to provide a model for private companies. During his stay in Brazil (1966), Norman Phillips made a rather similar speech. He said he was in favour of offering jobs to rehabilitated disabled workers in social security institutions, then in the whole of the federal public service. For him, the placement of rehabilitated disabled workers in the public service would have a positive effect on private employers, “who may be persuaded, rather than compelled.”⁶² He advised against the reinforcement of the existing legislation (article 55 of Law n°3807 adopted in 1960) compelling the employers to reserve a certain percentage of their jobs (between 2 and 5% according to their size) for rehabilitated disabled workers. He advised, however, the

modification of the existing legislation on employment, so as to create exceptions to the minimum wage for workers in sheltered workshops, and for trainees in vocational rehabilitation.

In Argentina and in Brazil, the ILO specialists worked hard to convince all their interlocutors (doctors, associations, politicians, etc) that it would be better to give up any compulsory measures concerning private companies. Norman Phillips, and another ILO expert coming from the FRG, Kurt Müller, spread the same ideas during their missions in ten other Latin American countries during the 1960s. Over the same period, thanks to their enthusiasm, they managed to promote a rather restrictive (or rather liberal) interpretation of the ILO recommendations among rehabilitation professionals in Latin America. The leaders of the national rehabilitation services in Argentina and Brazil aligned themselves with this liberal legality, especially since it satisfied the interests of the employers' representatives, true partners of the implemented vocational rehabilitation programme. In both countries, lawyers close to the employers' representatives challenged the legitimacy of the compulsory employment of rehabilitated disabled workers within private companies. The Argentinian lawyer Dr. Deveali stood against compulsory employment, referring to the ILO international resolutions.⁶³ The Brazilian lawyer Uiracy Torres Cuoco called upon a recent publication by the ILO on the employment of the disabled - without quoting it expressly -, in which the ILO “wondered if the legal solution was the right solution,”⁶⁴ in order to delegitimize the compulsory employment of a certain percentage of disabled people in private companies.

If the socialization process of rehabilitation professionals and political officials to liberal orientations proved to be relatively easy, on the other hand, it was more difficult with the disabled, who had noticed a persistently high unemployment rate among their comrades. The disabled Argentinian Gino Andrés Valeri, a member of the Marcelo J. Fitte Club, said he was shocked by the fact that a ILO representative promoted liberal legalities in the field of vocational rehabilitation, and he called for the adoption of compulsory employment measures.⁶⁵

CONCLUSION:

This article helps us to understand part of the role that the ILO played during the Cold War period, in a context of high political and ideological conflicts. In the middle of the 1950s, during the development of standards on the vocational rehabilitation of the disabled, the United States, the representatives of other capitalist countries and the employers' representatives succeeded in shifting international policies on vocational rehabilitation towards a more liberal economic policy. ILO recommendation n°99 legitimated the exercise of a paid professional activity in the context of a liberal market economy. It institutionalized the selective placement of disabled workers in a competitive job market, and symbolically depreciated the use of compulsory employment quotas (by submitting its adoption to “specific conditions” and by drowning it in a high number of different possible measures). This recommendation excluded less-productive disabled workers from ordinary work placement and expected them to work in sheltered workshops, as free-lance workers, or condemned them to the absence of a remunerated activity.

The analysis of the ILO reports and ILO recommendation n°99 shows that a true shift in the international vocational rehabilitation policies took place after World War II, with the depreciation of the ideas defended by the ILO after World War I (use of a system of quotas in public administrations and private companies to place the war-disabled, maintenance of integral wages). Among the multitude of solutions registered in recommendation n°99, the civil servants of the vocational rehabilitation section and the ILO experts sent to Latin America favoured the solutions tested in English-speaking countries (selective placement, depreciation of the solution of compulsory employment for private companies, creation of sheltered workshops). The ILO representatives played a fundamental role in the dissemination of liberal thinking in the field of vocational rehabilitation of the disabled in Latin American countries during the Cold War. They advised the local actors against the adoption of legislation requiring the compulsory employment of rehabilitated disabled workers within private companies. They were not the only foreigners to do it. The representatives of the *Goodwill industries* and of the American rehabilitation organizations also promoted the American way of considering the employment of disabled persons in these countries.⁶⁶ These American ideas, which considered compulsory employment as useless and discriminating, were widely spread in Brazil and, to a lesser extent, in Argentina.

In conclusion, it is advisable to moderate our comments on the shift toward economic liberalization of international rehabilitation policies, because these policies evolved during the 1970s due to pressures from African and Asian countries and NGOs. A new international regulation on vocational rehabilitation was adopted by the ILO in 1983 (convention n°159 and recommendation n°168 on vocational rehabilitation). These standards reinforced the right to vocational rehabilitation and developed a number of solutions tested in socialist countries (cooperatives) and in developing countries (simplified vocational rehabilitation in agriculture), but did not strongly argue against the liberal economic orientation pursued since the 1950s. Moreover, the ILO representatives generally complied with the will of the governments, and sometimes encouraged the development of vocational rehabilitation policies inspired by certain socialist experiments (creation of production cooperatives) when they intervened in a number of countries in Africa or the Middle East (Algeria, Tunisia, Iran, Zambia, Tanzania).

¹ Sandrine Kott, "Par-delà la guerre froide. Les organisations internationales et les circulations Est-Ouest (1947-1973)," *Vingtième Siècle. Revue d'histoire* 109, no. 1 (2011) : 144.

² Gildas Brégain, "Un problème national, interallié ou international ? La difficile gestion transnationale du problème des mutilés de guerre (1917-1923)," *Revue d'histoire de la protection sociale*, no. 9 (2016) : 108-130.

³ Sandrine Kott, Joel Golb, "The Forced Labor Issue between Human and Social Rights, 1947-1957," *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 3, no. 3 (winter 2012) : 321-335.

⁴ Steven L. B. Jensen, *The making of International Human Rights. The 1960s, Decolonization, and the Reconstruction of Global Values* (Cambridge : Cambridge University Press, 2017), 44.

⁵ We have very little information about him because his personnel file is no longer in the ILO archives.

⁶ ILO, *The Training and Employment of Disabled persons. A preliminary Report* (Montreal : ILO, 1945).

⁷ Christoph Conrad, "Social policy after the transnational turn," in *Beyond Welfare State models. Transnational Historical Perspectives on Social Policy*, eds. Pauli Kettunen and Klaus Petersen (Cheltenham : Edward Elgar, 2011), 226.

⁸ David Strang, Patricia Mei Yin Chang, "The International Labor Organization and the Welfare State: Institutional Effects on National Welfare Spending, 1960-1980," *International Organization* 47, no. 2 (spring 1993) : 235-262.

- ⁹ Gerry Rodgers, Eddy Lee, Lee Swepston, Jasmien Van Daele (ed.), *The International Labour Organization and the quest for social justice 1919-2009* (Geneva : ILO, 2009), 31-32.
- ¹⁰ Conférence Internationale du Travail, 37^e session, 1954, *Compte rendu des travaux* (Genève : BIT, 1955), 560.
- ¹¹ *Ibid.*, 333.
- ¹² Conférence internationale du Travail, 38^e session, 1955, *Compte rendu des travaux* (Genève : BIT, 1956), 389.
- ¹³ Sandrine Kott, "Par-delà la guerre froide. Les organisations internationales et les circulations Est-Ouest (1947-1973)," *Vingtième Siècle. Revue d'histoire* 109, no. 1 (2011) : 145.
- ¹⁴ ILO, *Report IV (2). International Labour Conference, 37th session, Geneva, 1954* (Geneva : ILO, 1954), 130.
- ¹⁵ Conférence Internationale du Travail, 37^e session, 1954, *Compte rendu des travaux* (Genève : BIT, 1955), 565.
- ¹⁶ ILO, *Report IV (2). International Labour Conference, 38th session, Geneva, 1955* (Geneva : ILO, 1955), 45.
- ¹⁷ *Ibid.*, 50-51.
- ¹⁸ *Ibid.*, 53.
- ¹⁹ International Labour Conference, 38th session, 1955, *Records of proceedings* (Geneva : ILO, 1956), 370.
- ²⁰ ILO, Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99).
- ²¹ BIT, *Rapport IV (2). Conférence internationale du Travail, 38^e session, Genève, 1955* (Genève : BIT, 1955), 42.
- ²² ILO, *The Training and Employment of Disabled persons. A preliminary Report* (Montreal : ILO, 1945), 169.
- ²³ *Ibid.*, 183.
- ²⁴ J. L. Edwards, "Remploi: an experiment in sheltered employment for the severely disabled in Great Britain," *International Rehabilitation Review* 77(1958) : 147-158.
- ²⁵ ILO, *The Training and Employment of Disabled persons. A preliminary Report* (Montreal : ILO, 1945), 184.
- ²⁶ *Ibid.*, 223.
- ²⁷ "Libéralisme," in *Dictionnaire d'Histoire politique du XXe siècle* (Paris : Ellipses, 2005), 573-574.
- ²⁸ Produced by the author himself, this definition is inspired by the definition of cosmopolitan legalities by Boaventura de Sousa Santos and César A. Rodriguez-Garavito (ed.), *Law and Globalization from below. Towards a Cosmopolitan Legality* (New York: Cambridge Studies Press, 2005), 1-27.
- ²⁹ ILO, *Manual on selective placement of the Disabled* (Geneva : ILO, 1965), 42.
- ³⁰ *Ibid.*, 43.
- ³¹ Norman Cooper (ed.), "Conclusions and recommendations," in *ILO European Symposium on Work for the Disabled, Vocational Rehabilitation and Employment creation, Poland-Sweden*, (Stockholm and Warsaw: ILO, 1979), 36.
- ³² Riksarkivet, Stockholm. SE/RA, 730032/1/F/F14a/3. Document titled "Session of the Rehabilitation Committee", Munich, may 2nd to 3rd, 1963.
- ³³ ILO Archives, NGO 20, ISRD, jacket 4 (1959-1963). Letter, September 15th 1960, M. Blanchard, director of Branch Office in Washington, to Director General in Geneva.
- ³⁴ ILO Archives, NGO 20, ISRD, jacket 6 (1968-1972). Ian Campbell, Norman Cooper, James Garrett, B. Trampczynski, P. Trevethan, Peter Quinn, *Guidelines for the future in the field of vocational rehabilitation of the disabled*, without date, p. 10.
- ³⁵ Conférence Internationale du Travail, 52^e session, 1968, *Compte rendu des travaux* (Genève : BIT), 544.
- ³⁶ *Ibid.*, 559.
- ³⁷ ILO Archives, P. 10196. Note, 9 December 1957, Joan T. C. Smalley for the Director General.
- ³⁸ ILO Archives, P. 7493. Lettre, Genève, 6 septembre 1960, George-Yves Rouault à Mr Fuss.
- ³⁹ ILO Archives, P. 10196. Note, 9 December 1957, Joan T. C. Smalley for the Director General.
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- ⁴² ILO Archives, P. 8465. Telegramma, 25 September 1957, Rossborovait to ILO.
- ⁴³ ILO Archives, TAP 0-9-10(C)-1. Copy of a letter, 2 December 1958, São Paulo, F. E. Godoy Moreira to Jansson.
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- ⁴⁵ ILO Archives, P. 10196. Note, 11/4/1962, Arthur Bennett to M. Harder.
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⁵¹ *Report to the Government of Brazil on The Vocational Rehabilitation and Placement of the Disabled* (Geneva : ILO, 1967), 44.

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⁵⁵ OIT, *Informe al Gobierno de la Republica Argentina sobre la colocación selectiva de los inválidos* (Ginebra : OIT, 1964), 14.

⁵⁶ *Ibid.*, 15.

⁵⁷ "[Carta] a la Magna Asamblea constituyente de 1957, reunida en la ciudad de Santa Fé," *En Marcha, organo oficial del Club Marcelo J. Fitte*, Buenos Aires, no. 10 (agosto de 1958), 32.

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⁵⁹ ILO Archives, TAP 0-9-1 (C)-1. Copy of a letter, 2 December 1958, São Paulo, Prof. F. E. Godoy Moreira, to Mr Jansson.

⁶⁰ Hector Ruiz Moreno, "Principales aspectos de la legislación internacional de protección al trabajador lisiado," in *Anales del 3e Congreso argentino de rehabilitación del lisiado, Buenos Aires, 8-12 diciembre 1959* (Buenos Aires, 1960), 465.

⁶¹ OIT, *Informe al Gobierno de la Republica argentina sobre la colocación selectiva de los inválidos* (Ginebra : OIT, 1964), 15.

⁶² ILO, *Report to the Government of Brazil on the vocational rehabilitation and placement of the disabled* (Geneva : ILO, 1967), 41.

⁶³ *Revista Derecho del Trabajo*, Buenos Aires (abril de 1958), 315.

⁶⁴ Ubiracy Torres Cuoco, "O direito do trabalho e o excepcional," *Mensagem da APAE*, São Paulo, no. 10 (setembro-dezembro de 1977), 32.

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