

WAR MANPOWER COMMISSION  
Washington 25, D. C.

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Chairman

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In reply  
refer to WMPA

SUBJECT: Procedure to be Followed in Hiring Out Prisoner-of-War Labor

The employment of prisoners of war on work of national importance is practiced in all countries and has been recognized by international agreement. The Geneva Convention of 1929 prescribed the conditions of the treatment of prisoners of war, including their employment. This Convention agreed that enlisted men among the prisoners might be required to perform for the captor nation useful work having no direct relation to war operations. The captor nation is especially prohibited from using the services of prisoners for production or transportation of arms or munitions of any kind or for transporting material intended for combat units. Their employment in degrading, unhealthful, or hazardous work is also forbidden.

Policy

Prisoners of war will be employed only when other labor is not available and cannot be recruited from other areas within a reasonable length of time.

Before the War Manpower Commission certifies to the need for using prisoners of war, all supplies of labor, including secondary sources, within the area from which workers normally come to perform work of this type must be exhausted.

Prisoners of war shall not be used in any way which will impair the wages, working conditions, and employment opportunities of resident labor, or displace employed workers.

As evidence of the fact that the use of prisoners of war will not affect local conditions of employment adversely, the employer must place a bona fide order for the workers needed with the local employment office. It is advisable to allow the local office a reasonable time to fill the order before preparing a certification of the need for prisoners of war. This order must meet the following conditions:

1. Contain no discriminatory specifications.
2. Wage rates must be not less than the rate prevailing in the locality for similar work.
3. Working conditions must be equivalent to those prevailing in the locality for civilian workers performing similar jobs.

Exhausting the labor supply

In exhausting the labor supply the following steps should be taken:

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1. Determination of the availability of workers registered with the local employment office.
  2. Advertisement for workers through newspapers, radio, posters, trade papers, and other suitable media.
  3. Solicitation of the cooperation of labor organizations and other community groups to direct qualified workers to the local employment office.
  4. Active recruitment of workers by visiting their homes, canvassing places of business and other places where workers congregate.
  5. Recruitment of workers on relief rolls.
  6. Utilization of Selective Service Questionnaires.
  7. Recruiting auxiliary labor supplies, if they can be used, such as youth, women, organizations of volunteers.

#### Procedures for Obtaining Prisoner-of-War Labor

When it has been determined that the labor needed cannot be obtained from other sources, the local office of the employment service will prepare a certification of the need for employment of prisoners of war.

This certification will be forwarded to the State Director of the War Manpower Commission who will review it to determine whether it conforms with the policies of the War Manpower Commission. If he finds that the certification is not in conformity with the policy of the Commission he will not approve the certification and will notify the local office manager of his disapproval, directing him to secure the needed labor from some other source.

If he finds that the certification is in conformity with the policy of the Commission, he will approve it, determine the priority rating of the employer by comparing his need with that of other employer applications for prisoner-of-war labor and forward it to the regional office of the War Manpower Commission.

The Regional Director will review the certification to determine whether he should approve it. If he decides not to approve it, he should notify the State Director of this decision. If he decides to approve it, he should determine the priority rating based upon the relative urgency of the need of all employers in the region, and, if necessary, change the priority assigned by the State Director. He should then forward the certification to the appropriate official of the War Department for action.

Where request is made for the services of prisoners of war as agricultural labor, the State Extension Service Director will prepare and transmit to the State War Manpower Commission Director the certification of the need for employment of the prisoners of war. After review for conformity with

the policies of the War Manpower Commission and against the labor market data known to the Commission the War Manpower Commission State Director will notify the Director of the State Extension Service of his disapproval or will forward his approval to the Regional Director after assigning the priority rating.

Certification of Need for Employment of Prisoner-of-War Labor

Certification of the need for employment of prisoners of war will be made on the attached certification form. This form will be addressed to the appropriate officer of the War Department. State War Manpower Commission Directors will supply the name of the appropriate officer to local office managers.

1. Enter the name and address of the employer on whose behalf certification of the need for prisoners is being made.
2. Enter the title and four-digit code for the industry of the employer and describe the work for which he needs labor. Enter the address of the place where this work is to be done.
3. Enter the period of time for which such labor is needed and the beginning and ending dates of the period, if the work to be done is harvesting or some other task on which timing is important.
4. Enter the number of workers needed in each occupation, the total man days or hours of work required by workers in that occupation, the unit of work such as "hour," "day," or "piece," on which payments will depend, and the price which is offered per unit.
5. Indicate whether or not transportation will be provided.
6. Indicate whether or not the noonday meal will be supplied.
7. Investigate the working conditions to make sure that they conform to the requirements stated in item 7 of the certification.
8. Enter data from orders recently filled by the local office to substantiate the claim that the price offered by the employer is equivalent to wages prevailing in the locality for similar work. Select for this purpose at least one order for each occupation listed in item 4. Also select orders on which a number of placements were made. Enter under "other considerations" any prerequisites other than wages offered workers.
9. Enter the information called for in the table as it applies to orders for each of the occupations in which workers are needed by the employer. Show the number of workers requested and the number referred. Check the recruitment techniques used for each order. If any of the recruitment efforts indicated by the column headings have not been made, a full explanation of the reasons should be given on the back of the page.

10. Enter the number of hours per day that workers are customarily employed in these occupations.
11. The local office manager should sign the certification giving his title and the name and address of his office.
12. The State War Manpower Commission Director should enter the priority rating.
13. The certification should be countersigned by the approving State and Regional War Manpower Commission Directors.

/s/ A. L. Nickerson  
Albert E. Nickerson  
Director, Bureau of Placement

Attachments

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PRISONERS-OF-WAR

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Understanding between the War Department and the War Manpower Commission  
in connection with the Hiring out of Prisoner-of-War Labor

1. Prisoners of war whom the War Department finds it can make available to other agencies and private employers may be utilized as a source of labor supply.
2. They will be employed only on projects determined by the War Department to conform to the provisions of the Geneva Convention and to security regulations.
3. The War Department upon request of the War Manpower Commission will furnish general information as to prospective availability of prisoners of war as a labor supply.
4. The War Manpower Commission will receive and investigate requests for use of prisoners of war. Such requests as are in accordance with its policies and are approved by it will be forwarded to the appropriate official of the War Department. This certification (sample form attached) will contain the following information: the need for prisoners of war for specific employers; the unavailability of other labor at prevailing wages and working conditions; the priority of alternative requests; the man hours or man days of work for which prisoners are to be assigned; the place and type of work on which request is made for assignment of prisoners of war; the customary work day and other conditions and the price to be paid by the employer to the Government.
5. Upon receipt of the certificate the War Department will determine whether it is feasible to make such labor available under the terms provided in the certification. If it is determined to be feasible, the War Department will endeavor to enter into a contract with the employer conforming to the terms set forth in the certificate and substantially in the form attached. In any event the War Manpower Commission will be promptly advised of the action taken by the War Department.
6. The War Department will collect from the employer the sum specified in the contract according to such arrangements as the War Department may determine.
7. To assist in securing the availability of prisoners of war for necessary work (except where prisoners of war are to be employed under jurisdiction of the War Department) the War Manpower Commission will submit recommendations to the War Department with respect to location of camps.
8. The administration of the foregoing policies for the employment of prisoners of war will be decentralized in so far as practical by the War Department and by the War Manpower Commission.

CERTIFICATION OF NEED FOR EMPLOYMENT  
OF PRISONERS OF WAR

Date \_\_\_\_\_

To \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE WAR MANPOWER COMMISSION FINDS AND CERTIFIES THAT:

1. . . . . , an employer, whose address is . . . . . has need for the labor hereinafter mentioned in essential work at his establishment.
2. The industry in which this employer is engaged is . . . . . and the work for which he needs labor is . . . . . This work is to be done at . . . . .  
(Give location) days
3. This labor is needed for a period of . . . . . weeks from . . . . . to . . . . . months
4. The type and approximate number of workers needed and the price to be paid for their labor is as follows:

	Man Days	Unit	Price
Number Needed : Occupational Title and Code	: or Hours : Required	: of Work	: per Unit
	:	:	:
	:	:	:
	:	:	:
	:	:	:
	:	:	:
	:	:	:
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5. The employer will not supply transportation to and from the prison enclosure. , will
6. The employer will not furnish the noonday meal.



- 9. As evidence of the fact that the employer has been and will be unable to obtain the needed labor, efforts of the local employment office to fill his order for workers are described below. This order contained no discriminatory specifications and offered wages and working conditions as described above.

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: Recruitment Efforts												
					: Welfare:							
Occupational Code	Date	Order	Re-	No.	Files	: & Re-	lief	Unions:	Org.	: Newspaper	: Radio	: Clear.
	Rec'd:	No.	quest:	Ref.:	Searched	Active:	O. Q.:	Ads:	Stories:			
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- 10. The length of the work day in this locality for this type of work is customarily . . . . . hours.
- 11. The employer is willing to use through contract with the Government, the labor of prisoners of war detained by the United States of America and in the custody of the War Department. It is the understanding of the undersigned that such contract will follow substantially War Department contract Form No. \_\_\_\_\_ and that amount to be paid and conditions stated in the contract will be in accord with those certified in this statement.

Priority Rating \_\_\_\_\_

Approved: \_\_\_\_\_

State WMC Director

Regional Director

Signature \_\_\_\_\_

Title \_\_\_\_\_

Office Address \_\_\_\_\_