

the obligations which customarily go with such knowledge. It has had in the past the guarantee of protection, in as far as that protection could be extended, without any attempt to restrict its freedom of action in making arrangements with other great powers.

It is this right freely to associate with and make commitments to a number of powers which may mark the chief difference internationally between small and "middle" powers. Small powers with their limited range of interests tend to cling to larger states which are geographically near to them. "Middle" states like Canada, Australia, Brazil, Holland, Belgium, Norway, cannot separate themselves wholly from great states but they will attempt, with more chance of success, to preserve freedom for other relationships. The very existence of the Commonwealth in many parts of the world helps to perpetuate the idea of wide ranging interests and to modify attempts to establish more stereotyped institutional arrangements. Its flexibility in securing unity of political action in

essentials without sacrificing its members' freedom of association with other countries stands as a constant example.

There has been no effective political partnership in history which has left so much freedom to its junior members as has the Commonwealth or so contributed to their development. But beyond this is the more vital issue of whether the maintenance of the Commonwealth is not essential for the preservation of the type of international society within which Canada wishes to live. If so, is it not time that we stop thinking of the Commonwealth in negative terms or even in relation to the immediate advantage it offers, and begin to consider what steps Canada could take to maintain and strengthen an association which can never be an end in itself but which can contribute powerfully "in favor of peace on sea and land, of good understanding among the nations, of expanding commerce and greater political freedom."¹

1. Herbert Morrison in his speech at the Guildhall, London, Feb. 24, 1943, printed in *Prospects and Policies* (New York: Alfred A. Knopf, 1944.)

Canada and the I. L. O.

By PAT CONROY

THE relationship between Canada and the International Labour Organization has been different from that of most other countries, on account of the inability of the federal government to ratify conventions or act upon recommendations adopted by International Labour Conferences. This condition can be remedied only by amendment of the British North America Act. Otherwise, Canada has shown deep interest in the I.L.O. and its activities.

Constitution of the I.L.O.

It may be desirable at the outset to point out that the International Labour Organization consists of three agencies: (1) a Governing Body, consisting of sixteen government representatives, eight

employers' representatives, and eight workers' representatives; (2) a General Conference, ordinarily held at least once a year, and attended by representatives of governments, employers and workers from the Member-States, and (3) the International Labour Office, or permanent Secretariat. The Constitution of the International Labour Organization was included in the Peace Treaties in 1919, and the International Labour Office forms part of the organization of the League of Nations. It occupied its own building at Geneva prior to the outbreak of the war, but since 1940 it has been located at McGill University, in Montreal.

The annual Conference is the highlight of the International Labour Organization's activities, and in April and May of last year the twenty-sixth session of the International Labour Conference was held at Philadelphia. Canada has always been well represented at the Conferences,

EDITORS NOTE: Pat Conroy, one of the leading figures in the Canadian labour movement and one of its representatives at the recent London Labour Conference, is Secretary-Treasurer of the Canadian Congress of Labour.

but it was only last year that the delegation reached its maximum, namely, two government delegates with twelve advisers, and one employers' delegate and one workers' delegate with six advisers each. Only delegates have a vote at the plenary sessions of the Conference, but advisers may substitute for them when necessary.

Canadian Delegation

It is of interest to note that, in previous years, the Canadian delegation consisted of two government delegates and four advisers, including representatives of labour organizations other than the Trades and Labour Congress of Canada, while the workers' delegate and two advisers were nominated by the latter body. Last year, however, the workers' delegate was Mr. Percy R. Bengough, President of the Trades and Labour Congress of Canada, and his advisers were Mr. William L. Best, C.B.E., Vice-President and Legislative Representative of the Brotherhood of Locomotive Firemen and Enginemen; Mr. Geo. Burt, Regional Director of the United Automobile Workers of America; Mr. Robert Carlin, M.L.A., International Board Member of the International Union of Mine, Mill and Smelter Workers; Mr. Norman S. Dowd, Executive Secretary of the Canadian Congress of Labour; Mr. Ernest Ingles, Vice-President, International Brotherhood of Electrical Workers, and Mr. Edouard Larose, International Brotherhood of Carpenters and Joiners of America. Messrs. Burt, Carlin and Dowd were nominated by the Canadian Congress of Labour.

Mr. Alfred Charpentier, President of the Canadian and Catholic Confederation of Labour, was one of the advisers to the government delegation. The employers' representative and his advisers are nominated by the Canadian Manufacturers' Association. The Canadian government makes the appointments by Order-in-Council, and pays all expenses involved.

The International Labour Office collects statistics regarding labour conditions

throughout the world, and publishes the *International Labour Review*, as well as extremely valuable reports on matters of interest to labour, based on special investigation and study. It prepares the agenda for the International Labour Conferences, and very comprehensive reports on the subjects to be discussed at each one.

The Governing Body of the International Labour Organization is elected at Conferences, and meets from time to time, the most recent meeting having been held at London in January, 1945. The Canadian government delegate on the Governing Body is the Honourable Paul Martin, K.C., who was recently appointed Secretary of State, and Mr. Percy R. Bengough is the Canadian workers' delegate.

Conventions and Recommendations

The primary purpose of the International Labour Conference is to consider and adopt conventions and recommendations which are subsequently submitted by the International Labour Office to the various Member-States for such action as they may wish to take. A convention usually takes the form of draft legislation regarding a specific item. Where the subject is of special importance, it is often dealt with at two successive Conferences before final adoption, but the adoption of a convention does not automatically make it applicable in the Member-States, as this is only the first step. If a convention is to become operative, it must be ratified, that is, passed by the legislative authority of the country concerned. The only obligation of each Member-State is to submit the convention to the legislature within one year, or in special cases, within eighteen months, and to report on its disposition and effects. The International Labour Conferences also adopt what are known as recommendations. A recommendation is a proposal for legislative action, but governments are under no obligation to take action with regard to it, and even if it is acted upon,

its application is not subject to any international control.

During the twenty-six years of its existence, the International Labour Organization has adopted 67 conventions and 73 recommendations. Some matters dealt with by conventions are: hours of work; the protection of women and children; prevention of and compensation for industrial accidents; insurance against unemployment, sickness, old age and death; holidays with pay, and conditions of seamen. At Philadelphia last year, apart from a large number of resolutions and the very important statement of policy which became known as "The Philadelphia Charter," seven recommendations were adopted, dealing with such matters as employment in the transition from war to peace; employment service; income security; medical care; public works; social security for the armed forces, and social policy in dependent territories.

Canada and Ratification

Of the 67 conventions adopted by International Labour Conferences, Canada has ratified only nine. There was no question as to the jurisdiction of the federal government in the ratification of conventions regarding conditions for seamen, but, in the case of the other three conventions, its competence was challenged, and they have never been applied in Canada, the Judicial Committee of the Privy Council in Great Britain having ruled that they came within the jurisdiction of the provincial legislatures. These three were the famous Acts passed by the Bennett Government in 1935, dealing with working hours (the forty-eight hour working week); the weekly rest in industrial undertakings, and minimum wages.

The Judicial Committee of the Privy Council delivered its judgment on January 28, 1937, with regard to this legislation, and concluded as follows:

It must not be thought that Canada was incompetent to legislate in performance of treaty obligations. In totality of legislative powers, Dominion and Provincial together,

she was fully equipped; but the legislative powers remained distributed, and if, in the exercise of new functions derived from her international status, she incurred obligations, they must, so far as legislation was concerned, when they dealt with provincial classes of subjects, be dealt with by the totality of powers—in other words, by co-operation between Dominions and Provinces.

Obviously, until the British North America Act is amended, Canada is in an unfortunate constitutional position with regard to social legislation, and there has not been in the past any notable disposition on the part of the provinces to adopt I.L.O. conventions, or even to keep the International Labour Office informed regarding legislative enactments in the field of labour. However, this does not mean that there is not considerable labour and social legislation in effect in most of the provinces which is at least as good as that adopted in I.L.O. conventions, and in many cases it is very much better. It will be recognized that one of the basic functions of the International Labour Organization is the raising of wages and working conditions, with a view to attaining a greater uniformity of living standards, and a lessening of unfair competition between industrialized nations. There is definite value, however, in having conventions adopted, even where they effect no improvement in legislation, because of the desirability of making their adoption universal.

When the International Labour Organization was formed in 1919, it represented a great forward step, so far as labour was concerned. Of course, labour did not get all it asked for after the last war. It had demanded that freedom of association be guaranteed to workers of all countries signing the Peace Treaties, along with recognition of the eight-hour day, and the establishment of an international institution with power to pass legislation which would have the same effect as international law. It did, however, obtain the International Labour Organization, in which it was recognized as a fully qualified participant, and this was regarded as almost revolutionary at the time.

So far as recognition of the right of association is concerned, the Federal Government, through war-time legislation (Order-in-Council P.C. 1003), and the various provincial governments, in one way or another, have met this demand, and in many other respects wages and working conditions in Canada as has been suggested, have been above the standards laid down by I.L.O. conventions and recommendations. However, the fact that Canada cannot adopt such conventions, even as an example to other countries causes some embarrassment to Canadian delegations at International Labour Conferences.

Amending the B.N.A. Act

It would be much more satisfactory if social and labour legislation might be uniform throughout the Dominion, and this undoubtedly can be obtained only if the B.N.A. Act is amended. The Sirois Report on Dominion-Provincial relations stated, in this connection:

It might have been supposed that, on joining an international organization, a State would at once alter its constitution to conform to the new relationship so that it could play its part effectively in the activities which it recognized as desirable. But no such action was taken by Canada. This situation is entirely unsatisfactory, and we recommend that the Dominion and the provinces together should decide how international labour conventions should be implemented.

In its annual representations to the federal government, the Canadian Congress of Labour has repeatedly urged that the B.N.A. Act be amended, in order to restore to the Dominion Government and Parliament their power to deal with genuinely national social and economic questions, and to perform Canada's international obligations, including the ratification of conventions of the International Labour Organization.

A resolution designed to meet the present situation, pending amendment of the B.N.A. Act, was adopted at the International Labour Conference at Philadelphia last year, and this was endorsed

by the following resolution passed at the Congress Convention in October last:

Whereas the Canadian Government is unable to deal with recommendations and conventions adopted by the International Labour Organization in matters which come within the jurisdiction of provincial governments; and

Whereas at the Twenty-sixth Session of the International Labour Conference held in Philadelphia in April and May of last year a resolution was referred to the Governing Body of the I.L.O., asking that arrangements be made to ensure consideration of recommendations and conventions by the provincial governments and the reporting of subsequent action through the Federal Government to the I.L.O.;

Be it therefore resolved that the Canadian Congress of Labour in Convention assembled endorses this resolution, and urges upon all parties concerned that action be taken without delay to put it into effect.

Labor Prepares Remedies

At the meeting of the Governing Body in January last, Mr. Bengough submitted a motion that the standing orders of the International Labour Organization be amended, with a view to providing that a provincial government might ratify I.L.O. conventions on behalf of that province only, but owing to lack of time action on this resolution was deferred. Mr. Martin, who served as Chairman of the Special Committee on constitutional questions, at the meeting of the Governing Body, proposed that provinces or other constituent bodies of a federal state might send representatives to accompany the official delegations to International Labour Conferences. This proposal was favourably reported on by the Governing Body, and referred to the Standing Orders Committee.

Of immediate interest is the fact that Mr. Martin's Committee proposed a resolution favouring the association of the I.L.O. with the general international organization now under discussion at the San Francisco Conference "on terms which will permit the I.L.O., with its tripartite character, to make its best

contribution to the general effort of the organization of international machinery for the better ordering of a peaceful and prosperous world while regaining for the I.L.O. the authority essential for the discharge of its responsibilities under its Constitution and the Declaration of Philadelphia."

It is evident that Canada is playing a considerable part in the activities of the I.L.O., in spite of constitutional restrictions so far as conventions and recommendations are concerned. She has been represented at every session of the Conference, and her delegates have taken part in the formulation of such conventions and recommendations. Much of the work of a Conference is done in committees, and Canada has not only been represented but adequately recognized in the appointment of such committees, and in their proceedings. For example, at Philadelphia last year, Mr. Paul Martin was Chairman of the Committee on the organization of employment in the transition from war to peace; Mr. W. C. Coulter, the employers' delegate, was Vice-Chairman of the Committee

dealing with the future policy, programme, and status of the I.L.O.; Mr. Bengough, the workers' delegate and Mr. Macdonell (one of the advisers to the employers' delegate) were members of the "Steering Committee" in charge of the business of the Conference; Mr. Dowd was Vice-Chairman of the Resolutions Committee, and a member of the committees on future policy, and on the application of conventions. Mr. Best and Mr. Carlin were members of the Committee on Social Security. Mr. Burt was a member of the Committee on Employment, and Mr. Larose and Mr. Ingles were also members of this Committee.

However, in spite of Canada's contributions toward the general welfare through the I.L.O., it is generally agreed by all who have participated in its activities that everything possible should be done to place Canada in a position where she cannot only co-operate fully with the I.L.O., but also ratify conventions and act on recommendations adopted by the International Labour Conferences.

Relief and Rehabilitation: The Role of UNRRA.

By LEONARD C. MARSH

THE United Nations Relief and Rehabilitation Administration constitutes a recognition by the Allied and associated nations of the colossal social and economic devastation which war has wrought all over the globe; and the necessity of having among the various instruments of international reconstruction one to assist in the first and most desperately necessary steps. The full machinery of international restoration must include agreements on international exchange clearance, a world food and agricultural policy, a long-term reconstruction loan institution, and other functional economic units, besides a strong system of political

and military security. But it will be futile to expect to bring about recovery or guarantee peace if millions of people in Europe, in China and elsewhere, are not fed, clothed and housed, returned to their homes from the areas where war and deportations have flung them, saved from epidemics, and assisted to grow new crops, set up agencies and associations for self help, restore transport and essential utilities, and restart their industries. It is to these tasks that UNRRA has brought the first post-war application of the principles of mutual aid. The forty-four nations who are parties to the Agreement signed at Atlantic City at the end of 1943, have all contributed to the administrative expenses of the organization, and the

EDITOR'S NOTE: Dr. Leonard C. Marsh, author of the famous report, *Social Security for Canada*, is now Director of Research with UNRRA, London, England