

# Canada and The International Labour Organization

By PAUL MARTIN<sup>1</sup>

## Origin

WHEN Canada sent her representatives to the first International Labour Conference at Washington in 1919, she was not altogether a stranger to international co-operation in labour matters. Although she had not been directly represented at the Conference convened by the Swiss Government at Berne in 1906, she had adhered to one of the Conventions adopted there, prohibiting the use of white phosphorous in the manufacture of matches, and had enacted legislation to implement its provisions. At a conference at Lugano, Switzerland, in 1910, Canada was represented for the first time, the present Prime Minister, the Rt. Hon. W. L. Mackenzie King, at that time Minister of Labour, being in attendance.

But, valuable as they were, conferences such as these only established a temporary contact between the governments represented. Something more permanent was needed and was provided, at the end of the first Great War, by the International Labour Organization, set up under Part XIII of the Treaty of Versailles and of the subsequent Treaties of Peace.

The need for international agreement on labour matters arises from the risk that a country faces, when contemplating raising its labour standards, of finding itself at a disadvantage in international trade as a result of higher labour costs.

As the constitution of the I.L.O. notes:

The failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own country.

It was decided, when the I.L.O. was established, that labour must henceforth be regarded as something more than an

item of cost, a commodity. Rather it must be regarded as consisting of living men and women, vulnerable to economic factors beyond their control, and in need of protection against economic exploitation.

With this in mind, the task assigned to the I.L.O., in the framework of the League of Nations apparatus for securing world peace, was to achieve, by agreement among the nations and by the vast sweep of international collaboration and action, the betterment of living and working conditions of men and women throughout the world.

In setting up the I.L.O., however, there was no notion of creating an international authority whose decisions would be binding on governments. The I.L.O. was devised as a medium through which agreement could be reached on what was desirable in the way of labour standards. Member states would bind themselves only to the extent of considering the results of its deliberations, with a view to legislative action if possible.

## Organization

The structure of the I.L.O. was made to parallel on an international scale the governmental machinery of any democratic country. It consists of a General Conference, the decision-making body, corresponding to a parliamentary assembly; a Governing Body, which is the executive organ or cabinet of the Conference; and the International Labour Office, which collects information, publishes reports, performs a vast variety of technical services, and may thus be termed the civil service of the I.L.O.

The Conference met annually or oftener during the between-wars period.

The unique feature in the constitution of the Organization is that it calls for representation at its assemblies of workers and employers as well as governments. Each country is entitled to send a delegation of four, consisting of two govern-

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ment members, one representative of workers, and one of employers. The two latter are entitled to join in debate and the formulation of decisions on equal terms with the government members; and it is unquestionable that this feature has contributed greatly to the vitality of the I.L.O., as well as to the value of draft legislation it has prepared.

Decisions of the Conference may take the form of Conventions, which are draft international Treaties and become effective as soon as ratified by member states, or of Recommendations, which are less formal in character.

In the 20 years preceding 1939, the Conference adopted a total of 67 Conventions. Some of these applied to working conditions in specific industries and occupations. Others were of a broader nature, covering the fields of wages and hours, employment, safety and welfare, and indeed every aspect of industrial conditions.

The entry of the I.L.O. into the field of social security, as an off-shoot of its interest in labour matters, was heralded as early as 1919 when one of its Recommendations on employment made reference to the desirability of unemployment insurance. Its explorations in this field have since been thorough. A further natural extension of its studies has resulted from its examination of methods of combatting unemployment, leading it to consider the fiscal policies of nations, a considerable broadening of its original scope.

### Achievements

Of the 67 Conventions adopted in the between-wars period, 887 ratifications have been registered from 52 different countries. This is an average of only 13 ratifications per country, or less than 20 per cent of the total possible. It must be admitted that this record is disappointing when measured against the high hopes and idealism which were built up around the I.L.O. in its early days. However, the achievement is solid, none the less. Failure to ratify has in many

instances simply meant that the subject matter of the Convention did not concern all the member states; for instance, Conventions relating to seamen or to colonial problems are of no interest to some countries, which have thus omitted ratification as a formality.

As a yardstick for measuring the achievements of the I.L.O., it is interesting to note the objectives that were considered "of urgent importance" in 1919 by the framers of the constitution, and were specifically mentioned as such in its provisions. These included freedom of association; reasonable minimum standards of wages; the 8-hour day and the 48-hour week; one day's rest in seven; abolition of child labour; and equal pay for women doing work of the same value as men.

In spite of the I.L.O.'s efforts, it cannot be said that all of them have been attained in all countries. Nevertheless a great deal of progress has been made, and the existence of international standards has inspired many countries to make improvements in their legislation that might otherwise not have been made. The extent of the progress may also be measured in our mental attitude to these early principles, which, revolutionary as they were in their day, now seem almost conservative. Walter Nash of New Zealand remarked on the extent of this progress at the recent Philadelphia Conference, when he reminded us that the social security principles we were then approving almost unanimously, would have seemed fantastically unlikely of achievement in 1919. For this improvement in our thinking on labour matters, as well as in our legislative action, the I.L.O. may take a good deal of credit.

Another of the hindrances to a universal ratification of International Labour Conventions has been the difficulty confronting federal countries when the subject matter lies beyond their constitutional jurisdiction.

This has been Canada's thorniest problem in attempting to get a full measure of benefit from its relationships with the

I.L.O. Canada has been a member from the beginning, has been represented at all the Conferences, and has had a permanent representative at Geneva almost from the start. As a member state she contributes an annual sum to the support of the Organization. During most of the period since 1920 she has held a seat on the Governing Body.

Yet, staunch supporter of the I.L.O. as she is, Canada has been able to ratify few of the Conventions. She has changed her legislation to conform to several that lie within her competence, relating to seamen. In addition she has given effect to the hours-of-work Convention so far as her own employees and so far as contractors of the Dominion Government are concerned.

Other Conventions that fall within provincial jurisdiction have been referred to the provinces for their consideration. The only impressive effort by any province to give them effect was made by British Columbia in 1921, when several statutes were enacted along the lines of the I.L.O. Conventions of 1919. The stipulation was made, however, that these statutes should not become law until similar legislation was enacted in other provinces. This never happened, and the B.C. laws, with one exception, (the Maternity Protection Act) remained dormant.

In 1935 an attempt by the Dominion Government to ratify three Conventions whose subject matter lay within provincial competence, was nullified by a decision of the Judicial Committee of the Privy Council, which declared the Dominion legislation *ultra vires*.

It is to be hoped that some form of Dominion-Provincial co-operation will eventually enable us to evolve machinery for ratification and thus assume a more active role in support of the I.L.O. In questions such as these, however, it is necessary for public opinion to lead the way. I think it is an encouraging sign that there are to-day definite signs of an awakening of public interest in constitutional questions.

### The I.L.O. in Wartime

The work of the I.L.O. since the outbreak of the war has been carried on under difficulties. In 1940 the Office evacuated its comfortable quarters at Geneva, and, on the invitation of the Dominion Government, opened a temporary working centre at McGill University in Montreal.

In straitened circumstances as regards both staff and reference material, invaluable quantities of which had to be left behind, the I.L.O. soberly applied itself to the task of re-establishment.

As the war progressed a remarkable thing began to happen. In exile, and despite the interruption in sessions of the Conference, and all its other handicaps, the I.L.O. was found to be steadily growing in stature. As nations have begun to turn to the consideration of problems of reconstruction, it has been found that the I.L.O., on the basis of the enormous volume of its studies and research, can supply many of the answers. In Canada we utilized the expert technical assistance of the office when we were devising our unemployment insurance legislation. Some of our war-time labour measures, and our semi-official reports on social security, health insurance, and reconstruction problems, have also benefited in this way. Our experience has been paralleled abroad. Certain countries which will be drafting new constitutions when the war ends, are looking for guidance to the labour standards evolved by the I.L.O. And when the time comes to write the new treaties of peace there will, as in 1919, be occasion for a restatement of labour and social principles. Here the I.L.O. will be of inestimable service.

By 1944, with the war taking a favourable turn, the time was ripe for a resumption of sessions of the Conference. New international bodies such as UNRRA and the Lord Commission were beginning to function and others were projected. Reconstruction was in the air, and the pattern of post-war world organization

was beginning to emerge. The I.L.O. had a place in the new framework, and a contribution to make, but its exact status needed to be defined.

### The Philadelphia Conference

It was in this context that delegates from 41 nations gathered in Philadelphia last April, for a resumption of the work of the Conference. On the agenda were the topics of social security, employment policy, and reconstruction that are so pressing at this time. The conference also called upon to formulate recommendations to the United Nations for present and post-war social policy, with special reference to social provisions in the peace settlement, and to consider the future of the I.L.O. in the developing pattern of international organization.

At this moment of history it was necessary for the I.L.O. to achieve some sort of synthesis of past effort and plans for the future. Part of the job at the Conference was to sum up the work of the I.L.O. over the years, its immense body of draft social and labour legislation, and to place this solidly on record as a standard for the forthcoming peace; then to go forward and state the new goals which were scarcely dreamed of in 1919, but which we are insisting must be achieved in the better world for which the United Nations are fighting.

It was generally felt that the Conference was successful in accomplishing this purpose. Space will not permit a detailed account of the Conference but a brief outline of its achievements will indicate its scope.

The statement of aims and purposes took the form of a solemn Declaration, adopted unanimously, which has become known as the *Philadelphia Charter*. This document restates in the light of present conditions, the principles contained in the constitution of 1919, and goes on to emphasize the newer ideas which have more recently gained acceptance. It sets forth the right of all human beings to employment, economic security and equal opportunity, and it contains also an affirmation of the I.L.O.'s competence

to deal with these matters, and its authority to examine and consider all factors relevant thereto. Its significance is that it sums up vigorously the right and duty of the I.L.O. to become the United Nations' instrument for effectuating the social provisions of the Atlantic Charter and for bringing reality to the aspirations of working people everywhere.

The *Charter* is proposed to the United Nations for inclusion in the peace treaties, along with a more detailed group of suggestions for social and economic policy.

Post-war employment policy was the subject of a detailed series of proposals. It fell to the writer's lot to be chosen as Chairman of the Conference Committee which dealt with this topic. Recommendations were adopted concerning organization for full employment in the transition from war to peace, the employment service, and the national planning of public works, with special attention being paid to the rehabilitation of veterans.

The Australian Government presented a further suggestion on employment to the effect that a conference of government representatives be called at an early date to consider an international agreement on domestic policies to bring about full employment. The proposal was inspired by fear of the infectiousness of business depressions in our interdependent economies. No one country, the Australians stated, can count on maintaining an expansionist, full-employment policy if its neighbours are "exporting unemployment." Australia considered that a conference attended solely by governments could bind its participants to more definite commitments than could the I.L.O. with its representatives of workers and employers.

I am inclined to believe that in this specific urgent instance Australia is right, although I certainly do not agree with any implication that the tripartite structure of the I.L.O. should be modified. Rather do I feel that this feature has proved its practicability and its value, and I favour its extension into domestic affairs. Government-management-worker bodies could provide great service for the various

industries in Canada in the development of policy and the improvement of relations. In this connection also I welcomed the British proposal at the Conference that such industrial groups be established on an international basis.

The other item of importance with which we were called upon to deal concerned social security. A recommendation remarkable for its detail was adopted almost unanimously by the Conference with some half-dozen employers' delegates expressing opposition. It outlines a scheme as comprehensive as those propounded by Marsh or Beveridge. Its acceptance by an international assembly is a significant event in the world's social history. The social security recommendation was accompanied by a well-worked-out scheme for a public medical service, offering alternative techniques of health insurance or of socialized medicine.

All in all, the Conference was productive both of brilliant sweeping generalizations, and of minutely-planned details. It would be vain, I suppose, to overrate

the importance of international agreements which remain to be ratified by member states. On the other hand it would be ridiculous to underrate them. The fact that these texts are on record in the sight of all the peoples of the world as recognized international standards of what needs to be done, will grow and grow in significance. I mentioned earlier the remarkable increase in stature of the I.L.O. during war-time. This will continue. The I.L.O. will steadily work on the imagination of mankind, until it becomes dangerous for any government to ignore the standards it lays down.

In Canada, the Dominion and the Provinces are learning more and more the necessity of co-operation and joint action in their overlapping spheres of interest. I venture to prophesy that this trend will extend to our relationship with the I.L.O., and that the time will not be long in coming when Canada will take her place with the countries that have the proudest record in support of this world-wide march towards human betterment.

## Employment After the War

By GEORGE LUXTON and W. F. RYAN

WHILE it is necessary at the present time to consider post-war employment policies, it must not be forgotten that the existing manpower problem is serious. We should not be concentrating on the future to the extent that we interfere with present action to meet existing problems. At the moment the manpower demands of the armed forces, agriculture and war industry are heavy; there is no doubt that over the coming months pressure will increase. The impact of developing military operations on the labour market will be sharp; it is not possible to measure its ultimate effect. Reinforcements for the armed services, the urgent needs of the munitions factories and auxiliary plants, the prospect of a large harvest—

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all these will tax our ingenuity to the utmost and serve to emphasize that our most pressing problems at the moment are concerned with the requirements of the immediate situation rather than with formulating plans to meet post-war contingencies. This is not to say that the future should not be considered now. It simply means that *most* of our energy must be devoted to the problems of the present; there must, however, be some left over for evolving plans to meet the problems of the future.

### Full Employment

There can be no question that our leading post-war problem will be the provision of full employment. By "full employment" we do not mean that everybody will be put to work without reference to type of work or to hours and other con-