

"We make fun of countries [that] ratify conventions wholesale and then don't implement them. Canadian officials are usually very cautious. We spend years and years in internal debate.... Government lawyers are a peculiar breed, you know. They seem to worry about the remotest possibilities of what may happen one day.... [The result is that, out of 159 ILO conventions, Canada has ratified only 26, but these include most of the important human rights instruments.]

"In 1957, ILO delegates to the conference committee on discrimination were given two books. One contained replies from member states to the Governing Body's questionnaire on *Law and Practice*—the ILO always makes a distinction between what is on paper and how it is being implemented. The other contained a draft convention based partly on these replies. It lacked two important elements, in my view. It did not emphasize the duty of ratifying members to introduce legislation, and it did not provide machinery for receiving and investigating complaints. From my experience in Canada and the U.S.A., if you don't have these you might as well forget about it all.

"The first big fight in 1957 was over whether it should be a Recommendation or a Convention. The British had wanted the weakest form of international statement, a Resolution, but other Western governments were willing to have a Recommendation. Now there are good points about a Recommendation, and the ILO passed 169 of them up to 1984. If a government takes seriously a Recommendation it can draft internal laws based on it, and it is usually in more specific language than a Convention. On the other hand, it is a weaker form of instrument because you cannot ratify it and it doesn't bind a government to introduce laws. The Canadian Government and the employers' group were for a Recommendation, and I led the fight for a Convention. We won by a very narrow margin.

"The second fight was on the question of defining what is discrimination. There was no problem about political, racial or religious, but then came the question of discrimination of women. (In those days there was no thought of including the handicapped in a definition; that would have been totally innovative, and I'm sorry to say now our workers' group voted against it.) On the question of sex discrimination, the Canadian Government led the pack—Britain and New Zealand were there, too—for the exclusion of sex from the definition, on the grounds that it was a separate subject and dealt with under separate legislation.

"At one point they almost succeeded in getting deleted the reference to sex discrimination. But we had two readings of this draft, at the 1957 and 1958 conferences. The report of the 1957 ILO deliberations went to the United Nations Human Rights Commission, and several representatives there from different countries supported the position of the workers' group; women's organizations also came to our support. I will never forget the Irish government delegate pleading with us, 'What are you doing to us? We could never ratify this convention because of the clause on women.' But they did years later, and now they have a law on equal pay for work of equal value. Anyway, we won that point.