

may then either alter its law or the administration of its law in accordance with these recommendations. Once a country has ratified a convention, it cannot revoke its ratification or the legislation applying it, for a stated period of several years. Section 411 of the constitution of the ILO provides for the application of sanctions against countries which fail to apply conventions they have ratified, but this section has never been applied.

While there is no legal compulsion on any country to adopt ILO conventions, it has, however, always been felt that a moral obligation rests on all members of the ILO. Many countries have in the past feared that by adopting conventions in advance of other countries they were thereby placing themselves at a disadvantage in international economic competition by increasing their production costs. This fact has constantly served to emphasize the importance of simultaneous action in the adoption of ILO conventions.

Some countries have ratified more than 30 conventions. Others have been unable to ratify conventions because their laws were not identical in every detail with the provisions of the conventions; but even where the conventions have not been adopted, they have served as standards and norms for labour legislation and stimulated popular discussion and education.

CANADIAN PARTICIPATION

Canada has ratified six conventions, all concerned with conditions of labour affecting seamen. These include raising the minimum age for employment of boys at sea from 12 to 14 years; setting the minimum age of those employed as trimmers and stokers at 18 years; providing for periodic medical examinations for young seamen; establishing unemployment indemnity for those suffering unemployment as a result of shipwreck; providing for the marking of the weight on packages transported by vessel; and specifying what items were to appear in seamen's articles of agreement.

CANADIAN CONSTITUTIONAL DIFFICULTIES

Canada's constitutional set-up has been the cause of several problems regarding the ratification of ILO conventions. In peacetime, labour legislation, regarded as entering the category of property and civil rights, is within the exclusive jurisdiction of the provincial legislatures; yet the provinces do not have the right to make international treaties. The federal government has the competence to conclude treaties, but in the case of labour conventions has not the competence to put the terms into effect in its own country. In 1937 the Privy Council declared ultra vires Dominion legislation enacted in ratification of ILO conventions concerning the eight-hour day, the weekly day of rest and minimum wages. However, an eight-hour day for federal government employees, with certain exceptions, was subsequently provided for by the Dominion government.

It has been agreed that federal countries may regard conventions as recommendations and transmit copies of them to the appropriate legislative bodies as fulfilment of their obligations to the ILO. Provinces, however, are under no obligation to bring the conventions to the attention of the legislatures, and in many instances there has been no discussion whatever of the conventions. A Dominion-provincial agreement ensuring that all ILO conventions coming within provincial jurisdiction be introduced in provincial legislatures has frequently been suggested.

Commenting on the problem in its report several years ago, the Rowell-Sirois Commission declared:

"To give effect to their provisions, which are designed to establish uniform labour standards throughout the world, requires legislation which it is not within the competence of the Parliament of Canada to enact. It might have been supposed that on joining an international organization a state would at once alter its constitution to