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THE INTERNATIONAL LABOUR ORGANIZATION

Delegates to the 1944 conference of the International Labour Organization in Philadelphia on April 20 face a broad range of problems embracing the future policy and program of the ILO.

Recommendations for post-war policy to be made to the United Nations, organization of employment in the transition period between war and post-war, social security and minimum standards of social policy in dependent territories, and the relationship of the ILO to other international agencies are receiving considerable attention.

Organized in 1919 for the purpose of raising living standards throughout the world through common action, the ILO has operated on the premise that "poverty anywhere constitutes a danger to prosperity everywhere, and that accordingly the war against want, while it requires to be carried on with unrelenting vigor within each nation, equally requires continuous and concerted international effort in which representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare."

Originally, to be a member of the ILO, a state had to be a member of the League of Nations. Later, however, some nations, notably Brazil and Japan, withdrew from the League while still remaining in the ILO, while others, such as the United States, joined the ILO without joining the League.

The autonomy which the ILO enjoys has set it apart from the difficulties which beset the League of Nations. This has permitted the ILO to enjoy a far greater measure of confidence than other international organizations and has contributed greatly to its success.

The organization receives financial support from the League of Nations and from all the member states according to size, population, natural resources and stage of economic development of each.

The governing body is made up of four delegates from each of the eight states of chief industrial importance. Two of these delegates are representatives of the government, and one each of labour and management. The governing body normally meets four times a year to outline the program for the yearly conferences, to work out the budget and to appoint a new director when necessary.

Canada and Belgium had seats on the governing body from 1919 to 1935. In 1935 the United States and Russia, which exceeded them in industrial importance, joined the ILO. Canada was then given a seat for a deputy-delegate, and Dr. W. A. Riddell, the League representative at Geneva, filled that position. In October of 1935 Germany withdrew from the ILO, and Canada's seat on the governing body was restored.

The permanent staff of the International Labour Office is the secretariat. Normally it is a body of some 400 experts in many fields who conduct extensive research on social conditions throughout the world, and on such specific measures as are to be considered by the organization. Unlike the secretariat of the League of Nations, which merely conducted the business and research decided on by the League, the ILO secretariat takes the initiative and makes recommendations to the organization. In the summer of 1940 the secretariat, somewhat reduced in numbers, moved from Geneva to Montreal, where it is now established on the campus of McGill University.

Present acting director of the ILO, Edward J. Phelan, succeeded John G. Winant in 1941 on Mr. Winant's appointment as United States ambassador to the United Kingdom.

Annual International Labour Conferences are made up of tri-partite representation. Each member country sends two delegates representing the government (usually from the Department of Labour), one delegate representing labour, and one representing employers. Advisers may also be sent with each delegate, with the result that when the conference breaks up into committees to study individual proposals made by the ILO, a delegate may be represented on several committees by his advisers.

In countries like Canada and the United States, where there is more than one major labour organization, the labour delegate may be chosen from one organization, and some of his advisers from the other, with the result that both have equal representation on committees and equal voting power when the committees' findings are voted on. So far in Canada the Trades and Labour Congress and the Canadian Congress of Labour have been represented in this way, and the Canadian and Catholic Confederation of Labour has had a representative attached to the government delegation.

Delegates vote at the conferences as representatives of labour, management and government, not as representatives of their countries. Of 124 votes analyzed, workers' delegates were unanimous in 106 cases, employers in 72, and government delegates, representing governments with varying policies, in only 56 cases.

A "draft convention" may be proposed by any member; the subject is then fully examined by the permanent staff of the ILO, and the results of their research circulated so that members may be fully informed when it comes up for discussion as a convention at the following conference.

After the various subjects have been fully discussed in committee, they are voted on in a plenary session, and if approved by a two-thirds majority they are adopted. The adviser who sat on the committee concerned usually votes in the plenary session, rather than the delegate he represents.

Since the organization of the ILO, 67 conventions and 66 recommendations have been adopted, and there have been 884 ratifications by 50 different countries. These conventions fall into five major categories: those designed to protect women and children against harmful labour practices; those dealing with hours of work; social insurance; safety measures and industrial health; and unemployment.

A great deal of research as to measures already existing is done by the staff before any convention is drawn up. One of the functions of the ILO is the publication of a great many studies on various subjects, some of them undertaken at the request of particular governments to aid them in some special project; others undertaken with a view to carrying out, or at least publicizing as a preliminary step, the ILO's own policies.

After a convention has been adopted by the ILO, the member states are under obligation to submit it to their legislative bodies for discussion. There is no compulsion for any country to adopt it, but if its parliament does vote in favor of it, the country ratifies the convention and is then bound to put it in effect immediately. It also must report to the next conference as to how it is carrying out the provisions of the conventions it has ratified. Legal experts examine these reports; if it appears to them that the application of a convention in any given country is not according to the standards of the ILO convention, shortcomings as found by the legal experts are examined by a tripartite committee, which may make recommendations. The member state

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Annual International Labour Conferences are made up of tripartite representatives from each member country sends two delegates representing the government, two representing labour, and two representing employers. The government delegates are appointed by the government, the labour delegates by the labour unions, and the employer delegates by the employers. The ILO is a tripartite organization, and the tripartite system is one of its main features. The ILO is a unique organization, and its tripartite system is one of its main features. The ILO is a unique organization, and its tripartite system is one of its main features. The ILO is a unique organization, and its tripartite system is one of its main features.

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Since the organization of the ILO, 67 conventions and 66 recommendations have been adopted, and there have been 854 ratifications by 50 different countries. These conventions fall into three major categories: those dealing with general labour principles, those dealing with social insurance, and those dealing with occupational safety and health.

A great deal of research is to measure already existing laws done by the staff before any convention is drawn up. One of the functions of the ILO is the publication of a great many studies on various subjects, and these are published in the ILO's official journal, the *Bulletin of the International Labour Office*. The ILO is a unique organization, and its tripartite system is one of its main features.

After a convention has been adopted by the ILO, the member states are under obligation to submit it to their legislative bodies for discussion. There is no obligation for any country to ratify a convention, but the ILO does urge in favor of it. The country ratifies the convention and is then bound to put it in effect immediately. It also must report to the next conference on how it is doing and the provisions of the convention it has ratified. The ILO is a unique organization, and its tripartite system is one of its main features.

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.

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.

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

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"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. It seems that the best method would be for the provinces to give to the parliament of Canada power to implement such international labour conventions as the government of Canada has ratified or may ratify in the future."

This difficulty is not limited to Canada. Other federal states such as Australia and the United States have been confronted with a similar problem. One of the ILO's recommendations at its forthcoming conference is that states drawing up constitutions after the war make provision for meeting this problem.

THE PHILADELPHIA CONFERENCE
The ILO Conference held in New York and Washington in 1941 unanimously endorsed three of the principles of the Atlantic Charter: enjoyment of free access by all nations to the trade and raw materials of the world; collaboration among all nations in the economic field to secure improved labour standards, economic advancement and social security; peace which will ensure freedom from fear and want to all men.

The agenda of the conference to be held in Philadelphia beginning on April 20 is briefly as follows:

1. Future policy, program and status of the ILO.
2. Recommendations to the United Nations for present and post-war social policy.
3. Organization of employment in the transition from war to peace.
4. Social security: principles and problems arising out of the war.
5. Minimum standards of social policy in dependent territories.
6. Reports on application of conventions.
7. Director's report.

A proposed declaration concerning the aims and purposes of the International Labour Organization, which will be presented to the Philadelphia conference, states the fundamental objective of the ILO as "the attainment of conditions in which men have the right to pursue their material well-being and their spiritual development in freedom and dignity, economic security and equal opportunity."

Immediate objectives of ILO social and economic policy are:

- (a) the maintenance of full employment and raising of the standard of living by facilitating training and the transfer of labour, including migration for employment and settlement;
- (b) the assurance of a minimum living wage;
- (c) the right of collective bargaining;
- (d) social security measures providing a basic income in case of inability to work or to obtain work, and comprehensive medical care;
- (e) adequate protection for the life and health of workers in all occupations;
- (f) child welfare and maternity protection, including adequate nutrition, housing and facilities for recreation and culture;
- (g) educational and vocational opportunity.

Looking to the future, ILO has outlined its potential function as co-ordinator of the activities of international bodies dealing with fiscal policy, investment, trade, food and agriculture, commodity control and labour. The report prepared for the Philadelphia conference suggests that in the world organization which will be set up after the war, there

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This difficulty is not limited to Canada. Other federal states such as Australia and the United States have been confronted with a similar problem. One of the ILO's recommendations at its forthcoming conference is that better working conditions after the war make provision for...
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The ILO Conference held in New York and Washington in 1941 unanimously endorsed the principle of the transfer of the rights of workers' enjoyment of free access by all nations to the world and raw materials of the world, collaboration among all nations in the economic field to secure improved labor standards, economic advancement and social security of peace which will ensure freedom from fear and want to all men.

The agenda of the conference to be held in Philadelphia beginning on April 20 is briefly as follows:

1. Review of the progress of the ILO.
2. Recommendations to the United Nations for present and post-war social policy.
3. Organization of employment in the transition from war to peace.
4. Social security principles and problems existing out of the war.
5. Minimum standards of social policy in dependent territories.
6. Results of realization of conventions.
7. Director's report.

A proposed declaration concerning the aims and purposes of the International Labor Organization which will be presented to the Philadelphia conference, states the fundamental objective of the ILO as the attainment of conditions in which men may have the right to pursue their material well-being and their spiritual development in freedom and dignity, economic security and equal opportunity.

Immediate objectives of the social and economic policy are:

- (1) the maintenance of full employment and raising of the standards of living by instituting training and the transfer of labor; instituting legislation for employment and settlement;
- (2) the assurance of a minimum living wage;
- (3) the right of collective bargaining;
- (4) social security measures providing a basic income in case of inability to work or to obtain work, and comprehensive medical care;
- (5) adequate protection for the life and health of workers in all occupations;
- (6) child workers and maternity protection, including adequate nutrition, housing and facilities for recreation and culture;
- (7) educational and vocational opportunity.

Looking to the future, it has outlined the essential function as co-ordinator of the activities of international bodies dealing with social policy, investment, trade, food and agriculture, commodity control and labor. The report further states that the Philadelphia conference suggests that in the world organization which will be set up after the war, there

will be need for "both specialized administrative machinery capable of taking immediate decisions, and machinery for the general exchange of views on objectives and methods of approach."

It is for this second function that the ILO is considered peculiarly appropriate, as being representative of large sections of the world's population, and because of the fact that the delegates are representatives of "organized social forces having a real stake in the questions of social policy under consideration."

In a comprehensive survey of a possible program of action in the social field for the next five years, the ILO draws attention to the following problems: the organization of employment from war to peace; social security; wage policy; freedom of association and collective bargaining; housing and rebuilding programs; building standards for factories; model safety codes for industry; industrial health; education and vocational opportunity; the maritime work of the ILO; the agricultural work of the ILO; agrarian policy and unemployment; social policy in Axis countries occupied by the United Nations; restoration of economic activity and international trade; professional workers; migration; international comparisons of living costs and standards; relationship between international investment and standards of living; and minimum standards of social policy in dependent territories in regard to such matters as slavery and forced labour, land policy, health, housing, social security, prohibition of color bars, employment of women and children, wages, hours, holidays, industrial and co-operative organization.

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The reference paper is intended to provide a basis for the discussion of the social field for the next five years. The material is arranged in a way that will give the highest priority to the most important social problems.

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