

The International Labour Organisation

ITS ORIGINS AND STORY

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FOREWORD

This is a factual statement. It does not deal with such fascinating speculations as the extent to which the I.L.O. has contributed to the Welfare State, the effect of the creation of common denominators in hours of work and other conditions of employment, the alternative method, if any, to that provided in the Constitution for dealing with the dual authorities in Federal States, the inequality in the number of Government delegates for each State, viz., two as compared with one each for employers and workers, the advantages or disadvantages of detailed conventions compared with conventions confined to principles supplemented by recommendations embodying details, and finally the value of the new post-war activities of the I.L.O., particularly in the field of technical assistance.

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Benjamin Disraeli stated that his object in writing *Sybil* or *The Two Nations* in 1845 was to illustrate the condition of the people "without exaggeration and from his own observation". The two nations inhabited one country. They were the rich and the poor. The rich in the vast and golden salon of a London club on the eve of Derby Day, a salon reminiscent of Versailles in the days of the Great Monarch, leisurely sauntering into a supper room not less sumptuous than the salon with gleaming lustres pouring a flood of soft yet brilliant light over a table glittering with gold plate and fragrant with exotics embedded in vases of rare porcelain. The poor with 8/- a week for a man, his wife and eight children, or at least generally 8/- a week. People who work in the open cannot expect as much as those who work in a furnace in a manufacturing district. In the factories, the machinery counts, not the worker. "What is wages?" asked a miner. "I've been making £1 a week these two months past, but I've never seen the young Queen's picture yet. We're tommed to death. Pay the doctor in cheese at 10d. a lb. which he buys at 6d. for his servants."

Terrible news from Birmingham! These Chartists act upon a system. When Parliament refused to consider their national petition, the hell cats broke loose, stopped all the engines, turned out all the potters and issued a decree that labour was to cease until the Charter was the law of the land. "A fair day's wage for a fair day's work. No fines. No truck. No Tommy." These were the slogans of 1845.

The evils that arose in England through the sudden upgrowth of the factory system were spreading on the Continent wherever the same causes were at work. In England the factory system was somewhat earlier in date and spread more rapidly than in Western

Europe, but soon in the German provinces of Silesia and Westphalia, in the north-eastern parts of France, in certain cantons in Switzerland and in parts of Belgium "industrial progress" raised its ugly head, great fortunes were amassed and men, women and children toiled for long hours in unhealthy surroundings.

The credit for first suggesting international agreements as the only method for improving conditions of labour is usually given to Robert Owen. We know, however, that Jean Le Grand, a distinguished Swiss from Basle, a man interested in education, who was President of the Helvetian Republic in 1798, moved to Saint Moraud in Alsace in 1804 and continued his business there as a ribbon manufacturer. The workers lived in the old convent now converted into a factory, and had their meals with the Le Grands, a happy patriarchal family. Jean's son, Daniel, who was a deeply religious Huguenot, urged limitation of hours of work in 1840, and in a final appeal in 1855 addressed to the Governments of industrial countries, he stated "an international law concluded by the Governments of all industrial countries is the only possible solution of the great social problem of restoring family life to the working class". It is significant that the first French Factory Bill was 1840.

In Germany, a strong Christian movement arose against the evil conditions that prevailed in the industrial world. It was led by the Bishop of Mainz, Wilhelm Emmanuel von Ketteler (1811-1877), a man of great ability and a natural leader. For nearly 40 years by preaching, by lecturing, by writing, he guided men back to a truer conception of the social state and to a proper understanding of liberty and justice for all. He had a deep distrust of State intervention, knowing how often it is misused, yet he urged the need for reforms imposed by law, realising that it is often the only way to prevent the exploiting of the poor. At the same time, he taught that no social evils can be radically cured save by goodwill. At the time of his death, he was agitating for the appointment of factory inspectors. Thanks to him the German Central Party possessed a social doctrine and a social programme. Leo XIII referred to him as "my great precursor".

In France, Count Albert de Mun eloquently championed the cause of the working man, and Leon Harmel built his great factory near Rheims, showing in practical fashion how, rightly understood, the interests of employer and employed are one.

Prominent in the movement for social justice in England was Cardinal Manning who will be remembered as the man who, by his wise and patient intervention, settled the dock strike of 1889.

Leo XIII was not only a great Pope, but a great statesman, and from his windows in the Vatican he looked over Europe, seeing the sufferings of the poor, noting the prevailing evils and the bewildering variety of remedies proposed by opposing schools of thought. Socialists, in their indignation at the suffering endured by the workers in capitalist States were advocating the abolition of private property and the rebuilding of society on a new basis. Conservatives clung to the existing state of affairs with a little extra philanthropy thrown in here and there and, as so frequently

happens, a large proportion of every nation and every creed, intent on their own affairs, simply turned a deaf ear to the complaints of the workers and passed on.

Running as a Leit motif was the fear that an individual State could make but little successful progress either by national laws or factory inspection. It pointed to the need for an international authority and an international solution. The unbridled competition of the 19th century inevitably led men to the conclusion that it was only by breaking down the barriers of national frontiers and seeking an international solution for the social problem that remedies could be found for the sufferings of the workers.

In Switzerland, Gaspard De Curtins introduced and carried in the Swiss National Council a motion inviting all those European countries that were contemplating factory legislation to send representatives to an International Congress to be held in Berne to enter into an international agreement on such broad questions as regulation of child labour in factories, limitation of working hours for women, Sunday rest for all and a maximum working day.

In Germany, Bismarck's industrial policy was: Give the healthy workman the right to employment, assure his care when he is sick and his maintenance when he is old. Then the Socialists' bird call will be in vain. Workers will realise that the Government is earnestly concerned in their welfare. Imperialism was becoming a popular movement. Under it the workers had sickness insurance, accident insurance, old age and invalidity insurance. The Kaiser's plan was that the State should settle the Labour conflict, just as it had regulated Education and the Army. The Kaiser and Bismarck were considering international agreements on labour matters. Mr. Follows,¹ in his book on *The Antecedents of the International Labour Organisation* cites Bismarck's statement to the Reichstag in 1885, three years before the young Kaiser came to the throne: "A normal work day," said the Chancellor, "could be established for Germany alone, if that country were surrounded by a Chinese wall and were economically self-sufficient. Such was not the case. It would be necessary to establish a universal work day union similar to the universal Postal Union and a universal wage union would have to embrace the United States, England and every industrial country. None of these countries, in the interests of competition, could permit its officials, inspectors and workers to deviate from the internationally agreed standards in the least." Bismarck's conclusion was that such a proposal was impossible of achievement in the world in which he lived. "If we set out on this road alone, then we alone will have to suffer the consequences of our experiment and I do not believe we will succeed in persuading our neighbours to follow our example." His conclusion was based on the question of practicability and did not challenge the argument that the best protection for German workers without compromising the position of German industries was by international agreement arrived at by the States of chief industrial importance.

¹ Published by the Clarendon Press, Oxford.

When, therefore, Germany became aware of the Swiss invitation to an international conference in Berne, the Kaiser immediately intervened and sent a letter signed by himself to Bismarck directing that an international conference for a similar—indeed almost an identical purpose—should be invited to meet in Berlin. Switzerland waived her priority rights and the Congress was held in the Prussian² capital in 1890.

The high hopes of many of the promoters of the Berlin International Conference of 1890 were not, however, realised. The Congress, it is true, unanimously passed some valuable resolutions, such as the raising of the minimum age for entry to industrial employment to 12 years of age, but practical results were slow to follow on what Governments were inclined to treat as academic expressions of opinion. Undoubtedly, the Congress familiarised men's minds with the noble conception of all nations combining for the protection of the worker, and it demonstrated also the need of general principles on which the countries could agree to act.

Leo XIII decided that his next Encyclical should be on the condition of the working classes. And so it was that in May, 1891, the great Encyclical, generally known as *Rerum Novarum*, from its opening words, was given to the world. The industrial evils of the time were denounced. The enormous fortunes of some few individuals and the utter poverty of the masses were condemned. "There can be no question whatever that some remedy must be found, and found quickly for the misery and wretchedness pressing so heavily and unjustly . . . on the vast majority of the working classes. . . . A small number of very rich men have been able to lay upon the teeming masses of the labouring poor a yoke little better than that of slavery itself." The Encyclical brought out still more strongly the trend of opinion in favour of international solutions.

In 1893 De Curtins was again the protagonist of the idea of an International Conference. He persuaded the Workers' Assembly at Bienne to convene a Congress of workers' delegates without distinction of nationality, religious belief or political opinions to seek an agreement on protective labour legislation. Leo XIII unreservedly approved this proposal. "It is clear," he wrote, "that the protection given to workers in their employment would be quite inadequate if it took the form of different laws drawn up by each nation independently. The various commodities from different countries compete with each other on the same market and, therefore, the difference between the regulations under which workers are employed in different lands would enable the products of the industry of one nation to flourish at the expense of another."

It is not surprising that when the International Association for Labour Legislation was established in 1900 the Holy See decided to be officially represented, to pay a regular contribution, and to send a delegate to its meetings. This association was the International Labour Organisation in embryo. It had a permanent office

² See Sir Malcolm Delevigne's account in *The Origins of the I.L.O.* edited by James Shotwell. New York: Columbia University Press.

in Basle, which collected information and centralised the work of research. The procedure was a dual one; a technical conference first met to prepare drafts and make proposals; this was followed by a second conference, a diplomatic one, at which the representatives had full powers from their Governments. This conference took decisions and adopted conventions concerning the employment of women at night, and the prohibition of the use of white phosphorus in the manufacture of matches. These conventions proposed by the technical conference held in Berne in 1905 were ratified by the Diplomatic Conference held in the same city in 1906. In 1913, another technical conference prepared further draft conventions, but the outbreak of war in 1914 prevented their ratification.

Shocked by the horrors of war and inspired by the hope that out of so much suffering and ruin a world of greater justice would be born, workers of allied and neutral countries had demanded that the terms of the peace should safeguard the workers of all countries and ensure for them a minimum guarantee of moral and material order as regards labour legislation, trade union rights, migration, social insurance, hours of work and industrial hygiene and safety.

It, therefore, became a question for the Allied Powers engaged in the preparation of the Peace Treaties, as to the form that the Labour Charter or International Labour Organisation should take in the peace proposals. There is a detailed account in *The Origins of the I.L.O.*³ Sir Malcolm Delevigne of the British Home Office describes the early interest of the British Government in international labour legislation and the contribution it made to the Berne Conferences of 1905, 1906 and 1913. It was not until 1916 that a Ministry of Labour was established in Great Britain, and not until Ernest Bevin himself became Minister of Labour that the factory and inspection services were transferred to it. At the date of the Paris Peace Conference, factory and mines inspection services were still under the Home Office, but the new Ministry of Labour had taken over from the Board of Trade the labour exchanges and unemployment insurance services, trade boards, conciliation work and labour statistics and, later, Whitley councils, joint bodies of employers and workers in special industries.

To the Intelligence Division of the Ministry of Labour was assigned the important duty of "thinking about" the problems with which the Ministry might be faced and the contribution which the Ministry might be called upon to make to the preparation of the British plans for the labour section of the Peace Conference. The division had followed closely trade union opinion, not only in Great Britain and the Allied countries, but in Germany and the countries associated with her. It was clear that the question of international action regarding labour questions was part of the programme of organised labour in practically all countries, but whether an attempt should be made to secure the insertion in the Treaty of Peace of a Labour Charter providing for the

³ *The Origins of the International Labour Organisation*, 2 vols. Edited by Professor Shotwell and published by the Columbia University Press

immediate application of a number of reforms such as an eight hour day, the institution of a minimum age for entry to industry, etc., or to obtain from the Peace Conference a decision in favour of the establishment of special machinery for dealing with labour problems on an international basis was not clear and was the point for immediate decision. After lengthy consideration, the British Government decided in favour of the creation of special machinery consisting of a permanent organisation, periodical meetings at which employers and workers as well as Governments should be represented, the choice of employers and workers to be made in agreement with the most representative organisations of employers and workers, periodic reports should be made on the application of the decisions taken by the conference, and the workers' organisations should have the right to draw attention to cases of non-observance in a State that had ratified a decision of the conference. Provision was also made for the decisions of the conference to be laid before the "competent authority", i.e., the National Parliament.

Mr. Arthur Fontaine, the Director of Labour in Paris, who had played an important rôle in the Berne Conferences, was consulted informally and agreed that the question of setting up an international body to deal with labour questions should be given prominence in the Paris negotiations.

It was then decided that the British delegation to the Peace Conference should include a labour section composed of officials from the Ministry of Labour and the Home Office. The following were appointed: Sir Malcolm Delevigne and Mr. Bellhouse from the Home Office; Sir David Shackleton and Mr. Butler from the Ministry of Labour, together with Mr. Edward Phelan, also of the Ministry of Labour, as secretary of the section.

The British labour section was an independent section, and worked under the direction of the Rt. Hon. G. N. Barnes. The section had a special importance, as Mr. Barnes was a member of the War Cabinet and became later one of the British plenipotentiaries to the conference. This section of the British delegation devoted its energies solely to the establishment of a permanent international labour organisation and was not concerned with political questions arising out of the attitude of labour on the general Peace programme.

Mr. Phelan crossed to Paris on the 2nd January, 1919, and quickly established contact with Professor Shotwell of the U.S. delegation. After discussion, the acquiescence of the U.S. delegation appeared to be assured. As a result of further discussions with Mr. Butler and Mr. Barnes, Mr. Phelan prepared a memorandum, known as Document 25.⁴

⁴ *The Origins of the I.L.O.*: Edited by T. Shotwell; Document 25. Memorandum on the Machinery and Procedure required for the International Regulation of Industrial Conditions, prepared by the British Delegation, January 15-20, 1919. "The document here printed summarises the result of the examination of the question in London and in Paris up to the date on which it was prepared. It was written by Mr. Phelan. . . . For these ideas and conclusions the small group of British officials, namely, Sir Malcolm Delevigne, Mr. Butler and Mr. Phelan . . . may be considered as jointly responsible."

Britain took the necessary steps to have the question placed on the agenda of an early meeting of the conference, and a Commission consisting of representatives of the United States, United Kingdom, France, Italy, Japan, Belgium, Cuba, Poland and Czechoslovakia, taking the British draft as the basis for discussion, presented its report to a plenary session of the conference on the 11th April, 1919. President Wilson in signifying his agreement with the report, extended a cordial invitation to the International Labour Conference to hold its first meeting in Washington. The report was adopted, and the text as incorporated in Part XIII of the Treaty of Versailles became the Constitution of the I.L.O.

The main American contributions were the chairmanship of the Commission by Samuel Gompers, President of the American Federation of Labour, and the mediation between the British and American representatives of Professor Shotwell. Gompers made an admirable chairman, and Shotwell's ability as mediator was most successful, but perhaps the most outstanding feature of the proceedings of this Commission was that Mr. Phelan's original draft for the Constitution of the I.L.O. came almost unscathed through the fierce fire of the Commission. It was but little changed in the lengthy discussions and as adopted and incorporated in Part XIII of the Treaty of Versailles was substantially in all important points as he had first drafted it.

When the committee appointed to organise the Washington Conference reached Washington, they found that the President of the United States and his Government had no longer the confidence of the American people in their participation in international affairs. The American Government was willing to honour its engagements, but it could not take any steps that might be regarded as involving the American people in further international commitments. The main burden of the organisation and financing of the conference fell on Mr. H. B. Butler of the British Ministry of Labour, who was Deputy Secretary-General of the Labour Commission at the Paris Peace Conference. Mr. Butler's task was a most difficult one, requiring diplomatic skill and considerable organising power. It was generally recognised that he had performed it with conspicuous success by transforming the paper plan of Paris into a powerful machine of unprecedented character—unprecedented because of so many breaks with tradition, of which the most radical were the representation of employers and workers, with equal rights—including voting—with Government representatives, and the adoption of conventions by a two-thirds majority. These were revolutionary breaks with age-old traditions of the principles of State sovereignty and unanimity in international conferences.

When the question of the appointment of a director of the International Labour Organisation was raised—an appointment that was in the hands of the governing body, of 12 Government representatives, 6 employers' representatives and 6 workers' representatives—the French employers' representative asked for an adjournment so that the groups might consult among themselves

and together. When the meeting resumed, the voting gave an amazing result :—

Albert Thomas			11 votes
H. B. Butler			9 votes

Amazing because Thomas, one of the leading French Socialists before the First World War and Minister for Munitions during the war, was not a member of the Washington Conference nor of the Paris Peace Conference. His friends, the French workers had, before the Washington Conference, asked him if he would be a candidate for the directorship of the I.L.O. They desired to seek support for his nomination among their comrades from other countries, and even from employers and Governments. Their canvassing was effective, for of the eleven votes, six were votes of workers and five of employers. At a meeting of the governing body in 1920, Government representatives ratified his appointment unanimously.

The election of Thomas was due almost as much to the employers as to the workers. The attitude of the French employer no doubt represented an opinion widely held in France among small employers. If the bigger men with whom Thomas had worked as Minister of Munitions during the Great War had seen him differently they had, however, learned to respect his intelligence and to know that they could rely on his fairness. His attitude to the employers' group was that it was an essential part of the scheme of the I.L.O. Regarding as he did the claims of the workers as justified, the business of the organisation was to find ways of meeting them. The difficulties were considerable and they could only be successfully overcome by causing the minimum of disturbance and by securing the assent, if not the support of public opinion. The primary function of the employers was to put forward all the obstacles, technical as well as economic, in the way of any proposed reform. Thomas had no illusions as to the easy path, and it was his honesty in this respect that won him the confidence of the employers.

Thomas never allowed himself to be the mere mouthpiece of the workers' group. He ran counter to the wishes of many of them by his visit to the Pope, and when he instituted collaboration with the Church and appointed a Catholic priest to the staff. It was he who publicly recognised the part played by Catholics in the movement for social justice, by an official message read in Rome on the occasion of the festivities commemorating the fortieth anniversary of the *Rerum Novarum* and welcoming the promulgation of the *Quadragesimo Anno* :

“The International Labour Organisation, in which the peoples put their trust immediately after the world disaster, entrusting to it the establishment of really humane labour conditions as part of the effort to secure peace and world harmony, has set about this immense task with great confidence and enthusiasm. It realises that it is not a spontaneous creation, the result of a sudden burst of enthusiasm, but rather the consummation of prolonged efforts and of close and

active collaboration between all men of goodwill and all who are striving after ideals. The seed fell on good ground, which had been carefully prepared over many years by workers who were anxious to secure the reign of social justice, and among them those who based their convictions on the Encyclical *Rerum Novarum*."

The Director's annual report to the conference, Mr. Phelan regarded as Thomas' greatest individual contribution to the material work of the office. He had had to fight for the right to present it, and consent was only wrung from a reluctant governing body after much argument and persuasion. The prospect of his making a report to the conference and thus initiating discussions on questions of general social policy was unwelcome to certain Governments, and even more so to the employers. His staff envisaged a careful and scrupulously exact review, or rather catalogue of all decisions and activities. Albert Thomas' view, however, was very different. He meant to make what he called a "living" report, which would survey all the problems which confronted the organisation, not only those which were already before it but also those which were fermenting in the whole social cosmos. "As to how the material is to be presented to the conference, I shall take that on myself. It is the Director's report and the Director will write it." He was supplied with thousands of pages of material on every conceivable subject, and out of it he produced his report, a volume of some 400 printed foolscap pages. His reports achieved an international reputation, and were eagerly awaited by all interested in social questions.

Thomas created these annual reports of the Director of the I.L.O. of which the current issue is entitled: *World Labour Report, 1953: Productivity and Welfare, Economic and Social Survey Activities of the I.L.O.*

Mr. (later Sir) Harold Butler succeeded Thomas, and having been his deputy for twelve years there was no jolt, no jar, no change of method. The seeds which Albert Thomas had sown produced their harvest and the reapers were trained and ready. One international servant succeeded another and the work went on, a tribute to Thomas' organisation, but Thomas' personality could never be replaced.

When Sir Harold Butler left the I.L.O. for Nuffield College, he was succeeded by Mr. John Winant of the United States. The United States had become a member of the International Labour Organisation in 1934 when President Roosevelt acting under authority of a joint resolution of Congress, accepted the invitation to membership. It was during Mr. Winant's period of office that the Second World War broke out, necessitating the transfer of the office from Geneva to McGill University in Montreal, a transfer actually carried out by Mr. Phelan. Mr. Winant later became American Ambassador in London. ⁵As Acting Director in his absence, Mr. Phelan held the chief Executive responsibility during

⁵ Mr. Phelan was appointed Director in 1946, his appointment being retrospective to the date when he took over from Mr. Winant. He became Director-General under the revised Constitution.

the critical years of the Second World War. In 1941, he summoned a conference to meet in New York, and in 1944 he convened the conference of Philadelphia, to which he presented and which accepted the Declaration of Philadelphia. This Declaration, of which the full text is in the Appendix, not only defines the nature of the I.L.O.'s mission, but places it in the setting of the general effort to secure and maintain a peaceful world. This Declaration, for which Mr. Phelan was solely responsible, sets out not only the aims and purposes of the I.L.O., but the principles that should inspire the policy of its members. It reaffirms the fundamental principles on which the organisation is based, viz., that labour is not a commodity, that freedom of expression and of association are essential to sustained progress, that poverty anywhere constitutes a danger to prosperity everywhere and that all human beings, irrespective of race, creed or sex have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and of equal opportunity.

The Declaration was hailed by President Roosevelt "as summing up the aspirations of an epoch". He described it as a Declaration "that will acquire a similar significance to the Declaration of Independence". It had a definite influence on American thought about international organisations.

From 1944 the I.L.O. was, in preparation for the end of the war, engaged in drafting international recommendations that would ease the difficulties of the period of transition from war to peace. The I.L.O. entered this new period with 25 years of activity and experience behind it. In that period conventions concerning the minimum age of entry to industrial and non-industrial employment, hours of work, night work, compensation for accidents, unemployment insurance, sickness, invalidity and old age insurance and several conventions covering employment on board ship had been adopted and ratified.

At the first post-war conference held in Paris in 1945, the French Government pledged the continued support of France; Mr. Isaacs, Minister for Labour, Great Britain, conveyed to the conference in the most authoritative way possible the assurance that the British Government supported the organisation without reservation, and Miss Frances Perkins, the former United States Secretary of State for Labour, stated that the United States of America intended to continue whole-hearted participation in the work of the organisation, adding that President Truman reaffirms . . . that it is the settled policy of the United States Government to seek for the International Labour Organisation a proper place within the framework of the United Nations.

The time had now come for an examination of the original Constitution of 1919. A working party scrutinised it with the greatest thoroughness and embodied its observations and proposals in a detailed report submitted by the I.L.O. to all States members. It was further examined by a Commission of the Montreal Conference in 1946 when it was adopted unanimously and later ratified by States members in the instrument entitled the Constitution of

the International Labour Organisation Instrument of Amendment 1946. The original phrases are retained in the preamble, but a new significance and importance are given to them by the Declaration of Philadelphia which is incorporated in the revised Constitution.

The basic machinery has not changed and the tripartite system of Governments, employers and workers has been steadfastly maintained to the extent possible in the new post-war activities, of which the industrial committees are one. In January, 1945, the governing body decided to inaugurate a new series of committees to deal with problems in some of the most important international industries. The industries selected were: coal-mining, inland transport, iron and steel, metal trades, textiles, building, civil engineering, public works, petroleum and chemicals. These are all industries of international importance and are faced with international problems because they have world-wide ramifications or because their products enter into world trade or because they use raw materials imported from other countries, or for other reasons. Each committee is composed of Government, employers' and workers' delegates from countries in which the industry concerned is one of importance. The membership of these committees varies from 13 to 31 countries. Each country is entitled to two delegates for each group, i.e., a total of six together with additional representatives as advisers. The travelling expenses and subsistence allowances of the employers' and workers' delegates are defrayed by the I.L.O., whilst those of the Government delegates are defrayed by the Governments concerned. The agenda for the early meetings comprised two items: the social problems of the industry during the transition from war to peace and future international co-operation concerning social policy and its economic foundations in the industry. Now there are three or four items on the agenda for each meeting and production and productivity are the leading questions.

In 1944, the I.L.O. was the one surviving active international organisation; in 1953, it is one of several. The I.L.O. has, therefore, had to align its own post-war programme with those of other organisations and to shape its activity in order to contribute effectively to the accomplishment of the objectives of the United Nations as a whole. In 1945, it was running on a small working budget amounting in actual purchasing power to about half of its pre-war total. By 1940 it had lost over 85% of the experienced staff of the Secretariat. Notwithstanding these impediments, each of the International Labour Conventions adopted since the war^a "represents either a continuation of past action or a major step forward in translating commitments of the I.L.O.'s post-war programme into practical terms in the spirit of the wider objectives of the Declaration of Philadelphia". The Labour Inspection Convention of 1947 was the conversion of the International Labour Recommendation of 1923 into the International Labour Convention of 1947, with certain important amendments. The Maritime Conventions of 1946 represent striking progress in the International Seafarers' Code. The Equal Pay Convention represents the application of a principle enshrined as one of the nine points in Part

^a See *I.L. Review*, February, 1953: I.L.O. Since the War.

XIII of the Treaty of Versailles. The Social Security Convention of 1952 is an example of a convention based on the whole pre-war experience of standard-setting in one after another of the major branches of social security and on an entirely new concept of social security.

The question of freedom of association was one of the questions that came before the I.L.O. in the early years. After the Second World War, the problems of industrial relations came up with special force. In 1947, the World Federation of Trade Unions and the American Federation of Labour brought the whole problem of trade union rights before the United Nations Economic and Social Council. It was immediately referred to the I.L.O. Freedom of association was then placed on the agenda of the I.L.O. Conference, and so began a series of reports and conventions on many aspects of industrial relations, an important part of the I.L.O.'s post-war record of achievement.

⁷ Technical assistance is the term used to describe certain activities of international organisations in connection with economic development. Financial assistance is provided to enable the United Nations and its specialised agencies, of which the I.L.O. is one, to meet requests from underdeveloped countries for technical advice and the services of specialists in such fields as labour inspection, handicrafts and co-operatives, productivity, labour standards, vocational training, statistics and social security.

The man-power surpluses in some countries and deficits in others suggested migration as a solution. In 1950, a preliminary Migration Conference was held for the purpose of bringing together emigration and immigration countries to consider their respective problems. A special migration programme was initiated to facilitate immigration in Latin-American countries, e.g., Brazil, and key emigration countries, e.g., Italy, Germany and Austria. The International Migration Conference convened at Naples in 1951 recommended that the organisation should extend its intelligence activities in connection with current developments. In 1952, the I.L.O. issued every two months a migration bulletin, intended to meet the great need for accurate information on the subject of immigration and emigration. This bulletin has now been replaced by a monthly supplement to industry and labour, comprising articles on practical problems and on recent developments in the field of migration. In the first issue the emigration policy of the Netherlands is dealt with, as well as the immigration policy of the United States and the entry and employment of foreign workers in France.

Important research and information work has been directed towards exploring technical problems in the field of productivity. The April issue of the International Labour Review has articles on *Practical Methods of increasing productivity in Manufacturing Industries* and *Towards Higher Labour Productivity in the Countries of Western Europe* by Jean Fourastie, as well as details of the conclusions of the meeting of experts on productivity in

⁷ See *I.L. Review*, November-December, 1952: I.L.O. and Technical Assistance.

manufacturing industries held in Geneva in December, 1952, and attended by 16 experts from 13 countries.

The publications of the office are an index to the orientation and content of the I.L.O.'s post-war work and represent a considerable part of its activity. In fact, the I.L.O. is now a large world publishing house, working in three languages and printing about 60,000 pages a year and an average of nearly two volumes a day. A feature of this work is its close integration with the process of dealing with problems through the various parts of the I.L.O. machinery. It has been the key factor in ensuring that the I.L.O.'s work moves gradually forward from documentation to discussion, from discussion to decision and from decision to standard-setting or direct operation.

In the first year of his Directorship, Albert Thomas decided to create immediately a network of branch offices to which he attached so much importance. This idea of branch offices and more particularly the functions which it was proposed to confide to them, had undoubtedly startled Governments when they were first put forward, but the Director went ahead, and now the headquarter's work of the I.L.O. is supplemented by a world-wide network of seven branch offices situated in Ottawa, Paris, Bonn, New Delhi, Rome, London, Washington, and 38 national correspondents.

Under the original Constitution of 1919, membership of the League of Nations carried with it membership of the I.L.O. Under the revised Constitution the members of the I.L.O. are the States which were members on the 1st November, 1945, and such other States as may become members in pursuance of certain conditions prescribed in this Constitution, viz., any original member of the United Nations or any State admitted to membership by a decision of the General Assembly of the United Nations, and any State admitted to membership by a vote of a General Conference of the I.L.O.

In the case of a Federal State, the 1919 Constitution provided that a draft convention might be treated as if it were only a recommendation. Under the 1946 Constitution, the obligation is the same as in a non-Federal State in respect of conventions and recommendations which the Federal Government regards as appropriate for Federal action. In other cases, the Federal Government is obliged to refer the conventions and recommendations to the appropriate authorities—Federal, State, Provincial or Cantonal—for the enactment of legislation or other action.

A chart issued yearly gives up-to-date information in respect of the number of States members of the I.L.O.; particulars of conventions adopted and of ratifications.

When in September, 1923, the Irish Free State was admitted to the League of Nations, it automatically became a member of the International Labour Organisation. From that date to the present complete Irish Delegations^{*} have attended annual conferences, save those in the war years and the San Francisco Conference of 1948 and early Maritime Conferences. In 1928, Mr. Michael MacWhite,

^{*} A Complete Delegation is one comprising two Government delegates, one employers' delegate and one workers' delegate.

then the accredited representative of the Irish Government to the I.L.O. and League of Nations, was elected Vice-President of the conference. In 1937, Mr. Seán Lemass, then Minister for Industry and Commerce, was elected President of the conference on the proposal of Mr. Edward F. McGrady, Assistant Secretary of Labour in the United States, seconded by M. Justin Godart, Government Delegate of France. At the close of the conference, Mr. Lemass was congratulated on his quiet decision, unfailing courtesy and swift transaction of business.

In 1924 and 1925, Professor Alfred O'Rahilly was appointed Chairman of the Commission dealing with the prohibition of night work in bakeries. The Deputy Director, the late Sir Harold Butler, comparing the work of the Commission to a cargo on a ship caught in heavy seas, said: "A consignment of fresh bread, baked exclusively in the daytime was saved, thanks . . . to the efforts of the Irish boatswain who was in charge."

In 1935, the late Mr. R. C. Ferguson of the Department of Industry and Commerce, was appointed Chairman of the Commission that recommended approval of the principle of a forty-hour week.

In 1947, Miss Brighid Stafford was elected Chairman of the Commission on labour inspection.

But the Irishman whose name will be remembered in the annals of the International Labour Organisation is Mr. Edward Phelan, one of the main architects of the original Constitution. He was largely responsible for giving it the unique tripartite character which has been the source of its strength and authority and the secret of its success. He was the close adviser of Albert Thomas,* the right-hand man of Harold Butler and John Winant. It was he who brought the International Labour Organisation so triumphantly through the supremely difficult years of the war; it was his foresight and sagacity which enabled the organisation to survive and grow in strength when other international organisations disintegrated. It was the Declaration of Philadelphia, of which he was the sole architect, that inspired the organisation for the post-war years. As Mr. Phelan himself said when speaking at the International Labour Conference in San Francisco in 1948:—

"This is an organisation which embodies in its aims and in its actions some of the most profound aspirations of mankind—mankind's aspirations for liberty and social justice. . . . That is why it survived the war. That is why Canada welcomed it . . . when it escaped from the danger of war encirclement in Europe. That is why, after the first brutal shock, it began to advance and not to retreat. That is why when countries were within inches of destruction, they were willing to provide, even in their exhaustion, resources to keep the International Labour Organisation alive and permit it to expand. That is why delegates came to the New York Conference in 1941 even though, as a cynical pessimist put it:

* See speech of the Chairman of the governing body of the I.L.O.: San Francisco Conference, 1948.

'many of them had no countries to go back to'. That is why, as man's spirit rose to the challenge of destruction and the essential content of the peace to be fought for was focussed more clearly, men turned to the International Labour Organisation to define their aims. That is why delegates assembled again in 1944, though the war still raged, and used the International Labour Conference to express the purposes of their peoples in the Declaration of Philadelphia."

APPENDIX

Declaration concerning the Aims and Purposes of the International Labour Organisation.

The General Conference of the International Labour Organisation, meeting in its 26th Session in Philadelphia, hereby adopt, this 10th day of May in the year 1944, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its members.

I

The Conference reaffirms the fundamental principles on which the organisation is based and, in particular, that:—

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the 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.

II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour

Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that.—

- (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
- (b) the attainment of the conditions on which this shall be possible must constitute the central aim of national and international policy;
- (c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;
- (d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;
- (e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve :—

- (a) full employment and the raising of standards of living;
- (b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;
- (c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;
- (d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;

- (e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;
- (f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
- (h) provision for child welfare and maternity protection;
- (i) the provision of adequate nutrition, housing and facilities for recreation and culture;
- (j) the assurance of equality of educational and vocational opportunity.

IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

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DISCUSSION

Miss Beere said that she wished to join in thanking Miss Stafford for her paper. It had been a great pleasure to listen to an address so elegantly phrased and so eloquently delivered. Her own knowledge of I.L.O. work was confined to the maritime section, and she had been greatly impressed by the progress made in recent years for the welfare of seamen. In Ireland we had already ratified two of the nine conventions adopted at the I.L.O. Maritime Conference held in Seattle in 1946, and we would probably be in a position shortly to ratify two others. In the case of some of the conventions, however, while we complied fully in spirit and in practice, there were some minor difficulties—generally of a legal nature—standing in the way of ratification. This made one wonder whether the organisation has not perhaps made the detailed provisions of some of these instruments too rigid.

Irish men and women had played an important part in the development of the I.L.O., and in addition to the names mentioned by Miss Stafford she thought reference should also be made to Mr. Mortished, a distinguished former member of the Council of the Statistical and Social Inquiry Society, who had long been associated with the work of the I.L.O., and who had been responsible for the organisation of the Maritime Conference in 1946.

Since joining the I.L.O. in 1923, Ireland had ratified some thirty of its conventions, covering such diverse matters as night work of women, minimum age for employment of young persons in industry, crew accommodation on board ship, workmen's compensation and labour inspection in industry. I.L.O. conventions and recommendations have had a considerable influence on Irish labour legislation—to mention only two instances, our Conditions of Employment Act, 1936 (relating to industrial employment) and the Night Work (Bakeries) Act of the same year, which enshrine many of their principles. Some anxiety had, however, been expressed in certain quarters in recent years as to whether in fact the proposals of the I.L.O. for international instruments are not becoming too elaborate. For instance, last year's convention on minimum standards of social security might appear to be an endeavour to set up a standard Welfare State. She hoped that at some future time Miss Stafford would find it possible to continue her valuable work for the society by giving them another paper in which she would deal with the influence which the I.L.O. has had on labour legislation in Ireland.