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# THE LEAGUE AND LABOUR

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THE LEAGUE OF NATIONS  
SIX PAMPHLETS  
*for Study Circles*

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# The League and Labour.

## I.—THE WORK OF THE PEACE CONFERENCE.

Labour organizations were connected with the programme for founding a League of Nations long before the war came to an end. It has always been the policy of the various organized bodies of workers to promote any movement which seemed to promise the establishment of peace or at least the diminution of wars. But this general connection of Labour with a League for avoiding war may be taken for granted here. Apart from the general principles of international policy, Labour has a very close connection with the League because of the necessity for industrial legislation on an international scale.

During the later stages of the war the labour organizations of various countries demanded that an international Labour Conference should be held at the same time as the general Peace Conference. When, however, hostilities ceased, labour organizations were in most cases in opposition to the Governments of the Allied Countries; and for this and other reasons it was not found possible to hold an international Labour Conference in direct connection with the Peace Conference at Paris. The need for international labour legislation was nevertheless universally admitted; and therefore a special commission was set up at Paris for considering what could be done in the matter, while the unofficial conferences of Labour organizations were held in other cities.

The Labour Commission at Paris entered a field in which work had already been done some time before the war. An unofficial International Association for Labour Legislation had been organized at the end of the last century and a central office of this Association was established at Basle in 1901. After much negotiation with Foreign Offices, an international congress of officials was held and the Association secured the acceptance of two International Conventions at Berne in 1906. One Convention prohibited the employment of women at night, the other prohibited the use of white phosphorus in the manufacture of matches. Many States ratified these Conventions,

and after the recent Washington Conference, to be referred to below, it may be said that these Conventions will be embodied in the legislation of all industrial States. Progress was made in securing further Conventions in 1913. A similar, but less important, International Association existed for some time before the war for the study of unemployment; and voluntary effort had therefore prepared the way for an official international organization to deal with Labour questions. The general situation in the world had been changing rapidly in the years before the war, and the need for international action was becoming more obvious because of international trade and the industrialization of more and more peoples. The Commission of the Peace Conference, however, devoted itself not to the preparation of actual legislation on Labour questions, but to the setting up of a permanent organization which might make such legislation easier. Naturally, some people were disappointed, for they expected to find in the Treaties of Peace perhaps a definite agreement as to certain measures of social reform. But as a matter of fact it was clearly a much more valuable agreement to arrive at if the basis for action on an international scale could be established. This agreement the Labour Commission contrived to reach; and it was embodied in Part XIII of the Treaty with Germany and in corresponding parts of the other Peace Treaties. By these sections of the Treaties an International Labour Organization has been set up by the signatory States; and for the first time in history, therefore, there is an international governmental system, which is part of the state-system of the world, which deals with the increasing action of governments in regard to industrial regulation and social reform. There should be no confusion with earlier efforts in the same direction. All former organizations, although supported by Government, were dependent upon the voluntary co-operation of small groups of persons specially interested in reform. These groups could induce Governments to act, but they did not form part of the governmental machine, nor could their views commit any Government to any action whatever. Under the system now established the International Labour Organization is formed in part by the direct co-operation of Governments; and the decisions of its Conference are necessarily, under the terms of the Treaties, to form matter for legislation which must be proposed by the Governments.

The Labour organization is connected vaguely in the Treaties with the Covenant of the League of Nations and there is a

definite connection between the League and the Labour office; but one could of course exist without the other and the policy of each may be quite different from that of the other. The preamble to the Labour sections of the treaties, however, shows that the Peace Conference thought a Labour organization necessary for the preservation of peace and the spread of justice and humanity.

The actual value of the achievement of the Peace Conference in regard to international Labour legislation can only be tested in the future, but it should be remembered that even to increase the speed of the governmental machine is a great advance. It took six years, from 1900 to 1906, to induce the States to enter a Congress at which two very limited reforms were agreed upon; it took another seven to persuade them to come together again for a still more limited agreement. Now there is a permanent office always active and there will be yearly or perhaps half-yearly Conferences.

## II.—THE INTERNATIONAL LABOUR ORGANIZATION.

The new organization set up by the Treaties consists of (1) a General Conference; (2) a permanent Office; and (3) a Governing Body of the Office. The General Conference is an assembly in which sit the representatives of (a) the Government, (b) employers, and (c) workers. It is, therefore, not a parliament in the old sense, since industrial groups are directly represented in it; nor is it a purely "State" structure as is the General Assembly of the League of Nations. Each country has four representatives, two of them for the Government and one each for employers and workers, which naturally gives the Governments a certain preponderance; but it was felt that this would make it considerably easier for the Governments to be committed to action by the decisions of the Conference, and, of course, if there is a Labour Government in any country, the Government representatives of that country would naturally be of the same colour. The most important point, however, is that each representative from any country is free to vote as he thinks. The divisions of opinion in the Conference, in fact, are not national and the representatives from Great Britain do not vote as one group, for they represent not a collective "national" interest, but separate social or economic interests. The Conference, therefore, may be divided, not in accordance with nationality, but in accordance with industrial groupings. With each delegate "technical

advisers" may go to the Conference, two for each item on the agenda; and when the questions concern women, one at least of the advisers must be a woman.

The General Conference is supreme over the international Labour Organization. It chooses the Governing Body of the permanent Office and decides on the expenditure. It is in no way subordinate to the Assembly or the Council of the League of Nations. Its members are the representatives of the same countries as belong to the League; and this is its only connection with the League, except that it can call upon the Secretary-General of the League to give assistance in certain matters and to pay the expenditure it authorizes. The Conference is therefore in a sense "sovereign"; but not in the territorial sense, for it is a "functional" body representing economic as well as political units.

The General Conference is not in the fullest sense a Legislature. Its agreements cannot be *enforced* in the constituent States; but any conventions agreed upon by a two-thirds majority must form the subject of draft legislation which the Governments represented are bound to put before their national Parliaments. It does not follow that the terms of the international Conventions necessarily become law; for no Government is bound to see that the draft legislation is passed, and obviously no Government can be certain that its Parliament will accept the terms of the international agreement. The supremacy of the various Parliaments is therefore maintained; and there is nothing which can be called international legislation. But, on the other hand, the Conventions agreed by the General Conference have a weight and authority not hitherto to be found in any international agreement; and no Parliament is likely to disregard the strong recommendation for reform which is implied in a decision of the Conference. The presence in the Conference of those in direct contact with industry in the various countries gives a great prestige to what is agreed in regard to industry.

The General Conference elects the "Governing Body," which, according to the terms of the Treaties, is to consist of representatives of "the eight States of chief industrial importance," and of four others. It was found difficult to decide, apart from the first four or five industrial States, which were those "of chief industrial importance," but the intention of the Treaties is clear. The personnel of the Governing Body is to reflect not the equal sovereignty of States, but the differences of industrial development. The duties of the Governing

Body will doubtless be found to be wider than those specifically defined in the Treaties; but as things now stand, the Governing Body appoints the Director of the Labour Office, controls the Office, prepares agenda for Conferences and in general acts as a sort of Executive authority. Presumably the Governing Body at the Conferences will act as a sort of "Government" or Ministry in the presentation of draft Conventions and the official explanation of their terms. The Governing Body meets from time to time and controls the "civil service" of the new organization in the Labour Office.

This International Labour Office, established at the seat of the League of Nations, is a central department for all matters connected with industrial and social legislation. The Director is assisted by a large staff, which is already divided into many sections, employed in following up decisions already taken, in collecting information, preparing for future Conferences and publishing a periodical. It is provided in the Treaties that the Labour Office may communicate directly with the Ministries of Labour in the several States, without depending upon the Foreign Offices. An international office for Labour matters, of course, cannot be executive, as the departments are in a State; but it can be very valuable for collecting and publishing information. That, perhaps, is why the publishing of a periodical is named in the Treaties as one of the chief duties of the Labour Office. The difficulty will be that information derived from Governments and information which Governments would like to see published in regard to industrial conditions, is generally information either coloured by support of the established order or so colourless as to be misleading. The Labour Office is also charged with the duty of calling the attention of governments to the conventions agreed upon by the General Conference. The Treaties provide for the possibility that a Government may not carry out the terms of a Convention. In such a case an Employers' Association or a Trade Union may make a complaint which is to be published by the Labour Office. If one Government complains against another, the Labour office, presumably in this case the Governing Body, may appoint a Commission of Enquiry, which may advise economic action to be taken against the Government proved to have offended. A final appeal is allowed to the International Court of Justice under the League. Such is the scheme under the Treaties. We may now consider its actual working, for this section of the Treaties is already operative.

### III.—THE WASHINGTON CONFERENCE.

It has already been noted that the Treaties did not actually legislate on Labour matters; but they did more than devise an organization, since they provided in set terms for the immediate working of the new system. It was agreed that the first meeting of the General Conference of the Labour Organization should take place in the near future at Washington. The Labour groups of the various countries in 1919 were much more concerned with domestic than with international problems, but the new scheme continued to grow. The impetus given by the Labour Commission was enough, without popular support.

In preparation for the international Labour Conference an organizing Committee was set up which took an office in London and prepared reports and draft conventions on the subjects on the Agenda. These were (1) the eight-hour day or forty-eight hour week, (2) unemployment, (3) the labour of women, and (4) the labour of children. The Committee also reviewed the position in regard to the Berne Convention of 1906. Information on these points had been collected from about forty-five Governments.

Later in the Summer delegates were appointed to the Conference by the various States and those who went from Great Britain were: (1) for the Government, Mr. G. N. Barnes and Sir Malcolm Delevingne (of the Home Office); (2) for the employers, Mr. D. S. Marjoribanks (of Armstrong's); and (3) for the workers, Mr. G. H. Stuart Bunning. Each of these was accompanied by "technical advisers," of whom the Labour representatives were Mr. C. W. Bowerman (Printing Trades Federation), Mr. A. Onions (Miners' Federation), Mr. T. Shaw (Weavers' Association), Mr. J. Sexton (Transport Workers), Miss Margaret Bondfield (Women Workers) and Miss Mary Macarthur (Industrial Women's Organizations).

It cannot be said that in any country the meeting of the General Conference caused a stir; for, in fact, the majority of people never heard of it, the Press neglected it, and the Labour organizations of the different countries seem to have by this time lost all interest in international action. Forty countries, however, were represented; and the delegates of Germany and Austria were invited and were coming, but were unable to secure passages to America in time. Some countries, especially the very small and undeveloped countries, sent only

Government delegates; but in all the delegations from the larger countries there were also representatives of employers and of workers. A commission of the Conference examined the credentials of those who came and there was some discussion in cases in which the Government appeared to have nominated workers' delegates without the proper consultation of workers' organizations as laid down in the Treaties.

The Conference met for the first time at Washington on October 29, 1919. The Senate of the United States had not accepted the Peace Treaty and therefore the United States could not be officially represented at the Conference, but Mr. W. B. Wilson, the U.S.A. Secretary of Labour, was chairman of the Conference and welcomed the delegates in the name of the President. It seemed at first as though the absence of official delegates from the United States, in a Conference sitting in their capital city, would be detrimental to success, and there was some hostility shown to the Conference by members of the Senate and the House of Representatives. But it turned out that this was all to the good. The Conference was felt by the delegates to be on its trial; and the atmosphere in which it was held made everyone more anxious that it should succeed. Some of the delegates confessed that they had imagined the United States to be more progressive than they actually found it to be, and they were therefore willing to rely upon older countries for industrial suggestions. The result was that much hard work was done. Commissions were appointed to deal with such thorny subjects as social reform in Oriental countries; discussions in divers languages and between hostile groups were carried through and in the end the Conference produced a very remarkable series of international agreements on the subjects on the agenda. The Conference closed on November 29. It was the first of what is designed to be a series of conferences, and its success has already proved that at least in this connection the League of Nations can operate. It is no small matter that a large body of persons, speaking many different languages and with very divergent interests, should have reached agreement more rapidly than had proved possible at Paris; and it is of good omen that, although there was some discussion of conflicting interests, the Conference as a whole kept steadily before it the common interest of the working classes in all countries.

The first executive act of the Conference was to set up the Governing Body of the new Labour Office. As the Treaties, under which the Conference acted, had not yet been fully

ratified, this as well as the other actions of the Conference were technically "informal," and the only possible method of making the Conference itself "formal" was to suppose it adjourned and not dissolved until a Treaty was notified. Therefore the Conference was only dissolved formally on January 27, 1920; but of course that made no difference to the facts. The Governing Body had been set up in Washington and later held its meetings in Paris and in London.

On the Governing Body France and Great Britain have three members,\* and when the United States enters the League it will be entitled also to three. Two members of the present Body come from each of the following countries: Belgium, Germany, Italy, Switzerland, and Canada, and there is one member from Japan and one from the Argentine. Twenty are members of European countries and only four from non-European. The election of this Governing Body in Washington was made by the voting separately of the three groups representing Governments, employers and workers. Each member is elected for three years.

The first General Conference has left its mark on the whole organization by the creation of a Governing Body, and this Body, informally at first, appointed M. Albert Thomas, the French Labour leader and sometime Minister of Munitions, to be Director of the Labour Office. Apart from this action in connection with the Governing Body the work of the Washington Conference was the production of Conventions and Recommendations.

#### IV.—THE WASHINGTON CONVENTIONS.

The body of Conventions, Recommendations and Resolutions agreed upon at the first Conference of the International Labour Office may be described under the four heads of the Agenda: (1) the eight-hour day, (2) unemployment, (3) the work of women, and (4) the work of children. These Conventions and other agreements are mentioned here not as though they were a finished work, but simply as definite examples of the sort of work which can be accomplished by the new Organization. The texts, of course, do not constitute Laws and are not even binding on the Governments represented at Washington until

\* The British member representing Labour is Mr. Stuart Bunning.

they are ratified.\* They stand, in this regard, on exactly the same footing as all previous conventions between sovereign Governments; but in this case, as was noted above, the Governments represented in the Conference have bound themselves to introduce legislation to give effect to the agreements.

The Convention on *the hours of labour* makes it necessary for the signatory Governments to introduce Bills to establish the eight-hour day and the forty-eight hour week in mines, factories, and transport services of various kinds. Agriculture was excluded and is to be considered at a future international Conference, probably in 1921. The application to seamen was discussed by a Conference at Genoa in June, 1920. The authorities in the several States are to decide on the maximum amount of overtime to be allowed and the Convention is so phrased that special provision can be made for such services as those on railways. In continuous processes the limit is to be 56 hours instead of 48 per week. Of course there are the exceptions common to most forms of such legislation in case of accidents, when the time limit has to be exceeded; and there is no provision for the hours of supervisory or managerial staffs.

Japan and India are given special consideration under this Convention on the ground mentioned in the Treaties, that they are countries of incomplete industrial development.

With regard to *Unemployment* the Convention establishes an international system for collecting information at the International Labour Office from all the countries in regard to unemployment and measures taken or contemplated to combat it; secondly, it establishes free employment offices in countries in which they do not now exist; and thirdly, it secures for immigrant workers unemployment benefits similar to those received by the workers of the country. Apart from the agreed Convention, it was *recommended* by the Conference that all new private employment offices should be forbidden and all existing private employment offices should be permitted only under a license. The British Government delegates opposed this recommendation. It was also recommended

\* Every member of the League, however, is bound to present draft Bills in the terms of the Conventions to the competent Legislatures. It may be noted that Governments may be bound by the two-thirds majority of the Conference even though they are opposed to the Conventions.

that there should be unemployment insurance; that public works should be allocated to periods during which there was serious unemployment; and that foreign workers should be protected by national agreement between the States. The Conventions will be made, or are already, the basis of laws and will be ratified. The Recommendations are of course not binding in the same way, but they will doubtless be made the basis for resolutions of Parliament like that concerning the Fair Wages Clause, and they also can be "ratified" in a new form of ratification.

With regard to *women's labour*, a Convention was agreed to which will involve a law that for six weeks after childbirth a woman shall not work in industry and shall have the right to leave work six weeks before confinement. More important still, the law must allow for maintenance during both periods. Dismissal is not to take place during the two periods of rest before and after childbirth. A second Convention on women's labour forbids the night-work of women in industry and defines the night as including the time from 10 p.m. to 5 a.m. Recommendations were also made in regard to the prevention of anthrax and the prohibition of the work of women and children where there was risk of lead poisoning.

With regard to the labour of children, a Convention fixes the minimum age of employment at fourteen, except that in Japan and India it may be twelve. A Convention also forbids the work of persons under eighteen during the night, but persons over sixteen may be employed in the night on continuous processes.

This body of Conventions and Recommendations provides material on which laws may be based. The Labour Office will, of course, press for ratification of the Conventions and the passing of laws. But clearly the whole machine will be useless unless there is public interest enough to exert pressure upon Governments. The success or failure of the Labour Organization of the League of Nations depends upon the general public and especially upon organized labour. Only an enlightened and vigilant public opinion will make secure this part of the building of a future world in which not wars and death but peace and progress shall be the chief interest of statesmen, as it is now of the common folk.

## Questionnaire.

### I.

- (1) What was the connection of Labour with the idea of a League of Nations during the war?
- (2) What were the steps which led up to the clauses in the Peace Treaties dealing with Labour?
- (3) What is the effect of those clauses, and how do they differ from all previous international action with regard to Labour questions?

### II.

- (1) How is the new international Labour organization, which the Treaties set up, constituted?
- (2) What is the system of voting on the Conference, and why has it been adopted?
- (3) What are the functions and powers of the Conference?
- (4) What are the functions and powers of the Governing Body and of the Labour Office?

### III.

- (1) What subjects formed the agenda of the Washington Conference?
- (2) What was the constitution of the Conference?
- (3) What did the Conference achieve, and what did its achievement prove with regard to action by the League of Nations on Labour problems?

### IV.

- (1) What is the legal position of the Conventions agreed upon at the Washington Conference?
- (2) What are the provisions of the Conventions on—
  - (a) Hours of Labour;
  - (b) Unemployment;
  - (c) Women's Labour;
  - (d) Children's Labour?

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