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The Labour Clauses of the Peace Treaty and the Washington Conference

BY THE HON. N. W. ROWELL.*

The Treaty of Versailles creates two new International organizations—one the League of Nations; the other the Labour Organizations. The object of the League of Nations is to promote world peace by providing for the settlement of International disputes by conciliation or arbitration or by judicial determination; and by binding the nations to adopt one or other of these methods of settling all their International controversies before resorting to the arbitrament of war. The object of the International Labour Organization which is associated with the League of Nations, is to promote industrial peace, based on social justice, by improving, through international agreement, the conditions under which men live and labour.

So much thought and attention has been centred on the League of Nations that the significance and far-reaching importance of the International Labour Organization have not as yet been fully appreciated.

The Peace Treaty defines the purposes for which the International Labour Organization was formed. It sets before us a great social programme and creates an international organization to promote and if possible secure, the universal adoption and execution of this programme. The Treaty declares:—

That the establishment of universal peace, which is the object of the League of Nations, can only be secured if it is based upon social justice;

That conditions of labour exist involving such injustice, hardship and privation to a large number of people as to produce unrest so great that the peace and harmony of the world are imperilled;

*Honourable Mr. Rowell,—President of the Canadian Privy Council, was a member of the Canadian Delegation to the International Labour Conference which recently met at Washington, and was personally one of the most outstanding figures of the Conference.

That an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

That the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

And that the nations members of the League, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the establishment of a permanent organization for the promotion of the objects above set forth.

One of the most important articles in the Labour sections of the Treaty is a declaration of principle which has been described as the Magna Charta of Labour. It is declared that Labour should not be regarded merely as an article of commerce and that there are certain methods and principles for regulating labour conditions which all industrial communities should endeavour to apply so far as their special circumstances will permit; that among these methods and principles the following seem to be of special and urgent importance:—

First—The guiding principle above enunciated that labor should not be regarded merely as a commodity or article of commerce.

Second—The right of association for all lawful purposes by the employed as well as by the employers.

Third—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth—The adoption of an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained.

Fifth—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth—The abolition of child labor and the imposition of such limitations on the labor of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh—The principle that men and women should receive equal remuneration for work of equal value.

Eighth—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth—Each State should make provision for a system of inspection in which women should take part, in order to insure the enforcement of the laws and regulations for the protection of the employed.

These principles were only agreed to by the nations signatory to the Treaty of Peace after prolonged consideration extending over some weeks, in which the Prime Minister of Canada took a leading part and it was on the motion of Sir Robert Borden that the Peace Conference unanimously adopted these principles.

THE INTERNATIONAL LABOUR ORGANIZATION

The permanent Labour organization consists of a General Conference of representatives of the members (that is, of the nations parties to the Treaty) and an International Labour Office controlled by a Governing Body. The membership in the Labour Organization is coincident with membership in the League of Nations. It was first the General Conference of representatives of the members which was held recently at Washington and it was the Governing Body which controls the International Labour Office which was elected at this Conference.

Every nation, member of the International Labour Organization, is entitled to send four representatives to the Conference—two representing the Government and two others representing respectively, the employers and the work-people. The non-government delegates are chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers and of work-people, as the case may be. In Canada, therefore, the employers' representative, Mr. Parsons, was chosen in agreement with the Canadian Manufacturers' Association and the workers' delegate, Mr. Draper, in agreement with the Trades and Labour Council of Canada. Every delegate is entitled to vote individually on all matters which are taken into consideration by the Confer-

ence. This is in itself a new and radical departure in International gatherings. Heretofore the nation spoke through its Government; under the present organization each delegate has the right to vote as he considers right. Each delegate is entitled to be accompanied by advisers, who shall not exceed two in number for each item on the Agenda. As the majority of the subjects on the Agenda for the Washington Conference related to matters over which the Provincial legislatures have jurisdiction, the Government in choosing its advisers asked each Provincial Government in Canada to nominate an adviser and all the Provinces accepted this invitation and were worthily represented among the advisers to the Government delegates at the Washington Conference.

The functions of the Conference are to consider and, if possible, agree upon International action to give effect to the social programme outlined in the Treaty, each annual conference being limited to the consideration of the subjects placed on the Agenda for such Conference. The decisions of the Conference may take the form:—

(a) Of a recommendation to be submitted to the members for consideration, with a view to effect being given to it by National legislation or otherwise; or,

(b) Of a draft International Convention for ratification by the members.

In every case a majority of two-thirds of the votes cast by the delegates present is necessary on the final vote for the adoption by the Conference, of the recommendation or draft convention, as the case may be.

In the case of a Federal State, such as the United States or Canada, the power of which to enter into conventions on labour matters is subject to limitations, it is in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of the Treaty with respect to recommendations would apply in such a case.

If a Convention or recommendation is adopted by the necessary majority, each member undertakes to submit the recommendation or draft convention to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other appropriate action; the submission to be made within one year, if practicable, or in any event within eighteen months from the closing of the Conference. If the subject matter of the Convention is beyond the powers of the Federal Parliament but comes within the jurisdiction of a

Provincial Legislature, the Federal Government might treat the Convention as a recommendation and forward it to the Provincial Government for consideration. If no action is taken to make the recommendation effective, or if the draft convention fails to obtain the consent of the authority within whose competence the matter lies, no further obligation will rest upon the member. If, on the other hand, the recommendation is made effective by legislative action or if the convention is approved and ratified by the proper authority, then appropriate provisions are included in the Treaty to ensure the carrying out of the recommendation or convention.

The functions of the International Labour Office which carries on its work under the control of the Governing Body, includes the collection and distribution of information on all subjects relating to the International adjustment of conditions of industrial life and labour and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of International Conventions and the conducting of such special investigations as may be ordered by the Conference. It is entrusted with, and in a sense it exercises, a measure of supervision over the carrying out of the recommendations made and conventions entered into pursuant to the decisions of the International Labour Conference.

The Governing Body which controls the International Labour Conference consists of twenty-four persons, twelve representing Governments and six persons elected by the delegates to the Conference representing the employers and six by the delegates representing the workers. Of the twelve persons representing Governments, eight shall be nominated by members which are of the chief industrial importance and four shall be nominated by members selected for the purpose by the Government delegates to the Conference, excluding the delegates of the eight members mentioned above. At the Washington Conference Canada was chosen as one of the Governments entitled to name one of the twelve members representing the Governments and Mr. Draper, the Canadian Labour Delegate, was elected as one of the six delegates representing the workers, it being understood that if the United States comes into the Labour organization Mr. Draper will make way for Mr. Gompers. Of the twenty-four members constituting the Governing Body, twenty are from European countries and four from the rest of the world. This distribution occasioned a protest from the Conference but Canada could not complain so far as her own position was concerned

because of the four representing the rest of the world, Canada secured two. The fine position accorded Canada at the Conference was due largely to the esteem in which Canada is held because of the part she played in the war.

Provision was made in the Peace Treaty itself for the holding of the First International Labour Conference at Washington in the month of October of this year, the Conference to be called by the President of the United States. The Treaty also settled the Agenda, which was as follows:—

- (1) Application of principle of the 8-hours day or the 48-hours week.
- (2) Question of preventing or providing against unemployment.
- (3) Women's employment:
 - (a) Before and after child-birth, including the question of maternity benefit;
 - (b) During the night;
 - (c) In unhealthy processes.
- (4) Employment of children:
 - (a) Minimum age of employment;
 - (b) During the night;
 - (c) In unhealthy processes.
- (5) Extension and application of the International Conventions adopted at Bern in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

The work of the Washington Conference was to consider this Agenda. Its deliberations concerned the social and industrial welfare of millions of people in every country in the world.

In view of the importance of, as well as the very great interest which has been taken in the action of the Conference respecting the eight hours day and forty-eight hours week, may I draw your attention particularly to the provisions of the Treaty of Peace in reference to this subject:

(1) As I have already intimated the Treaty defines the objects for which the International Labour Organization was created, asked to promote, and among the most important of these objects is the regulation of the hours of work including the establishment of a maximum working day and week."

(2) Among the principles which constitute the Magna Charta of Labour embodied in the Treaty and

accepted by the nations signatory thereto, is "The adoption of an eight hours day or a forty-eight hours week, as the standard to be aimed at where it has not already been attained."

(3) The first item on the Agenda for consideration by the Washington Conference is "the application of the principle of the eight hours day or the forty-eight hours week."

The Washington Conference, therefore, was not called upon to consider the question of whether the regulation of the hours of work including the establishment of a maximum working day and week was wise or unwise; this matter was settled by the Treaty of Peace. Nor was the Washington Conference called upon to consider whether in so regulating the hours of work and establishing a maximum working day and week the principle of the eight hours day or the forty-eight hours week was wise or unwise; that also was settled by the Treaty of Peace. What the Washington Conference was called upon to consider and the only matter properly open to the Washington Conference to consider was what the Agenda provided, namely, "the application of the principle of the eight hours day or the forty-eight hour week" to the conditions existing in the world to-day. In considering the application of this principle the conference was required, by the express terms of the Treaty itself to have due regard to those countries in which climatic conditions, imperfect development of industrial organization, or other special circumstances made the industrial conditions substantially different and to suggest such modifications, if any, as it considered might be required to meet the case of such countries. It was in the light of the foregoing provisions of the Treaty of Peace that the Conference proceeded with its task and as a result of four weeks of consideration and deliberation, the Conference practically unanimously (the vote being ninety for and two against) approved the form of a draft convention limiting the hours of work in industrial undertakings to eight in the day and forty-eight in the week.

As Canada is a member of the International Labour Organization and will be called upon to take action in reference to this Convention, as provided in the Treaty of Peace, I am sure you will be interested in an outline of its principal provisions:

1—The Convention applies to industrial undertakings only, not to commerce or agriculture, and the competent authority in each country must define the line of division between industry on the one hand and commerce and agriculture on the other.

2—It is provided that the working hours of those employed shall not exceed eight in the day and forty-eight in the week, with the exceptions provided for in the Convention. As these exceptions are of very great importance may I enumerate them for you.

(1) Persons holding positions of superintendence or management or employed in a confidential capacity.

(2) Where the hours of work on one or more days of the week are fewer than eight, the eight hour limit may be exceeded by not more than one hour per day. To illustrate: Where a Saturday half holiday is granted the hours of work on the other days of the week may be eight and a half or nine as the case may be so long as the forty-eight hours per week is not exceeded.

(3) Where persons are employed on shifts the eight hours day and forty-eight hours week may be exceeded provided the average number of hours over a three weeks' period does not exceed eight per day and forty-eight per week.

(4) The limit of hours may be exceeded in the case of accident, actual or threatened, or in the case of urgent work to be done to machinery or plant.

(5) The limit of hours may be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average.

(6) In exceptional cases where it is recognized that the limitation of hours of work to eight per day and forty-eight per week cannot be applied, agreements between workers and employers organizations concerning the daily limit of work over a longer period of time, may be given the force of regulations if the Government to which the agreement shall be submitted, so desires. But the average number of hours worked per week over the number of weeks covered by any such agreement, shall not exceed forty-eight. This exception would cover the situation on our Canadian railways where it is necessary for men to work longer than eight hours a day and where in some weeks they may exceed forty-eight hours per week, provided that in the total period covered by the agreement the average does not exceed forty-eight hours per week.

(7) Regulations shall be made public authority determining:

(a) The permanent exceptions which may be made where the work is preparatory, complementary or intermittent in its character.

(b) The temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work. It was stated on behalf of the Committee which recommended the Convention to the Conference that this clause was intended to cover seasonal employments where, owing to the limited period of the year during which work could be carried on there is exceptional pressure of work during that period.

These regulations, however, must fix the maximum additional hours in each instance and the rate of pay for overtime shall not be less than one and a quarter times the regular rate.

Each member that ratifies this convention agrees to bring its provisions into operation not later than July 1, 1921. Any member which has ratified the Convention may denounce it after the expiry of ten years from the date upon which the Convention first came into force.

A consideration of the provisions of the Convention at once discloses the fact that large liberty of action is authorized to meet local conditions in different industries and the varying conditions in different countries.

In most of the countries represented at the Conference they already have an eight hours day and in many cases a forty-four hours week in important groups of industries and it is expressly provided in the Treaty of Peace that in no case shall any member be asked or required as a result of the adoption of any recommendation or draft convention by the Conference to lessen the protection afforded by its existing legislation to the workers concerned. The far-reaching effect of the Convention is that it bring within its scope all industrial undertakings in all countries parties to the convention and limits the hours of work in such countries in accordance with the terms of the Convention.

As I have already explained the Peace Treaty required that special consideration should be given to countries where climatic conditions, imperfect development of industrial organizations or other special circumstances make the industrial conditions substantially different. One of the most important questions which the Conference was called upon to consider

was what countries were entitled to special treatment and in the case of such countries, which modification should be made in the provisions of the Convention. All the countries of Asia and the tropical countries on all continents claimed the right to consideration under the clause, and the Conference after full consideration, decided that they were entitled to such consideration.

In Japan they are working at the present time, in their industrial establishment, on the average about twelve hours a day and seven days in the week. The Committee which considered the position of these special countries reported in favour of limiting the hours of work in Japan as follows:

(a) The actual working hours of persons of fifteen years of age or over must not exceed fifty-seven in the week, except in the raw silk industry, where the limit may be sixty hours.

(b) The actual working hours of persons under fifteen years of age and of all miners of whatever age engaged in underground work, shall in no case exceed forty-eight in the week.

(c) A weekly rest period of twenty-four consecutive hours shall be allowed to all classes of workers.

The representatives of the Government of Japan present at the Conference undertook on behalf of the Japanese Government to accept this recommendation. The result is that Japan, instead of a twelve hours day and a seven day week will have practically a nine and a half hours day and a six day week. The Committee in reporting to the Conference expressed the hope that within five years Japan would waive this special treatment and accept the general provisions of the Convention.

All thoughtful students of world-wide industrial conditions cannot fail to recognize the great importance of the provisions of this Convention in reference to Japan. The workers on this continent have not very much to fear from the competition of their brothers who live to the North or South of the 49th parallel; but what many feel they have to fear is the competition of the millions in Asia as their industrial development proceeds and no one will question the great gain to Canada, the United States and Europe in the reduction of the hours of labour in Japan from seventy-two to fifty-seven a week, and in the granting of the weekly day of rest. But one should look upon the matter from a much broader standpoint; namely, that the greatest gain will be to Japan herself in the improvement in the social and industrial condition of millions of Japanese workers, male and female.

In the case of British India the principle of the sixty hours week was adopted for all workers, in industries at present covered by the Factory Act administered by the Government of India, in mines and in such branches of the railway work as shall be specified for this purpose by a competent authority, and further provisions limiting the hours of work in India are to be considered at a future meeting of the General Conference.

The provisions of the Convention do not apply to China, Persia and Siam, all represented at the conference; but provisions limiting the hours of work in these countries are to be considered at a future meeting of the General Conference.

In the case of Greece it is provided that the Convention shall not apply until July 1, 1923, for certain unhealthy industries, and until July 1, 1924 for others. In the case of Roumania the Convention shall not be brought into operation before July 1924.

The adoption of this Convention was considered the greatest achievement of the Conference. While at the outset there was a sharp division of opinion between the employers and workers' delegates yet after prolonged consideration common ground was reached and all delegates, save two employers, voted for Convention as recommended by the Committee. It was contended by some employers at the outset that the adoption of the eight hours day would seriously reduce production. This was stoutly denied by the workers who claimed that in eight hours the worker could and would do as much as in ten or more. If the Convention is carried into effect the responsibility will rest upon the worker to make good and maintain production which is so urgently needed.

In addition to this Convention the Conference also approved the following draft conventions:

1—Prohibiting the employment of children under fourteen years of age; this Convention has been referred to as the Children's Charter.

2—Prohibiting the employment of women in industries at night; namely, for eleven consecutive hours, including those from 10 p.m. to 5 a.m., except in certain processes where night work is essential to prevent certain loss.

3—Prohibiting the employment of young persons under eighteen in night work; namely, for eleven consecutive hours including those in night work from 10 p.m. to 5 a.m. except in certain continuous processes such as steel, glass works, manufacture of paper, raw sugar and gold

mining reduction works.

4—Providing that no women shall be permitted to work for six weeks after child-birth and any woman shall have the right to leave her work on a medical certificate that confinement will probably take place within six weeks. In both cases she is to receive a maternity benefit sufficient for the full and healthy maintenance of herself and her child provided by the State or by a system of insurance.

5—Making provision to guard against unavoidable unemployment.

The Conference also passed certain important recommendations for submission to the members of the International Labour Organization for action as provided in the Treaty of Peace but time will not permit a reference to them.

May I say with reference to the great majority of the Conventions and Recommendations, that all the delegates from Canada whether representing the Government, the employers or the workers were agreed as to their wisdom and joined in their support and with few exceptions these Conventions and Recommendations were approved with practical unanimity by the Conference on the record vote.

There are extremists on the side of Capital who would repudiate the International Labor Organization and all that was done at the Washington Conference. There are extremists on the side of Labour who would take exactly the same position, but the man is blind who cannot see that the world is facing to-day new and grave problems on the wise solution of which depends the security of the State and the preservation of civilization. There are those in every land who challenge the very foundations not only of industry but of society itself. They preach a class war and appeal to the worker to secure for himself a new and better day, by the overthrow of existing forms of Government, by the destruction of Capital, and by placing all the powers of Government in the hands of a single class.

Every citizen who recognizes the slow and painful process by which our humanity has reached its present stage of development and the necessity for the preservation of constituted authority and of the reign of law, must combat these sinister movements with all possible energy. But I venture the opinion that the best method of combating these movements is not to assume a hostile attitude to the legitimate demands of labour; is not to oppose a class war by the claim for class domination, but to recognize that existing institutions can only be maintained and progress can only be secured by the genuine

and whole-hearted co-operation of all classes for the common good. The real friends of law and order and constituted authority are those who join with the legitimate leaders of labour in an honest effort to rectify the wrongs of the past and to secure as speedily as possible the establishment of social justice.

In this critical time a grave responsibility rests not only upon Governments, but upon employers and employees alike to co-operate for the public good, to increase production, to encourage thrift and to develop a sound, sane, national patriotism which, while always seeking to conserve the nations' interest, will recognize its obligation to other nations to co-operate in improving industrial conditions and in maintaining the peace of the world.

The Conference marked a new era in International relations and its decisions when carried into effect should result in a great betterment in the condition of the workers the world over.

Forty nations participated in its deliberations, representing all the great races, except the Germanic, all the world religions, and all degrees of Industrial development. It was composed of legislators, Government experts on labour and industrial problems, representatives of capital and labour,—leaders in industry and the chief spokesmen of the new hopes and aspirations of the toiling masses in almost every land. These men met face to face in a sincere endeavour to find common ground upon which progress could be made toward the establishment of that new and better social and industrial order which every man of vision instinctively feels must follow all the unselfish service and noble sacrifice of these war years. Man found that differences of race, of language, of religion and of class, largely disappeared in the recognition of the common bond of human brotherhood and in the practical effort to co-operate to improve the condition of the worker.

The Conference decided, with practical unanimity, that the child of the toiling mother should be better born; that the children of the workers should not be compelled to toil during the period when they should be at school, and that larger opportunities of education and recreation should be provided for them to fit them for life's responsibilities; that young people under the age of eighteen should not be permitted to work at night, but should have their nights free for sleep and for building up the strength needed for life's struggles; that women, too, should be freed from night work and from em-

ployment in unhealthy processes; that provision should be made to protect the worker against the haunting fear that unavoidable unemployment may prevent him from earning a livelihood and providing his wife and children with food and shelter; and that the hours of men's labour should be limited so that they might know what "home" means and might have leisure to spend a portion of each day in company with their wives and children;—in short, that the conditions of life should be humanized.

At this first great gathering of the family of Nations, Canada took her place as one of the nations of the British Commonwealth, as an equal of all other nations, and gave her voice and vote to promote the cause of social justice and universal peace. It is said in some quarters that on the question of the eight hour day and forty-eight hours week, Canada should have stood aside and let the great procession of the nations move on; that she should have held back until the United States had acted. I recognize and appreciate the importance of the participation of the United States both in the League of Nations and in the International Labour Organization, not only from the standpoint of Canada, but from the standpoint of world interests. But the representatives of Canada had signed the Treaty of Peace containing the Labour clauses and the declaration for the eight hours day or forty-eight hour week. The Parliament of Canada had unanimously approved the Treaty. There was only one honourable course for the Government of Canada and that was to declare its intention to carry out its obligations under the Treaty, both in letter and in spirit. Canada did not wait for the United States to enter the war before deciding on her course of action. The moment the conflict broke out she pledged her all for the cause of Liberty. Canada did not wait for the United States to approve the League of Nations or the terms of the Treaty of Peace; but knowing the urgent need for an early peace, so that Europe might be saved from collapse, the Parliament of Canada promptly approved the Treaty and accepted all its obligations. And Canada did not await the action of the United States in this great world movement for social justice. She took her place among the nations, as did her troops overseas, in the very front line. The United States followed us into the war. I cannot but believe that in time she will approve the League of Nations and enter the International Labour Organization. Canada has secured the moral leadership of this continent by the part she has taken in world events during the past five years. Let all our actions in the future be worthy the record of the past!