

Sources for the Study of the International Labour Organization

by **PAULETTE DOZOIS**

The purposes of the International Labour Organization (ILO), formed during the peace negotiations following the First World War, were to reduce poverty, to improve working and living conditions for all individuals throughout the world, to promote social justice, and to work with the League of Nations in achieving a permanent peace. The world's first tripartite organization, the ILO consisted of representatives from the member governments of the League of Nations, labour unions, and employer groups.¹ Canada has been represented on the ILO's Governing Body since 1919, and has participated in every ILO conference; Canadians have served as ILO President three times and as Chairman of the Governing Body four times. The International Labour Organization and the League of Nations were the first two international bodies on which Canada was represented as an independent nation. Since Canada has played such an important role in the International Labour Organization, why has so little been written on the subject by Canadian scholars? This article provides a short historical sketch of the ILO, and highlights sources at the National Archives of Canada which can be used to study this organization.

Through the efforts of Prime Minister Robert Borden, Canada applied pressure at the Paris Peace Conference, and won the right to sign the Treaty of Versailles, and joined the League of Nations as an independent nation.² During the Paris Peace Conference, a Commission on International Labour Legislation was created, whose purpose was to determine the issues regarding labour matters in the formation of the new League of Nations. The nations represented at the Peace Conference realized the importance of labour issues in the postwar period, and sought to calm the labour and social unrest throughout Europe in 1918 and 1919. The Canadian government also realized the significance of labour unrest and invited P.M. Draper, Secretary of the Trades and Labour Congress of Canada, to be a delegate to the Paris Peace Conference. The International Labour Commission recommended to the League of Nations the formation of an International Labour Organization. The delegates at the Peace Conference agreed, and the formation of the ILO took place on 6 May 1919.³

Although she failed in her attempt to secure a seat on the International Labour Commission, Canada asked to be represented on the International Labour

Organization as an independent nation, citing her contribution to the war effort and her position as one of the largest and most highly industrialized countries in the British Empire, with labour conditions different from those of Great Britain. Canada was successful in securing independent status and won election to the Governing Body of the ILO at its first conference, held at Washington in October and November 1919.⁴

The Washington conference passed six conventions and six recommendations dealing with the principle of the eight-hour day and the 48-hour week, as well as conventions on night work for women, minimum age for employment, and night work for younger employees. When the ILO's member nations began the process of ratification, the Canadian government met with an immediate problem in attempting to comply with the ILO conventions. Although the Canadian representatives at the ILO conference signed the conventions, there was a problem in determining whether the provincial or federal government had responsibility to pass enabling legislation. The federal Department of Labour believed that Section 132 of the British North America Act gave the federal government the power to legislate but conceded that the provinces had jurisdiction. The federal Minister of Justice stated that the provinces, not the federal government, had the final power to decide, which meant that every province had to enact the same legislation before Canada could comply with an ILO convention. The Trades and Labour Congress pressured the federal government to find some way to solve this problem, and a series of federal-provincial meetings on this issue took place during the 1920s and 1930s. The Canadian Chamber of Commerce, speaking for Canadian business interests, believed that it was impossible for the governments of Canada to pass legislation concerning the 48-hour work week before the United States enacted similar laws. Because the United States government had not joined the International Labour Organization, Canada's business community believed that the United States would not introduce such legislation.⁵

In 1937, the Judicial Committee of the Privy Council resolved the issue of responsibility for legislation on the 48-hour week by declaring that federal legislation on any ILO convention which impinged on provincial legislation was *ultra vires*.⁶ Throughout the 1930s, the Canadian government continued its efforts to conform with various ILO conventions by passing legislation dealing with matters falling exclusively under federal jurisdiction. Canada did not, however, have a good reputation at the ILO because so few conventions were ratified. After the Canadian delegation explained the Canadian dilemma, the ILO began to give equal recognition to both federal and provincial ratification of its conventions.⁷

During the economic depression of the 1930s, the ILO, concerned about the rising rate of unemployment, recommended such measures as the construction of public works to reduce unemployment, the abolition of overtime, and the adoption of social security programmes such as unemployment insurance. Prime Minister Bennett, as part of his "New Deal" legislation, introduced to the Canadian public the ILO's hours-of-work convention as a means of solving Canada's serious unemployment situation. Following the defeat of Bennett's Conservatives in the 1935 federal election, the new Liberal government under Mackenzie King referred the issue to the Judicial Committee of the Privy Council,⁸ whose ruling in 1937 meant the end of Canadian attempts to legislate this convention.

With the outbreak of the Second World War, the ILO, faced with an uncertain future, was unable to continue its work from Geneva. However, the ILO accepted the Canadian government's offer of Montreal as a location, and continued the publication of *The International Labour Review*, and studies of labour and social issues.⁹ During the ILO conference at New York in 1941, delegates passed a resolution calling for an increased role for the ILO in the peace that would follow the Second World War.¹⁰ During the Philadelphia conference in 1944, the ILO confirmed its anticipated postwar role with an expanded definition of the ILO's aims and purposes.¹¹

The International Labour Organization was the only League of Nations body to survive the Second World War, and in 1946 became the first of the specialized agencies of the United Nations. In the years following the war, the ILO undertook research into the standards of work, but also took on new responsibilities for subjects like worker education, management training and, most importantly, human rights and international aid through technical assistance. Since the end of the Second World War, the ILO has worked with other specialized UN agencies like UNESCO, UNICEF, the World Health Organization, the Food and Agricultural Organization, and the Human Rights Commission.¹² Commitment to the economic and political stabilization of Europe led the ILO into new areas of human rights and technical assistance. Following the American government's announcement of the Marshall Plan in 1947, the ILO passed a resolution indicating the organization's willingness to contribute fully to reconstruction activities.¹³ The ILO began to promote the view that government interference in the work of either trade unions or business associations should not be permitted, creating a tension between western-bloc nations and the Soviet Union and its eastern-bloc allies on the subject of human rights. In this way, the ILO, like many other international organizations, was drawn into the "Cold War" which limited the ILO's ability to operate some of its programmes.¹⁴

The National Archives of Canada holds numerous public records and private papers on the Canadian involvement in the International Labour Organization. The Government Archives Division is responsible for the appraisal, selection and servicing of the records created by the departments and agencies of the federal government, and holds the records of the Department of Labour and the Department of External Affairs which concern the International Labour Organization.

The Department of Labour, established in 1909, has always been responsible for federal participation in the International Labour Organization. In 1946, the Department of Labour established an International Labour Affairs Branch which conducted the department's involvement in the ILO.¹⁵ The records of the International Labour Affairs Branch begin with material on the work of the League of Nations and the International Labour Organization in correspondence covering the years from 1919 to 1940. There is material on all of the ILO sessions, conferences and committee meetings from the mid-1930s to the present time. This voluminous series of records also includes a great deal of material on ILO conventions and labour standards; files of correspondence document Canada's work on the setting of labour standards, the negotiations between the provincial and federal governments, and the views of both labour and business on labour standards.

The records of the International Labour Affairs Branch are strongest for the period from the mid-1930s to the mid-1970s, documenting a wide variety of subjects: the work of Canadian delegations on matters ranging from the eight-hour day to human rights and technical assistance; the negotiations between the Canadian government and the ILO after the outbreak of the Second World War in moving the ILO's office to Montreal, along with the work of the Montreal office during the Second World War; the important New York, Philadelphia, and San Francisco Conferences which established the role of the ILO in the postwar period seen from the points of view of Canadian government, labour and business; the Canadian delegation's movement in emphasis after the Second World War from standards of work and labour conventions to the issues of technical assistance and human rights; the ILO field programmes of the 1950s and 1960s.¹⁶

Although the Department of Labour has been responsible for federal relations with the International Labour Organization, the Department of External Affairs, established in 1909, has also had a role to play. This role has centred on monitoring the Canadian role in the ILO and on coordinating this role with Canada's relationship with other international organizations. There has always been a great deal of communication between the two departments on international labour events, the ILO and, in more recent years, the issues of technical assistance and human rights.¹⁷ There are three main registry series within the records of the Department of External Affairs in which one may find material relating to the ILO. In the first registry series covering the years from 1909 to 1939 are records covering the formation of the League of Nations, the International Commission on Labour, and the formation and early work of the ILO. Administrative files on the organization, finances, and personnel of the Canadian legation to the ILO in Geneva may be found in these early records, together with an almost complete set of minutes of sessions, meetings of the governing body, and conferences. There is also evidence about the work of the Canadian delegation on the various labour standards proposed by the ILO in its early years.¹⁸ The second registry system covers the years from 1939 to 1963, documenting the work of the ILO during the war years; the period spent by the ILO office in Montreal; the New York, Philadelphia and San Francisco conferences, as well as the ILO's negotiations to enter the United Nations. As in the first registry system, there is a great deal of material on the administrative workings of the Canadian delegation to the ILO office. There is also a complete set of material relating to every ILO conference during this period. There are records concerning various ILO committees of which Canada was a member, as well as records on the relationship of the ILO to other UN agencies, and on the individuals who were Canadian representatives on the governing body. The Canadian government was quite involved in international aid throughout this period, and there is evidence in this series concerning Canadian aid programmes, technical assistance, and human rights. The work of the Canadian government and the ILO concerning apartheid in South Africa is yet another significant subject.¹⁹

The Manuscript Division of the National Archives of Canada acquires and preserves private records of both individuals and corporate bodies that are deemed to have national significance. The Manuscript Division operates the Business Records Programme and the Labour Archives Programme, whose records of business and labour organizations and prominent labour leaders contain a great deal of

material relating to the role played by various employer groups in the International Labour Organization.²⁰

The Toronto Board of Trade, founded in 1844, has throughout its history acted as a pressure group representing the business community in Canada. Although the Toronto Board of Trade's interests have primarily been national ones, it has also spoken out on international issues, including the International Labour Organization. The records concerning the ILO consist of correspondence describing the work of the ILO and reflecting the viewpoint of business. Canadian business organizations were represented at the ILO by The Canadian Employers' Delegation, which was part of the International Organization of Employers. Since the Toronto Board of Trade often supplied a member of this delegation, the Board's records include reports from the Employers' Delegation, and correspondence on the work of the ILO and its member nations, along with various committee reports. The bulk of this material is from the early 1950s to the mid-1960s, and concentrates on the role played by the delegation from the Soviet Union and eastern-bloc countries.²¹

The Canadian Manufacturers Association, formed in 1871, has throughout its history been Canada's most prominent pressure group representing Canadian manufacturers. The material concerning the ILO dates mostly from the Second World War, consisting of correspondence, reports, minutes of meetings of the Canadian Employers' Delegation, and the minutes of various committees of the ILO on which Canadian businesses were represented. These committees included the Employer Group of the ILO, the Governing Body, the Industrial Committee, the Metal Trades Committee, the Iron and Steel Committee, and the ILO Committee on Vocational Training. This material provides a fuller understanding of the issues that Canadian business felt were important to them and to the other countries represented. Canadian business delegations were able to contribute to the changing nature of the ILO in the period following the Second World War and the material in the CMA collection documenting this period is particularly strong. There is also a lot of material concerning other United Nations agencies and their relationship with the ILO.²²

The Canadian Chamber of Commerce, formed in 1925, addressed both domestic and international issues confronting Canadian business. A representative of the Chamber has often led the Canadian Employers' Delegation to the ILO, and their records include a considerable amount of material relating to the ILO. Once again, like the records of the Toronto Board of Trade and the Canadian Manufacturers Association, the records primarily document the period following the Second World War. This group of records is larger, and the Canadian business view of the work of the ILO is more widely described. There are general correspondence files containing a variety of letters and reports about the work of the Canadian delegation, including an incomplete set of minutes of the Canadian delegation for the early 1950s. These records mirror the same concerns relating to the voting bloc of the communist countries that are voiced by the Toronto Board of Trade records. In these records there is also a sense of the commitment that the business community felt towards the ILO's work in the area of human rights and technical assistance.²³

In 1956, the Canadian Labour Congress was formed by means of the amalgamation of the Trades and Labour Congress of Canada and the Canadian Congress of

Labour. The Canadian Labour Congress has always maintained a high interest in the international labour movement through its Department of International Affairs, which has been its liaison with the International Labour Organization, the Confederation of Free Trade Unions, the Trade Union Advisory Committee of the OECD, and the Commonwealth Trade Union Council. The records in the collection document the Department of International Affairs' work.²⁴

Within the records of the Canadian Labour Congress is a series of records which includes a great deal of material relating to the International Labour Organization from the 1930s through the late 1950s. By examining the correspondence files in this series one can determine the influence of the Canadian labour movement on the work of the ILO. These files also include a great deal of material on the struggle within Canada during the 1930s to determine which level of government was responsible for passing various ILO conventions. One can also examine the role of the ILO and the work of the ILO office in Montreal during the Second World War, using records which explain how it attempted to keep interest in itself alive within the Canadian labour movement. There are also records on the New York, Philadelphia and San Francisco conferences of the ILO during and after the war. Finally this series includes a group of ILO reports and printed material for the period from 1944 to 1949 which illuminates the ILO's use of publicity to ensure a place for itself in the United Nations.²⁵

The records of the International Department of the Canadian Labour Congress can also be found in the Manuscript Division, documenting the CLC's work on the international scene in the period following the Second World War. The CLC's relationship with other UN agencies like UNESCO and ECOSOC can be studied, as can the CLC's relationship with the International Federation of Trade Unions and the World Federation of Trade Unions. There is also extensive correspondence with the Department of External Affairs on a number of international events like the Vietnam War and the fight against apartheid in South Africa.²⁶ There are records of Canadian labour participation in all of the International Labour Organization's conferences, as well as records of the meetings of the Governing Body and the many ILO committees of which Canada was a member, and extensive correspondence concerning the relationship between the labour, business and government representatives on the Canadian delegations. This series also contains material concerning the work completed by the CLC and the Canadian delegation to the ILO in the areas of human rights and technical assistance for the Third World. The CLC was very active in investigating labour conditions throughout the world, and the records in this series reflect this interest.²⁷

Another excellent source of material documenting Canadian involvement in the International Labour Organization are the papers of Kalmen Kaplansky. From 1957 until 1966, Kalmen Kaplansky was the Director of the Department of International Affairs of the Canadian Labour Congress. He started his career in the Montreal Typographical Union, and later became Secretary of the Montreal District Council of the Quebec section of the Labour Party of Canada. From 1960 to 1966, he was a member of the Governing Body of the ILO, and from 1967 to 1980 he was Director of the Canadian Branch of the ILO and Special Advisor to the Director General.²⁸

The records in this collection supplement the excellent series of records of the CLC's International Department, because Kaplansky retained copies of a great deal

of the work which he performed for the CLC. Correspondence, reports and subject files all illustrate his involvement in both the Canadian delegations to the ILO and the International Labour Office from the mid-1940s until the present time. Kaplansky's papers also include his speeches and publications on the ILO and on the contribution made by Canadians to the ILO, and reflect his interests in the areas of human rights and technical assistance.²⁹

In their 1988 book, *The Assault on Trade Union Freedoms*, Leo Panitch and Donald Swartz point out that Canada does not have a good record in approving many of the ILO's standards or conventions of work, having ratified to date only 26 of 160 ILO conventions. One of the reasons for this dismal performance, they argue, is the continuing problem of which level of government has the right to introduce legislation, and whether unanimous provincial consent is needed before a convention can be ratified. There have, however, been other reasons. Canadian legislatures have consistently intervened against trade union rights and, until the Charter of Rights became entrenched in the Canadian constitution, trade unions had no recourse other than to appeal to the International Labour Organization. Panitch and Swartz state that between 1974 and 1985, Canada accounted for one-third of the total complaints to the ILO.³⁰ In 1985, because of the growing number of complaints to the ILO from Canadian unions, the International Labour Organization sent an unprecedented special study team to Canada to investigate some of the major complaints. The team's conclusions were not uncritical of Canadian governments, both federal and provincial.

There are very few secondary sources that have examined the development and survival of the ILO, the role that Canada has played since the ILO's formation, and the effect of the ILO on the Canadian labour movement. This article is intended to suggest that extensive and rich primary documentation awaits Canadian scholars who will undoubtedly study the International Labour Organization and its place in Canadian history.

Notes

- 1 George V. Haythorne, "The International Labour Organization: A Canadian Appraisal after Fifty Years," *Canadian Public Administration*, Vol. 14, No. 2 (Summer 1971), p. 173.
- 2 Frank E. Burke and John A. Munro, *Canada and the Founding of the International Labour Organization* (Ottawa, 1969), p. iii.
- 3 John Mainwaring, *The International Labour Organization: A Canadian View* (Ottawa, 1986), pp. 18-20.
- 4 H. Gordon Skilling, *Canadian Representation Abroad: From Agency to Embassy* (Toronto, 1945).
- 5 National Archives of Canada (hereafter cited as NA), Kalmen Kaplansky Papers, MG 30 A 53, Vol. 3, File 38, p. 7.
- 6 John Holmes, *The Shaping of Peace: Canada and the Search for World Order, 1943-1957*, Vol. 1 (Toronto, 1979), p. 18; Mainwaring, p. 57.
- 7 NA, Kaplansky Papers, Vol. 3, File 38, pp. 9-10.
- 8 *Ibid.*, pp. 12-13.
- 9 Holmes, p. 19.
- 10 NA, Chamber of Commerce Papers, MG 28 III 62, Vol. 73, File 589, p. 3.
- 11 Mainwaring, pp. 114-16.
- 12 Haythorne, p. 191.
- 13 Anthony Alcock, *History of the International Labour Organization* (New York, 1971), pp. 209-11.

- 14 Alcock, pp. 213-17, 254.
- 15 NA, Records of the Department of Labour, Record Group 27, Inventory and Finding Aids, Records on the International Labour Organization.
- 16 *Ibid.*
- 17 NA, Records of the Department of External Affairs, Record Group 25, Inventory and Finding Aids, Records on the International Labour Organization.
- 18 *Ibid.*
- 19 *Ibid.*
- 20 NA, Report by Neil Forsyth on Business Records in the Manuscript Division, Report by Peter DeLottinville on Labour Records in the Manuscript Division.
- 21 NA, Toronto Board of Trade Papers, MG 28 III 56, Vol. 274, Records on the International Labour Organization.
- 22 NA, Canadian Manufacturers Association Papers, MG 28 I 230, Records on the International Labour Organization.
- 23 NA, Canadian Chamber of Commerce Papers, MG 28 III 62, Records on the International Labour Organization.
- 24 NA, Canadian Labour Congress Papers, MG 28 I 103, Records on the International Labour Organization.
- 25 *Ibid.*
- 26 *Ibid.*
- 27 *Ibid.*
- 28 NA, Kalmen Kaplansky Papers, MG 30 A 53. Records on the International Labour Organization.
- 29 *Ibid.*
- 30 Leo Panitch, Donald Swartz, *The Assault on Trade Union Freedoms* (Toronto, 1988), pp. 50-53.