

HISTORICAL FRAMEWORK VIS-À-VIS INTERNATIONAL LABOUR ORGANISATION

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Introduction

The adjective ‘international’ has been established in the English language for a little more than two centuries. The coinage of the word is credited to Jeremy Bentham who, in 1780, offered it as a more significant expression, as applied to a certain branch of law, than the older term, the law of nations. Prior to 1919, various organisations to promote labour rights at the international level were formed.¹ Respect for human life and the preservation of balance in the relations between citizens and international organisations is the main principle of law in general. The fact that law is assuming an international form at the present time is because the nations are more and more coming to form a close and coherent society. International institutions are the only machinery by means of which this worldwide co-operation can be affected. International institutions are the only machinery by which this worldwide cooperation can be affected. International Organizations have specific objectives and in order to fulfill their objectives, they bring about certain innovations. To promote the

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¹ For details, see Bhumika Sharma, “Genesis of International Labour Movement: An Overview of Early Steps” *International Journal of Multidisciplinary Research and Modern Education* 53-59, Vol. 7, Issue 2, 2021.

variety of human needs and protect the human rights, a large number of such organizations have been established for the nineteenth century.² Many of them continue to function even after century of their formation. After two disastrous global wars and hundreds of bilateral wars between the countries, international organizations have assumed greater importance. With time, their roles have been increasing. Against this backdrop, the present paper traces the origin of the International Labour Organisation.

Chronological Events and the Dawn of International Labour Organisation

The status and position of the labour have transformed over centuries, from forced labour to one endowed with numerous rights.³ The organizing of the first International Conference to discuss industrial regulation in Berlin in 1800 recognized that labour is an international question. In the second half of the nineteenth century, under the influence of the growing social movement and the humanitarian ideas propagated by the revolution of 1848, the theory of laissez faire lost some of its power. Legislation for the protection of the workers became more frequent, the demands for such legislation grew more urgent and the idea of international labour legislation received a fresh

² For details, see Pitman Potter, *An Introduction to The Study of International Organization* (D. Appleton Century Company, New York, 1948).

³ For details, see Bhumika Sharma, "Evolution of the Changing Position of Worker: A Remark", *LawZ*, Vol. 4, Issue 226, June 2020.

impulse. In France, Germany, Switzerland, the economic justification for international labour legislation was stressed. The delegates of the workers of the allied countries, and later of the neutral countries met at Leeds in 1916, at Stockholm in 1917 and at Berne in 1918. They demanded that the terms of peace should safeguard the working class of all countries from the attacks of international capitalist competition and assure it 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, their demands met with the support of public opinion and a sympathetic hearing from Governments.

The twentieth century, was a century in which human activity seemed to be largely structured around war and work.⁴ This was partly because both war and work had become global. The scope and brutality of twentieth-century war far exceeded which had occurred before, for the first time killing many millions of civilians - and not only in the two world wars, but in the immense number of large- and small-scale conflicts around the world throughout the century, from Manchuria to the Congo. In the wake of the First World War, with its savagery, mass mobilization and widespread social repercussions, political leaders were open to fundamental change in politics, economy and

⁴ Gerry Rodgers & Eddy Lee et. al, *The International Labour Organization and the Quest for Social Justice, 1919-2009* 2(ILR Press, Geneva, 2009).

society, and to the building of international institutions which could engage all countries in a common effort. The same openness to change emerged again after the Second World War, and led to the creation of the United Nations and the construction of a new agenda of social progress and human rights. This pattern has been repeated many times at the local and regional levels because successful emergence from conflict has to be built on a framework of rights and social justice.

Work was at the centre of most people's lives, as it always has been, but it increasingly became a concern beyond the sphere of the family or the firm. Waves of economic crisis and mass unemployment destroyed individuals, firms and societies. There was growing awareness that labour markets were interconnected across borders, that public action was needed to achieve common standards. Above all, work dominated the political agenda. In the creation of the International Labour Organisation (I.L.O.), these two streams came together.⁵

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⁵ *Id.*, at 3.

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Deliberations during the Peace Conference at Paris, February 1919

Gompers, the President of the American Federation of Labour, regarded the war as a crusade for human freedom, and American labour was in complete agreement with President Wilson that peace should be used to put the world upon a new basis, political and economic. Thus, the American Federation of Labour, at its annual meeting of 1914, adopted a resolution proposing the holding of an International Labour Conference at the same time and place as the Peace Congress. Copies of this resolution were sent to the International Federation of Trade Unions and to the national trade union organizations of all countries. On the 1st May, 1916, this proposal resulted in a request to the Allied Supreme Council to consider the holding of an International Labour Conference, on the ground that protection of labour became an international problem. It was recognized that owing to keen international competition in commerce, no country, could go on improving the condition of its workers without the co-operation of other countries.

The immediate setting for the creation of the Conference was the announcement by Clemenceau at the first general session (Seance Pleniere) of the Peace Conference that the first steps towards the Organisation of the Peace Conference itself would be the creation of three Commissions.⁶ The first to examine the responsibilities for the war, the second to deal with the crimes committed in the war, and the third with international labour legislation.⁷ The Treaty of Versailles can be called a sort of International Labour Magna Charta.

Commission on International Labour Legislation

So far as Labour was concerned, the Peace Conference of Paris was the first step in a continuous process concerned with industrial problems, but the first clauses of a document which was to be continued by future congresses through future treaties.⁸ It was the beginning of a continuous co-operation on the part of Labour, Society, and Governments. The year 1919 saw the inauguration of a system of international legislative, administrative and judicial institutions, which was committed the

⁶ John E. Solano (ed.), *Labour as an international problem: a series of essays comprising a short history of the International Labour Organization and a review of general industrial problem* 40 (MacMillan Company, New York, 1920).

⁷ *Ibid.*

⁸ *Id.*, at 49.

task of creating and sustaining a more wisely ordered and stable scheme of international relations than that of the pre-war era.⁹

On the 31st January, 1919, the Peace Conference appointed a Commission on International Labour Legislation to enquire into the conditions of employment from the international aspect and to consider the international means necessary to secure common action on matters affecting conditions of employment and to recommend the form of a permanent agency to continue such inquiry and consider; in co-operation with and under the direction of the League of Nations.¹⁰ Finally, on April 11th, 1919 after thirty-five sittings, the Reporter, Mr. G. N. Barnes submitted to the Peace Conference the first results of the work of the Commission Draft Convention creating a permanent Organisation for the international regulation of labour questions. This Draft was immediately approved, subject to amendments in detail which might be thought necessary by the Drafting Committee in order to bring it into harmony with the Pact of the League of Nations.

While this Commission was in session, an international socialist conference was held at Berne (2nd to 7th February, 1919) which was attended by 90 delegates representing 25 countries. It was here that was first; elaborated a detailed labour charter, including an eight-hour day, a weekly rest period, etc. Several

⁹ H.J.W. Hetherington, *International Labour Legislation* 1 (Methuen & Co. Ltd., New York, 1920).

¹⁰ For details, see L. Oppenheim, *The League of Nations and its Problems* (Longmans Green & Co., London, 1919).

other conferences of somewhat lesser importance held either just before or simultaneously with the sessions of the International Labour Legislation Commission, all of which advocated the definite establishment by the Peace Treaty of a permanent organization to deal with International Labour. The Peace Conference took up the ideas and presented them in a form acceptable to the Powers participating in the Peace Conference. These suggestions of the Labour Commission were included in the Treaty of Versailles.

The purpose of the organization was accurately set forth by the Commission of the Peace Conference which created it when it presented its work to the Plenary Session as a “Draft Convention creating a Permanent Organization for the Promotion of the International Regulation of Labour Conditions.” It is no wonder, however, that this clumsy title should have been shortened by the lawyers who drafted the final text of the Treaty of Peace to the short but ambiguous and even misleading title, “Organization of Labour.” As a matter of fact it is an organization in which employers have equal part with labour, and governments hold the balance between them.

Treaty of Versailles

“The League of Nations, therefore, if it is to do its work, must be capable of ensuring, as far as can be done by international action, the prosperity and development of the individual as well as

of the national community to which he belongs. It was with this object in view that the Labour Section of the Peace Treaty was framed. It embodies a scheme which was based on proposals put forward by the British representatives for establishing a permanent organisation as part of the League to secure minimum conditions of life to the workers all over the world. In the past social and industrial progress has often been hindered by the fear of individual States that improvement in the industrial and social conditions of their workers could only be purchased by the loss of trade in the international market, which would in the end prove ruinous. On the other hand, it was beginning to be felt before the war that, if co-operation could be brought about among the nations, simultaneous improvements could be carried out with little detriment to any of them and with great benefit to the workers of all countries. As a result, permanent machinery is always in action.”¹¹

The Treaty of Versailles of 1919 created the League of Nations for cooperation among different nations for the preservation of peace. Part XIII of the Treaty provided every signatory to the Treaty of Peace and every member of the League of Nations must subscribe to these nine fundamental principles and become a member of the international labour organization.

¹¹ Labour and the Peace Treaty, including The Labour Convention and General Principles as incorporated in the Treaty of Peace , *available at*: https://archive.org/stream/1919v55i1p41i_1473/1919v55i1p41i_1473_djvu.txt (accessed on 20 Nov., 2021).

Since Part XIII created the International Labour Organization, it is popularly known as the Labour Charter. The I.L.O. has been created for improving labour conditions throughout the world and for establishing a better relationship between employers and employees as well as among different nations through common understanding, in which the representatives not only of Governments but also of employers and employees could take an active part.

I.L.O.'s Constitution

The I.L.O.'s first Constitution was prepared by the Commission on International Labour Legislation of the Peace Conference in 1919 and formed part of the Treaty of Versailles. This was the first attempt to construct universal organizations to address the social and economic problems facing the world of the early twentieth century. There were no models on which the I.L.O., and the League of Nations, created at the same time, could be built. The I.L.O.'s Constitution laid out the rationale for the Organization, spelled out its aims and purposes as well as its detailed design and also identified certain methods and principles for regulating labour conditions of all industrial communities.

On October 29th 1919, the First Session of the International Labour Conference opened in Washington. In the same city a few weeks later the Governing Body met to take the necessary steps for organising the International Labour Office and appointed as its

first Director Albert Thomas, former Minister of Armaments in France. The first meeting of the Assembly of the League of Nations, to which it was constitutionally attached, the International Labour Organisation came into active existence. Immediately after the World War people looked forward to a period of reconstruction and social justice freed from the danger and hindrance of international conflict. It was in this spirit that the International Labour Conference held its First Session at Washington. The Conference dealt with a wide range of questions of first rate importance; for it was thought essential to secure immediate results on the most urgent labour problems of the day.

The original text of the Constitution, established in 1919, has been modified by the amendment of 1922 which entered into force on 4 June 1934; the Instrument of Amendment of 1945 which entered into force on 26 September 1946; the Instrument of Amendment of 1946 which entered into force on 20 April 1948; the Instrument of Amendment of 1953 which entered into force on 20 May 1954; the Instrument of Amendment of 1962 which entered into force on 22 May 1963; and the Instrument of Amendment of 1972 which entered into force on 1 November 1974.

Conclusion

Various factors have promoted the development of international character in the labour movement. The labour movement today is essentially a world movement and therefore

problems of labour have become world problems. It is not possible to isolate labour problems of any particular. Labour today has transcended national boundaries and also the currents and cross-currents of labour aspirants and actions. Globalization has resulted into the increasing attention and international discourse on labour standards. International Labour Organisation continues to a living, breathing organization. Slowly but steadily, the International Labour Organization has justified itself as an instrument for furthering social justice throughout the world.