

BARNETT HOUSE PAPERS. No. 5

The Industrial Section of the League of Nations

BY

THE RIGHT HON. G. N. BARNES, P.C., M.P.

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NOTE

This Address was delivered in Balliol College Hall, Oxford,
on May 28, 1920.

THE INDUSTRIAL SECTION OF THE LEAGUE OF NATIONS

I NEED scarcely say I am extremely glad to have the opportunity of talking to you for a little while about the Labour Chapter of the League of Nations. But first may I say a few words, by way of appeal, with regard to the League of Nations itself? Because, after all, the Labour Chapter and the Labour Organization generally depend upon the existence and success of the League of Nations. If the League fails, then I suppose we are in for more war, and the Labour Organization will go by the board. If it succeeds, then future generations may be saved a repetition of the horrors of the last few years. We have sacrificed the best of our young manhood since 1914, and the labour of countless generations of men and women has been blown from the cannon's mouth. Unfortunately, we are not yet out of the wood; and to my mind the most unfortunate legacy left us by the war is the feeling, the excitement—mental excitement—among us, and a sort of unreasoning aggressiveness. There are those among us who go about, figuratively speaking, with their hands always uplifted, ready to strike anybody or anything, with or without provocation. The late war has, in short, created a feeling of more war. As a simple matter of fact, those folk—it does not make much difference that they regard themselves as pioneers of a new social order—are suffering from war neurasthenia and are becoming a public danger. To my mind, the League of Nations is the only way of escape from a repetition of the horrors of the last few years. And it should never be forgotten that a repetition of the horrors of war will be not only of the horrors of the last few years, because future war will be to the last war what that was to all others that preceded it. Science is always putting new weapons and new agencies into the hands of mankind, to be used for good or ill, and if another

war was to break out, then those weapons and agencies would be used with deadly effect. That is the reason why I want to say a few words by way of appeal on behalf of the League of Nations. Maybe, the League is not all that some might have desired—it is not all I should desire—but at all events it does promise to mobilize the moral forces of the world; it does provide the machinery whereby those forces can be made effective in maintaining the peace. I know, of course, that all this is agreed to in a tepid sort of way by most sensible men and women; everybody pays lip-service to the League of Nations. And for my part I refuse to believe, as is sometimes said, that Governments are not in favour of the League of Nations; they of all people ought to be in favour of the League, for they know more than anybody else what war means. But after all they are dealing with and are absorbed in the settlement of the war problems, and they cannot afford to let go the old forces until the new forces are in their hands. Therefore, it devolves upon the outsiders, so to speak—upon those who believe in the League of Nations—to fight for it and support it, to put behind it the pressure of public opinion. I hope and trust we shall all contribute our share of that public opinion.

Coming to the subject-matter of my address proper, I want to divide it into three parts. First, the need for a world Labour regulatory organization; second, the structure and powers of the Organization as devised at Paris and embodied in the Peace Treaty; and third, the measure of success it has already achieved. Speaking, then, on the first point, I should say that the need for a Labour Organization to regulate labour conditions by law arises mainly from the circumstances of world trade, and is made more urgent by the circumstances arising out of the war. At a time of unprecedented scarcity of goods the world cannot afford to regard industrial friction and stoppage with complacency, because these things tend still further to lessen the production of goods. And, moreover, the blind and chaotic forces of world competition tend to make confusion worse confounded and conflict more bitter. For while the workman aspires, and rightly aspires, to get a larger share in the determination of the conditions of his daily life, the perfecting of the means of communication and of exchange tend automatically in favour of the

employing classes, enabling them to operate over larger areas with greater ease. Take the recent American scheme of a combination of steel and iron and shipbuilding interests. The effect of that would be to enable shipbuilding employers to use the shipyards where labour is cheapest and most pliant. But the idea of starting works overseas is not at all a new one. A notable instance was brought very early to my mind in my own native town of Dundee, where many years ago the Dundee mill-owners, out of money derived from their Dundee operations, started works in Calcutta and began to utilize material there. In the absence of some regulation, therefore, it seems to me there is no hope for labour. The poorest are exploited and left in their poverty. Some countries have sought relief by a plan of protective tariffs. Well, whatever else protective tariffs may do they can only protect the home markets. The Labour Organization sets itself out to seek and find a better way by abolishing cheap labour altogether. Tariffs, I think, are not only in our present circumstances useless, but they are also mischievous and dangerous. Post-war conditions are such that tariffs, in so far as they created ill feeling between nations, would perpetuate the conditions that contributed to the war, whereas it seems to me we ought to try and get away from that ill feeling as speedily as possible, in order that we may contribute to the keeping of the peace. Improvements there must be, everybody is agreed on that, but the Labour Organization will seek to achieve its objects by law—I am not speaking of labour in our own country alone, but of labour taking the world view of it—and if improvements cannot be effected by law, there is no other way open to labour but by strikes and strife. Labour has made up its mind it is going to have improvements, and, therefore, if we are going to avoid strikes and strife we must devise some other means of attaining them. It is in order to avoid strife that the Labour Organization will invoke the law of the countries which are signatory to the Covenant of the League of Nations. That is the reason why the boundaries of the Labour Organization are made to correspond with those of the League of Nations; that is to say, membership of the League of Nations will carry with it membership of the Labour

Organization. Experience has shown that you must get the assent of all countries in order to get an advance in labour legislation. The idea of promoting such legislation by international organization is not in itself a new one. On the contrary, there has been an international association for the promotion of labour legislation for many years; it has its branches in Europe and America; it has good friends in many countries; it has even been recognized and assisted by some Governments; it has convened conferences and has circulated the findings to the world. But unfortunately those findings have been generally ignored by Governments. Each has waited upon the other, fearing to do good lest evil should come; there has, perhaps, after a few years, been some reply on minor matters, but on the whole the conferences have been short of any great result. There was a conference at Berne in 1910 which recommended the abolition of poisonous processes in the manufacture of matches and pottery. There was another later on which recommended restrictions in regard to the labour of women and children, especially at night time. But little has been done. And generally speaking I should say that little has been done because one country has always been afraid of the other, and because there has been no permanent organization left on the ground in order to get compliance: indeed, I could go farther and say that effective pressure would have been impossible in any action, because neither Governments nor employers of labour had come under any specific obligation. In each country there has been fear in regard to foreign competition. Trade Union officials and industrial reformers generally have been met with a plea that concessions could and would be made if only those concessions were made in other countries. The plea may have been valid or not—as a matter of fact, I do not think it by any means follows that cheap labour means cheap production—but whether valid or not, this plea of foreign competition has generally been sufficient to stop progress. Now the Labour Organization seeks to take this plea of foreign competition out of the mouths of the enemies of progress by enabling all countries to march forward together, and, therefore, to leave those countries, after improvements have been made, relatively in the same position they occupied before in regard to the compe-

tition of the world's markets. I need not say more about the need for the Labour Organization; I think the need is proved in the absence of any permanent and effective organization in order to deal with the evils of sweated labour.

Let me now examine the structure and powers of the new organization as devised at Paris. I want to say frankly that I thought at first in terms of a super-Parliament—a super-Parliament, with power to pass laws; and not only with power to pass laws, but also with some power to enforce them upon the affiliated countries. But closer inspection soon revealed the fact that a super-Parliament was not a practical proposition, in our day and generation at all events. The time may come when nations throughout the world will be willing to merge their sovereignties into some sort of super-authority, but that is for a different world from the world we live in. As a matter of fact, we find that national egoism is still strong, and the prospect of compulsion would simply have kept countries out of the League of Nations. Therefore the constitution of the Labour Organization sets up no super-Parliament; neither does it of itself impose any penalties. It is true that provision is made under the constitution for inquiry being made by the League of Nations, and up to a certain extent the League may authorize the bringing to bear of economic pressure upon a recalcitrant State; if a Government is alleged to have broken its pledge, then the League of Nations can have inquiry made into the complaint, and if the complaint is sustained the League may authorize the aggrieved parties to apply economic pressure against that State. That is the extent to which compulsion is provided for in the Organization. It will be noted it is not to be applied by the Organization itself, but only by an affiliated nation, feeling itself aggrieved, and then only by direct authorization of the League of Nations. But while the minds of those who framed the Organization were thus turned away from compulsion, while we quite saw the futility of trying to apply force, we were also attracted by the possibilities of publicity and goodwill. Provision is therefore made so that everything is carried on in the full light of information. The Organization will collect facts, submit those facts to open conference, draw up conventions, and

aim at getting such conventions adopted by the appropriate competent authorities, legislative or administrative, of the countries which are represented. The Organization itself provides for the holding of a conference every year, at the seat of the League of Nations. Governments, employers, and workmen are to be represented, and every delegate will be entitled to have two advisers on each topic on the agenda. A two-thirds majority will be required to adopt a recommendation or a convention, but immediately that recommendation or convention is adopted by the Conference, then the League of Nations as a whole becomes identified with it, takes it in hand, and sends it round to the affiliated nations. Each individual delegate to the Conference will be able to vote quite independently of colleagues from his own country, the purpose in this being to encourage the spread of internationality, and also to enable workmen and employers to give their votes *en bloc* if they wish to do so. These annual conferences will be the chief authority of the Organization, but there is also an Executive, called the Governing Body, which will act in the intervals between one conference and another as the chief authority of the Organization. Both the conference and the Governing Body are constituted so as to give Governments half of the representation; that is to say, at a conference there will be two representatives from each country and one from the employers and one from the workmen of the country, while the Governing Body will consist of twenty-four members, twelve representing Governments and twelve representing employers and employed. Then there is a general Labour Office—as we are going to call it—as a permanent institution at the League of Nations. This Labour Office will be staffed with those experienced in all kinds of labour topics, such as wages, hours, industrial diseases, and many other things. It will be the duty of this Labour Office to collect information, especially on any matter which is going to come before the conference, and to prepare such information—after it has been collected from Governments, employers, and workmen—and submit it in proper form to the conference; also to prepare the agenda.

Now I come to two difficulties in regard to Governments

accepting conventions or recommendations from an organization of this character. First, there is the limitations imposed upon some Governments by their constitutions; and, secondly, there are the differences between countries in regard to industrial development owing to climate and many other conditions which might be mentioned. As to the first, there is, for instance, the Government of the United States of America which cannot directly make treaties on certain matters reserved by the constituent States. Each of the States in the Union claims to have the exclusive right of dealing with labour laws. There are ways and means of getting over that—if the United States Government thought proper it could do so—but it is no concern of ours. We have got to promote our Organization in such a way as to fit these Federal as well as the non-Federal Governments. The Organization provides that in such a case, instead of casting its finding in the form of a specific and detailed convention, it may draw up that convention in the form of a general recommendation. And even if the finding is cast in the form of a convention it may still be taken by the Federal Government as a recommendation, and the only obligation resting upon the Federal Government is that it shall pass the recommendation or convention on to the constituent States. A Federal Government is only under that obligation and no other; but a non-Federal Government comes under an obligation to submit a convention or recommendation to its competent legislative or other authority, and, if endorsed by the competent authority, it comes under the obligation to give effect to it. In the event of non-fulfilment of those conditions, the League of Nations may be invoked, and the League of Nations Council—by the secretary, acting for the Council—may select three men from the panel to make inquiry, and then the League of Nations can get, if possible, compliance in the manner I have already described. It will be seen, therefore, that there is a lesser degree of obligation upon a Federal Government than upon a non-Federal Government. That is regrettable, but unavoidable. We did not make the difficulty, we found it there. The Labour Organization has been cast to get over it the best way we could think of in the circumstances. But publicity and education are factors which may largely

make up for this defect. Even in a country ruled by a Federal Government it is prescribed, you see, that the conventions or recommendations shall at least be sent to the constituent States. The Federal Government comes under that obligation. And I am in good hopes that when the convention or recommendation has been sent there the Trade Unionists and the voluntary organizations in the particular State will apply the necessary pressure to have it carried into operation.

Then I come to the second difficulty we were up against, and that was the difference in industrial development as between countries coming into the Organization. Japan and India are cases in point. Their industries are just in the transitory state from the domestic to the factory, and in so far as they have been organized into factories the hours of labour are much longer than the hours of labour in European and American factories. In the silk trade of Japan, for instance, which employs 900,000 people—it is the biggest trade in Japan—the hours of labour have been practically anything that the physical frame could stand; the hours of work have been on an average twelve to thirteen per day. In the cotton trade, which embraces about 250,000 of the Japanese work-people, the hours have been eleven per day; they would have been longer if the factories had not been working twenty-two hours out of the twenty-four, each shift, therefore, working eleven hours. Hours in the engineering and other factories in Japan are, or have been, about the same. In no case were the Japanese workers sure of any weekly rest whatever: in some cases, I believe, there were some sort of national or religious holidays, but, speaking generally, the average workmen of Japan got about one day a month, and apart from that one day a month they worked in the silk trade twelve hours, in the cotton trade eleven hours, and in the engineering, metal, and other factories there ten or eleven hours a day. In India there has been much the same thing, only worse. Children of very tender years have been put in the mills, and the hours worked have been extremely long. Well, to draw up conventions or recommendations of a uniform character, and to try and get those recommendations or conventions applied all round—the same in Japan, India, America, Great Britain, and France—would simply be to ask for

trouble. As a matter of fact, we cannot expect countries like Japan and India, the hours of labour being so long and probably the labour of the Indian and Japanese workmen being proportionately per hour inefficient, to apply an Eight Hours Bill as you might expect Europe and America to do. Nor is there need for anything of the kind. What is wanted in those cases is such an advance as to bring India and Japan and the Eastern countries generally more into line with Europe and America in regard to hours of labour. Of course, there are things which must be applied uniformly all round in every country, such as prohibition of poisonous processes. But it is quite different with regard to the hours of labour, and the constitution of the Labour Organization therefore provides for each case being taken and dealt with according to all the circumstances. May I read to you a clause which was inserted in the constitution of this Labour Organization at Paris after a great deal of thought and discussion and, I may add, a great deal of opposition by those people who wanted to bring in laws and regulations and apply them uniformly all over the world? This is the clause:

‘In framing a convention or recommendation a Conference shall have regard to those countries where climatic conditions or the imperfect development of industrial organization or other special circumstances make the industrial conditions substantially different, and shall suggest modifications (if any) which it considers may be required to meet the case of such countries.’ In other words, you see, the Conference is charged to have regard to differing conditions in the different countries, and to draw up conventions and recommendations not of a uniform character, but in order to have the circumstances fairly and justly met.

Such then is the structure and powers of the Organization as drawn up at Paris. It will be observed that this provides for recognizing—as we must recognize—the difference in forms of government. It recognizes also the difference in industrial development as between one country and another; and although it does not impose penalties, yet there is the power of the League of Nations in the background, and the power of the Organization is sufficiently elastic to deal with every case as the circumstances disclose.

My last point. Let us consider the measure of success which the Organization has already achieved. A machine may be all right on paper, may look all right if the pieces are put together, but, like everything else in the world, it has got to stand the test of experiment and trial. The Labour Organization has gone through that test, and I think it has gone through it successfully. The first Conference was held at Washington in November and December last year. Owing to circumstances that will be in the knowledge of all present, the American Government was not represented, and the Australian Dominions of the British Empire were also unable to send delegates, because of distance for one thing, and because of the delays at Paris. After the Organization had been set up and we had been committed to a conference at Washington, it was some time before Mr. Hughes and his colleagues returned home, and therefore there was no time to send delegates from Australia to the Conference. But there were forty-one countries represented at Washington, and I think I am right in saying that, excepting those I have mentioned, all the chief countries of the world were represented. Not only that—more striking, and more satisfactory as well, is the fact that those countries were represented by responsible statesmen, officials of Government, and the best known and most representative and responsible workmen and employers throughout the world. For instance, we had M. Fontaine, of the French Labour Department; we had Professors Oko and Kamara representing the Japanese Government; we had the best known people from the Scandinavian countries, men who were well known throughout the world in regard to labour and social legislation. Spain was represented by one of the country's chief diplomats, Italy by the ex-Ambassador to Washington, and Switzerland by his successor, and the other countries were all represented by men and women in most cases of like eminence in the world's affairs. Such a gathering together was in itself a great achievement. And to have got most men and women—responsible men and women as they were—to sit down and cooperate together so heartily as they did for the common good was nothing less than an inspiration.

One of the first things done by the Conference, with which, perhaps, some people will not agree, was to extend an invitation

to the Governments of Germany and Austria to take part in the proceedings, an invitation that was cordially received by those Governments and would have been acted upon but for transport difficulties. Since then Germany, and the representatives from Germany, have taken part in the proceedings of the Executive Committee, and, as a matter of fact, Germany and Austria are both at this moment members of the Labour Organization, and in that respect, I venture to say, Labour representatives and employers of labour have given a good example to the League of Nations Council.

At the Washington Conference recommendations of a far-reaching character were drawn up by the necessary two-thirds majority; in fact most of them were carried with, practically, unanimity. The agenda consisted of five items:

- (1) Eight hours a day, with modifications (as I have mentioned).
- (2) The question of unemployment.
- (3) Women's employment, including provision for maternity.
- (4) Employment of children and young persons.
- (5) The application and extension of the Berne Conventions.

On the first day the Conference adopted a convention which applied the eight hours principle to most industries, modifications being allowed in certain cases—such as transport—and provision also being made for the working of overtime in cases of emergency—overtime, however, to be registered and if need be reported at a subsequent conference. But the most important part of the Conference, to my mind, was that relating to the Eastern countries. As soon as we began to discuss the matter, it was seen—everybody could see—that uniformity was absolutely impossible. Moreover, it was further necessary that the facts in regard to each country should be obtained. Therefore, a Commission was set up to examine the whole matter; and as a result an agreement was reached. As a result of that agreement, Japan limits the hours of labour in the engineering, shipbuilding, metal, and other industries, including cotton, to 9½ hours per day. In regard to the silk trade, she agrees to limit the working hours to 10 per day, and the principle of a weekly day of rest is to be

established in all industries, from one end of the country to the other. India also came under some provisions—though not so drastic as in the case of Japan. And the Chinese, Persian, and other delegates of the Eastern countries all agreed to the principle of recognition of labour conditions by all; and all agreed to bring some report of what they had done, or proposed to do, to the Conference next year. But the most important part of the convention as applied to those countries is that which affects Japan. Having regard to the fact that we had at the Washington Conference men representing the Japanese Government with full mandate, and also to the fact that we had the largest employer of labour in Japan, and that those people agreed to the convention as applying to Japan—that agreement may almost be given the character and importance of a commercial treaty. One concession we had to make in regard to Japan, and rightly I think, was to give Japan $3\frac{1}{2}$ years instead of $1\frac{1}{2}$ years to apply the convention, because Japan must have a very large amount of additional machinery in order to enable her to carry out her obligations under the convention of Washington. That machinery is now on order, mostly from Lancashire, and for my part I would express the ardent hope that the workmen as well as the employers of Lancashire may 'buck up' and get the machinery into Japan in good time, so that Japan may carry out, as I believe she intends to do, her obligation under the convention.

We also drew up conventions stipulating for the prohibition of women and young persons being employed at night, also prohibiting the employment in industry of boys or girls under fourteen. I am glad that again Japan showed the same enlightened view and accepted all those provisions. In the future, no child under fourteen will be employed in a Japanese factory, and no woman will be employed at night work; and no woman will be employed more than five hours at a stretch at any time. Other conventions were drawn up with regard to women, including provision for support before and after confinement.

The question of unemployment was discussed. It brings up, as the question of unemployment always does bring up, the whole social system under which we live. When you begin to discuss unemployment in a gathering which is intended to have practical

results, you are always driven to make provision for periods of unemployment rather than the prevention of unemployment. As a matter of fact, prevention of unemployment is not very attractive to my mind. I do not think it is a very high ideal to offer to a man or a woman, spending all his or her life at the grindstone, but still people somehow or another have got into the habit of thinking that men and women have always got to be at work. Well, the Washington Conference did not take that view. They took the view—and rightly, I think—that what we have to do to-day is to adopt some practice, to make some provision, whereby workmen and workwomen may tide over periods of unemployment due to causes outside their own ken. Therefore, we drew up a scheme of insurance to achieve that object. We also decided to recommend Governments to let large contracts for periods of dull trade, so that the loss may be to some extent made up by such contracts being brought in at those times. We also decided to recommend Governments to get in touch one with the other, with a view to a more complete registering of labour.

Altogether there were drawn up six conventions and nine recommendations, the distinction, you remember, being that a convention is something drawn up in specific and detailed form, whereas a recommendation is something of a more general character, leaving Governments to carry it out as they think proper. Already the House of Commons, as the competent authority in this country, has passed, partly at all events, some of the conventions and recommendations, and others are on the notice paper.

In addition to drawing up these conventions and recommendations, we also elected the Governing Body or Executive Committee of the Organization, which in turn selected as Director the well-known French publicist, M. Thomas. Since then the Labour Office has been set up, and is now engaged in preparing for a conference to be held next month at Genoa appertaining to seamen's conditions generally, and also in preparing the ground for the next Conference to be held at the beginning of next year. The Staff will go straight from Genoa to Geneva, the seat of the League of Nations, and from that time onwards the Labour

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Organization will be at Geneva. The Labour Office will be in touch all the time with employers' and workmen's organizations and with Governments. It will be the eye and ear of the Organization, so to speak, collecting information and applying to the existing conditions the influence of an enlightened public opinion.

Now I have done. I have tried to show the need for a Labour Organization. I have spoken a little while on its powers and its structure. I have said a little about what it has done. I think I may add that, notwithstanding the defection—the temporary defection, I hope—of the United States, the Washington Conference was a distinct success. It began the positive work of the League of Nations; it began in a spirit of goodwill, and it showed that great results may be expected in the future. It now lies with peoples throughout the world to operate the Organization. The Organization gives to peoples an opportunity of thinking, and not only of thinking but of acting, internationally. It gives Labour a chance of constructive work. In short, it is an international Soviet of an evolutionary and constructive kind. Labour may mar it by neglect or may make it by intelligent participation; but every class in the community can also help. The Organization is there so that men and women of good intent may hammer out their differences on the anvil of common sense, and contribute to the peace of the world by forging links of interest and sympathy between the peoples.

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