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INTERNATIONAL LABOUR TREATIES.

It is by this time superfluous to show the necessity and usefulness of labour legislation, because facts speak for themselves, and no civilised country shrinks any longer from the duty of shielding the growing multitude of its workmen from the gravest dangers to their physical and moral existence. Certainly the commandments of humanity and religion have a share in the matter, but the moving impulse is, after all, the recognition that the axe is laid at the roots of the strength of a people if the masses degenerate and become exhausted. The first instance of State intervention in the factory question was the Health and Morals of Apprentices Act, passed in England in 1802. The object of this Act, however, was to meet, not only the feeling of repulsion aroused by the spectacle of the unutterable misery of the children then employed in the factories, but also the fear of contagious maladies which were likely to emanate from those factories, many of which were breeding-places of all kinds of diseases. It is characteristic of Germany that the first impetus to the effective movement for the legal protection of workmen was given, eighty years ago, by a letter sent by a General to the King of Prussia, in which he stated that the necessary recruits could not be procured in the industrial centres on the Rhine, because factory work had enfeebled the young men.

In view of the fundamental conditions of its existence, a State cannot permit the ruin, either physical or mental, of the members of the class which is by far the most numerous by allowing them to be improperly used as mere tools for manufacturing goods. The fact is the more readily understood when we consider that this class furnishes the largest contingent for the defence of the country, besides being an inexhaustible source of wealth. The State is bound to protect workmen against inhuman treatment for its own sake. On this point there exist, in principle, perfect unanimity throughout the whole civilised world. Certainly there is even at present no lack of grumbling voices which, as Charles Dickens described half a century ago in "Hard

Times," perceive the ruin of industry in each new act of labour legislation. But just as English reformers point out the benefits to industry which have resulted from the factory legislation in which England took the lead so gloriously, we social reformers in Germany have the firm conviction that our industrial advancement during the past twenty-five years has been considerably assisted by our workmen's protection and insurance laws, one branch of which maintains the strength and the health of the workman, whilst the other relieves him in case of illness, invalidity and old age.

The general acknowledgment of this principle that labour legislation is necessary and useful does not, of course, prevent the existence of great differences between the several countries as regards its extent and application. The historical development of the people, the conditions of production, the state of the mechanical arts, national peculiarities, and the depth of insight of the legislator, lead to the widest differences. The laws regulating the observance of Sunday, the work of children, young people, women, the payment of wages, the hygiene of workshops, and employment in dangerous trades, the extension of labour laws to factories, workshops, home work, mining, agriculture, trade and traffic are different in each land, and their variety is a significant factor in the process of production. However, the various countries have commercial relations with one another. International competition is very keen, and in the world's market victory goes to that nation which is not only in a position to manufacture and cleverly dispose of the best, but also of the cheapest goods. These facts are often brought forward as arguments against the protection of the working classes in any particular country by those who are of the opinion that, being restricted through the laws of their country in manufacture and trade, they are put in a more unfavourable position than their competitors in other lands. Even if they admit that labour legislation is of advantage to the community by raising the vigour of the people and leading to an advance in methods of production, they assert that the encroachment on freedom of management and the financial burdens imposed on the employers may temporarily depress particular industries, or put them at a disadvantage. These objections are certainly not conclusive; an industry which only exists at the expense of its workmen has no right to exist at all, and those countries which have the most extensive system of industrial legislation are, at the same time, the rulers of international markets. The growing severity of the commercial struggle, how-

ever, gave rise to the question whether it would not be desirable to bring about uniformity in labour legislation on certain points by international treaties between the great industrial States.

The desire for concerted action of this kind received expression at the very beginning of factory legislation in England, and the man who advocated factory laws in Great Britain with the whole energy of his great personality, Robert Owen, was also the father of the demand for international agreements. Even before the first English factory law, regulating child labour, was passed in 1819, he had interested Continental educationists, savants, and medical men in his endeavours. In his letters to European Governments, he pointed out the dangers of industrialism and the necessity for the economic and moral elevation of the working classes through wise reforms, to be carried into effect gradually and discreetly, and he urged that the Congress of the Holy Alliance, in session at Aachen in 1818, should appoint a commission to examine such measures. The Alsatian, Daniel Legrand, also a successful manufacturer, followed, ten years later, Owen's footsteps. With untiring energy he did not cease, until his death in 1857, to urge the Governments of France, Prussia, Switzerland, and England to arrive at an understanding as to a minimum of industrial protection. When, in 1853, the first comprehensive labour law was introduced in Prussia, Legrand presented a petition to the Government urging it to take the initiative in negotiating international treaties. But he met with a refusal, the task of the Government, he was told, being only to comply with the particular requirements of its own country.

Nevertheless, followers of these two pioneers, Owen and Legrand, continued to increase in number. The remark of Blanqui, that hitherto alliances had been concluded by the Powers for the purpose of killing men, and that there was no reason why the same could not be done for their preservation, met with general approval. Congresses of charitable bodies, congresses concerned with questions of hygiene and of social reform, promoted the diffusion of the idea, associations of workmen gave it support, Prince Bismarck recommended it for consideration, and the theologian Thiersch appealed to the German Emperor to take the initiative: "Why should a congress not be capable of preparing a mutual Bill for the protection of the working population?" Officially, Switzerland first took the plan into closer consideration, and in 1876 President Frey opened the National Council with a speech in which he recommended that the lead should be taken in the conclusion of treaties "for the purpose of regulating, as

uniformly as possible, conditions of work in all industrial countries." Finally, the Swiss Federal Council addressed a circular note to the European Governments proposing that a conference, with a definite programme, should be held. But before this conference assembled the Emperor William requested Switzerland to give him a precedence, and it was upon the invitation of Germany that all the European Governments, fifteen in number, except Russia and the Balkan States, sent their delegates in the middle of March, 1890, to Berlin, for the first conference on workmen's protection—with Freiherr von Berlepsch, then Minister of Commerce, in the chair. The invitation explicitly stated that the reason for holding the conference was international competition. The well-known edicts of the Emperor contain the following: "I am determined to lend my support to improving the conditions of work of German workmen as far as lies in my power, which is limited by the necessity of maintaining the international position of German industry and of securing its existence and that also of the working classes. . . . If the difficulties to be treated at the international conference . . . cannot be surmounted by an understanding between the countries anxious to command international markets, they may at least be minimised." It was proposed that the agreement should cover the following subjects: work in mines, Sunday work, child labour, the work of young persons and women, and, lastly, the enforcement of the provisions agreed upon.

It was soon evident that several States had many reservations and objections to make; constitutions and laws formed obstacles; it was even urged that one ought not to overburden a rising industry or restrict workmen in their efforts to earn their living. In spite of this, it was possible to arrive at a general understanding on most points, often with a considerable majority, if not unanimously, and it was a distinct gain that international concert was declared to be desirable in these matters. The leading delegate of the British Government, Sir John Gorst, at the end of the negotiations expressed the hope that the consequence of their endeavours would be taken into very serious consideration by the Governments: "We feel sure that millions of men, women, and children would derive therefrom the advantage of a better fate and a more bearable existence, and that the coming generation would be better off, stronger, and more moral through the resolutions, the objects of which the conference has indicated. We can pledge ourselves in the name of Great Britain that our Government, true to what it has done in the past, will adapt itself determinedly in

the future to the principles laid down by the conference, even if it does not surpass them."

Certain critics have hastened to call the conference a failure, because no treaties on labour laws were realised. That is quite a mistake. For the effects originating from those Berlin negotiations have been exceedingly far-reaching and highly beneficial. Impulses have emanated therefrom for the protection of workmen which can hardly be conceived stronger. The Governments have, nearly all of them, respected the moral obligations they took upon themselves at the conference. A report of the British Home Office, presented to the House of Commons a few years ago, proved this very clearly. The countries formerly in arrears have endeavoured since then to protect children, young persons, and women from the worst ill-usage in manufacture and mining, to introduce a day of rest for workmen, and to superintend the execution of these laws by State officials.

In the history of social reform the Berlin conference occupies a place of honour. From that time dates, in many countries, the real beginning of labour legislation, which, though not in pursuance of a binding agreement, is yet in practical uniformity therewith. Nothing could have been more favourable to an international understanding. For that reason the endeavours towards this goal made their appearance again very soon. It was not the Governments that took up the question this time, but private initiative led the way. Progress at home naturally created amongst men of various nations, but of the same convictions, the wish to exchange experiences and to arrive at an agreement. These tendencies resulted in two congresses in 1897. First, an international labour congress took place in Zürich, which was numerously attended by all kinds of trade unionists from sixteen countries, and which terminated with the resolution: that the Governments should be invited through the medium of the Swiss Federal Council to take measures for the establishment of an international labour office. Shortly afterwards, a number of public men, members of legislative bodies, employers, clergy, medical men, lawyers, and economists, from Germany, Austria, Belgium, Holland, France and Switzerland, assembled at Brussels, following an invitation of Freiherr von Berlepsch, the chairman of the Berlin conference. Here also the establishment of an international centre for scientific researches into questions affecting labour legislation was decided upon, and the foundations of a permanent society were laid by forming groups and sections in the different countries, and so uniting the reforming forces.

Thus the way was prepared for a meeting which took place at the end of July, 1900, in Paris, which resulted in the definite foundation of the International Association for Labour Legislation, having for its objects :—

(1) To serve as a bond of union to those who, in the different industrial countries, believe in the necessity for labour legislation ;

(2) To establish an international labour office, with the duty of publishing a periodical collection of labour laws of all countries ;

(3) To facilitate the study of labour legislation, especially by providing information on the subject ;

(4) To further the study of the question of procuring uniformity in the various codes of labour laws, and in international statistics of labour.

The seat of the Association is Switzerland. It is divided into national sections, which elect representatives to a committee, the Governments being also invited to send representatives. From amongst its members the committee elects an executive board. Every two years the committee assembles for a general meeting, which deliberates on the basis of written reports and formulates resolutions. The Association commenced with sections in the following countries : Germany, Austria, Belgium, France, Holland, Italy, Switzerland ; in subsequent years, the following have been added to the list : Denmark, England, Hungary, Spain, the United States of America, and we hope that sections will also be formed in the British Colonies, Sweden, Norway, Roumania, Russia, the Argentine Republic, and Japan. Thirteen Governments pay regular subventions to the Labour Office and send delegates to the meetings, namely : Germany, Austria, Hungary, France, Belgium, Holland, Italy, Luxemburg, Switzerland, Sweden, Norway, Denmark, and the United States, and also the Pope. But our Association greatly regrets that it has not hitherto received either financial aid or official participation from the British Government. I may add that all Government subsidies have the sole purpose of promoting the scientific work of the International Labour Office, and that the presence of official delegates at the meetings of the Association in no way limits the full freedom of the Governments in their proceedings as regards labour legislation at home.

Thus, at Paris, a firm and permanent organisation was created, which has extended to numerous industrial States, enjoys the mobility and liberty of a private body, and has the still greater advantage of the assistance of many Governments. Our first work was the establishment of the International Labour Office at

Basle, which was inaugurated on May 1st, 1901. There we have a literary and scientific centre which has become of great importance, not only for the study, but also for the furtherance of labour legislation. Laws, regulations, parliamentary debates, manifestoes of organisations of masters and men, statistical information, factory inspectors' reports, &c., are collected there. These are filed, arranged, published, and thus an international record office for labour legislation has been created such as does not exist elsewhere. Besides its scientific value, the office is available for the practical study of labour laws, and it answers all inquiries from Governments as well as private persons. If desired, it also supplies advice on special questions, and good use is made of its services. Its most important task, however, is the publication of a bulletin in German, French and English which contains an abstract of all and every important event in labour legislation throughout the world. Seven volumes of this publication have already appeared, and form an inexhaustible source of information.

The International Office alone would constitute a justification for the existence of the Association, which can, however, show still greater merit. In September, 1901, we commenced the preparatory work for international labour treaties. First of all, three special subjects were chosen : the dangers of poison in industry, the night work of women in factories, and accident insurance. At meetings at Cologne and Basle these questions received preliminary consideration, ending, in 1904, with a resolution that the Swiss Federal Council should be requested to invite the States of Europe to a conference, which should devote its attention to the prohibition of industrial night work of women and the abolition of white phosphorus in the manufacture of matches. In compliance with this wish, a conference met in Berne in May, 1905, to which fifteen Governments sent their delegates. The deliberations terminated in an agreement to draw up draft treaties. "The ice is broken," exclaimed the President of the Conference, the Swiss Federal Councillor Deucher, in his closing speech. The successful work of the technical specialists was followed one year later by an agreement concluded by diplomatic plenipotentiaries. On September 26th, 1906, two treaties were signed : the prohibition of industrial night work of women was approved by Germany, Austria and Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, Luxemburg, Holland, Portugal, Sweden, and Switzerland. The prohibition of poisonous phosphorus in the manufacture of matches was agreed upon only by Germany,

France, Italy, Luxemburg, Holland, Switzerland, and Denmark; the other States reserved to themselves the right to join this convention later. Norway, Russia, and the Balkan States were not represented at the conference. It was with great joy that we learnt recently that the British Government had joined in the treaty concerning the abolition of white phosphorus. In Austria, too, there is a strong tendency in the same direction. Therefore we may hope that this hideous poison, phosphorus, will soon entirely disappear from industrial use, and will no longer destroy the health and life of working men.

“To facilitate the development of legislation for the protection of workpeople by the adoption of common provisions” is the purpose of these treaties as laid down in the introduction. In the first of the two, industrial night work was forbidden to all women of any age in all workshops and factories employing more than ten persons. The night’s rest must amount to at least eleven hours. In the case of a few industries provision is made for a longer period of transition. The convention may also be extended to colonies. The ratifications were to be deposited with the Swiss Federal Council by the end of December, 1908. Two years from that date the treaty will come into force; after the expiration of twelve years’ notice of withdrawal from the treaty may be given. In article 1 of the second agreement, the States bind themselves to interdict, within their territories, the manufacture, importation, and sale of matches containing white phosphorus. It is the duty of each State to provide for the administrative measures which are necessary for carrying into effect the prohibition, and the Governments are mutually bound to communicate to each other all laws, regulations and reports referring to the execution of the two treaties.

The definite acceptance of these treaties on labour legislation was, of course, duly welcomed by the Association, which assembled shortly afterwards at Geneva, since it had the honour of being able to say, without presumption, that its work had smoothed the way to their conclusion. At the same time, it found in this success an encouragement to continue its endeavours. In the foreground of its programme stand at present the following subjects: prohibition of night work by young persons; regulation of children’s work outside factories; international agreements respecting accident insurance; regulation of home work; introduction of the maximum working day in dangerous industries, restriction of the industrial use of lead and other poisons; and the improvement of factory inspection. All these points were dealt

with at the following general meeting, held at the end of September, 1908, at Lucerne.

Moreover, the work of the Association has shown further results by advancing legislation for the protection of workpeople through its several sections. This has been done in three directions: Each section, in its own country, has taken great pains, often with success, to improve existing labour legislation. Strong impulses, emanating from the Association, have led to the conclusion of special treaties between various countries. Thus Germany, France, Belgium, Luxemburg, and Holland have concluded agreements relating to accident insurance. Of still greater importance, however, is the Franco-Italian Treaty of 1904, according to which both countries resolve to treat their workmen mutually without distinction as regards labour laws, insurance, and savings banks. Last of all, the propagation of the idea of labour legislation has led to the fact that on the conclusion of commercial treaties, Germany, Austria-Hungary, Italy, Sweden, and Switzerland have, in principle, agreed that the inhabitants of their countries should be treated uniformly in all matters concerning labour legislation.

These are, in brief outline, the facts of a development running from 1815 to 1908. I should like to add a few words of criticism. What has the Association attained? What tasks has it still to fulfil? We have in the International Association a union of men and women of all countries who are equally convinced that the development of labour legislation is demanded in the interests of the welfare of the human race, and of moral and economic progress. A confederation, in which science and practice, masters and men, legislators and citizens, join hands contributes to the mutual understanding and thereby to the peace of nations. The Association has further created, in the International Labour Office, with the help of the Governments, a centre for the study of labour legislation. Its valuable records are open to everybody for advice and information. In its publications the Office shows a truly scientific spirit. Thus an institution has been founded the development of which is in the interests of all civilised countries. Especially the Governments have good reason for promoting the endeavours of this Office, because it supplies the best information available on labour laws of every kind. No doubt, in the future, the Governments themselves will take over the International Labour Office for their own use, as they have done in the case of the international post office service. The separate sections of the Association form each in its own country centres of the movement

towards labour legislation. By word and pen they propagate the necessity for labour legislation, and give reasons for the usefulness of the various measures. They try to gain Governments and Parliaments over to their plans. An Association which is in touch with the administrative authorities, with the educated classes, and with the mass of the working people is in a position to do much in this respect. And it is the firm belief of each of our sections that we should further the possibility of international treaties best by advancing, in our own countries, the welfare of the working classes and the prosperity of industry. Last of all, the Association can take to itself the credit of having, through its studies and endeavours, brought the idea of international treaties on labour questions—which had been treated for so long theoretically only—to be an instrument of State policy throughout Europe. Its action has actually led to the signing of treaties which carry in them the germ of new agreements.

In all these matters the logic of facts is a compelling factor, as soon as the first and most difficult step has been taken. After the prohibition of the industrial night work of women, there will follow, no doubt, at an appropriate time, the prohibition of the night work of young persons. The removal of white phosphorus from industry will not remain the only accomplishment; the dangerous effects of lead and other poisons will also be dealt with and abolished. Further, the agreements between single countries as to the mutual accident insurance of their inhabitants will grow into a general international equalisation of the position of foreign workmen in all countries. Of course, the difficulties which lie in the way must not be underestimated, nor yet the utility of what is possible. In both directions the Berne treaties are really typical examples. I have already mentioned that not all the States which took part in the conference accepted the phosphorus prohibition. They made their agreement depend upon the consent of Japan, for the reason that they would otherwise seriously damage their export trade in phosphorus matches. Japan, however, refused, owing to her alleged inability to charge her match industry with the burden involved. But Japan, too, must ultimately perceive that it is bad policy to carry on the industry at the cost of the life and health of her workmen. We are convinced that there exists no other remedy but the complete removal of the horrible poison, and that, on the other hand, a satisfactory substitute is to be had. In Germany and other countries, poisonous phosphorus is already prohibited, and everybody is content with the

result. Similar apprehensions of damaging industry and trade will check progress again and again. In such instances a way out of the difficulty must always be found—either the urgency of legislation will be seen to outweigh all other considerations, or improved methods will be discovered by applied science.

On the other hand, however, the utility of international treaties is shown by the agreement respecting the prohibition of the industrial night work of women. In Germany the development has for years followed the direction of continually shortening the working hours, so that the majority of women work now considerably less than the eleven hours legally permitted. In spite of this, the Government had refused to fix the ten hours' day as the maximum, because some neighbouring countries, especially Belgium, are supposed to gain an advantage in their export trade by employing women for far longer hours, and requiring them to work late into the night. The Berne agreement stipulates a night's rest of at least eleven hours for women, to which Belgium has consented. Thereupon the German Government immediately brought forward a Bill for the ten hours' day, which was adopted in the Reichstag; and the law prescribing a ten hours' day for women in factories and workshops was issued on December 28th, 1908.

So international and national labour legislation are being pushed forward mutually like two cog-wheels. With each forward movement the understanding will grow that a work of civilisation is being carried out which is comparable in importance to the other international treaties concerning posts and telegraphs, copyright laws, and other subjects. International scientific congresses have for a long time proved themselves to be strong levers of progress, and international agreements are of the greatest usefulness for the pacific and prosperous development of civilisation throughout the world. In international labour treaties the Governments have a most precious possession, which it is their duty to guard: namely, the power and productivity of the nations. "That country is the richest which nourishes the greatest number of noble and happy human beings," says John Ruskin. All of us who have worked for the Association for Labour Legislation from the beginning are impressed with the truth of these words. But we know, too, that our work must remain incomplete without the powerful co-operation of Great Britain. For that reason we felt a keen pleasure when the British Government took part in the Berne Conferences. And I am thankful that I, as a German, have an opportunity of saying this to English people, because, in labour

legislation, Germany is the pupil of her great tutor England, to whom all social reformers are deeply indebted. I close with the sincere wish that the International Association for Labour Legislation may count also in future, and to a still larger extent, upon the assistance of Great Britain in its work, which is devoted to science, progress, and peace.

ERNST FRANCKE