

Version 1.0 | Last updated 17 November 2020

International Labour Organization

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The Treaty of Versailles was signed on 28 June 1919, establishing both the League of Nations and another international organization: the International Labour Organization (ILO). The ILO was founded upon the conviction that “peace can be established only if it is based on social justice”. Unlike the League of Nations, which was dissolved in 1946, the ILO that year became – and still is today – a specialized agency of the United Nations. The conventions adopted by the ILO between 1919 and 1946 were important and progressive, prohibiting, for example, night work for women and forced labour and setting minimum ages for child labour. It was awarded the Nobel Peace Prize in 1969.

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Introduction

Seeing itself as a driver to “promote international cooperation”,^[1] the [League of Nations](#) pursued the plan of placing under its control all existing international conventions and any which were later adopted. Based on Art. 24, it was also authorized to establish new organizations, among them the

International Labour Organization (ILO), the first organization under the League of Nations. The Covenant of the League of Nations forms the first part of the [Paris peace treaties](#). The Constitution of the ILO, meanwhile, is set out in almost the last section of the treaties, Part XII ([Treaty of Neuilly](#), [Treaty of Sévres](#)) Part XIII ([Treaty of St. Germain](#), [Treaty of Versailles](#), [Treaty of Trianon](#)) entitled “Labour”.^[2] The document establishing the ILO is thus the Treaty of Versailles, which, signed on 28 June 1919, was the first of the five Paris peace treaties. The ILO was founded on the conviction that “peace can be established only if it is based upon social justice”. The authors of the treaty regarded social peace as a guarantee and safeguard for world peace – a new concept of peace. The founding states of the ILO pursued the goal of harmonizing and standardizing social policy legislation to meet the demands of trade unions but also with the intention of containing the advances of Bolshevism.^[3]

From the Origins to the Paris Peace Conference

The origins of the ILO go back to the early 19th century.^[4] Related private-sector initiatives arose in response to the Industrial Revolution and its resulting impact on society. Probably the most influential pioneers of the ILO were two industrialists, the Welsh socialist [Robert Owen \(1771-1858\)](#) and [Daniel Legrand \(1783-1859\)](#) from [Alsace](#).^[5] The latter addressed memorandums to parliaments and governments between 1838 and 1859, including France, England, Russia, and Switzerland, calling for national and international legislation to protect the working classes. A significant influence was the International Workingmen’s Association, founded in London in 1864, which advanced international labour protection legislation through demands including: a ban on the labour of children under fourteen, a general prohibition on night work for children, an eight-hour working day, one day off per week, an international minimum wage, and labour inspection systems at national and international levels.^[6] After the 1890 Berlin Conference, which adopted resolutions for minimum standards,^[7] labour reformers spearheaded by the Swiss^[8] organized specialized conferences. These led to the founding of the International Association for Labour Legislation (IALL) in 1900,^[9] which subsequently set up a permanent secretariat in Basel, the International Labour Office, on 1 May 1901.^[10] Its first president was Basel university professor [Stephan Bauer \(1865-1934\)](#).

By the end of 1918, twenty-three governments had sent delegates to the International Labour Office and many maintained ties, so that the IALL could be termed a “League of Nations for social policy”. Prior to the First World War, the IALL had achieved two successes: the Berne Convention of 1906 to prohibit the use of white phosphorus in the manufacture of matches and a convention banning night work for women the same year. The outbreak of the First World War initially resulted in a moratorium on efforts in this area. Still, labour representatives from the Allied Powers and [neutral](#) states as well as the Central Powers organized conferences between 1916 and 1918 (1916 in Leeds, 1917 in Stockholm, and 1918 in Berne), demanding from governments measures such as to ensure the right to work and the right to associate at work, as well as social security and regulated working hours. Their demands would soon become issues at peace negotiations.^[11]

Not only the strong pressure exerted by international labour on the peace conference made a swift response necessary, but also the [October Revolution](#) in [Russia](#), which began in 1917. Among the major powers, the [British government](#) was very keen on establishing an international labour organization, not only for political reasons but foremost because of [Britain's](#) role as one of Europe's leading industrial nations.^[12] As early as 25 January 1919, the Paris Peace Conference resolved to instate a fifteen-member commission to examine workers' employment conditions from an international perspective, with the goal of giving peace its full significance by protecting the dignity and freedom of human labour through international conventions.^[13] The commission under the chairmanship of American labour leader [Samuel Gompers \(1850-1924\)](#) convened on 1 February and completed its agenda, after thirty-five sessions, on 24 March 1919.^[14] Other members of the Commission on Labour Regulation included high-profile social policy makers and trade union representatives such as [George Barnes \(1859-1940\)](#), [Arthur Fontaine \(1860-1931\)](#), [Émile Vandervelde \(1866-1938\)](#), and [Léon Jouhaux \(1879-1954\)](#).^[15] The commission drafted articles quickly, spurred by political developments in Hungary and Bavaria, where attempts were afoot to put soviet republics in place. One of the aims in founding the ILO was thus to squelch any incipient social [revolutions](#). Socialists and trade union followers were convinced that incorporating social policy standards in the League of Nations charters, and ultimately in the peace treaties, would legitimate these standards and contribute to stabilizing post-war society.^[16]

The report by the commission consisted of two papers: the ILO Constitution and a statement of general principles. Both papers were adopted after brief discussion. The ILO was established under the patronage of the League of Nations on 28 June 1919, at the same time as the signing of the Treaty of Versailles and the Covenant of the League of Nations.^[17]

Membership in the ILO

The signatory states of the League of Nations were accordingly ILO member states. Nonetheless, already at the first meeting in Washington D.C. in October 1919, doubts were raised as to whether membership in the League of Nations was to be a prerequisite for being an ILO member state. It was decided then to accept Germany and Austria as members of the ILO with equal rights and duties as other member states, despite the two countries not yet having membership in the League of Nations.^[18] The question also soon emerged as to whether leaving the League of Nations was compatible with continued membership in the ILO. When Brazil left the League of Nations in 1928, the secretary-general of the League and the director of the ILO decided to allow Brazil to stay.^[19] Thus, no objections were later raised when in 1934 the United States under President [Franklin D. Roosevelt \(1882-1945\)](#) requested to join the ILO. The United States did in fact become an ILO member without joining the League of Nations, although this was a special case preceded by relatively complex procedures.^[20] States joining the ILO by 1936 were: Mexico (1931); Iraq and Turkey (1932); Afghanistan, Ecuador, the USA, and the USSR (1934); and Egypt (1936). Except for

the USA and Egypt, all had joined the ILO based on League membership. In 1935 a wave of exits began, lasting until 1942: Germany (1935); Paraguay (1937); Austria, Guatemala, Honduras, and Nicaragua (1938); Italy and El Salvador (1939); Japan and the USSR (1940); Spain (1941); and Romania (1942). The ILO had the lowest number of members ever in 1942. Membership began to rise again only after 1944.^[21]

Structure and Workings of the ILO

The ILO Constitution, comprising a preamble and thirty-nine articles, formed Part XIII of each of the peace treaties, with the exception of the treaties of Neuilly and Sèvres.^[22] The preamble, pointing to the unjust and poor labour conditions to which large numbers of people were subject, calls for legal regulation of working hours, the establishment of a maximum working day and week, the regulation of labour supply, the prevention of unemployment, and the provision of an adequate living wage. Other demands include protection of workers against employment-related disease and injury, protection of children, young persons and women, provision for old age and injury, protection of the interests of workers employed in countries other than their own, recognition of the principle of freedom of association, and the organization of vocational and technical education.^[23]

The ILO was established as a permanent organization. It had two bodies, a general conference (Art. 334) and an International Labour Office (Art. 337), to each of which both member states and employee and employer representatives sent delegates. This tripartite structure differentiates the ILO from other international organizations of the time. It is the only such international organization where not only governments are eligible to vote on international standards – employee and employer delegates have in fact the same rights as governments.^[24] For the first time, representatives of labour and representatives of employment were involved in international decisions without being bound by instructions from third parties. When appointing delegates, special consideration was to be given to women (Art. 334). This provision can be understood to reflect the efforts of the international women's movement. The two most prominent organizations, the International Council of Women and the International Woman Suffrage Alliance, along with the International Federation of Working Women, saw the ILO as an important opportunity to influence international (labour and social) legislation to achieve their demands for political and economic equality.^[25] The International Labour Office was under the control of a governing body consisting of twenty-four members (Art. 338). This body was also organized along tripartite lines: it consisted of twelve government representatives,^[26] as well as six persons each elected by the employer delegates and by the worker delegates to the general conference. The International Labour Office was to be headed by a director, appointed by the governing body while subject to its instructions and responsible to it; the director was also to attend all meetings of that body (Art. 339). Like the secretary-general of the League of Nations, the director was to appoint the staff, which was to consist of persons of different nationalities as well as women (Art. 340). The functions of the International Labour Office included collecting and distributing all information relating to international labour regulations.^[27] It was viewed as a worldwide institution for

obtaining information concerning all labour issues and on developments in the area of labour legislation.^[28] The International Labour Office was entitled to the assistance of the secretary-general of the League of Nations on issues relating to the League, thereby ensuring cooperation with that body (Art. 343). Every member state was entitled to file a complaint with the International Labour Office against any other member state (Art. 356). While the International Labour Office with headquarters at Basel still existed when the new labour office was established, its responsibilities were soon transferred to the new office with its seat at Geneva.

The secretary-general of the League was also entitled to nominate members of the commission of enquiry (Art. 357 (4)). Articles 357-359 contain provisions governing the appointment of the commission of enquiry. The duties of the secretary-general of the League included communicating the recommendations by the commission of enquiry to the governments involved in any complaint and ensuring publication (Art. 360 (1)); the governments involved were to inform the secretary-general within one month whether or not they accepted the recommendations (Art. 360 (2)). The Permanent Court of International Justice was the highest court of appeal in any dispute (Art. 361). Any decision handed down by that court was final (Art. 362). The Permanent Court of International Justice was entitled to affirm, alter, or reverse any findings or recommendations by the commission of enquiry. If a member state did not comply with the recommendations by the commission of enquiry or the Permanent Court of International Justice within the specified period (Art. 364), the court was to indicate measures of an economic character against that member state to which other governments were entitled (Art. 363). The “defaulting” government was entitled to request through the secretary-general of the League a commission of enquiry to verify compliance with recommendations (Art. 365).

Articles 366-368 contain “general” provisions: member states with colonies undertook to apply the conventions to those colonies that were not fully self-governing if local conditions were not modified as a result of the particular convention (Art. 366). The treaty could be amended only through a two-thirds majority of the delegates present at the general conference. Any amendments were to take effect when ratified by two-thirds of the member states holding seats in the council of the League of Nations (Art. 367). Any question or dispute arising from the ILO Constitution was to be referred for decision to the Permanent Court of International Justice (Art. 368).

The “transitory provisions” (Articles 369-371) specify arrangements for the first meeting of the ILO, scheduled to take place in Washington D.C. in October 1919. Before constitution of the League, the expenses were to be shared by the member states based on the apportionment set for the International Bureau of the Universal Postal Union (Art. 369). Governments were to bear the travel and accommodation expenses of their delegates. Until the League of Nations had been constituted, the director of the International Labour Office was to keep and later transmit all communications addressed to the secretary-general of the League (Art. 370). Until the Permanent Court of International Justice had been established, disputes related to the ILO Constitution were to be referred to a tribunal of three persons appointed by the council of the League of Nations (Art. 371).

The agenda of the first meeting of the ILO listed these items: application of the principle of the eight-hour day or the 48-hour week; the prevention of unemployment; women's employment before and after childbirth, during the night, and at unhealthy forms of work; and children's employment in relation to the minimum age, during the night and at unhealthy forms of work.

The second section of the Constitution is entitled "General Principles". This "social charter"^[29] committed the member states to regarding labour not as an article of commerce, but instead to endeavour to also apply other labour principles, including the freedom of association, an eight-hour day or forty-eight-hour week, the abolition of child labour, the introduction of labour inspection, and the principle that "men and women should receive equal remuneration for work of equal value" (Art. 372).

The First ILO Meeting and Historical Impact

The first meeting of the ILO was convened on 29 October 1919, as stipulated in Art. 369, with delegates representing forty states. At the conference, a unanimous resolution was adopted to accept Germany and Austria. French reform socialist [Albert Thomas \(1878-1932\)](#) was chosen with the support of individuals including [David Lloyd George \(1863-1945\)](#) as the director of the ILO.^[30] Thomas, who earlier had already been a member of the IALL, was regarded as a labour specialist. As minister of armament during the First World War (1916-1917), he sought to improve conditions for arms industry workers.^[31] [Harold Butler \(1883-1951\)](#) succeeded Thomas after the latter's death, serving until 1938; [John Gilbert Winant \(1889-1947\)](#) was then elected in 1939, followed by [Edward Phelan \(1888-1967\)](#) in 1941.^[32] The latter retired in 1948, after the ILO had been elevated to a UN agency. A committee of independent legal experts was set up in 1926 to monitor compliance with the ILO Constitution and report annually. The committee still exists today.^[33] Pregny on Lake Geneva in Switzerland was chosen as headquarters, with the building La Châtelaine erected especially for the ILO, which moved there in 1926. Requiring more space, the ILO relocated to Geneva's Route des Morillons, the organization's current headquarters, in 1974.

Within two years of establishment, the ILO issued nine conventions and adopted ten recommendations.^[34] At the time, the system of adopting instruments – i.e. conventions and recommendations – was another feature distinguishing the ILO from other international organizations. Between 1919 and 1939, a total of sixty-seven conventions were adopted^[35] while at the same time the ratification rate rapidly increased: from 200 in 1926 to 500 in 1932, reaching 800 in 1938.^[36] Reflecting contemporary issues, the conventions demonstrate how effective the ILO has been in setting labour regulation standards. The main issues at the time related to the "labour force and employment". Among the issues to which the ILO devoted itself was unemployment, as seen for example in the studies and reports on the causes of unemployment and on economic and social policy that appeared in the ILO periodical *International Labour Review* during the inter-war period.^[37]

The ILO Constitution frames human rights in terms of equality, a concept implemented in conventions and recommendations adopted between the two World Wars. Several of the demands put forth were highly progressive for the time and are still valid today. These include regulations relating to issues such as the minimum age of women and children working in industry, night work for women and children, the right to associate, the prohibition of child labour, maternity protections, and a minimum wage to ensure equal pay for equal work.^[38] Such demands mostly applied to what was then understood as the “Western” world. Hence, the ILO differentiated between “developed and underdeveloped regions” between 1930 and 1939. Convention No. 29, the prohibition of forced labour, was adopted from this perspective. The prohibition nonetheless applied to all regions of the globe and thus included indigenous peoples as well.^[39] In the wake of this convention, the ILO member states discussed the poor level of protection for children in China, Japan, and India, a discrepancy previously justified by pointing to the climate, economic development, or a lack of laws against poverty.^[40]

Under the influence of the international [women’s movement](#), the ILO also took important and innovative steps to advance the cause of women.^[41] Apart from the international convention, adopted in 1906, prohibiting night work for women, the ILO issued in 1919 Convention No. 3 (maternity protection) and Convention No. 4 (prohibition on night work for women), the latter was subsequently amended in 1934. Related recommendations include No. 20/1923 on labour inspection – men and women are equally to be deployed as labour inspectors – and No. 30/1928, which demands equal compensation for equal work for both men and women.^[42] A separate division for women’s issues was created under Albert Thomas in 1932, with French feminist [Marguerite Thibert \(1886-1982\)](#) appointed to lead it.^[43] Although Thibert was assisted by only one individual – other divisions had five or six members – she nevertheless completed numerous articles and studies. Her 1938 study entitled *Le statut légal des travailleuses* remains to this day a valuable source of information on the conditions under which women in forty countries worked.^[44]

Aspects of child labour were addressed in two conventions from 1919, Minimum Age (Industry) Convention No. 5 and Night Work of Young Persons (Industry) Convention No. 6; the minimum age was set at fourteen. Convention No. 33 of 1932 demanded application of the minimum age to non-industrial employment as well. The ILO’s conventions and recommendations were not effective in containing the mass unemployment triggered by the world economic crisis. It nonetheless made a valuable contribution through economic studies and research focused on a new economic and social order. All these efforts were expressions of the ILO’s mission: “economic and social questions are indissolubly linked and economic reconstruction can only be sound and enduring if it is based on social justice”.^[45]

Conclusion

The ILO proved more successful than the League of Nations. During the Second World War, the

organization had to temporarily move its headquarters to Canada. The Philadelphia Declaration was adopted at the conference in that city in 1944, drawing on central items of the Atlantic Charter including the principle that "... all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity".^[46] On 9 October 1946, the ILO adopted a new constitution, based on the Philadelphia Declaration of 1944, at which time it also became a part of the United Nations.

On the occasion of its fiftieth anniversary the ILO was awarded the Nobel Peace Prize in 1969, Nobel Committee Chairman [Aase Lionaes \(1907-1999\)](#) stated the grounds for the award as follows: "There are few organizations that have succeeded to the extent that the ILO has, in translating into action the fundamental moral idea in which it is based ... Working earnestly and untiringly, the ILO has succeeded in introducing reforms that have removed the most flagrant injustices in a great many countries."^[47]

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Notes

1. ↑ StGBI 303/1920, Präambel.
2. ↑ StGBI 303/1920, Part XII Labour Treaty of Neuilly; Art. 249-289; Treaty of Sévres Art. 374-414; Part XIII Art. 332-372; Treaty of Versailles Art. 387-427; Treaty of Trianon Art. 315-355; Part XII Treaty of Neuilly Art. 249-289; Treaty of Sévres Art. 374-414.
3. ↑ Fehlinger, Hans: Befugnisse der Internationalen Arbeitsorganisation, in: Zeitschrift für die gesamte Staatswissenschaft 80/2, 1925/26, p. 341; Leonhard, Jörn: Der überforderte Frieden. Versailles und die Welt 1923, Munich 2018, p. 704.
4. ↑ See also Ziegerhofer, Anita: Völkerbund und ILO. Im Sinne der Erhaltung des politischen und sozialen Friedens, in: Gehler, Michael et al. (eds.): Der Vertrag von St. Germain im Kontext der europäischen Nachkriegsordnung, Beiträge zur Rechtsgeschichte Österreichs (BRGÖ) 9, Heft 2/2019, pp. 301-307. This is an extended version of the quoted article.
5. ↑ Maul, Daniel: International Labour Organization: 100 years of global social policy, Berlin 2019, pp. 15ff; Johnston, George A.: The International Labour Organisation: Its Work for Social and Economic Progress, New York 1970, pp. 5ff. Machacek, Rudolf: Die Internationale Arbeitsorganisation (International Labour Organisation – ILO), in: Martinek, Oswin (ed.): Arbeit, Recht und Gesellschaft. Festschrift Walter Schwarz zum 65. Geburtstag, Vienna 1991, pp. 754.
6. ↑ Johnston, The International Labour Organisation, pp. 10-11.

7. ↑ Sauer, Heiko: The International Labour Organization, Oxford Public International Law <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e490> (retrieved 13 January 2020).
8. ↑ Maul, International Labour Organization 2019, pp. 17-20; Maul offers a wide depiction of the current state of research about the ILO.
9. ↑ Ibid., p. 18.
10. ↑ Ibid., p. 18.
11. ↑ See Riegelman, Carol: War-Time Trade-Union and Socialist Proposals, in: Shotwell, J.T. (ed.): Origins of the International Labor Organization, New York 1934, pp. 55-79; Maul, International Labour Organization 2019, pp. 21-22.
12. ↑ Maul, International Labour Organization 2019, pp. 23-24.
13. ↑ Olivetti, Gino: Zehn Jahre Tätigkeit, in: Internationales Arbeitsamt (ed.): Internationale Arbeitsorganisation 1919-1929, Geneva 1930, pp. 15-16.
14. ↑ Johnston, The International Labour Organisation 1970, p. 13. A detailed presentation of the meetings in Paris see Maul, International Labour Organization 2019, pp. 23-30.
15. ↑ Maul, International Labour Organization 2019, p. 25: Beside the “Big Four” – USA, Great Britain, France, and Italy – representatives from Belgium, Japan, Cuba, Poland, and Czechoslovakia joined the commission.
16. ↑ Leonhard, Der überforderte Frieden 2018, p. 705.
17. ↑ Johnston, The International Labour Organisation 1970, p. 13.
18. ↑ Maul, International Labour Organization 2019, p. 34.
19. ↑ Internationales Arbeitsamt (ed.): Zehn Jahre Internationale Arbeitsorganisation, pp. 28-30.
20. ↑ See also in detail, Lindsay, Samuel McCune: The Problem of American Cooperation, in: Shotwell, Origins 1943, pp. 331-367.
21. ↑ Johnston, The International Labour Organisation 1970, p. 21.
22. ↑ The following articles of the ILO will be quoted on the basis of the St. Germain Treaty.
23. ↑ StGBI 303/1920.
24. ↑ Rodgers, Gerry et al.: The International Labour Organization and the quest for social justice, 1919-2009, Berlin 2009, p. 12.
25. ↑ Natchkova, Nora and Schoeni, Céline: The ILO, Feminists and Experts Networks: The Challenges of a Protective Policy (1919-1934), in: Kott Sandrine and Droux Joelle (eds.): Globalizing Social Rights, The International Labour Organization and Beyond, London 2013, p. 50.
26. ↑ Eight representatives would be nominated by the member states with the “maximum industrial relevance”. Problems about the meaning of “maximum industrial relevance” would be decided by the League of Nations.
27. ↑ StGBI 303/1920, Art. 341.
28. ↑ Fontaine, Antoine: No title, in: Internationale Arbeitsorganisation 1919-1929, Geneva 1930, p. 10.
29. ↑ Machacek, Die Internationale Arbeitsorganisation 1991, p. 756.
30. ↑ Maul, International Labour Organization 2019, p. 36; Johnston, The International Labour Organisation 1970, p. 54. In 1929, 400 customers from thirty-six Nations works in the office, see Fontaine 1930, p. 9.

31. ↑ Maul, International Labour Organization 2019, pp. 35-36.
32. ↑ Johnston, The International Labour Organisation 1970, pp. 54-56.
33. ↑ History of the ILO, issued by the International Labor Organization, online: <https://www.ilo.org/global/about-the-ilo/history/lang--en/index.htm> (retrieved 13 January 2020)
34. ↑ Ibid. The conventions and recommendations contain regulation of working hours, unemployment, maternity protection, night work for women, minimum wages, and night work for young persons.
35. ↑ Johnston, The International Labour Organisation 1970, pp. 310-312.
36. ↑ Ibid., p. 103.
37. ↑ Ibid., p. 135 and Rodgers et al., The International Labour Organization 2009, p. 108.
38. ↑ See also Johnston, The International Labour Organisation 1970.
39. ↑ See in detail Daughton, J.P.: ILO Expertise and Colonial Violence in the Interwar Years, in: Kott and Droux (eds.), Globalizing Social Rights 2013, pp. 85-97.
40. ↑ Rodgers et al., The International Labour Organization 2009, p. 70.
41. ↑ Natchkova et al., The ILO 2013, p. 49.
42. ↑ Rodgers et al., The International Labour Organization 2009, pp. 57-58.
43. ↑ Natchkova et al., The ILO 2013, pp. 54-60.
44. ↑ Ibid., p. 61
45. ↑ Rodgers et al., The International Labour Organization 2009, pp. 207-208.
46. ↑ Köck, Heribert Franz and Fischer Peter: Das Recht der Internationalen Organisationen, Vienna 1997, p. 428.
47. ↑ Rodgers et al., The International Labour Organization 2009, p. 2.

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Citation

Ziegerhofer, Anita: International Labour Organization , in: 1914-1918-online. International Encyclopedia of the First World War, ed. by Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson, issued by Freie Universität Berlin, Berlin 2014-10-08. DOI: [10.15463/ie1418.11493](https://doi.org/10.15463/ie1418.11493). Translated by: Schlarb, Robert

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