


REVIEWS AND NOTICES

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The International Labour Code 1939. A Systematic Arrangement of the Conventions and Recommendations Adopted by the International Labour Conference 1919-39. Framed by the International Labour Organization 1919-39. Montreal. 1941. Pp. lvi, 920.

The International Labour Code, 1939, constitutes an impressive record of achievement by the International Labour Conference in the direction of the "social justice" mentioned in the preamble of the constitution of the International Labour Organization. As is so aptly stated in the preface to this volume, "the standards of policy embodied in *The International Labour Code* . . . enjoy the unique prestige of having been approved by a two-thirds majority in a world industrial parliament in which governments, employers and workers are all represented." True, they are not all effective working principles in the social and labour relations in the various nations, but as a summons to action and as evidence of the potentialities in international social and economic collaboration they have a value which cannot be discounted in post-war settlement or even presently.

The Code is a systematic presentation of the conventions and recommendations adopted by the International Labour Conference. Its 924 articles are contained in 91 chapters, the whole being subdivided into 12 books as follows: Employment and Unemployment, General Conditions of Employment, The Employment of Children and Young Persons, The Employment of Women, Industrial Health, Safety and Welfare, Social Insurance, Industrial Relations, The Administration of Social Legislation, The International Seamen's Code, Standards of Colonial Labour Policy, Migration, and Statistics and Other Information. As is apparent, the arrangement is primarily that of classification by subject matter. Each chapter is divided into two sections; section A contains provisions derived from conventions, intended to be obligation-creating instruments although many of them have not come into force as such; section B contains provisions derived from recommendations, intended to be standard-defining instruments. The A sections are drafted in imperative language, the B sections in recommendational language; the difference is that between "shall" and "should". The source of each article is given, and the whole Code is fully annotated and footnoted, but references to literature have had to be confined to the publications of the International Labour Office, so vast is the literature.

This excellent codification of the conventions and recommendations adopted prior to September 1, 1939, in which orderly arrangement by subject matter rather than chronological arrangement and the deletion of preambles and protocolary provisions has lent unity and coherence, is an invaluable reference book. It must be seen and studied to be fully appreciated. No doubt, the texts reproduced represent maxima and minima in what the parties responsible therefor, governments, employers and workers, would yield and agree upon; cautious expression is hence

to be expected. Many of the provisions of the Code fall within the description of "protective legislation," so that their actual effect would depend on administration. It is a lesson well learned that the efficacy of social legislation lies as much, if not more, in its administration as in its terms. Book VIII of the Code, *The Administration of Social Legislation*, consists of one chapter entitled "Labour Inspection" which contains no provisions under section A, but has 21 articles under section B, being the provisions of the Labour Inspection Recommendation of 1923. There are also other parts of the Code which are more significant in omission than in what they include. For example, book VII, *Industrial Relations*, contains nothing respecting freedom of association for workers generally. The explanation in the annotation reveals that there was disagreement in the International Labour Conference which prevented the adoption of a convention on the matter. This should be hardly a matter of surprise. Workers' claims to freedom of organization and collective bargaining have nowhere been accorded ready consideration, even after employers and governments had conceded the necessity of various protective measures, e.g. sanitary working quarters, fencing of dangerous machinery, etc. Those claims involved some voice in management policies. Resistance to them has supplied many bloody pages in the history of labour relations in Great Britain and in the United States. Workers in Canada are still without adequate legislative guarantees of freedom to organize and of the right to bargain collectively. The experience of Great Britain and of the United States apparently has no meaning for Canada; and labour's contributions to stable and progressive industrial relations, to improvements in the techniques of production and to the realization of maximum production, so well exemplified by its co-operation in Canada's war effort, have not even resulted in an invitation to labour representatives to share in any responsible way in directing that war effort. Have they no ability to assist in the formulation of industrial policies which they are asked to execute?

In addition to the Code proper, the volume under review contains ten appendices which are valuable adjuncts to the articles of the Code. These appendices include selected resolutions embodying standards of social and economic policy adopted by the International Labour Conference; selected standards of social policy approved by various conferences and committees under I.L.O. auspices; selected reports on matters of social and economic policy adopted by conferences and committees under I.L.O. auspices; selected resolutions of the first and second Labour Conferences of American States; labour clauses of certain instruments adopted under the auspices of the League of Nations; and a list of bilateral and plural international agreements regarding labour questions. Appendix X, *The International Labour Code as at August 1, 1914*, provides a striking comparison with *The International Labour Code, 1939*. The quarter-century development which this comparison discloses is a hopeful augury for the future.

B. L.