

# Historical development of labour law

Law



The origins of labour law can be traced back to the remote past and the most varied parts of the world. While European writers often attach importance to the guilds and apprenticeship systems of the medieval world, some Asian scholars have identified labour standards as far back as the Laws of Hammurabi and rules for labour-management relations in the Laws of Manu; Latin-American authors point to the Laws of the Indies promulgated by Spain in the 17th century for its New World territories. None of these can be regarded as more than anticipations, with only limited influence on subsequent developments.

Labour law as it is known today is essentially the child of successive industrial revolutions from the 18th century onward. It became necessary when customary restraints and the intimacy of employment relationships in small communities ceased to provide adequate protection against the abuses incidental to new forms of mining and manufacture on a rapidly increasing scale at precisely the time when the 18th-century Enlightenment, the French Revolution, and the political forces that they set in motion were creating the elements of the modern social conscience.

It developed rather slowly, chiefly in the more industrialized countries of western Europe, during the 19th century and has attained its present importance, relative maturity, and worldwide acceptance only during the 20th century. The first landmark of modern labour law was the British Health and Morals of Apprentices Act of 1802, sponsored by the elder Sir Robert Peel. Similar legislation for the protection of the young was adopted in Zurich in 1815 and in France in 1841. By 1848 the first legal

limitation of the working hours of adults was adopted by the Landsgemeinde (citizens' assembly) of the Swiss canton of Glarus.

Sickness insurance and workmen's compensation were pioneered by Germany in 1883 and 1884, and compulsory arbitration in industrial disputes was introduced in New Zealand in the 1890s. The progress of labour legislation outside western Europe, Australia, and New Zealand was slow until after World War I. The more industrialized states of the United States began to enact such legislation toward the end of the 19th century, but the bulk of the present labour legislation of the United States was not adopted until after the Depression of the 1930s.

There was virtually no labour legislation in Russia prior to the October Revolution of 1917. In India children between the ages of seven and 12 were limited to nine hours of work per day in 1881 and adult males in textile mills to 10 hours per day in 1911, but the first major advance was the amendment of the Factory Act in 1922 to give effect to conventions adopted at the first session of the International Labour Conference at Washington, D. C. , in 1919.

In Japan rudimentary regulations on work in mines were introduced in 1890, but a proposed factory act was controversial for 30 years before it was adopted in 1911, and the decisive step was the revision of this act in 1923 to give effect to the Washington Convention on hours of work in industry.

Labour legislation in Latin America began in Argentina in the early years of the century and received a powerful impetus from the Mexican Revolution,

which ended in 1917, but, as in North America, the trend became general only with the impact of the Great Depression.

In Africa the progress of labour legislation became significant only from the 1940s onward. The legal recognition of the right of association for trade union purposes has a distinctive history. There is no other aspect of labour law in which successive phases of progress and regression have been more decisively influenced by political changes and considerations.

The legal prohibition of such association was repealed in the United Kingdom in 1824 and in France in 1884; there have been many subsequent changes in the law and may well be further changes, but these have related to matters of detail rather than to fundamental principles. In the United States freedom of association for trade union purposes remained precarious and subject to the unpredictable scope of the labour injunction, by means of which the courts helped restrain trade union activity until the 1930s.

The breakthrough for trade unionism and collective bargaining was achieved by the National Labor Relations Act of 1935. In many other countries the record of progress and regression with respect to freedom of association falls into clearly distinguished periods separated by decisive political changes. This has certainly been the case with Germany, Italy, Spain, Japan, and much of eastern Europe; there have been many illustrations of it, and there may well be more in the developing world. Labour codes or other forms of comprehensive labour legislation and industries of labour were not introduced until the 20th century.

The first labour code (which, like many of its successors, was a consolidation rather than a codification) was projected in France in 1901 and promulgated in stages from 1910 to 1927. Among the more advanced formulations affecting the general condition of labour were the Mexican Constitution of 1917 and the Weimar Constitution of Germany of 1919, both of which gave constitutional status to certain general principles of social policy regarding economic rights.

Provisions of this kind have become increasingly common and are now widespread in all parts of the world. Departments or ministries of labour responsible for the effective administration of labour legislation and for promoting its future development were established in Canada in 1900, in France in 1906, in the United States in 1913, in the United Kingdom in 1916, and in Germany in 1918.

They became general in Europe and were established in India and Japan during the following years and became common in Latin America in the '30s. A labour office was established in Egypt in 1930, but only in the '40s and '50s did similar arrangements begin to take root elsewhere in Asia and Africa. Under differing political circumstances there continue, of course, to be wide variations in the authority and effectiveness of such administrative machinery.