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## Résumé de l'article

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- 1.—Le congrès a autorité sur la juridiction d'organisation de ses affiliés ;
- 2.—Les permanents syndicaux ont le devoir d'encourager l'élimination des conflits de juridiction ;
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- 10.—Nous souhaitons que le Congrès étudie les normes d'efficacité que chaque syndicat devrait suivre pour bien servir ses membres.

# The CLC Commission on Constitution and Structure

Larry Sefton

*The author makes a few general comments about the work of the CLC Commission on Constitution and Structure and about a few of the recommendations which seem to be of most importance in the face of the realities of industrial relations and collective bargaining in the 1960's.*

## Introduction

Our Commission conducted hearings, beginning in November, 1966, from Vancouver to Halifax. We were presented with a total of 51 submissions — some from organizations, some from individuals, some from within the labour movement, some from outside. We considered these submissions, and the problems to which they were directed, on the basis of the knowledge and experience of the seven of us who served on the Commission.

In its report our Commission presented the Convention of the Canadian Labour Congress with 35 recommendations for change.

Our purpose, and I believe an understanding of this is fundamental to an understanding of our recommendations, was not to postulate some hypothetical scheme which might theoretically be free from the strains of the present structure but which could not be adopted in the face of organizational and historical reality. Our purposes were to present recommendations which could be adopted now, in 1968, and which would represent significant progress.

In my opinion we accomplished both of these purposes. Our report was accepted, virtually unchanged in all its particulars, by the overwhelming majority of the delegates to the convention.

As for meeting progress, I should like to comment about a number of the recommendations which relate to the most serious problems in the structure of our labour movement.

The commission dealt at some length, for example, with the question of jurisdiction, one of the thorniest of them all. We

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have not issued a set of simple pat solutions to be put in effect by command from on high. Anybody who has worked within the labour movement, or within any democratically structured institution, knows how impossible that would be. We did, however, recommend a number of significant changes.

### Recommendations

We gave the Congress constitutional authority to define the organizing jurisdiction of the affiliates as occupied at the founding of the Congress and as amended since. In addition, and more importantly, it now becomes the constitutional responsibility of the officers to encourage the elimination of jurisdictional conflicts and duplications. The means proposed for accomplishing this are as broad as possible — the report, and now the constitution of the Congress, refer to «... agreement, merger, and other means.» The hand of the Congress in administering these problems, and others in which an affiliate may be guilty of damaging or interfering with the best interests of another affiliate, has been strengthened. The Constitution now provides that any organization which is suspended, as well as any which secedes or is expelled, will not be permitted representation on or recognition by the Congress, or any of its subordinate bodies, while this situation exists.

Our report has also provided that the Congress be «... given authority to review *all* (underlining mine) matters affecting jurisdiction with a view to moving vigorously toward a more rational jurisdictional structure.» The point of view of our Commission is not only that there are too many unions in the Canadian situation, but that the Congress undertake the definite responsibility to devise and promote a program for the study and discussion of logical mergers.

We have also tried to take steps in the report to insure that, whatever the problems may be today, they not be made more complicated by future decisions. The general principle is to be that new unions coming into the Congress are to be affiliated to existing unions. The chartering of local unions directly by the Congress is to be discouraged, and the existing chartered locals are to be encouraged even more vigorously than in the past to move into the proper national or international union.

Some exceptions, of course, will have to be permitted to this general approach. We mentioned in particular, professional groups — who are grappling with the problems of creating new unions for themselves, or of transforming existing organizations into unions. It is essential that the Congress, not only permit but encourage the separate affiliation of such groups.

All of these approaches to jurisdiction — the defining of it — the encouragement of mergers — the concern to eliminate duplication —

the care with which the creation of new jurisdictional areas is to be permitted — all of these are grounded in the concept that a union cannot be a viable institution in Canada today, if it is not able to command sufficient resources to do its job. Members must be bargained for, serviced and protected. These responsibilities cannot be met by institutions which are too small, or too spread out across the country in relation to their size.

### **The Industrial Change : the Need for New Approaches**

Jurisdiction is one of the very cornerstones of labour organization. The banding together of workers of one skill or one industry has been a traditional, and let it not be forgotten, an effective rallying point. There is no question that we are now in a social and economic situation which demands some new approaches. At the same time, there is no doubt that the bulldozer approach to change is not appropriate in an area as sensitive and important as jurisdiction. Our Commission recognized that change in this must be brought about in the democratic tradition of the labour movement, by leadership, by discussion and persuasion, by the articulation and definition of the needs and solutions.

We have tried in our report to indicate the path to change, and to challenge and provide the opportunity to our leadership, and to our movement, to set out on the journey.

Other important recommendations of the Commission concern the composition of the Executive Council of the Congress. It had been the original purpose, in creating the structure of the merged Congress in 1955, to provide for a balance of regional and organizational representation. The constitutional arrangements for achieving this balance, however, were never entirely satisfactory. They succeeded in recognizing neither kind of representation as effectively as events have required.

As a result of our recommendations regional representation will now come from the Presidents of the Provincial Federations who, by virtue of their office, will sit on the Executive of the Congress. This change both reflects, and should help to meet, the facts of growth in Canada. As our population increases, as the discovery and exploitation of natural resources moves on apace in most sections of the country, as areas of provincial political jurisdiction, like education and municipal development become of much greater significance than heretofore, so does the role of the provincial federations within the Congress increase in importance. The position of the Federation Presidents in the Executive of the Congress should do much to improve communication between the Congress and its provincial bodies, and should make all of them more effective.

The increasing significance of the role of the Federations was also recognized in our report in what became one of the few contentious issues on the floor of the convention. It is now required that all locals

of Congress affiliates become affiliates of their appropriate Provincial Federation.

More effective organizational representation was also provided for in our Report. The election of two more General Vice-Presidents, and of ten Vice-Presidents at large, now make it possible for the leading organizations within the Congress to achieve representation, and an essential voice in the Congress' affairs, without mixing such representation, however inappropriately, with regional considerations.

The separation of the means of choosing the two kinds of representation, and the enlargement of the executive made it a more effective leadership instrument in modern Canada.

We recommended another change which may be significant in the future. It is increasingly apparent that one of the needs of our communication-conscious society is to open up the means of information and consultation. Trade union executive procedures, on the other hand, for reasons I suppose of our history of struggle in a hostile environment, have been somewhat secretive and confined. We have now provided, in addition to the enlarged and more representative Executive, that it shall have the right to establish advisory committees. The purpose is to broaden the process of consultation and, of course, to make available any necessary expertise.

The single most significant environmental fact for the labour movement in the sixties is not, however, in the field of communication, important as that may be, but is in the dramatic growth and increasing power of the corporation in our world economy. Three developments, stand out.

The first is the ever-increasing pace of technological change — the pressure which results on so many of the traditional skill lines of union organization.

Another is the fantastic growth of multi-national corporations. Our traditional, and still the most relevant, way of thinking about most of these is as American corporations with increasing international interests. The trend, however, is in the direction of corporations which, although based in a particular state, employ their resources in so many countries, and in such amounts, that the corporation is much more representative of its own interests than of the interests of any particular nation. The international policy of the corporation itself is likely to be at least as relevant, although much less publicized, than that of any particular state.

The third, and parallel development is in the growth of conglomerates. It is clear that to more and more corporations their managerial and financial capital is a resource to be applied where their goals of profit and power can best be achieved, regardless of the business « jurisdiction » which may be involved. It still can occasion a headline

when a brewer becomes a steel fabricator, or vice versa, but there's not much eyebrow-raising at the idea of applying corporate know-how in such disparate fields.

The need for the labour movement to react structurally to these developments is obvious.

Fortunately, unlike most countries in the world, we have an international union tradition in Canada. We are, as a result, in a much better position to cope with the impact of multi-national corporations than are most labour movements. Even so, the rapid development of effective devices for international labour co-operation in organizing and bargaining is a vital necessity.

Similarly, bargaining devices must be developed for coping with the impact of both the continuing technological revolution and the conglomerate revolution within industry itself.

Our Commission made two recommendations particularly designed to help meet these needs. One of these gives the Congress the authority to call meetings of groups of affiliates in order that they may work out common policy objectives. The other gives encouragement to the Congress in the establishment of Trade Departments without defining any particular groupings which should be involved. The purpose of these changes is to leave the Congress and the affiliates free to pursue these approaches in whatever ways are most advantageous.

A major preoccupation of our Commission has been with efficiency and effectiveness. I suppose this is what the concern with re-structuring is all about.

We have made some rather direct suggestions about efficiency. We have recommended that the Congress look at all the modern media of communication, and calculations and information storing. Our members should not be at any technological disadvantage in gathering and sharing information.

We have also looked at the broader question of establishing a Code of Efficiency. The purpose would be «... to determine the appropriate standards of efficiency and services that a union should provide for its members...»

Not much reflection is required about as broad a statement as that to realize the complexities involved. The geography of Canada, the variety of organizational structures and approaches of the affiliates, the difference, for example, in the services provided at different levels in different organizations, were among the considerations which combined to make the task of establishing a Code of Efficiency a more complex one than the Commission could reasonably accomplish within the time at its disposal. It is, however, a task which must be done. We

recommended that the Congress set up a study program to examine the «...appropriate standards of efficiency and services that a union should provide for its members...»

We were, on the other hand, able to include a comprehensive Code of Ethical Practices in our Report without difficulty. There is virtual unanimity throughout the labour movement about the essential principles of trade union practice — elections, meetings, finances.

It is noteworthy, and perhaps not entirely co-incidental, that our Commission's review of the structure of the labour movement should have been carried out at the same time that Canada itself is occupied with matters of structure and constitution.

Our Congress has a vital interest in Canada's success. We are representative of members in every Canadian province. We are acutely aware of the economic and social relationships which provide common bonds across this country. We know, that, since workers' organizations must increasingly find means of effective action beyond national boundaries, workers have nothing to gain from the introduction of such boundaries into what is now a single country. We believe that we have contributed much — effort, skill, emotion, loyalty — to build this country. We want it to succeed, we are prepared to do everything possible to ensure that it does.

A number of necessary commitments flow from these convictions. I should like to mention two which are critical in the opinion of the Commission.

The first of these is the need to recognize fully the bilingual and bicultural nature of Canada, and to intensify our efforts to ensure that the essential importance of this is recognized throughout the Congress and its affiliates. The Congress has recognized this need from the beginning. It has always conducted its conventions in both languages, it prepares its reports and its literature on a bilingual basis, it employs French-speaking representatives in French-speaking areas. Nevertheless, the recommendation of the Commission is that the Congress intensify its efforts in this regard, both in its own affairs and in those of its affiliates.

The Congress' own unity objective — an objective which finds validity in almost all aspects of the needs outlined in our report — is to bring unity to the Canadian labour movement. The formation of the Congress itself, thirteen years ago, was the giant step toward unity. The merger of my own Union, the United Steelworkers of America with the Mine-Mill and Smelter Workers represented further significant progress. There are many more steps which can and should be taken. The words used by the Commission in our recommendation are as follows:

« The Canadian Labour Congress should intensify its efforts to attain unity. These efforts must involve not only the Officers of the Congress and members of the Executive Council, but all labour organizations and all trade unionists of good will in Canada. Each member, to the limit of his influence, has a responsibility. The Congress should issue a clarion call for unity among all those who are prepared to subscribe to the principles inherent in the Constitution of the Canadian Labour Congress. »

This has been a rather superficial review of some of the more important recommendations of the Commission. I have not discussed all of them — fewer than half in fact. And I am afraid I have not considered them in much depth. I have attempted to explain some of the reasons and concerns which influenced the Commission in arriving at its conclusions.

We found our study a most interesting challenge. We believe we indicated many useful directions. We believe, too, that change is now such a constant in our society that the Congress requires a study committee to continue the diagnosis and the explorations which we have begun.

## LA COMMISSION DE RÉVISION DES STATUTS ET DES STRUCTURES DU CTC

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