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This Third Wage-Labour Unrest and Industrial Conflict in Canada : 1900-1967
Les conflits ouvriers au Canada : 1900-1967

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Aller au sommaire du numéro

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Résumé de l'article

Notre exposé porte sur l'histoire canadienne des conflits ouvriers et industriels de 1900 à 1966. La question centrale que nous nous posons est la suivante : la vague de grèves et d'agitation des travailleurs ainsi que la violence et les procédés illégaux, représentent-ils un phénomène nouveau sur la scène canadienne en relations industrielles, ou s'agit-il d'une simple manifestation d'un modèle de comportement qui s'est répété plusieurs fois au cours des dernières décennies.

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Le modèle des grèves au Canada des années '60 avait ceci d'inhabituel qu'il inversait une tendance mondiale à long terme et qu'il divergeait fortement de l'expérience vécue dans d'autres pays : depuis la guerre, la durée moyenne des grèves au Canada a augmenté contrairement à ce qui s'est produit à travers le monde. Pour la première fois depuis le début des années '40, les indices les plus importants dénotent que l'incidence des grèves au Canada fut plus élevée qu'aux États-Unis.

La violence, l'illégalité et les sanction légales dues aux conflits de travail avaient diminués dans la plupart des pays, et au Canada, après la deuxième guerre mondiale. Mais dans les années '60, cette tendance s'est renversé fortement au Canada. Au fait, les Canadiens semblent détenir un record de violence et d'activités illégales en relations industrielles, et arrivent deuxième après les États-Unis. Un autre aspect des années '60 est le nombre de grèves sauvages et de piquetages illégaux, la fréquence des injonctions émises et violées, et le nombre des sanctions légales subséquentes. Soulignons aussi les faits historiques suivants :

1) Il n'existe pas un degré de corrélation significatif entre les variations d'agitation ouvrière et le mouvement du cycle des affaires.

2) Il n'y a pas de corrélation positive entre le schème des grèves américaines et celui des grèves canadiennes.

3) Le conflit industriel au Canada a été un phénomène plutôt régional que national.

Explication et interprétation.

1) Nous avons eu de la part de beaucoup de groupes d'employeurs influents au Canada une résistance prolongée et parfois violente à reconnaître les syndicats ou à s'engager dans une négociation collective valable.

2) En plus, une tradition longuement établie de lutte syndicale s'est vue continuellement frustrée et souvent exacerbée par la structure fragmentée et décentralisée du mouvement ouvrier canadien.

3) Un système hautement fragmenté et décentralisé de négociation collective rend difficile la négociation sur un pallier industriel complet, ou sur le marché complet d'un produit, en faveur de niveaux locaux ou régionaux.

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5) Le climat économique instable du Canada rend la planification au niveau national et régional difficile. Il en a résulté un taux relativement bas d'accroissement de la productivité et du revenu réel per capita, une structure très instable de croissance de la production et des emplois, des mouvements irréguliers du niveau des prix et des salaires, et un taux de chômage qui persiste.

Nous considérons le rapport de l'Équipe spécialisée comme étant une analyse fort valable des relations industrielles au Canada, et sommes d'accord avec la presque totalité de ses recommandations.

The Third Wave
Labour Unrest and Industrial Conflict in Canada: 1900-1967

Stuart Jamieson

The author investigates the strikes and labour unrest, and the associated widespread violence and illegality in the mid-sixties; is this a new trend on the Canadian industrial relations scene? It is seen as the crest of the third wave of Canadian labour unrest since 1900. The author supports the main recommendations in the Woods' Report that directly concern the question of labour unrest and industrial conflict.

The research project that I undertook for the Task Force on Labour Relations was a history of labour unrest and industrial conflict from 1900 to 1966 inclusive. The central question that was kept in mind throughout the study was this : Does the wave of labour unrest and strikes during the mid-sixties, and the widespread violence and illegality that accompanied it, represent something new in the Canadian industrial relations scene, a product of new, rapidly changing and almost revolutionary conditions of the present era ? Or was it merely the most recent manifestation of a type of behaviour pattern that for various reasons has occured on several occasions in previous decades ? This paper discusses the above questions.

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A boiled-down, over-simplified history of labor unrest in Canada

could be presented in a few sentences. It has occurred in three long "waves" or "cycles". Each of these started in what might be described as a period of comparative quiescence. With relatively minor intervening fluctuations, over protest and conflict then rose in magnitude over a period of two to three decades, reaching a peak, in scope and intensity, that was widely interpreted as constituting a crisis. This brought forth new government policies, followed by a new period of relative peace, then another mounting wave of conflict, and so on.

Chronologically, the first long wave in Canada started in the mid-1890's, reaching a climax in 1919. The second encompassed the period from the early 1920's to 1946-47. And the third wave covered the period from the late Forties to the mid-Sixties. Despite major transformations in the Canadian economy over this period of more than six decades, the three waves and peaks of industrial conflict had certain important characteristics in common, in causal factors and in outward manifestations. This suggests that there are built-in characteristics or maladjustments, in the Canadian industrial relations system and in the broader economic, social and political environment, that create tension and conflict on a critical scale every generation or so.

From the vantage point of history, therefore, the wave of strikes during 1965-66 could not be viewed as "unique", "unusual" or "unprecedented". Indeed, relative to the much larger labor force and percentage of workers unionized since World War II, the *incidence* or *impact* of strikes was less serious in 1966 than in the previous peak years of 1919 and 1946.

One important respect in which the strike experience in Canada during the mid 1960's *was* unusual or unique was that it represented a reversal of what appeared to be a long-term trend of world-wide proportions, and it diverged sharply from the experience of most other countries. Much of the following data is taken from the book by Ross and Hartman, entitled *Changing Patterns of Industrial Conflict,* which presents a comprehensive survey of strike experience in fifteen countries. These authors found that the overall "incidence" of strikes – as measured particularly by percentage of days employment lost – was by far highest in the United States. Canada ran a poor second, though far higher than in other countries. In *all* countries, however, including the United States and Canada, the incidence of strikes, relative to the size of the work force employed and of total union membership, had declined markedly since World War II, and

this appeared to be a long-term trend. Canada, however, *was* unique in one important respect. Alone among the fifteen countries surveyed, including the United States, the *average duration* of strikes in Canada had *increased* since the war, and was substantially above that of the United States and other countries. [1]

The sharp upsurge of industrial conflict in Canada during the 1960's, reaching a peak in 1966, seemed to present a second unique situation and to belie Ross and Hartman's findings regarding long-term trends. For the first time since the early years of World War II, the incidence of strikes in Canada exceeded that of the United States as measured by *all* major indices ; i.e., percentage of days employment lost, percentage of union members involved, and relative frequency, as well as average duration.

Violence, illegality, and legal penalties arising out of labour disputes had likewise undergone a marked decline in most countries, including Canada, after World War II. Here again, there appeared to be a unique and marked reversal in this country during the 1960's, when it seemed to be reverting to a pattern more characteristic of the 1930's and earlier. (However, in view of the events surrounding the general strike in France last year, and the series of large and violent strikes in Italy this year, Canada is no longer unique in this respect).

On the subject of violence, illegality, and state suppression arising out of labor disputes, the results of my own and others' investigations on behalf of the Task Force, were surprising. Numerous past assertions that I've rashly made in print shall have to be revised. When comparing and contrasting ourselves with Americans, we Canadians tend to assert an image of a moderate, law-abiding people with almost a genius for rational compromise and peaceful settlement of disputes. In fact, Canadians appear to have a record of violence and illegality in industrial relations second only to that of the United States. All told, from what records were available, there appear to have been at least 250, and probably far more, labor disputes in Canada since 1900 in which there

1. Twelve years ago this author expressed the hypothesis, in print, without any attempt at testing or proving it, that the long average duration of strikes in Canada, and their greater duration in the postwar as compared to prewar period, could be attributed to the rather cumbersome system of compulsory two-stage conciliation of industrial disputes that was enforced by the federal and most provincial governments at that time. (See Stuart JAMIESON, *Industrial Relations in Canada,* Ithaca, N.Y., Cornell University Press, 1957, Chap. 4.

occurred violence, illegality, and use of force by the government in one form or another. Ninety or more of these happened during the decade 1957-66 inclusive. They ranged from minor cases of arrests for "jostling" and "obstruction of police" on picket lines, to major riots in which there occurred such phenomena as property damage, physical injury, deaths, and intervention by armed police or military forces. And, in view of her much smaller population and relatively, lesser frequency and size of strikes, every incident of violence in Canada should be multiplied by about 20 to 1 in comparing this country with the United States.

Another related feature that stood out in the 1960's — aside from violence — was the number of cases of illegal wildcat strikes and picketing, and the frequency with which injunctions were issued and violated, with consequent legal penalties.

Some of the other findings from history were also surprising, insofar as they went counter to a number of hypothesis or pre-suppositions that I had when I began the study. Here it will be necessary to rely heavily on a supporting statistical analysis by John Vanderkamp who worked with me on the historical survey. [2]

First. Over the period as a whole there has been no significant degree of correlation between the waxing and waning of labour unrest and conflict on the one hand, with the ups-and-downs of the business cycle on the other. Only in the 1960's, and to a much lesser extent in the period 1900 to 1912, were economic expansion and inflation accompanied at all closely by a mounting incidence of strikes.

Second. For a number of obvious reasons one would have expected a close relationship of strike activity in Canada with that in the United States. Here again, we found no significant correlation, even when tested with one-and-two-year lags.

Third. Industrial conflict in Canada has been primarily a *regional* phenomenon since the turn of the century, and the incidence of strikes has varied widely among different regions, as well as different industries, from year to year and decade to decade. Only on relatively rare occasions, under special combinations of circumstances, have there been nation-wide waves or patterns of industrial conflict.

2. John VANDERKAMP, *The Time Pattern of Industrial Conflict in Canada,* 1901-1966 (unpubl. mss. Task Force on Labour Relations, Ottawa, 1968.)

In between the major peak years mentioned earlier ; i.e., 1919, 1946 and 1966, there were a few minor peaks, in 1912, 1937, and 1943, that *were* nation-wide in character and scope.

In the earlier decades, roughly up to the mid-thirties, the two "far-out" regions, British Columbia and the Maritimes, accounted for a disproportionate share of strikes, and of violence, illegality and forceful repression. They were followed by Quebec. The Prairie region stood out briefly in the immediate postwar I period, when the Winnipeg General Strike dominated the industrial relations scene. Ontario was, by comparison, relatively quiescent.

Among industries, coal-mining, concentrated in the Maritimes, Western Alberta, and British Columbia, accounted for a disproportionate number of strikes, strikers, and man-days lost from strikes up to and including World War II, as well as the more violent confrontations. From the late 1930's on, there has generally been an increased concentration of strikes, and of violence, illegality and government use of force, in Ontario and Quebec, while British Columbia and particularly the Maritimes have become comparatively quiescent. This concentration was particularly pronounced during the mid-sixties. Correspondingly, in view of the prevailing industrial structures of these provinces, the manufacturing, transportation, construction and, more recently, public service industries have come to dominate the strike picture.

Explanation and Interpretation

In attempting to explain these findings, it is necessary to focus first, on the industrial relations system rather than the broad social and political environment ; and secondly, on broad patterns of industrial conflict that appear to have been characteristic of the nation as a whole in recent decades, rather than on the problems of particular regions or eras. Of special interest to the Task Force Committee, as well as to a number of researchers like myself, have been the relatively high incidence of strikes and their high average duration, particularly since World War II ; the relative prevalence of violence and illegality ; and the correspondingly severe preventive or punitive measures taken by authorities at all levels.

A few of the explanations that follow are borrowed from Ross and Hartman's earlier mentioned work, but most of them were derived from the research study itself.

First. There has been the protracted and at times violent resistance of many influential employer groups in Canada to recognizing unions or engaging in meaningful collective bargaining.

Second. Related to this, in both cause and effect, has been a long established tradition of union militancy which has been frustrated (or often exacerbated) by the fragmented and decentralized structure of the labour movement in Canada. As many critics have pointed out, there are and have been too many unions in this country, most of them too small to function effectively on behalf of their constituents. And in the aggregate they still represent a relatively minor fraction (less than one-third) of the paid labour force.

Third. Deriving from these two outstanding features has been the prevalence of a highly fragmented (or segmented) and decentralized system of collective bargaining. Two thirds or more of all agreements in Canada are and have long been negotiated between local unions and individual companies or plants. Many employers, even more than unions, have been unable or unwilling to organize effectively on a broader basis to engage in industry-wide or market-wide bargaining on even a local or regional, let alone nation-wide scale.

Fourth. As a result of these weaknesses, unions and employers in Canada over the years have both come to depend on governments to an excessive degree, each party attempting to protect itself against the other. In early decades employers could in most cases rely on governments to defend their legal right to refuse recognition to unions or to protect their property, and their strikebreakers, in situations of overt conflict. In view of prevailing employer attitudes and policies in most industries, unions, to achieve even bare survival, came to depend on governments to protect their rights to organize and to force employers to recognize and bargain with them.

With unions having won these rights, employers in turn since World War II have come to depend increasingly on governments to pass new legislation and on the courts to enforce new and more severe restrictions on unions to further protect their, that is employers', property and prerogatives.

The result of all this for Canada is an interesting paradox. In no country, with the possible exception of the United States, have employers

and unions proclaimed so vociferously the virtues of "free enterprise" and "free" collective bargaining respectively. Yet in no country, including the United States, have the two parties become so enmeshed in such a detailed, complex, and on the whole rigid web of legal regulations that sharply limit their freedom of action in such matters as unfair labor practices ; certification of unions ; collective bargaining, conciliation and arbitration procedures ; strikes, lockouts, picketing and boycotting ; issuance of injunctions ; and the like. All these in turn generate, particularly among union members, widespread frustration, disenchantment with the law, resort to illegal actions, and consequent incurring of legal penalties.

Fifth. Finally, there is and has been, overall, the unstable economic environment in which Canada's industrial relations system has had to operate. The Canadian economy, for a number of complex reasons, has been one that renders effective planning at the national or regional level exceedingly difficult to achieve. This was particularly apparent during the Depression Thirties and in the postwar II period. The result has been, as compared to most Western countries, a relatively slow rate of increase in productivity and per capita real income, a highly unstable pattern of growth in output and employment, erratic movements in wage and price levels and, overall, a persistently high rate of unemployment in all but a few peak boom periods. Such developments have tended to exacerbate labour unrest and industrial conflict.

Task Force Conclusions and Recommendations

In attempting to assess the conclusions of the Task Force in the light of my own research findings, I shall confine the discussion to main recommendations in the *Report* that directly concern the question of labour unrest and industrial conflict. I consider it an outstanding piece of work — by far the best analytical survey of industrial relations in Canada, and agree with all but one or two relatively minor points among the recommendations it contains.

First. The central theme and tone of the *Report* would seem to merit enthusiastic affirmation and re-affirmation. The authors express strong support for collective bargaining, and for the right to strike as an inseparable instrument of bargaining in all but exceptional circumstances that would create serious public emergencies and hardships.

The general line of government policy recommended is to encourage and strengthen collective bargaining, while reducing the excessive number

of legal restrictions and interventions that tend to undermine its effectiveness.

Second. One of the most important recommendations, in my view, is the proposal to broaden the powers of the Labor Relations Board (to be re-named the Industrial Relations Board), to enable it to consolidate existing bargaining units and to order multi-union, multi-employer and industry-wide bargaining for specific purposes. Potentially, at least, such a measure could go far towards overcoming the overly segmented pattern of bargaining and to induce unions and employers to improve and consolidate the fragmented structure of their organizations that has prevailed hitherto.

Third. By the same token, the proposal to staff the Industrial Relations Board entirely with neutral public members, in place of union and employer representatives and a neutral chairman, seems to make sense. The present composition of such boards is one that gives legal power to vested interests on both sides to perpetuate the existing structure, with all its limitations.

Fourth. As regards the question of disputes settlement, it's difficult to disagree with the recommendations for dismantling the cumbersome two-stage procedure of compulsory conciliation that applies under federal legislation, and to introduce a greater measure of flexibility.

The principle of appointing *ad hoc* tri-partite boards to hold hearings and make recommendations for settling disputes, and prohibiting strikes or lockouts while the boards are sitting, in Canada dates back to the early years of this century. Its long record is one in which it would be difficult to establish that the principle has had any great measure of success in practice. Indeed, a case could be made for the contention that it tended to delay and discourage the emergence of mature collective bargaining relations between unions and employers. And the argument has been presented elsewhere that the prevalence of compulsory two-stage conciliation during the latter 1940's and throughout the 1950's contributed in a major way to the unusually long average duration of strikes in this country. [3] Most provincial governments have been moving somewhat in the direction recommended by the Task Force — that is, to limit compulsory intervention to that of the Conciliation Officer, and to leave the way open thereafter to the use of a variety of alternative measures for attempting to settle disputes and terminate strikes. In this way, dispute

3. JAMIESON, *op. cit.*

settlement procedures can be to some degree "tailor made" to suit the varying issues and circumstances faced in different industries.

I differ, however, with the Task Force in its proposal to retain the principle of compulsory intervention by Conciliation Officers at the initial stage.

(To borrow the late Chief Justice Hughes' misleading observation about peaceful picketing, one might say that "Compulsory Conciliation" is a basic contradiction in terms, like "honest thievery" or "chaste vulgarity"). If collective bargaining is to be given the utmost encouragement, it seems to me that conciliation should at all times be voluntary. And, where it's conducted under official auspices, the government should retain the option as to whether or not to invoke it, even of both parties jointly request the service. The gouvernment, in other words, should confine its interventions in otherwise peaceful disputes only to those in which an important public interest is involved, though not necessarily to the degree of being in the category of a "public emergency."

Fifth. Various Task Force recommendations for removing certain irritating restrictions on strikes, lockouts, picketing and boycotting would also seem to merit strong support. Among these are : interim certification for unions seeking jurisdiction over workers employed in jobs of short duration ; automatic dues check-offs for all employees under certified union jurisdiction ; the right to strike or lockout at the terminal date of agreements, rather than of dispute settlement procedures that often extend far beyond that ; a mandatory, six-months notice from employers to the government, and to unions, of technological changes that would lead to permanent displacement of workers ; the right to negotiate and engage in strike action over any such technological changes that may be introduced in a bargaining unit while an agreement is in force ; the right of all employees to refuse to cross picket lines in support of legal strikes ; legalization of union picketing of employers buying from or selling to other employers involved in strikes or lockouts ; and vesting in the Industrial Relations Board the enforcement of picketing regulations as they apply to collective bargaining policy. This would eliminate applications to courts for injunctions, except for cases involving the criminal law. I would add another recommendation, which the Task Force rejected in its *Report;* namely, the legalization of "informational" picketing by unions of non-union employers.

This group of recommendations would seem to offer the possibility, if implemented, of leading to several improvements in the climate of labor

relations in this country. Conceivably, they might lead to an increased *number* of disputes and strikes, though this seems unlikely if other major recommendations were also implemented, such as broadening the scope of bargaining. In any case, as against this possibility, it seems likely that the average duration of strikes and lockouts, and ultimately their aggregate costs, would also be reduced. Such measures, furthermore, are designed to alleviate or reduce in number the types of situations that generate widespread and intense frustration and unrest, and consequently wildcat strikes and other illegal activities, among large groups of workers. And, by reducing the frequency with which the courts become involved in labour disputes, these measures should inculcate a greater respect for the law than has existed in union circles to date.

Sixth. Finally, as suggested earlier in this paper, the relatively extreme instability of Canada's economy hitherto, with bursts of inflationary expansion followed by periods of stagnation and severe unemployment, has been one of the most important factors underlying widespread labour unrest and conflict. While having implications that go far beyond those of industrial relations in the narrower or more specific sense of the term, the Task Force *Report* stresses the need for broad measures of economic planning and research to achieve a more stable and sustained pattern of economic growth. Its major specific recommendation in this regard is the establishment of an Incomes and Costs Research Board as a research and advisory agency. The Federal Government has already taken steps to establish such an agency having a different title, under the Department of Consumer and Corporate Affairs. It appears to differ only in relatively minor detail from that envisaged by the Task Force.

No attempt has been made in this paper to analyse a number of other recommendations of the Task Force report. Some of these are not directly relevant to the question of labour unrest and industrial conflict as such, and are concerned more with issues of administrative efficiency, fairness and equity, protection of individual rights, and the like. Such, for instance, are the proposals for a bill of rights for union members; transfer of union hiring halls to the Manpower Department; and merging of the Public Service Staff Relations Board with the proposed new Relations Board.

On some other major proposals, such as a representative Canadian Industrial Relations Council to deal with disputes that present a major threat to the public welfare, I've suspended judgment due to inability to assess its probable effects on the level or intensity of conflict.

LES CONFLITS OUVRIERS AU CANADA : 1900-1967

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