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THE PASSAGE OF BILL 39:

REFORM AND REPRESSION IN BRITISH COLUMBIA'S LABOUR POLICY

by

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ABSTRACT

The British Columbia legislature passed in 1947 a new Industrial Conciliation and Arbitration Act. The act installed at the provincial level the modern system of labour relations, including certification of labour unions, a labour relations board and the government-supervised strike vote. The act was passed by a coalition government of Liberals and Conservatives, in response to a wave of strikes the preceding year which crippled, among others, the province's forest and mining industries. The legislation incorporated many restrictions on union activity sought by business spokesmen and gave a legal basis to the institutional status sought by union leaders.

This study examines the passage of Bill 39 in relation to three themes: the importance of class structure in the politics of British Columbia, the role of the state in capitalist society, and the development of the west coast labour movement. The class and economic structure of the province during the 1940s is outlined and some links are shown between heavy dependence on resource extraction and low-level processing and the high incidence of labour unrest. The class bases of the political parties are isolated and their relationship to the industrial structure discussed. This material forms the background for a history of the wartime and post-war struggles between labour and employers in B.C. The strikes of 1946 are shown to have prompted employers to press the government for restrictive labour legislation. Considerable attention is also paid to the articulation of working-class demands for security and to the relationship between labour leaders and the Coalition labour minister, George Pearson.

The discussion of the passage of Bill 39 and its aftermath shows how the influence of rural Tory elements in the Coalition led to the demise of the reformist tradition of the depression premier, Duff Pattullo. The

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influence of the labour situation on the election of a successor to Premier John Hart is discussed, and some insight into the workings of the coalition government is gained through an examination of the government's reaction to anti-Bill 39 strikes and protests.

The concluding chapter draws on examples from the preceding historical material, to show that the state in a capitalist society must contain class conflict, through variously reformist or repressive methods, without challenging the system of wage-labour and profit. The role of political parties, the cabinet, the legislative assembly, the government bureaucracy and the judiciary in this process is analyzed. Finally, the response of the labour movement to state action is discussed, and it is suggested that radical political parties have yet to resolve in practice the apparent contradiction between working-class desires for security and the need for revolutionary social and economic change which they perceived.

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INTRODUCTION

This is a study of the passage in 1947 of British Columbia's Industrial Conciliation and Arbitration Act, and of amendments to it in 1948. Three broad themes are dealt with. One is the impact of class conflict upon the political process and political institutions in British Columbia. The second is the development of labour relations policy by the state in a capitalist society. Finally, the study deals to some extent with the internal politics of the labour movement in Canada's westernmost province.

Outside the academic sphere it is generally taken for granted that British Columbia's often turbulent political scene is vitally influenced by class conflict. Academic writers too have constantly found it necessary to turn their attention to class divisions in the province. "On the West Coast," says one, "the main cleavage is class and occupational in nature, between the labour world and the world of the middleclass and big business".¹ Says another, describing the 1940s: "More than ever before, British Columbia, with great capitalists and with a large labouring force in its midst, was a class-divided society."²

The effect of the class cleavage on the political system has also received some attention. Thomas Sanford suggests that class conflict played a critical role in the emergence of the party system:

Industrial unrest and the refusal of the banks to finance the provincial government any longer pushed the factional managers of the political system towards an introduction of party lines.³

Martin Robin argues that the "extreme acquisitive individualism" of capitalists and the "strong collectivism" of the labour and socialist movements have left a "legacy of class opposition",⁴ rendering the province's politics "white-hot". For this reason, he says, successful governing parties in British Columbia must "manipulate, rather than eliminate" class conflict.⁵

2.

Other writers have called attention to the absence of "traditionalism and a shared past" which in other societies have the effect of mediating class conflicts.⁶

A lack of precise definition in much of this work has left the thesis that class conflict is the dominant force in B.C. politics open to criticism.⁷ While critics of the thesis have yet to come up with convincing proof that it does not apply, its proponents -- motivated by justifiable moral outrage at certain episodes in the province's history -- often substitute a kind of robber-baron demonology for an exploration of the subtleties of class structure and its effect on politics.⁸ This study defines social classes by their relationship to the means of production. It suggests that much in British Columbia politics has its basis in conflict surrounding the wage relationship and the attendant social institutions of collective bargaining and labour unionism. The overwhelming numerical predominance of the proletariat and the relative insignificance of independent commodity production heighten the importance of labour policy in provincial politics. Also critical is the importance of resource extraction and low-level processing in the regional economy.⁹ The location of industry in isolated areas generates industrial conflict which has a political effect. More important, the competition for world markets in which resource industries must engage produces a desire for uninterrupted production at the cheapest labour rate possibly more intense than in more advanced and diversified economies. The demands of resource-based capitalism played a prominent if not crucial role in the development of the party system and of state labour policy. Any broad conclusions must be regarded as tentative since the study covers a limited period of time. But the evidence shows that the issues surrounding the wage relationship played a decisive role in certain events of major significance to the political system.

If class conflict plays a significant role in politics, a more complex question is the relationship of the state to social classes and the political system. The relative "autonomy" of the state is a constant subject of debate among political scientists. The increasing power of the bureaucracy and the recruitment of members of diverse classes into the state system are thought by some to absolve the state in capitalist societies from the charge that it is a "tool of the bourgeoisie." In his Marxist analysis of the modern capitalist state, Rälph Miliband challenges this view.¹⁰ Miliband allows that the state possesses a degree of autonomy, and that the political institutions of democracy are more than just a bourgeois plot. But he shows that structural pressures on the state, in terms of its personnel and its potential for action, make it an agency for the maintenance of the conditions under which the capitalist mode of production may thrive. In the area of labour relations, Miliband says, this function dictates a policy of "routinisation of conflict" to make it more manageable, and economic conditions thus more predictable, so the economic system based on wage labour may be perpetuated.¹¹

Writers on British Columbia have noted a "close connection between economic development and political longevity"¹², and discussions of state labour policy in Canada emphasize the dominion and provincial "preoccupation with attempting to prevent strikes or lockouts by legislative means".¹³ These would appear to indicate at least partial application of Miliband's characterization of the capitalist state in the case of British Columbia. The present study lends more weight to this contention. While there were conflicts among sections of the capitalist class and components of the state system on strategic questions, the motivating factor in labour relations policy was the maintenance of the conditions of capitalist production. In detailed description of the passage of a particular piece of legislation, I have tried to show how the different elements of the state system help fulfill this function.

The final theme of the study concerns the development of British Columbia's labour movement. Unions represent the economic organization of the working class. They were originally formed to fight for relief from the oppressive characteristics of wage labour through increased wages and working conditions. In British Columbia the resource economy produced union militance and political awareness in a number of ways.¹⁴ The unions' power derived initially from the potential for collective withdrawal of labour. But during the 1930s and 1940s the makers of state labour policy gradually came to see the advantages of a system of industrial relations in which state sanction was given to union activity in return for the acceptance by the labour movement of a role in the maintenance of the conditions of production. Union leaders did not realize the implications of this change in the basis of industrial relations because they were preoccupied with working-class demands for "security" at the end of the war. The divisions in the union movement between craft and industrial organizations, and between communist, social democratic and liberal elements, simplified the task of employers who pressured the government to pass restrictive labour laws.

Chapter 1 of this study is a background chapter designed to acquaint the reader with the history of labour relations policies in Canada and the United States, and to show the influence of federal wartime policy on industrial relations in Canada. Chapter 2 describes the class composition of British Columbia during the 1940s and compares it with that of the legislature which passed the Industrial Conciliation and Arbitration Act of 1947, showing the over-representation of bourgeois and petit-bourgeois elements in the legislature and discussing the class and regional bases of the political parties. Also included in Chapter 2 is a brief history of unionism and labour relations in British Columbia prior to the end of the Second World War.

Chapter 3 begins the story of the unions' post-war drive for status and

security, emphasizing its importance to union leaders. It also describes the formation of the second British Columbia Federation of Labour, the first conflicts between communists and social democrats over political strategy, and the federation's attempts to get favourable legislation through backroom collaboration with the coalition government. Chapter 4 continues this narrative up to mid-1946, including material which illuminates the relationship between business and government and helps explain the economic basis of labour policy. In Chapter 5 the crippling strikes of 1946 are described, with emphasis on the role they played in leading British Columbia's employers to seek repressive labour legislation from the government, and in leading the government to be receptive to this pressure.

Chapter 6 describes the tensions within the coalition government during the post-war years, before telling the story of the passage of the Industrial Conciliation and Arbitration Act (Bill 39). The bill signified the defeat of reform liberalism in British Columbia, a development which was confirmed when the labour minister, George Pearson, resigned in the fall of 1947. Chapter 7 tells the story of this and other developments which followed the passage of the act. A series of challenges to the legislation came not only from the union movement but also from the courts and the Liberal party itself. The issue of government labour policy played an important role in the December, 1947 leadership convention called to pick a successor to the Liberal coalition premier, John Hart. The victory of repression over reform in government policy was confirmed in April 1948 with the passage of amendments to the act which strengthened its restrictive clauses. Finally, Chapter 8 offers some interpretations of the events surrounding the post-war controversy over labour policy. It attempts to highlight significant developments which tend to be submerged by the often-tortuous narrative. It offers a number of conclusions concerning class conflict and politics, state labour policy in a resource-based capitalist economy, and the development of the union movement in British Columbia.

Notes to introduction

- 1 Thomas Sanford, The politics of protest: the Co-operative Commonwealth Federation and the Social Credit League in B.C., PhD thesis, University of California (political science), 1961, 44.
- 2 Margaret Ormsby, British Columbia: a history, Vancouver: Macmillan, 1971, 486.
- 3 Sanford, op. cit., 72-3.
- 4 Martin Robin, "British Columbia: the politics of class conflict," in Martin Robin, ed., Canadian provincial politics, Scarborough: Prentice-Hall, 1972, 29, 40.
- 5 Martin Robin, "The social basis of party politics in British Columbia," Queen's Quarterly, 72 (1966): 689-690.
- 6 E. R. Black, "British Columbia: the politics of exploitation", in R.A. Shearer, ed. Exploiting our economic potential: public policy and the British Columbia economy, Toronto: Holt Rinehart & Winston, 1968, pp. 28-9. See also Sanford, op. cit., 54.
- 7 See Mark Sproule-Jones, "Social Credit and the British Columbia electorate," B.C. Studies, 12 (1971-2): 34-45; rejoinder by E. R. Black, 46-8; rejoinder by Martin Robin, 49-50; reply to rejoinders, 51-2; Donald E. Blake, "Another look at Social Credit and the British Columbia electorate", ibid., 53-62.
- 8 See Alan Cairns, "The study of the provinces: a review article," B.C. Studies, 14 (1972): 73-82 and Alan Cairns and Martin Robin, "Comment", B.C. Studies, 16 (1972-3): 77-82.
- 9 See Stuart Jamieson, "Regional factors in industrial conflict: the case of British Columbia," CJEPS, 28 (1962): 405-416.
- 10 Ralph Miliband, The state in capitalist society, London: Weidenfeld and Nicolson, 1969.
- 11 Ibid., ch. 4-2.
- 12 Black, op. cit., 33.
- 13 Stuart Jamieson, Industrial relations in Canada, second edition, Toronto: Macmillan, 1973, 117.
- 14 Paul Phillips, No power greater: a century of labour in British Columbia, Vancouver: B.C. Federation of Labour/Boag Foundation, 1967, 162-4.

CHAPTER 1

COLLECTIVE BARGAINING AS AN INSTITUTION IN CANADA

Introduction

State intervention and compulsion in labour relations is something taken for granted on the North American continent. So is the institution of collective bargaining. The two are often assumed to accompany one another as a matter of course, but this is not the case. The principle of state intervention and compulsion has been part of Canadian labour relations policy since the turn of the century. Here the federal state in Canada was ahead of its counterpart in the U.S. in developing sophisticated means of dealing with labour militancy. But both the federal and provincial components of the Canadian state were slow to realize the ideological and practical value of institutionalized collective bargaining. Before World War II, the power of labour and capital in Canada derived from their respective abilities to take economic action. It took the pressures of wartime to replace this Canadian industrial relations system with a U.S.-inspired one involving the institution of collective bargaining. In this system, the state allocates rights and responsibilities, distributing power between the parties according to the political and economic pressures exerted upon it.

A. Two Industrial Relations Systems

1. The Wagner Act system

Until the 1930s, union recognition in the U.S. (as it was in Canada until 1944) was largely a question of muscle. For the most part, if you wanted to bargain with an employer, you had to convince him that you could hurt him through strikes, slowdowns or other forms of action which directly threatened production. Freedom of organization had been guaranteed legally

to workers in the U.S. (as well as Britain and Canada) since the closing years of the nineteenth century, but in the majority of cases employers had found ways to thwart their employees' desire to unionize. In 1933, however, collective bargaining was institutionalized almost in one stroke with the passage of the National Recovery Act. After that legislation failed to withstand a challenge on constitutional grounds, it was replaced by the National Labor Relations Act, or Wagner Act, of 1935.

The Wagner Act not only continued the guarantee of freedom to organize but also provided a means of eliminating the jurisdictional and recognition disputes which often followed an employer's refusal to bargain with unions which clearly had the support of employees. The technique developed was that of certification.¹ The state, through a system of labour relations boards, was empowered to take whatever measures were necessary to determine the wishes of workers, and certify or approve a union as the sole bargaining agent for a group of employees..

Through certification, those recalcitrant employers who had been blind to the advantages of unions as a means of controlling the expression of class conflict and making it predictable were to be forced to bargain. Collective bargaining, hitherto a process in which employers were forced to participate by the direct economic power of the workers they employed, now became a process begun or continued with the sanction, and often only after the invocation of the power, of the state. The Wagner Act required an applicant for certification to prove that the employer had refused to bargain, thus attempting to encourage voluntary recognition. But even in cases where this did occur, and employers put up little opposition to unions, they did so with the power of the state hanging over their heads.²

The Wagner Act was one section of a vast programme of reform developed in response to the catastrophic depression of 1929-35 and the labour unrest

produced by hunger and unemployment. The controversy surrounding the Wagner Act (and the whole New Deal package) reflected a division among industrialists as to the proper method of dealing with a crisis in the development of capitalism. Would certain "concessions" be made to unions in order to reduce the simmering discontent among workers, or would a hard-line policy aimed at smashing the nascent industrial union movement and bolstering the old system of paternalistic employer-employee relations be instituted? For the time being, the former course was chosen, "on the ground that encouragement of trade unionism and collective bargaining was the best means for achieving stable and peaceful industrial relations."³ The reformers had won the day. But the conflict persisted through the Second World War until the balance swung toward more repressive methods of containment with the passage of the Taft-Hartley Act in 1947.

2. "Employee representation" -- the King system

The division between reformists and reactionaries existed among Canadian capitalists, but the reformists never really gained the upper hand, and the reforms were never as sweeping as those of the Roosevelt New Deal. The relative weakness of reformers, especially in the area of labour relations, can be traced to differences in the structure of capitalism in Canada and the U.S.⁴

First, the Canadian state became crucially involved in enterprises designed to open up new hinterlands for the Eastern Canadian commercial metropoli. Vast numbers of workers were employed on railways and in the forests and mines, all of which enterprises had secured land, money and/or tax concessions from the federal and provincial governments. Legislators were thus unwilling to tolerate any unrest or, indeed, to favour improvements in the material conditions of workers in these enterprises. The state was

willing to subsidize profits, but not wages. Tolerance of any time-wasting labour unrest would negate the original purpose of the subsidies or grants.

Second, Canada has always possessed a degree of monopolistic concentration higher than that in the U.S., and this has meant there is less competition for labour. This, coupled with the specialized nature of much Canadian enterprise (such as aluminum production) has "tended to limit workers' choice of alternative employment in case of conflict."⁵

Third, the lack of secondary industry, which tends to stabilize social and economic relationships, has meant that labour policy has responded to developments in the primary sector. Primary resource-extractive and resource-processing industries are characterized by fluctuations in wages and employment levels, dependence on foreign markets, a tendency to locate in remote areas away from mass scrutiny, and the development of authoritarian company towns. In this sector repressive tactics are more easily used in dealing with labour unrest and the necessity for the more sophisticated regulatory device of institutionalized collective bargaining was obviated. By contrast, in the U.S. the well-developed secondary sector was more influential in the determination of labour policy.

Thus in the Canadian context William Lyon Mackenzie King, whom we generally consider today to have been insufferably paternalistic and who encouraged before 1939 only the weakest and most rudimentary form of organization, was a reformer. The employers with whom he was involved in conciliation as deputy minister of labour in the first decade of the twentieth century were generally dead set against any organization whatsoever. The net effect of King's work was to promote the system of "employee representation", in which employees in a plant or other enterprise chose "representatives" to bargain for them, but no union recognition or security was granted. But even

this limited institutionalization of the right to organize, embodied in the Industrial Disputes Investigation (IDI) Act of 1907, ran into parliamentary opposition, as King later recalled:

When it came to considering the representation that there is in the House of Commons, a body two-thirds of the members of which, I suppose, are from rural communities and considering the representatives from urban districts who for the most part are not representatives of labour but of capital, it became very apparent to those of us who were in favour of it (the representation plan) that we could not get anything unless we had something to give the State in return. (7)

The "something" exacted was a clause providing for compulsory conciliation in the mines, transportation, communication and the public utilities.⁸

Because of this strike-delaying clause, employers remained free to oppose union recognition and circumvent the compulsory bargaining provision of the IDI Act (in those industries where it applied) by stalling for time to weaken the unions' positions. In other industries, although management and unions could apply jointly for conciliation, the lack of compulsion or a certification process meant the situation remained unchanged. King's "reforms", it has been observed, actually tended to promote the formation of company unions through the "representation" scheme, and probably encouraged more employer resistance than employee organization.⁹

Significantly, the strike which precipitated the passage of the IDI Act occurred in a resource industry -- the Alberta coal fields. King was forced to bow to the intransigence of ruthless mine operators who refused to admit that collective bargaining might be the key to the "industrial stability" which they desired. Other major disputes preceding the passage of the IDI Act occurred in the fishing industry and on the railroads -- one a primary resource and processing industry and the other both monopolistic and government-subsidized.¹⁰ The passage of the IDI Act illustrates how the structure of Canadian capitalism helped produce a distinctive state approach to labour relations.

3. Expansion of the King system

The subject matter of the IDI Act was ruled outside the jurisdiction of the federal government by the Judicial Committee of the British Privy Council in 1925. The committee held that the act dealt with property and civil rights, a provincial prerogative under section 92 of the British North America Act.¹¹ Consequently the act was amended to restrict its compulsory coverage to: 1) inland or maritime navigation and shipping, 2) interprovincial and international communication, 3) federally or foreign-incorporated companies, 4) industries "declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the provinces", 5) disputes "not within the exclusive legislative authority of any provincial legislature", 6) disputes declared by the cabinet to constitute a national emergency, and 7) disputes in areas to which the federal act was applied by the action of provincial legislatures.¹²

Paradoxically, the Judicial Committee's action resulted in extension rather than limitation of the King system. The principle of compulsion was extended by the 1925 amendment to all disputes in the federal jurisdiction. Ottawa then attempted, largely successfully, to convince the provinces to pass laws applying the act in their jurisdictions. British Columbia became the first to do so, less than a year after the Judicial Committee decision was handed down. Saskatchewan, Manitoba, New Brunswick, Nova Scotia, Ontario and Quebec had all passed similar enabling legislation by 1932, and Alberta by this time had its own act modelled on the dominion legislation.¹³ By mid-Depression, then, the King system of compulsory conciliation without union recognition extended to all industries in all parts of Canada except Prince Edward Island.

4. The King and Wagner systems compared

It has been claimed that the IDI Act "preceded the Wagner Act both historically and logically" because "the Wagner Act principles of compulsory recognition and collective bargaining were contained by implication" in it.¹⁴ In reality two very different concepts of industrial relations underlay the two measures.

Through the certification provisions of the Wagner Act, the "reformers" of U.S. capitalism took collective bargaining, which was the child of class consciousness, and placed it under the foster parenthood of the state.

There was a clear assumption in the American law that the road to industrial peace was paved with collective bargaining. The role of the government was therefore to make this process compulsory and then let it work by itself...(15)

Moreover, "collective bargaining could function only between equals".¹⁶ Since pre-Wagner Act collective bargaining had developed through the use of economic power by the working class, it theoretically functioned (to the extent that it functioned at all) between equals, if the right to withhold labour can be equated to the right to withhold employment. In practice, of course, state intervention of the repressive variety tended to tip the balance in favour of employers. Post-Wagner collective bargaining also theoretically functioned between equals, but the nature of one of the parties was altered. Employers remained as they had always been. But the device of certification gave institutional sanction to the so-called "labour elite" which undertook responsibility for the orderly functioning of the system in exchange for economic gains and "a secure status and authority comparable to those of management, in industry and in the affairs of the community."¹⁷ Hence the popular image of fat-cat union leaders meeting employers in board rooms to discuss ways of sealing out workers, which bears an element of truth.

Under the IDI Act, there was no such change in the nature of the

parties to the labour relations system. As in the years preceding 1907, union leaders (particularly in the industrial unions) could have little expectation of state-assured security and therefore tended to be more responsive to membership demands. The dichotomy between leaders' aspirations and behaviour and those of members was not so great, and consequently the collective bargaining system remained based in the economic power of the working class. The parties were the workers and management as opposed to the unions and management. Workers and their leaders derived their power from their economic position, for better or worse and not from the law. In this sense the IDI Act "may well have delayed the evolution, in Canada, of mature collective bargaining",¹⁹ if by maturity we understand a system in which labour leaders undertake responsibility for the maintenance of industrial peace.

B. The War and Collective Bargaining in Canada

1. Federalism and labour legislation

There was no fundamental change in the King system until well on in the Second World War, as neither the federal government nor any of the provinces introduced into the industrial relations arena the element of state control represented by certification. The Wagner Act had accompanied the sweeping New Deal legislation. But for the first five years of the depression there was no desire on the part of the Conservative government to introduce New Deal-type legislation in Canada. When the belated Bennett New Deal package was ruled unconstitutional by the Supreme Court of Canada in 1936 and the Judicial Committee of the Privy Council in 1937,²⁰ any lingering hopes of a federally-supervised nation-wide labour relations policy were smashed, at least for the time being.

By the start of the war, however, the provinces had begun to develop

their own labour relations policies, although these did not represent fundamental departures from the King system. Provincial cabinets represent differing aggregations of interests, so it is not surprising that different approaches were adopted. Prince Edward Island, for instance, was able to rely solely on common law²¹ because of the relative insignificance of industry in that province and the consequent lack of working-class pressure. The more industrialized provinces had to meet the growing demand for the protection of industrial unionism with some form of legislation. By 1938, six of the nine provinces had enacted statutes introducing provincial labour codes, and Quebec through diverse statutes had legislated to the same effect, so that legislation applying the IDI Act provincially was in force only in Ontario.²²

Most of this provincial legislation guaranteed freedom of association, compulsory recognition and compulsory bargaining, but none of it set up the certification machinery to carry it out. Typical of these acts was British Columbia's Industrial Conciliation and Arbitration Act of 1937,²³ discussed in further detail in Chapter II. This Act stipulated that employee bargaining representatives must be elected by majority vote, but gave the state no role in identifying the parties to collective bargaining. The act carried over from the IDI Act the system of compulsory conciliation, but lengthened the process considerably, thus giving employers more time to weaken union militance.

An amendment to this B.C. legislation in 1943 was the real forerunner of the Wagner Act system in Canada. It gave the minister of labour authority to take whatever measures he deemed necessary to determine the validity of a union's claim to represent a group of workers. A month after this legislation was introduced, Ontario passed a law putting a Wagner Act system, complete with a network of labour courts, into effect.²⁴ But this system functioned for only a few months before it and all other provincial laws were superseded by the Dominion Wartime Labour Relations Regulations.

2. Early federal wartime labour policy

In the name of improved and speeded-up wartime production, the federal government assumed wide powers under the authority of the War Measures Act. Labour policy developed through orders-in-council in the early stages of the war avowedly saw "the peace-time emphasis on the responsibility of the group for the individual . . . shifted to the individual's responsibility to the group."²⁵ Production for the war effort was held to be supreme, and the federal government was afraid the inconsistency of provincial labour law might hamper it. Late in 1939, therefore, the IDI Act was applied to "defence projects and all industries producing munitions and war supplies", which effectively placed the major sectors of the economy under federal jurisdiction. (The provinces, however, retained some control over the administration of the act through a system of regional labour boards.)²⁶

Stuart Jamieson suggests that the King government should have seen the "handwriting on the wall" and introduced Wagner Act legislation at the start of the war.²⁷ Undoubtedly elements in the cabinet, perhaps including King himself, wanted to do so -- just as some industrialists recognized that unions could be used to maintain stability in industry. For most of the war, however, the right-wing industrialists in the cabinet, led by C. D. Howe, thwarted the introduction of compulsory bargaining and recognition. This cabinet faction allied itself with businessmen who had found their way into the civil service during the war. King showed his annoyance at this latter category when he told a cabinet meeting assembled to hear a union delegation that

anyone who did not help to see that our Labour policies were fully carried out would not be aiding Canada's war effort. I made this so strong that later (Defence Minister J. L.) Ralston said he thought I had been giving my colleagues a spanking in public. I had not so intended my words, but had meant them to help my colleagues in dealing with the dollar-

a-year men (executives on loan from corporations during the war) and others who are responsible for the administration of policies. I went pretty far in making clear that some of these men were carrying into their relations with the Government prejudices which they, themselves, had against dealing with unions.²⁸

A student of the Canadian labour movement expressed the difficulty thus:

The controllers and division managers of the Department of Munitions and Supply (headed by Howe) who stand are, on their own record for the most part, advocates and practitioners of the "open shop". Being placed in positions as government executives has in no way changed them from their habitual outlook in matters of industrial relations and their conception of efficient plant organization. They appraise the quality of management in the firms competing for orders by the same standards as they use toward themselves.²⁹

Not only the "dollar-a-year" men but also their friends in cabinet were opposed to the establishment of collective bargaining. Howe was given to wild charges, for instance that "enemy aliens" were responsible for a 1941 aluminum shutdown alleged to have seriously retarded airplane production.³⁰ In 1943, at the height of the wartime "industrial relations crisis"³¹ when the government was faced with a western coal mine strike, Howe

seemed to have the opinion that the miners would go back without their demands being met. He said that, in time of war, it was necessary to be tough; that the armed forces ordered men at the front to be tough, etc. (32)

A visit to the 1943 convention of the Trades and Labour Congress convinced King that "the loss of labour's support was the greatest threat to the chances of the Liberal party winning the next election."³³ King saw clearly how much the intransigence of the Howe faction endangered industrial and political stability when he wrote that he felt

real sadness at heart to think that the labour movement which I had made so much my own, had been getting away from the Government of which I am the head simply because of the degree to which some of my colleagues have become surrounded by interests that are at least not sympathetic to labour.(34)

There was good reason for King to fear an electoral swing to the Cooperative Commonwealth Federation and to be apprehensive about the prospect of mounting labour unrest. The IDI Act, more than 30 years old, could not satisfy the desires of workers and union leaders to be considered "full partners" in the war effort. It necessitated constant tinkering in the form of orders-in-council concerning everything from wage controls to government-supervised strike votes.³⁵ Although P.O. 2685 in 1940 declared the government to be in favour of free (not compulsory) collective bargaining, "fair and reasonable" wages and freedom of organization, no means of enforcement was provided.³⁶ The resulting industrial chaos is documented in Jamieson's study of twentieth-century Canadian labour unrest. Strikes concentrated in industries crucial to the war effort, such as manufacturing, where the new industrial unions sought an entrenched position in return for their efforts to speed production.³⁷ The highest number of strikes in the country's history was recorded in 1943.³⁸ Doubts about the sincerity of the government in its advocacy of compulsory recognition were raised in several instances where employers refused to negotiate, particularly in the Kirkland Lake Miners' strike during the winter of 1941-42. The way out of this mess, for the government, as for Canadian capitalism, pointed with increasing clarity in the direction of institutionalized collective bargaining and the entrenchment of unions in the industrial structure. To Canadian labour leaders, most of whom represented U.S.-affiliated unions or organizing committees and were familiar with the Wagner Act system, it

looked attractive . . . and became an institutional goal. . . . Since the unions were denied the use of the strike for organizational or recognition purposes and since wages had been brought under control, the only alternative for them was to get government assistance to ensure freedom for workers to organize and to compel recognition and negotiation.³⁹

By 1944, the industrialists in the King cabinet had also become attracted to the wonders of the Wagner Act system.

3. P.C. 1003: the Wagner Act system refined

After a tortuous series of hearings and conferences,⁴⁰ the King cabinet finally accepted the principle of compulsory collective bargaining in September 1943. A dominion-wide labour code embodying the principle was issued in February 1944 as the Wartime Labour Relations Regulations. Better known as P.C. 1003, these regulations improved upon the Wagner Act system, adding the King-inspired compulsory conciliation procedure as a logical extension of compulsory bargaining and union recognition.

As the Wagner Act had done for the U.S., P.C. 1003 "brought 'administrative law' to the regulation of relations between Canadian employers and their employees."⁴¹ The IDI Act was suspended. Power to certify individuals as "bargaining representatives" for units of workers rested with a War-time Labour Relations Board, consisting of a chairman, vice-chairman and eight others.⁴² Negotiation was compulsory following certification and if the parties could not reach agreement within 30 days compulsory conciliation took place first before a government conciliation officer and then, if necessary, before a three-person board. Conciliation boards under P.C. 1003, unlike most, were selected by the minister of labour after consideration of the parties' recommendations -- an unusual measure of state involvement in the collective bargaining process.⁴³ Finally, P.C. 1003 wiped out strikes over jurisdictional and recognition issues by forbidding work stoppages before bargaining representatives had been elected (in other words, before certification had taken place). It also became illegal to strike during the term of an agreement, or before 14 days had elapsed from the time of a conciliation board report.⁴⁴ A 1941 order-in-council⁴⁵ which made a government-supervised

strike vote mandatory before any walkout remained in effect.

By authority of the War Measures Act, P.C. 1003 covered all defence projects and war industries. In addition, five provinces passed legislation applying it to all industries under their jurisdiction and undertook to administer the regulations provincially. Ontario, New Brunswick, Nova Scotia and Manitoba established provincial wartime labour relations boards for this purpose, but in B.C. the administration remained with the minister of labour, whose department staff thus did the bulk of the work involved in the certification process.⁴⁶

P.C. 1003 was both the decisive step toward institutionalization of collective bargaining in Canada and a refinement of the Wagner Act in that regard. In adopting the certification process it transferred the basis of the power to force union recognition from the economic potential of the workers to the coercive potential of the state. This, as we have seen, was the essential element in the Wagner Act system.⁴⁷ But P.C. 1003 carried over from the King system a number of features which actually flowed logically from the concept of state recognition of unions. Among these were the outlawing of strikes in disputes over jurisdiction, recognition, or the interpretation of collective agreements, the severe curtailment of the strike weapon in negotiation disputes, and the compulsory conciliation process.

The Wagner Act's recognition of unions as industrial institutions was based on the assumption that so recognized, they would function as industrial stabilizers. The drafters of P.C. 1003 reasoned that if the state was going to give its sanction to unions and to collective agreements, strikes over jurisdictional or recognition issues or the interpretation of agreements should be outlawed. To do otherwise would be to defeat the purpose of the original state sanction. And, since the point of the policy was

to preserve stability and thus, in part, to prevent strikes, government intervention in negotiations in the form of compulsory conciliation was also a logical component of state labour policy. And, of course, conciliation could not work effectively without the ban on strikes during the conciliation process. There could be no application of economic power during the time when the state, by virtue of its coercive power, was involved in the collective bargaining process. So there was no place for half-hearted state involvement in collective bargaining. Once the state was in, it had to get in up to its neck. While the Wagner Act had not included any of these logical corollaries of state-sanctioned collective bargaining,⁴⁸ they were adopted and further strengthened in the U.S. Taft-Hartley Act of 1947.

Thirty years later, we can see that P.C. 1003 ushered in an era of state involvement in collective bargaining which has been of dubious benefit to the labour movement. If the state can bestow rights on a union, many have found, it can also take them away. To wartime labour leaders, however, these ramifications of P.C. 1003 were not immediately apparent. Their reaction was "mainly one of appreciation".⁴⁹ The transition to the institutionalized collective bargaining system seemed to be a relief to all types of labour leaders. The certification process held obvious advantages for the more conservatively-oriented craft union leaders, whose main concern was consolidating their leadership positions in the face of attacks from industrial unions. The leaders of the non-Communist industrial unions in the Canadian Congress of Labour, applauded P.C. 1003 as "a long-sought basis on which to build."⁵⁰ And the communist leaders of CCL unions such as the International Woodworkers of America were also generally in favour of P.C. 1003, perhaps blinded to the implications of the strike-restricting aspects of the order because they had voluntarily given up the strike weapon anyway for the duration of the war.

The CCL unions did, however, argue that the government ought to institutionalize the next logical step in the collective bargaining process, namely union security and union shop agreements.⁵¹

4. Post-war developments

When P.C. 1003, along with other dominion wartime legislation, lapsed in March 1947, all the provinces had passed or put into effect their own collective bargaining laws.⁵² These provincial laws have been described as "sufficiently similar to constitute a fairly uniform national labor code".⁵³ While this is true, an important controversy in each province preceded the passage of each provincial statute and the peculiarities of each province's politics had their effect on the final outcome.

The possibility of federal dictation of peacetime labour policy was dead and buried. In 1940 the report of the Sirois Commission on Dominion-Provincial Relations, while criticizing the impracticality of the federal-provincial division of jurisdiction in labour (as well as other) matters, recognized that some aspects of labour policy, in particular "relations of employer and employee . . . should conform to the general social outlook of the region."⁵⁴ For cases where a national policy was obviously desirable, the commission recommended that uniformity be gained through provincial transfer of jurisdiction to the dominion government.⁵⁵ But in 1946, when a conference of labour ministers was called to discuss post-war policy, even this mild measure of national control was handled with kid gloves and eventually dropped.⁵⁶ A resolution favouring "the adoption as far as practicable of uniform collective bargaining legislation by the provinces and the Dominion" was passed,⁵⁷ but it was clear that the provincial ministers would not let it stand in the way of considerations closer to home.⁵⁸

None of the legislation adopted by the provinces after the Second World War contravened the basic principles of the Wagner Act system as refined by P.C. 1003. But further refinements of the system were introduced and the definition of provincial labour policy was a hot item of political debate in the post-war years. The following chapters narrow the focus and concentrate specifically on the case of British Columbia, where the Wagner Act system was given permanent institutional status by the Industrial Conciliation and Arbitration Act of 1947.

Notes to Chapter 1

- 1 Stuart Jamieson, Industrial relations in Canada, Second edition, Toronto: Macmillan, 1973, 120-121. See also Philip Taft, "Organized Labor and the New Deal", in How Collective Bargaining Works, New York: The Twentieth Century Fund. 1945.
- 2 H. D. Woods, Labour Policy in Canada, second edition, Toronto; Macmillan 1973, 131-132.
- 3 Stuart Jamieson, "Industrial relations and government policy", CJEPS, 17 (1951): 30.
- 4 Stuart Jamieson, Times of trouble: labour unrest and industrial conflict in Canada, 1900-66, Task force on labour relations, study no. 22, Ottawa: Privy Council Office, 1968, 49-50.
- 5 Ibid., 50.
- 6 Industrial conflict in Canada during the 1960s was much more a phenomenon of secondary than of primary industry. Here my analysis, while valid for the 1940s, would need elaboration and qualification if it were to be applied to all periods.
- 7 Quoted in H. D. Woods, "Canadian collective bargaining and dispute settlement policy: an appraisal", CJEPS, 21 (1955): 248-249. See also Jamieson, Times of Trouble, 113.
- 8 Industrial Disputes Investigation Act, S. C. 1907, ch. 20, s. 2.
- 9 Jamieson, Times of Trouble, 70, 129.
- 10 See ibid., ch. 2.
- 11 See Canada, Department of Labour, Judicial proceedings respecting constitutional validity of the Industrial Disputes Investigation Act, 1907, Ottawa: King's Printer, 1925, 33-41.
- 12 An Act to Amend the Industrial Disputes Investigation Act (1907), S. C. 1925.
- 13 Woods, Labour Policy, 24.
- 14 Ibid., 341.
- 15 Ibid., 82.
- 16 Jamieson, "Industrial relations and government policy", 30.
- 17 Ibid., 28. See also Stanley Aronowitz, "Trade Unionism and Workers' Control", in Gerry Hunnius, G. David Garson and John Case, eds., Workers' Control: a reader on labour and social change, New York: Vintage Books, 1973, esp. 84-85.

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- 18 Provision for government registration of unions had existed from 1872 to 1892 but few unions took advantage of it. See Woods, Labour Policy, 40-41.
- 19 Jamieson, Times of Trouble, 129.
- 20 Kenneth McNaught, The Pelican history of Canada, Harmondsworth: Penguin Books, 1969, 256.
- 21 Aside from a nineteenth-century federal statute which freed workers from criminal prosecution for union membership.
- 22 Woods, Labour policy, 23; 66-71.
- 23 S.B.C. 1937, ch. 31.
- 24 Woods, Labour policy, 84-5.
- 25 Bryce M. Stewart, "War-time labour problems", in J. F. Parkinson, ed., Canadian war economics, Toronto: University of Toronto Press, 1941, 75.
- 26 Aranka Kovacs, "Compulsory conciliation in Canada", in Labor Law Journal, February 1959; reprinted in A. E. Kovacs, ed., Readings in Canadian labour economics, Toronto: McGraw-Hill, 1961, 202.
- 27 Jamieson, Times of Trouble, 280.
- 28 J. W. Pickersgill, ed., The Mackenzie King record, Vol. 1: 1939-1944, Toronto: University of Toronto Press, 1962, 178.
- 29 H. A. Logan, "Canada's Control of Labour Relations", Behind the Headlines, 2: 2 (October 1941), 23.
- 30 See Pickersgill, op. cit., 228-33).
- 31 Jamieson, Times of Trouble, 280.
- 32 Pickersgill, op. cit., 593.
- 33 Ibid., 572.
- 34 Loc. cit.
- 35 For a list of the orders-in-council, see H. A. Logan, Trade Unions in Canada, Toronto: Macmillan, 1948, 15.
- 36 Stewart, op. cit., 76; Woods, Labour Policy, 71.
- 37 Jamieson, Times of Trouble, 282 ff.
- 38 Ibid., 293.
- 39 Woods, Labour Policy, 80-81.
- 40 Discussed in H. A. Logan, State intervention and assistance in collective bargaining: the Canadian experience, 1943-54. Toronto: University of Toronto Press, 1956 (Canadian Studies in Economics, no. 6), 14-23.

- 26.
- 41 J. C. Cameron and F. J. L. Young, The status of trade unions in Canada, Kingston: Queen's University Dept. of Industrial Relations, 1960, 67.
- 42 Wartime Labour Relations Regulations, P.C. 1003 (1944), sec. 5.
- 43 Ibid., sec. 30 (1).
- 44 Ibid., sec. 21 (1) (a) and (b).
- 45 P.C. 7307.
- 46 Logan, State intervention, 30. The British Columbia legislation applying P.C. 1003 to industries under provincial jurisdiction also suspended the provincial ICA Act for as long as P.C. 1003 remained in effect. See Wartime Labour Relations Regulations Act, S.B.C. 1944, ch. 18.
- 47 While P.C. 1003 institutionalized collective bargaining, the unions were not, per se, parties to it. The regulations provided for the certification not of unions but of "bargaining representatives", which meant it was still possible for company unions to be certified and for employers to refuse to accede to union security demands. In practice, of course, most "bargaining representatives" were actually union officers.
- 48 H. A. Logan, "The state and collective bargaining", CJEPS, 10 (1944): 476-488.
- 49 Logan, State intervention, 31.
- 50 Steel Labor, March 31, 1944, 1.
- 51 See Appendix A.
- 52 When P.C. 1003 lapsed, the IDI Act remained in effect in the federal jurisdiction. In 1948 it was replaced with a new IDI Act, embodying the basic principles of P.C. 1003 with a stronger provisions against company unionism and other minor changes. See Woods, Labour policy, 94-98.
- 53 Jamieson, Industrial relations in Canada, 124.
- 54 Canada, Royal Commission on Dominion-Provincial Relations, Report, Ottawa: King's Printer, 1940, vol. 2, 46.
- 55 This would have required a constitutional amendment. See Woods, Labour policy, 98-99.
- 56 Logan, State intervention, 41.
- 57 Labour Gazette, 46 (1946), 1525.
- 58 In its submission to the Sirois Commission, B.C. had recommended that the Dominion have power to put floors under wages and ceilings on hours of work, but that the provinces retain authority to improve the Dominion measures if they so desired. See British Columbia, British Columbia in the Canadian Confederation, Victoria: King's Printer, 1938, 352.

CHAPTER II

THE BACKGROUND TO CLASS CONFLICT

AND POLITICS IN BRITISH COLUMBIA

Introduction.

The preceding chapter has shown the extent to which dominion labour policy influenced that of the provinces. While the reader must keep this influence in mind, this study is concerned with the inter- and intra-class conflicts of a single province and with their effect on the political system of that province. This is the subject of the remaining chapters. Before passing to it, however, it must be established with as much precision as possible just who we are talking about when we refer to different classes, and what the class composition of British Columbia was during the period under discussion. After doing this I will discuss the class composition of the legislature and the cabinet, and compare it to that of the province as a whole, suggesting some conclusions about the class and regional bases of British Columbia's political parties. The third part of this chapter discusses the growth of labour unions and the reaction of employers during the 1930s and the Second World War, with emphasis on labour legislation.

A. The class structure of British Columbia, 1941-51.

Table 2-1 shows some highlights of British Columbia's class structure in 1941 and 1951. The criterion used for class membership is relationship to the means of production, as nearly as it can be determined. The population is divided into those who employ others, those who work on their "own account", those who are employed by others and a large class of "others" who are dependent either on members of these first three classes or on the state. The first three classes I shall call the "production classes", since these are

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the people actually engaged in production or in administering the processes of production.

Despite the limitations of census data detailed in the notes to Table 2-1, certain trends can be identified. First of all, the number of people in the production classes declined, between 1941 and 1951, from 56.5 to 51.7 per cent of the total adult population. The major factor in this trend was the tendency toward earlier retirement: for every three people listed as "retired or permanently disabled" in 1941 there were almost eight in 1951. A less important factor was the re-emergence, after the war and the depression, of the nuclear family as a social unit, visible in the slight percentage increase in the number of "homemakers", as well as the huge jump in the number of children.¹

TABLE 2-1

Class structure of British Columbia population, 1941-1951.

Source: Census of Canada 1941 vol. I t. 57, vol. VI t. 6, vol. VII t. 5.
1951 vol. IV t. 3, t. 11.

<u>Class</u>	<u>1941</u>	<u>% of total pop. over 14</u>	<u>% of prod. classes</u>	<u>1951</u>	<u>% of total pop. over 14</u>	<u>% of prod. classes</u>
<u>Bourgeoisie</u>						
Employers ¹	9,708	1.5	2.6	17,729	2.1	4.0
<u>Petite bourgeoisie</u> ²						
Managers	5,434	0.8	1.5	17,653 ³	2.1	4.0
Finance & Law	1,573	0.2	0.4	3,131	0.4	0.7
Other professional	3,400	0.5	0.9	2,970	0.4	0.7
Self-employed (non- professional)	33,163	5.1	9.0	30,658	3.6	6.9
Farmers	<u>20,507</u>	<u>3.1</u>	<u>5.5</u>	<u>16,818</u>	<u>2.0</u>	<u>3.8</u>
Total	64,077	9.7	17.3	71,230	8.3	16.0 ¹⁰
<u>Proletariat</u>						
<u>Paid</u>						
Industrial	206,353	31.5	55.7	308,403	35.9	69.4
Agricultural	12,124	1.9	3.3	8,371	1.0	1.9
Military	29,304 ³	4.5	7.9	6,804	0.8	1.5
Professional ⁴	13,656	2.1	3.7	28,969	3.4	6.5
<u>Unpaid</u> ⁵						
Industrial & professional	3,226	0.5	0.9	1,706	0.2	0.4
Agricultural	4,710	0.7	1.3	1,140	0.1	0.3
<u>Unemployed</u>	<u>27,057</u>	<u>4.1</u>	<u>7.3</u>	<u>(6)</u>		
Total	<u>296,430</u>	<u>45.3</u>	<u>80.1</u>	<u>355,393</u>	<u>41.3</u>	<u>80.0</u>
Total production classes	370,215	56.5	100.0	444,352	51.7	100.0
<u>Others</u>						
Students	45,969	7.0		48,281	5.6	
In institutions	6,533	1.0		10,696	1.2	
Retired/permanently disabled	33,453	5.1		86,040 ⁷	10.0	
"Homemakers"	<u>198,770</u>	<u>30.4</u>		<u>270,609</u> ⁸	<u>31.5</u>	
Total	<u>284,725</u>	<u>43.5</u>		<u>415,626</u>	<u>48.3</u>	
Total over 14 yrs.	654,940	100.0		859,978	100.0	
<u>Under 14 years</u>	<u>162,921</u>			<u>290,051</u>		
<u>Total population</u>	817,861			1,165,210 ⁹		

Notes to table 2-1

- ¹Includes agricultural employers and those in professions.
- ²The vexing category of petite bourgeoisie was determined as follows:
Managers listed in the census as "wage-earners" were included. Real estate and insurance agents as well as stockbrokers, judges and magistrates and lawyers and notaries who were listed as wage-earners are grouped in the "finance and law" category. These two categories = ("managers" and "finance and law") are the only two categories listed in the census as "wage-earners" which do not appear under "proletariat".

"Other professional" includes all professionals listed in the census as self-employed ("own account").
- ³Includes military officers.
- ⁴"Professional proletariat" includes all professionals, such as physicians, social workers, engineers, etc., who are listed as "wage-earners" in the census, with the exception of judges and magistrates and salaried lawyers and notaries.
- ⁵While listed as unpaid, many of these actually received some consideration, such as board, for their labour and thus were in effect involved in a wage relationship.
- ⁶Unemployed were not differentiated from the rest of the "labour force" in the 1951 census.
- ⁷Includes "voluntarily idle" and "other" categories.
- ⁸Includes 266 males.
- ⁹Includes 751 "who have never worked and were seeking work" and 14,430 Indians living on reserves.
- ¹⁰Slight discrepancies occur due to rounding off.

Other trends may be noted when the production classes are considered separately. The number of proletarians declined from 45 to 41 per cent of the adult population, but when it is considered as a percentage of the production classes, there is no corresponding drop. The proletariat remained a constant 80 per cent of those who produced or administered production. There appears to have been a net rise in the industrial proletariat expressed as a percentage of both the total adult population and the production classes. This is not as significant as it appears, however, because most of the "unemployed" listed separately in 1941 would likely have fallen into the industrial proletariat had the 1951 criteria been used. It is worth noting, however, that the ranks of the industrial proletariat were swelled not only by this statistical footwork but also by post-war demobilization. The "military proletariat" dropped from 7.9 to 1.5 per cent of the "production classes" and helped boost the industrial proletariat by almost 14 percentage points.

The net movement in the production classes is a seemingly insignificant shift of slightly more than one per cent from the petite bourgeoisie to the bourgeoisie proper. This movement can be rendered more meaningful if we examine movements within the petite bourgeoisie. This class, comprising self-employed people and salaried managers, has really two wings: first, the managerial, financial and professional individuals who act as facilitators and administrators in the production process and second, the non-professional self-employed and the farmers who are more or less independent agents of production and distribution. The first of these wings increased both numerically and in percentage between 1941 and 1951, with the increase in the number of managers being the most pronounced. The number of independent professionals dropped as many of them slipped into the salaried professional class. The second wing of the petite bourgeoisie, the independent producers and distributors, experienced a profound decline and offset the increase in the first wing to the extent that

the class as a percentage of the production classes declined.² The corresponding gain by the bourgeoisie was enough to move it from 2.6 to 4 per cent of the production classes, or slightly more than two per cent of the adult population. The net effect of the movements in the bourgeois and petite-bourgeois classes, then, was to increase the number of people involved in ownership, management and facilitation of corporate production and to decrease the number involved in independent production.

I have noted that the people in the "others" and "under 14 years" category were dependent for their livelihood either on members of the three production classes or on the state. A truer picture of the province's class structure might be obtained if those dependent on other individuals could be allocated among the classes which provided their means of support. In the absence of data which would enable this to be done with anything approaching accuracy, we may assume that those people not dependent on the state were distributed among the three production class. In other words, roughly 80 per cent depended for their livelihood on wage-earners, 16 per cent on the self-employed and managerial classes and four per cent on the bourgeoisie. Thus the right-hand percentage columns in Table 2-1 correspond most nearly to the numerical strength of each class in British Columbia in 1941 and 1951, with the important qualification that an unknown percentage depended on the state for support. There is no reason to suppose that any of the production classes claimed a disproportionate share of most of British Columbia's dependent groups.³

If these assumptions are valid, the conclusion follows that in post-war British Columbia a little more than 40 per cent of the adult population sold its labouring power either to the state or to a small group of employers and used the proceeds to support not only itself but a further 40 per cent (less

the unknown number supported by the state). While the wage-labouring class was losing members to retirement and the home, it was gaining from the returning armed forces and from the ranks of one wing of the petite bourgeoisie. Reflected in these trends is the dominance of the capitalist mode of production, characterized by wage-labour. The declining proportion of the population engaged in independent commodity production shows that the capitalist mode was becoming even more dominant than it had been. Given that so many worked for so few, the importance of the social and economic institutions surrounding the wage relationship is clear. The sway held by industrial capitalism over the means of livelihood of the people of the province was bound to generate political conflict.

B. Class representation in the 1947 legislature.

At the time when the foundation for the modern industrial relations system of British Columbia was laid, the class composition of the provincial legislature bore little resemblance to the class structure outlined above. Not surprisingly, the proletariat was seriously under-represented. More than half the members of the legislative assembly came from the petite bourgeoisie, which accounted for less than 10 per cent of the total adult population. Over-representation of the bourgeoisie in the legislature was not as pronounced, although still present.

A brief political history will help the reader understand the following discussion. B.C.'s political system consisted mainly of two parties, the Liberals and the Conservatives from 1903 until 1933. In that year the Conservative government of Simon Fraser Tolmie, having proved unable to cope with the province's economic problems, was replaced by Duff Pattullo's Liberals. An unsuccessful Tory attempt to coax the Liberals into a "non-parti-

san" coalition failed and the Conservatives, many of whom ran under a "non-partisan" banner, were annihilated. The mantle of official opposition fell to the Co-operative Commonwealth Federation (CCF), the "farmer-labour-socialist" party which received 10 seats and 31.5 per cent of the popular vote in its first election. Pattullo survived a 1937 election but failed to win a majority in 1941. Rather than depend on the CCF for support the Liberals entered into a coalition government with the Conservatives. Pattullo thereupon resigned and was succeeded as premier by his finance minister, John Hart. Cabinet positions in the coalition government were divided roughly according to the proportion of seats held by the two parties, but for a variety of reasons (discussed in chapter 5) it was not an easy alliance. While the coalition candidates in the 1945 and 1949 elections did not run as Liberals and Conservatives, in all but a few cases their party affiliations lurked close to the surface. The coalition registered a net gain of four seats from the CCF in the 1945 election.

Table 2-2 attempts to classify the MLAs in the 1947 legislature according to the divisions in Table 2-1. While there are probably some discrepancies owing to the lack or inaccessibility of biographical data, the two tables are reasonably comparable. Table 2-2 shows the overall over- and under-representation outlined at the beginning of this section. One-sixth of the legislature, as opposed to two per cent of the adult population, was composed of bourgeois elements. Twenty-nine out of 48, or 60 per cent, of the MLAs came from the two wings of the petite bourgeoisie, which claimed about nine per cent of the adult population. The 10 MLAs classed as "proletarian" constitute a significant under-representation of a class which constituted more than 40 per cent of the adult population.

Examining the class representation among the MLAs grouped by parties,

Table 2-2

Occupational and Class Composition of B.C. Legislature, 1947

Party	Bourgeois		Petit-bourgeois				Proletarian					Other	Totals
	Business Man	Mgr. or Sec.	Finance (Ins.&R.E. Agt.Acct.)	Lawyer	Other professions (All doc-tors)	Ind. Retail Merchant	Rancher or Farmer	Journa-list	Acct.Prof. or Teacher	Skilled Manual Worker	Ret.		
Coalition(Liberal)	4		3	4	1	2	3	1	1	1			21
Coalition(Conservative)	4		1	1	2	4	2			1	1 ⁺		16
CCF/Labour		2	1*			2	1			1	4		11
Totals	8	2	5	5	3	8	6	1	1	2	6	1	48

*Tom Uphill (Ferne), the "independent labour" candidate.

+Tillie Rolston (Point Grey), who had been a teacher 30 years before her first election, and who listed herself as "widow" on the ballot.

Source: Biographical information in Canadian Parliamentary Guide, checked against occupation given in the Chief Electoral Officer's Statement of Votes (1945).

Supplementary sources: Daisy Webster, Growth of the NDP in B.C., 1900-1970: 81 Political Biographies, and Vancouver Province.

we find that the bourgeoisie and petit-bourgeoisie are concentrated in the coalition parties and that the industrial working-class MLAs are concentrated in the CCF. Of the 37 coalition MLAs, 17 were businessmen, financial or insurance agents, self-employed accountants or lawyers. Twelve were independent retail merchants, farmers or ranchers and there were five working-class coalition MLAs, only two of which came from the industrial working class. The CCF claimed five working-class MLAs, including four of the six in the "industrial" category. But there was also significant petit-bourgeois representation in the CCF.

We shall see that under the coalition administration the government caucus played a more important role in the formulation of government policy than it usually does and thus the predominance of petit-bourgeois elements among the government MLAs must be kept in mind. Even so it is noteworthy that although there was working-class representation in the government caucus there was essentially none in the cabinet. Table 2-3 shows that of the 10 ministers in the Hart government, four were independent retail merchants, one a farmer, one a lawyer, one a financial agent, one an accountant, one a businessman and one a professor. The cabinet was thus almost evenly split between bourgeois and petit-bourgeois elements.

The divisions within the coalition, which proved important in the development of post-war labour policy, are less susceptible to superficial examination but come to light when the regional distribution of support is taken into account. Figure 2-1 and the accompanying legend, which also serves as a guide to Table 2-2 illustrate some of the characteristics of class representation and support in the Liberal and Conservative parties. The regional distribution of MLAs is influenced somewhat by the Liberal-Conservative electoral agreement, which resulted in equal representation for each party in the Vancouver-Victoria metropolis. Three Liberals ran

Table 2-3: Occupations of British Columbia Cabinet, 1947

<u>Minister & ministry</u>	<u>Occupation)</u>					<u>Constituency</u>	
	Business Man	Fin.or Ins.Agt.	Acct. (S-E)	Lawyer	Ind. Retail Merchant	Farmer Pro- fessor	
<u>Liberals</u>							
John Hart, premier		x					Victoria
George Pearson, labour&prov sec	x						Nanaimo & the islands
Gordon Wismer, att.-general				x			Van-Centre
E. T. Kenney, lands&forests					x		Skeena
Frank Putman, agriculture						x	Nelson- Creston
George Weir, education						x	Van-Burrard
<u>Conservatives</u>							
Herbert Anscomb, finance			x				Oak Bay
Roderick MacDonald, mines&municipal affairs					x		Dewdney
Ernest Carson, public works					x		Lillooet
Leslie Eyres, railways,trade & ind., fisheries					x		Chilliwack

Source: Statement of Votes 1945
Can. Parliamentary Guide 1946

unopposed as Coalitionists in Victoria and three Conservatives did the same in Vancouver-Point Grey, while the two-member constituencies of Vancouver-Centre and Vancouver-Burrard were each contested successfully by one Liberal and one Tory Coalitionist. Of the 16 heavily urban seats seven were won by Liberals and six by Tories, all running under the coalition banner, while the remaining three -- in the heavily working-class areas of Vancouver-East and Burnaby -- fell to the CCF.

Outside the metropolitan area, a few MLAs were nominated by joint Liberal-Conservative riding association meetings. Most, particularly those who sought re-election from the 1941-45 legislature, were nominated by their own parties, with the coalition partner either abstaining from action altogether or, rarely, pitching in to help once the campaign got going. The 1945 election thus tended to perpetuate existing patterns of support and representation.

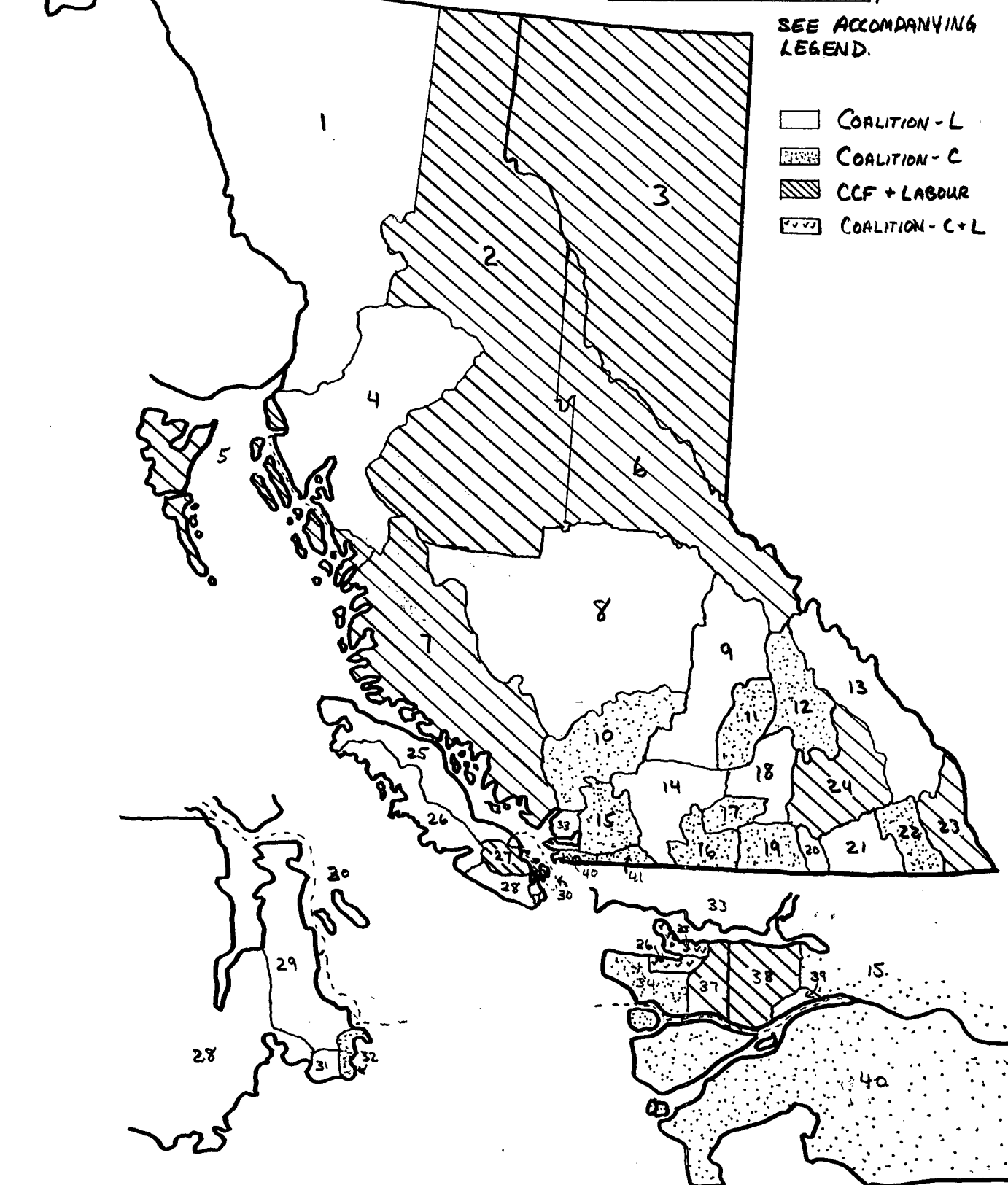
The non-urban Conservative coalitionists almost exclusively represented areas with agricultural economic bases which were settled before 1900. In this category fell Delta, Dewdney, Chilliwack, Similkameen, South Okanagan, Salmon Arm, Grand Forks-Greenwood and possibly, Lillooet. Excluding the urban ridings, the only others held by Tories after 1945 were Revelstoke and Cranbrook, a constituency with some farming but logging and mining as well. The Tories were often represented in these areas by farmers such as Arthur Ritchie (Salmon Arm) and Alexander Hope (Delta), or storekeepers such as Roderick MacDonald (Dewdney), Leslie Eyres (Chilliwack) and W.A.C. Bennett (South Okanagan). The strong representation in these areas from these classes indicates that one wing of the Conservative party spoke for the rurally-based petite bourgeoisie. The second significant area of Conservative representa-

FIGURE 2-1

**DISTRIBUTION OF PARTY SUPPORT IN BRITISH COLUMBIA
FOLLOWING 1945 ELECTION**

SOURCE: STATEMENT OF VOTES, 1945

SEE ACCOMPANYING
LEGEND.



LEGEND FOR FIGURE 2-1Liberals:

	<u>Constituency</u>	<u>Member</u>	<u>Occupation/class</u>
25.	Comox	Herbert Welch ²	*Businessman (B) (logger)
30.	Nanaimo & islands	George Pearson ⁺¹	*Businessman (B) (labour minister)
33	North Vancouver	John Cates ⁴	*Businessman (B) (manager)
39.	New Westminster	Byron Johnson ⁺¹	Businessman (B)

8.	Cariboo	Louis LeBourdais ⁺¹	Insurance Agt. (PB)
9.	Kamloops	Robert Carson ⁺¹	Insurance Agt. (PB)
31.	Victoria	John Hart ⁺¹	*Financial Agt. (PB) (premier)
18.	North Okanagan	Charles Morrow ²	Lawyer (PB)
29.	Saanich	Norman Whittaker ⁺¹	Lawyer (PB)
31.	Victoria	William Straith ⁺¹	Lawyer (PB)
35.	Vancouver-Centre	Gordon Wismer ¹	Lawyer (PB)
14.	Yale	J. J. Gillis ⁺¹	Doctor (PB)
4.	Skeena	E. T. Kenney ⁺¹	Merchant (PB)
26.	Alberni	James Mowat ⁺¹	*Merchant (PB) (shoe repairer)
13.	Columbia	Thomas King ⁺¹	Merchant *(rancher) (PB)
21.	Nelson-Creston	Frank Putnam ⁺¹	Farmer (PB)
28.	Esquimalt	Charles Beard ¹	Military *(farmer) (PB)

31.	Victoria	Nancy Hodges ⁺¹	Journalist (P)
20.	Rossland-Trail	J. L. Webster ³	Accountant (P)
36.	Vancouver-Burrard	George Weir ¹	Professor (P)
1.	Atlin	William Smith ²	Electrician (P)

LEGEND FOR FIGURES 2-1, cont.Conservatives:

<u>Constituency</u>	<u>Member</u>	<u>Occupation/class</u>
19. Grand Forks-Greenwood	Thomas Love ⁺¹	*Businessman (B) (publisher)
34. Vancouver-Pt. Grey	Leigh Stevenson ³	Businessman (B)
35. Vancouver-Centre	Allan MacDonell ²	Businessman (B)
36. Vancouver-Burrard	Donald Brown ¹	Businessman (B)

32. Oak Bay	Herbert Anscomb ⁺¹	Accountant (PB)
34. Vancouver-Pt. Grey	Albert MacDougall ²	Lawyer (PB)
16. Similkameen	Reginald Laird ³	Doctor (PB)
22. Cranbrook	Frank Green ⁺¹	Doctor (PB)
10. Lillooet	Ernest Carson ⁺¹	*Merchant (PB) (mines minister)
15. Dewdney	Roderick MacDonald ⁺¹	Merchant (PB)
41. Chilliwack	Leslie Eyres ⁺¹	Merchant (PB)
17. South Okanagan	W.A.C. Bennett ⁺¹	Merchant (PB)
11. Salmon Arm	Arthur Ritchie ²	Farmer (PB)
40. Delta	Alexander Hope ¹	Farmer (PB)

12. Revelstoke	William Johnson ²	Loc. engineer (P)

34. Vancouver-Pt. Grey	Tillie Rolston ⁺¹	*Retired (O) (widow)

CCF/Labour:

<u>Constituency</u>	<u>Member</u>	<u>Occupation/class</u>
7. Mackenzie	Herbert Gargrave ⁺	Secretary (PB)
5. Prince Rupert	William Brett	*Manager (PB) (fisherman)
23. Fernie	Tom Uphill ⁺	Miner
6. Fort George	John McInnis	*(Insurance agt.) (PB) Carpenter *(merchant) (PB)

LEGEND FOR FIGURE 2-1, cont.CCF/Labour, cont.

	<u>Constituency</u>	<u>Member</u>	<u>Occupation/class</u>
37.	Vancouver-East	Arthur Turner ⁺	Metalworker *(Merchant) (PB)
27.	Cowichan-Newcastle	Sam Guthrie ⁺	*Farmer (PB) (miner)

24.	Kaslo-Slocan	Ran Harding	Teacher (P)
2.	Omineca	Edward Rowland	Mill-worker (P)
3.	Peace River	Joseph Corsbie	*Bookkeeper (P) (salesman)
37.	Vancouver-East	Harold Winch ⁺	Electrician (P)
38.	Burnaby	Ernie Winch	Bricklayer (P)

Sources for party affiliation of coalition MLAs:

¹These MLAs ran under their party affiliation in 1941.

²These MLAs ran under their party affiliation in 1952.

³Party affiliation as per Canadian Parliamentary Guide, 1946, 1950.

⁴Party affiliation given in Vancouver Province, Oct. 26/45, p. 5.

⁺These MLAs were re-elected from the 1941-45 legislature.

Sources for occupation and class:

The main source is the Canadian Parliamentary Guide for 1946 and following years. Where there is a conflict between the CPG and the chief electoral officer's Statement of Votes, I have used my discretion. In these cases the occupation listed on the ballot is included in brackets after the CPG occupation and the one used in Table 2-2 is starred. For two CCL MLAs (Arthur Turner and John McInnis), the occupation in brackets and used in Table 2-2 is the one given in Daisy Webster, The Growth of the NDP in B.C., 1900-1970: 81 Political Biographies. (Vancouver 1970).

tion was among urban businessmen. All three Tories in this category were engaged in secondary manufacturing and one was to play a prominent role in the passage of the restrictive labour relations legislation of 1947.

The Liberals, by contrast, drew much of their support from areas and individuals dependent on or involved in primary resource extraction or processing. Of their four businessman MLAs, Herbert Welch was president of a logging company and John Cates was president of a towing company. George Pearson and Byron Johnson, both of whom had interests in firms engaged in service and distribution, appear to contradict this assessment, but as we shall see they represented a "progressive" wing of secondary and tertiary industry, opposed to the interests of the Tory manufacturers. The Liberals also claimed the support of much of the professional wing of the petite bourgeoisie, from which they had double the Conservatives' representation. Regionally speaking, the Liberals represented resource-extractive areas such as Alberni, Comox, Skeena and Rossland-Trail, where they undoubtedly received significant working-class support, as well as a few partly agricultural ridings. Where the labour force was organized, however, support was more likely to go to the CCF, as in Prince Rupert, Mackenzie or Cowichan-Newcastle. In both hinterland and metropolis the CCF was most popular among the organized working class, but it must be noted that half its elected MLAs were petit-bourgeois representatives of proletarian constituencies.

The many labour delegations which arrived in Victoria in the post-war years, then, found few of their own kind. The Conservatives, representing agrarian and urban secondary business interests, generally took the hardest line against labour proposals. The Liberals, often torn between their partly working-class electoral base and their bourgeois affiliations were often forced to compromise with the right-wing Tory influence in the Coalition.

The CCF was the most consistent supporter of the labour movement. We should bear in mind the class interests represented by political parties as we consider the development of post-war labour policy.

C. Pre-war and wartime labour relations in British Columbia

At every stage in the development of state labour policy in Canada, British Columbia has been either the first or the second jurisdiction to act. Most of the statutes, including the Trades Disputes Act (1893), the Trade-unions Act (1902) and the Industrial Conciliation and Arbitration (ICA) Act (1937) have been passed in response to crises of industrial conflict. The last-named was really an extension of the Rooseveltian "Work and Wages" program of Liberal premier Duff Pattullo, which was developed to deal with widespread unemployment and a succession of industrial crises.⁴ The Work and Wages Act had provided for a theoretical 48-hour week and significantly raised the minimum wage. But the rise of industrial unionism in British Columbia, bringing thousands of unskilled workers within the ranks of the union movement, demanded of the state a revision in labour relations policy. The International Woodworkers of America, descendent of a syndicalist lumber union which was not able to survive the prosperity of the twenties, was organizing feverishly in the lumber camps and sawmills.⁵ The International Union of Mine, Mill and Smelter Workers (Mine-Mill) traced its lineage back to the radical Western Federation of Miners which flourished in western Canada and the U.S. in the early 1890s and 1900s. Its B.C. organizer, the energetic Harvey Murphy, soon commanded a sizeable following.⁶ Both Murphy and the IWA's first international president, Harold Pritchett, were prominent members of the Communist Party of Canada and its successor, the Labour-Progressive Party, and many of the best organizers in these and other unions were party members.

Employer reaction to industrial unionism was harsh. Owners and managers in the province's basic industries were proudly independent and fiercely competitive, vacillating in their labour relations policies between autocracy and paternalism. In the lumber industry, the processes of combination and integration had not begun in earnest and many operations remained small, highly seasonal and marginally profitable.⁷ To logging bosses, unions were potentially disastrous to profits. A measure of their hostility is the 12-year span between 1931, when the communist workers began to re-organize the union in the lumber industry and 1943, when the first coast region industry-wide contract was signed.⁸ A similar situation existed in the metal mines, most of which were controlled by Eastern Canadian, American or British interests. In the mines the dependence on world markets for metal and in the case of gold on fixed sales to the government, precluded the passing on of wage increases to buyers, a factor which further hardened employer hostility.⁹ Company unionism, intimidation and harassment of union workers were all part of the arsenal of these and other employers in the battle against industrial unionism.

The most radical currents in the Canadian labour movement had always sprung from British Columbia and this may be part of the reason for the lack of governmental hostility in this province to the industrial unionism of the thirties. Pattullo was no particular friend of the industrial unions or their communist leaders, but there were no open confrontations such as the Mitchell Hepburn-United Automobile Workers battle in Ontario. Pattullo's labour minister, the wealthy Nanaimo manufacturer George Pearson, had seen that the onslaught of industrial unionism in the lumber and mining camps forecast the extension into B.C. of the campaigns being waged in the U.S. steel and packinghouse industries by the Committee for Industrial Organization (CIO). Pearson saw that the refusal of B.C. employers to permit union

organization in their plants could not last and that the way to meet the inevitable pressures for organization was not by repression but by assimilating them into the existing network of social relations:

Every sensible person will admit the justice of the claim of men to organize themselves for the purpose of discussing their problems with their employers and negotiating terms of employment. This being the case I am convinced that as labour conditions settle themselves in the United States a definite attack will be made upon British Columbia to completely organize it . . . During this attempt industry will suffer tremendously in this Province, through strikes, unless we are prepared to meet it.¹⁰

The instrument for attaining this goal was to be the ICA Act of 1937.¹¹

The act was indeed "an attempt . . . to provide further protection for the right to organize"¹² but it fell short in a number of areas. Various types of protection against harassment of employees for union activity and other anti-union activities were provided (ss. 6, 7) and employers were compelled to bargain with their employees (s. 5). But there was no provision for certification or for any form of state assistance to union recognition. In fact, the 1937 act did not even recognize the existence of unions, except insofar as they might be a party to the conciliation process. Bargaining had only to take place with "elected representatives" of employees, a defect which encouraged company unionism.¹³ There is thus no question of a change to the Wagner Act system through the 1937 act or its 1938 amendment, since the state had no role in determining the parties to collective bargaining.¹⁴ Moreover, while the ICA Act carried over from the dominion IDI Act the compulsory conciliation procedure, the process was lengthened. Before appointment of a conciliation board, either party could apply for the appointment of a conciliation officer from the staff of the labour department. (s 10) If he failed to reconcile the parties, a board was appointed. (s. 17) and votes for acceptance or rejection of its report held by the parties, which the minister at his discretion might supervise. The freedom to strike

or lock out was suspended for the entire period from the application for appointment of a conciliation officer to 14 days after the completion of the vote. (s. 45). In practice this no-strike period often extended for two to three months, during which employers could intimidate workers away from their initially militant stands. In this way the act was a "deterrent to militant unionism and strike action."¹⁵

Despite these deficiencies, the ICA Act of 1937 earned the Pattullo government a reputation as the most pro-labour administration in Canada.¹⁶ The act was supported in the legislature by all parties including the CCF, which had proposed similar legislation previously¹⁷ although of course, the CCF did not fail to point out the act's weaknesses.¹⁸ The province's businessmen, at any rate, were alarmed enough to let Pattullo know they thought his government was "going too fast" in its labour and social welfare policy and "setting a bad example to the rest of the country."¹⁹ With the limited protection of the ICA Act, and the tremendous impetus to organization given by the demand for wartime production,²⁰ the industrial unions continued their drive. In the five years from 1936 to 1941 total union membership in the province doubled to nearly 50,000 and by 1944 it had risen to 90,000. The percentage of the labour force organized rose from 10 per cent in 1936 to 29 per cent in 1944.²¹ The industrial unions in B.C. were well represented at the 1940 founding convention of the Canadian Congress of Labour, the Canadian counterpart of the CIO, composed mainly of unions expelled from the Trades and Labour Congress of Canada (TLC) following a directive from the American Federation of Labour.²²

The B.C. government once again pioneered in the field of labour policy with amendments to the ICA Act in 1943.²³ This step was the real forerunner of the Wagner Act system in Canada. Section 5 of the act was

amended to force employers to bargain with any union which had the support of the majority of workers in the bargaining unit concerned and the minister of labour was authorized to

in his discretion, take such steps as he thinks proper to satisfy himself, in the case of representatives elected by the employees, that the election was regularly and properly conducted and, in the case of a trade-union claiming the right to conduct the bargaining, that a majority of the employees affected are members of the trade-union. (24)

This was a kind of negative provision for state determination of the collective bargaining agent, for if the minister did not intervene, the employer was required to bargain with the union which claimed the rights for the majority of employees. The act was highly regarded by spokesmen for organized labour, and it had a "creative influence" on the development of the policy contained in the dominion order P.C. 1003, which followed less than a year later.²⁵

P.C. 1003 put provincial labour policy in limbo. The work of union organization went on, but employer hostility increased sharply with union militance after the war. There was no certainty as to what would follow when the dominion relinquished its wartime jurisdiction over labour relations.

Notes to Chapter 2

- 1 I do not want to imply that the people listed as "homemakers" in the Census of Canada are not engaged in vital production. For the purposes of this broad analysis, however, given the ubiquitous nature of the nuclear family as a unit of social organization, the "homemakers" of British Columbia are assumed to have the same class position as the members of the "production classes" on whom they depend. The 1951 census came too soon after the war to show the beginning of the rising labour force participation rate of women, or the effect of the tendency toward a longer schooling period.
- 2 On the national scale, the decline of this wing of the petite bourgeoisie is one of the most distinctive features of the development of socio-economic classes in the twentieth century. See Leo Johnson, "The development of class in Canada in the twentieth century", in Gary Teeple, ed., Capitalism and the national question in Canada, Toronto: University of Toronto Press, 1972, 141-179. In B.C., the general national decline was exacerbated by the historical weakness of the independent mode of commodity production, owing to the lack of arable land. (Independent retailing, of course, played an important role in the early frontier days.)
- 3 Further explanation of this procedure may be desirable. I am not aware of any indications that fertility or marriage rates vary in British Columbia among classes as defined by relationship to the means of production. (Fertility is generally considered to vary inversely with family income, which is not the criterion used in Table 2-1.) Therefore I can see no objection to apportioning the "homemakers" and "under-14s" among the "production" classes on a straight percentage basis. The same would, I think, apply to the "retired or permanently disabled" category, although it might be argued that permanent disablement is unlikely to occur among the bourgeoisie. The procedure becomes more dubious with "students", among whom there would probably be greater bourgeois and petit-bourgeois representation, and with those "in institutions", where a healthy proletarian representation might be expected. Since these two are the smallest of the categories in question, I have followed a uniform procedure for the sake of simplicity. The reader should bear in mind that Table 2-1 does not purport to insert every individual in the province into a rigid, inflexible class structure.
- 4 Margaret Ormsby, British Columbia: a history, Vancouver: Macmillan, 1971, 457, 459; see also Margaret Ormsby, "T. Dufferin Pattullo and the Little New Deal", Canadian Historical Review, 43 (1962): 277-297.
- 5 H. A. Logan, Trade Unions in Canada, Toronto: Macmillan, 1948, 283.
- 6 Ibid., 162-4.
- 7 Alfred C. Kilbank, The economic basis of collective bargaining in the lumber industry of British Columbia, BA essay (economics and political science, University of B.C., 1947, ch. 4.

- 8 Logan, op. cit., 284.
- 9 Dean R. MacKay, A study of labour relations in the metal-mining industry of British Columbia, MA thesis (economics), University of B.C., 1948, ch. 2.
- 10 Pearson to Pattullo, September 30, 1937, pp., 1937-38, L-3-G.
- 11 S. B. C. 1937, 1 Geo. VI, ch. 31.
- 12 S. Midanik, "Problems of legislation relating to collective bargaining", CJEPS, 9 (1943): 349.
- 13 Stuart Jamieson, Times of trouble: labour unrest and industrial conflict in Canada, 1900-1966, Ottawa: Privy Council office, 1968, 265. This defect was only partly corrected through a 1938 amendment to section 5 (S.B.C. 1938, 2 Geo. VI, ch. 23) in which unions were recognized as possible lawful parties to collective bargaining. But only unions in existence at the time the act was passed were recognized in this way. Employees not unionized on December 7, 1938, could not force an employer to recognize their union, but could force bargaining only with "employee representatives", in line with the King system principle. Since new industrial unions were springing up rapidly, this provision was discriminatory and tended to encourage company unions in the same way as the IDI Act.
- 14 H. A. Logan, State intervention and assistance in collective bargaining: the Canadian experience, 1943-1954, Toronto: University of Toronto Press 1956 (Canadian Studies in Economics, no. 6), 10.
- 15 Jamieson, loc. cit. Ironically, one reason the provincial labour department had been anxious to pass its own legislation was said to be that "the Dominion boards (under the IDI Act) took too long to bring in their findings." A. E. Grauer, Labour legislation: a study prepared for the Royal Commission on Dominion-Provincial Relations, Ottawa: King's Printer, 1939, 128.
- 16 F. R. Anton, The role of government in the settlement of industrial disputes in Canada, Toronto: CCH Canadian, 1962, 103. See also radio speech by Harvey Murphy, October 2, 1947, MMP, 54-7.
- 17 Douglas P. Clark, Some aspects of the development of the Co-operative Commonwealth Federation in British Columbia, undergraduate essay (history), University of B.C., 1945, 40-2, discusses some of the labour and CCF pressure preceding the passage of the ICA Act.
- 18 See Harold Winch, "The British Columbia Labor Act", Canadian Forum, 18 (1938-9): 330-331.
- 19 T. D. Pattullo, "Dominion-provincial relations", The Empire Club Addresses, 1946-7, Toronto: Empire Club of Canada, 1947, 105. In the 1945 speech from which these quotations are taken, Pattullo revealed the limits of his "friendliness" toward labour by taking the

- Hepburnish position that strikes and picketing should be outlawed and all industrial disputes settled by compulsory arbitration.
- 20 The economic demands of wartime rather than the protection of legislation were primarily responsible for the gains made by labour during the war. See J. C. Cameron and F. J. L. Young, The status of trade unions in Canada, Kingston: Queen's University Department of Industrial Relations, 1960, 143.
- 21 Paul Phillips, No Power Greater: a century of labour in B. C., Vancouver, B. C. Federation of Labour/Boag Foundation, 1967, 169.
- 22 Logan, Trade unions in Canada, ch. 16; Irving Abella, Nationalism, communism and Canadian labour, Toronto; University of Toronto Press, 1973, chs. 1-3.
- 23 Industrial Conciliation and Arbitration Amendment Act, S.B.C. 1943, 7 Geo. VI, ch. 28.
- 24 Ibid., s. 4.
- 25 Logan, State intervention, p. 26. See also H. D. Woods, Labour policy in Canada second edition, Toronto: Macmillan, 1973, 83-4.

CHAPTER III

THE UNIONS FIGHT FOR STATUS: SKIRMISHES

Introduction

The preceding chapter outlined some of the growth of the union movement in British Columbia during the 1930s and the war years. This chapter introduces the battles fought by the newly-powerful unions from 1944 on for "a secure status and authority comparable to those of management, in industry and in the affairs of the community."¹ This was the struggle to institute, either through collective bargaining or through legislation, provisions such as the check-off of union dues and the union shop, in an all-encompassing system of "industrial government". The origins of the drive for union security are discussed first of all, with emphasis on some of the contradictory elements in the campaign. Then I turn to the conflict within the labour movement between social democrats and communists over the question of political strategy. Finally the lobbying of the government by union and employer groups is discussed, and there is some analysis of the government's response.

A. The demand for union security

To the average working man or woman, "security" in the immediate post-war years likely meant a secure home, a secure job and a secure family. This would be an obvious reaction to the social upheaval of the depression and the war. The desire for continuation of the high wartime wage standards was one of the sources of strength in the union movement. But that movement had of necessity thrown up union leaders, for whom the word "security" meant something more than just a house and a job. For a union leader's job to be secure, the union itself must be secure. To the union leader, "security" meant entrenching the union in an unassailable position. The old craft

unions hadn't had to worry too much about possible annihilation, since they had managed to control entry to the trades, or at least to assimilate unorganized groups encroaching on them. But the newer unions of unskilled industrial workers, in plants with high turnover rates, faced the possibility of dwindling support either through the ineptitude of their leaders or through anti-union activities by employers. The leaders of these unions, in the latter part of the war and the post-war years, fought to get widespread security provisions both in bargaining with employers and through legislative action. The first method proved more successful than the second.

The unions' fight for status in the economic arena was deceptive, for on the surface most of the post-war strikes it engendered "were carried out for specific and tangible objectives" and "few of them could be viewed as desperate struggles for survival."² But although economic readjustment after the Second World War was not marked by severe unemployment, as had been the case following the first great war there was a concerted campaign on the part of employers to divest the unions of some of the legal and economic power they had acquired since 1939. B. C. capitalists claimed that wages could not continue to rise if provincial industry was to compete with Eastern Canada, whose "generally lower standard of wages", larger manpower pool and easier accessibility to materials and equipment gave it the advantage.⁴ Therefore the wage demands of 1945 and 1946 were not the ordinary demands for annual increases, but were often designed to "maintain take-home pay".⁵ Such economic demands, of course, went hand in hand with demands for security provisions, but it is important to realize that the "security" component was present in both.

The importance attached by the BCFL unions to union security provisions is evident from the union newspapers of the period. Most vociferous

of all was the United Steelworkers of America, whose highly centralized bureaucracy stood to gain a great deal from the financial and organizational stability assured by the check-off and union shop.⁶ Each issue of the Canadian edition of Steel Labor carried articles on the philosophy and practical aspects of union security and a box score of the union's attempts at winning the various types of provisions. As Table 3-1 shows, the high priority placed on security clauses in bargaining paid off with an increase in the number and quality of these provisions.

The Steelworkers were firmly in the CCF camp, and part of the CCF's program called for a constitutional system of industrial government. So it is not surprising to see them place such emphasis on achieving an equal footing with management through institutional means. We might expect the unions whose leadership was communist to attempt to exercise their power through flexing their economic muscles, rather than by seeking contracts with such security provisions. For along with security goes responsibility. The union agrees to keep its members in line between bargaining sessions in exchange for the assurance of continued strength and recognition. Why should communists, whose aim was to organize working-class militance and develop class consciousness through the unions, accept such responsibility?

But the communist trade union leaders appeared content to develop "trade-union consciousness". The IWA's newspaper maintained in 1944 that it was "the duty of every member to talk, eat and sleep 'Union Shop' from now until it becomes a part of our industry-wide agreement". The IWA leaders believed union security "opens the door to complete organizing of the industry, which must be accomplished in order to guarantee steady employment, maintenance of decent living standards and shorter hours of work."⁷ They made a direct plea for establishment of the union as a social institution,

Table 3-1UNION SECURITY PROVISIONS IN UNITED STEELWORKERS OF AMERICA CONTRACTS,
1945-48 (BRITISH COLUMBIA)

Type of Security	1944 Dec	1945 May	1945 Dec	1946 May	1946 Dec	1947 May	1947 Dec	1948 May	1948 Dec
Check-off		1	1	3	5	3	3	3	1
Irrevocable check-off					2	7	6	5	5
Compulsory check-off								2	5
Membership maintenance		5	6	7	3				
Union shop		1	2	2	2			3	
Membership main. check-off				1	8	10	4	3	3
M.M.; irrevocable check-off							1	1	1
M.M.; compulsory check-off							6	5	6
Modified Rand form.								1	1
Union shop, check-off		1	1	1	1	2	3	3	2
Union shop, compulsory c-o.									2
Not specified				1	1	1	3	3	6
None	*	*	*	2					
Totals		8	10	17	22	23	26	29	32

Source: Steel Labor (Canadian edition), 1945-48.

*Totals for these months do not include "not specified".

Notes to Table 3-1

Check-off: employer deducts union dues from wages of union members on receipt of written assignation of dues signed by member and remits dues to union.

Irrevocable check-off: union member cannot revoke check-off assignment during life of contract.

Compulsory check-off: all union members in plant must assign dues deduction to union, which then becomes irrevocable.

Membership maintenance: all employees who join union during lifetime of a contract must remain members until contract expires.

Union shop: all employees must join union within a specified time from date of their first employment.

Rand formula: all employees must pay dues to union although all do not have to become members.

the better to ensure the maintenance of production and the reproduction of the relations of production under capitalism:

An industry thoroughly organized with a union fully recognized by the employers means harmony and co-operation between employer and employee. It means a stabilized industry with a trained capable and responsible labor force. The productive demands upon the lumber industry in the post-war era will require that this spirit of goodwill and co-operation between management and labour be further improved. (8)

As we shall see, however, the communist-led unions were less prone to emphasizing union security in the demands they made of the government than were the Steelworkers and other CCF-led unions.

The capitalists of British Columbia were alarmed at the demand for more union security. The aim of the unions, said the trade journal of the mining and smelting industry, was

essentially to transfer to the statutes for post-war advantage the fixation of concessions gained by the unions under the stress of wartime conditions. It is another instance of the opportunistic manoeuvring of the labour interests to force class legislation as an insurance for tomorrow. (9)

The B.C. Financial Times predicted that "increased employer resistance" would lead to "a long series of post-war labor trouble, in which labor will be called upon to fight for its effective existence as it never has before."¹⁰ The employers these publications spoke for feared the power of the unions on their own merits, but they were also aware that the labour movement had a strategic ally in George Pearson, the minister of labour.

In Chapter 2 I showed that the Liberal party enjoyed the support of a considerable number of workers and appeared to represent capitalists in primary industry, the professional petite bourgeoisie and a small number of "progressive" secondary and tertiary capitalists. Pearson was one of the latter, a representative of the reformist capitalists who found it easier to recognize unions and deal with them than to attempt to carry on business in the midst of continual strife. Because secondary industry is generally less susceptible to the fluctuations that made the logging and mining bosses hostile to unionism, it was easier to be a reformist in this sector, although in 1945 the reformists were still very much in the minority. Pearson kept the spirit of Pattullo's "Little New Deal" alive through the war years not only as labour minister but also as provincial secretary, where he held responsibility for health and welfare programs. In his view, unionization and union security were compatible with the philosophy of "individual initiative" that was a basic tenet of Canadian Liberalism. If a man "cannot make his way under reasonable opportunity, then he has no right to the best things of this world."¹¹ But state assistance to unionization was merely a way of providing opportunity, a secure foundation on which the worker could build his life and achievements. Like Mackenzie King, Pearson saw that the salvation of the Liberal party would lie in beating socialism at its own game and he constantly urged this tactic on his party and his cabinet colleagues.

An example of the methods Pearson used to achieve some of these objectives is the unionization of the giant Consolidated Mining and Smelting Co. smelter at Trail. Harvey Murphy's Mine-Mill union tried to organize the plant during the first years of the war but was thwarted by the existence of a company union dominated by the company's general manager, Selwyn G. Blaylock. The plant was crucial to Mine-Mill since it would provide a financial base for the rest of the union's organizing. The 1943 amendments to the ICA Act provided the means for Pearson to involve himself in the battle. Blaylock had insisted on "bargaining" only with the company union representatives, for he claimed they spoke for the majority of workers. Pearson told Murphy to make double sure that Mine-Mill's representatives were properly elected and chosen by the local workers. He warned:

I need not say to you that there are spots in which we must follow the Act to the letter or we shall find ourselves in trouble with the other side.¹²

Blaylock maintained his position and Pearson, a month later, told Murphy he planned to order Blaylock to show that the company union represented a majority of the smelter workers and emphasizing that he preferred the issue to be settled out of public view and would rather Murphy not mention it to the press.¹³ On June 2, 1944 the company was notified that Pearson was satisfied that Mine-Mill represented a majority of the men, whereupon Blaylock realized the game was up and reluctantly began negotiations with the union. A contract was signed June 17.¹⁴ Pearson was later to term the Trail unionization "one of the greatest accomplishments of B.C. unions in recent years."¹⁵ Thus the unions had reason to expect some legislative action in the direction of greater union security, from a labour minister who had proven his partiality to their point of view.

B. Political action: to co-operate or not to co-operate?

Most of the large CCL unions in B.C. had pledged not to strike for

the duration of the war, so the campaign for security initially took the form of political action. But labour leaders were far from agreed on what proper political action constituted and the result was a lack of unity that unquestionably made it easier, after the end of the war, for the government to play one faction off against the other and eventually to pass the generally repressive Industrial Conciliation and Arbitration Act of 1947.

The founding convention of the British Columbia Federation of Labour¹⁶ (BCFL) was held in Vancouver September 30, 1944 with representation from the IWA (which accounted for more than half the delegates), Mine-Mill and mine, oil, steel and shipyard workers, as well as miscellaneous small unions. The delegates were told by CCL West Coast organizer Alex McAuslane that they must press for amendments to the ICA Act "to provide for the closed shop, check-off, in fact, complete union recognition."¹⁷ The provincial government was urged to amend the Master and Servant Act to provide for the mandatory granting of dues check-off where a majority of the employees in the bargaining unit requested it.¹⁸ Covering all bases in the uncertainty which surrounded the federal government's temporary assumption of jurisdiction over labour matters, the delegates also called on Ottawa to transform the basic principles of P.C. 1003 into permanent legislation, noting that it "represents a great advance over previous collective bargaining legislation."¹⁹ A further resolution complimented the B.C. government for its "earnest endeavour to improve conditions of the common people", for the ICA Act and the 1943 amendments and for Pearson's administration of P.C. 1003.²⁰

This conciliatory attitude toward the coalition government might seem surprising, especially in view of the CCL's endorsement the previous year of the CCF -- the official opposition in British Columbia -- as "the political arm of labour in Canada".²¹ It is explained by the predominance of Labour-Progressive Party members in B.C.'s union leadership.²² The LPP

and CCF factions fought tooth and nail before, during and after the war for control of CCL positions and policies.²³ The communist position, after the entry of Russia into the war in 1941, was that the defeat of fascism claimed priority over everything else on labour's agenda. A "united front" policy of alliance with the CCF and "left-wing" Liberal party elements was held to be the correct strategy for class-conscious workers. In the U.S., this strategy had led to support of Franklin D. Roosevelt, but in Gad Horowitz's words, Canadian communists mistakenly "looked around for a Canadian version of Roosevelt and found Mackenzie King", who was a much less reliable "friend of labour".²⁴ The "united-front" policy was designed to forestall the onset of "tory reaction" in the form of a Conservative electoral victory. The American and Canadian communist-led unions' support of the war effort and no-strike pledges earned them, ironically, a reputation as "the stabilizing force in the American labor movement today."²⁵ In British Columbia, the policy of alliance with liberals dictated critical support for the Hart government. But that government included the very "reactionary" elements the policy was designed to attack, in the form of the Conservative coalitionists. Despite this incongruity, the LPP leaders and unionists continued to play up to the Liberal wing of the coalition. This endeared them to Pearson and Hart, who naturally enough welcomed any opportunity to lessen the power and prestige of the CCF. Pearson gleefully sent Hart a copy of the laudatory resolution from the first BCFL convention, remarking: "This is all the more interesting as the CCL accepts the CCF as their political arm."²⁶ This was one of a number of occasions on which the BCFL "proved an embarrassment to the CCL."²⁷

Had the LPP ever been able to elect any candidates to the provincial legislature, of course, it might have been a different story, as the party's

members would have found themselves with electoral interests to protect. This was the position of the CCF, which could have no truck with any policies of even partial support for the Coalition (or, on the federal level, for King). As its politicians had bitterly criticized P.C. 1003,²⁸ they denounced all the Coalition labour legislation and concentrated on parliamentary manoeuvring designed to put their policies before the public. But CCF strength in the B.C. union movement was restricted basically to the steel and coal mining unions until after the war. This was due partly to the skill and popularity of the communist leaders and partly to the historically "doctrinaire intellectual approach" of the West Coast CCF. As a result the LPP policy prevailed, for the time being. The ideological basis of the struggle between the two factions, however, was not always clear, for both sides appeared to accept the channelling of the labour movement into the rigid Wagner Act system of certification and compulsory bargaining. Thus in the BCFL's first brief to the provincial cabinet, they noted that the unions had "well and faithfully played their part" in the war effort, and wished to see the wartime management-labour-government "co-operation" "continued and extended into the peace."²⁹

Few employers, however, were persuaded by this kind of reasoning. That first brief to the cabinet, presented in December 1944, had repeated the convention's demands for legislated union security,³⁰ and this was a signal for the employer lobby to swing into action. The "increased employer resistance" predicted by the B.C. Financial Times became a well-organized campaign aimed principally against all forms of union security, but also at higher minimum wages, shorter hours and improved legislation regarding workmen's compensation and annual vacations. The Canadian Manufacturers' Association had already adopted the policy that no member should sign a collective

agreement providing for any form of union security.³¹ While all employers could not toe this line, letters began to drift into Hart's office from his friends in industry, opposing the BCFL amendment proposals. Blaylock of Consolidated Mining and Smelting sent along a copy of the dominion House of Commons Debates, starring and underlining the anti-union shop position of federal labour minister Humphrey Mitchell, as a reminder to Hart that good Liberals abhorred this kind of "compulsion".³² Harold S. Foley of the Powell River (pulp and paper) Co. penned a paean to his company's stable labour relations record and warned that the check-off would prove "a serious handicap to the continuance and possible improvement of the relationships between our Company and the Union and between the men and the Union."³³ These sentiments became organized when a delegation representing 20 employer associations, led by the CMA's B.C. division, met the cabinet in January, 1945. Their presentation contended that the union shop and check-off violated the right of the individual to work and his freedom "not to associate". It was claimed that these measures resulted in the tyranny of the majority and that if they were to be instituted at all, it should be through the medium of collective bargaining rather than through legislation. The employers also looked askance at the political affiliations of the BCFL, saying the check-off

forces the maintenance of financial contributions to a union in which, for good reason an employee may have entirely lost confidence and thus contribute (sic) to the creation and perpetuation of powerful and dangerous monopolies at the hands of unscrupulous and dangerous professional labour agitators.⁽³⁴⁾

The employers' concern for human rights was not too convincing since they had been loath to exhibit the same sentiments during the initial stages of industrial organization, when workers were harassed, intimidated and fired for union membership or activity.³⁵ The apparent concern about

individual rights was really an ideological veneer slapped over the fundamental decision to resist the impending entrenchment of unions as a social institution. The majority of employers were not ready to follow Pearson's lead and accept unionization as the price of industrial stability and the maintenance of production.

C. The first labour lobby

The BCFL's brief to the government failed to generate much public discussion, so the federation decided to go beyond the traditional closed-door labour-government discussions. So the first of the post-war "labour lobbies", a "monster conference" of delegates planning to "completely cover the House" in Victoria, confront each MLA with the labour program and report his position back to the constituency, was organized.³⁶ The lobbies were designed for maximum media impact and were always preceded by a barrage of telegrams from unionists (and CCF and LPP members and clubs) throughout the province. Pearson had told Hart he planned no major labour legislation for the 1945 session, but left the door open for a change of heart after the cabinet had heard from all parties concerned.³⁷ As it turned out, he was able to stick to his original plan, satisfy the labour leaders and sidestep the CCF all at once, although in doing so he managed to incur the wrath of the employers.

When the 181 BCFL lobbyists³⁸ arrived in Victoria on February 25, they carried a list of seven demands: 1) P.C. 1003 with anti-company union and other amendments as the basis of permanent provincial legislation, 2) mandatory check-off where a certified union requested it, 3) amendments to the Workmen's Compensation Act, 4) agitation by the province for a national health insurance scheme, 5) stricter safety requirements for B.C. Industry, 6) nationalization of the B.C. Electric Railway Co., 7) a broad government-sponsored housing program. Murphy complained at the first lobby meeting that

issue was "the mildest issue you can imagine", but...

the union shop issue was "the mildest issue you can imagine", but had been blown out of proportion by the CMA-led anti-union security campaign, and therefore he urged the delegates not to "antagonize or vilify" the MLAs to whom they spoke, but to use responsible arguments.³⁹

Friction between the communist and CCF elements in the lobby was evident on that first day. The CCF wing was led to George Wilkinson of the Victoria TLC and James Robertson of the Steelworkers, the latter having been sent to B.C. by the national Steel leader, Charles Millard, with the specific purpose of maximizing the CCF influence in the West Coast labour movement.⁴⁰ Part of this job, of course, entailed dovetailing labour action with CCF caucus legislative action. A CCF lobbyist moved that the lobby demand the legislature sit until the labour demands were considered and that the proposals should be referred to the legislature's standing committee on labour. This would, of course, have enabled the CCF caucus to shoulder its way into the limelight through the medium of public committee sittings and debate in the legislature. Murphy, smelling a rat, hinted to the lobby meeting that the CCF motion smacked of "playing politics", but the meaning was not sufficiently clear and the motion passed.⁴¹

The next day the executive committee of the lobby met the cabinet and was told by Hart that the standing committee on labour would not sit and that the government planned no labour legislation. The committee got a better reception from the coalition caucus that evening, where the lobbyists apparently received the support of several Liberal members.⁴² Faced with a caucus split,⁴³ Pearson met again with the executive committee on the third and final day of the lobby and found a way to cash in on the LPP-CCF antagonism. He emerged from that meeting and scribbled the following memo to Hart:

If you will allow me to make a Press statement this afternoon agreeing to set up a Committee of Labor to consult with us after the session upon all Labour Matters represented to us by the various unions the labour delegation will accept this and withdraw their request for check-off legislation this session. (44)

Pearson's press statement was summarized as follows:

Immediately upon the rising of the house he would ask the various Labor groups to nominate members to a joint Labor Union and Department of Labour committee for the purpose of considering all matters that have been submitted to the Government through Labor Union briefs for the purpose of dealing as far as possible with those matters which do not require legislation, and further, to make recommendations to the Government for changes in Labor legislation for the next Session of the House; also to consider recommendations to the Federal Government re changes in existing Federal Labor Orders. (45)

The lobby leaders hailed the establishment of this "government-labour committee" as a "tremendous advancement in that all organized labour in general, since the commencement of the war, have been demanding from Provincial and Federal Governments, that they be treated as a full war partner and taken into the Government's confidence."⁴⁶

But the CCF faction was outraged. "Labour asked for bread", spluttered Angus MacInnis, the CCF MP. "Their leaders accepted a stone."⁴⁷ Robertson and the Steelworkers delegation had pulled out of the lobby on the second day when it became apparent no support would be given by the lobby to a CCF caucus motion that the standing committee consider the labour demands.⁴⁸ Danny O'Brien, president of the BCFL, countered that the lobbyists had not wanted the CCF to refrain from bringing in labour legislation, but that the best way they could help the labour movement was to support the establishment of the government-labour committee. "Had they done so, the CCF would have gained prestige by forcing the Government's hand," O'Brien said. "Unfortunately this was not done and the lobby did not remain intact for that reason."⁴⁹ The BCFL issued a statement which read in part:

We did not go to Victoria with a political axe to grind. We, as a trade union organization are not now, nor have we any intention of being, tied to one political party nor to play partisan politics. We were concerned only with obtaining for our membership, needed legislation and with remedying existing legislation. . . . The establishment of this Labour-Government committee was not a substitute for any of the legislation that we are seeking. Nor do we treat it as such. We consider the Labour-Government Committee as the best "ways and means" of establishing for labour its proper recognition by the Government and a great step forward in bringing about better legislation and administration of legislation on all matters that effect (sic) labour. (50)

The BCFL leaders had attempted to keep the 1945 lobby inclusive of many working-class grievances. Harvey Murphy insisted that the check-off and union shop were "mild issues" which the CMA was trying to use for reactionary purposes. But fresh in the minds of the CCF supporters was the passage in 1944 by a CCF government of the Saskatchewan Trade Union Act which contained the union security provisions the BCFL was demanding. This purported to show that election of a CCF government was the quickest way to total unionization.⁵¹ The CCF's emphasis on security,⁵² according to the lobby leaders, played into the hands of the employers and "resulted in labour's legislative proposals becoming a political football around the check-off question."⁵³

The communist union leaders, of course, were anxious that the CCF get no credit for any reforms won by the labour movement, especially with a provincial election widely believed to be imminent. The CCF had always spurned LPP offers of electoral agreements (under which neither party would run candidates against the other)⁵⁴ and therefore, any prestige gained by the CCF could not fail to come at the expense of the communists. But there were other factors in the BCFL's decision to play ball with the government. The war was not yet over and co-operation in the war effort was the policy not only of the LPP officially of the CCL as well. Consistency demanded that the

policy of co-operation in the war effort be continued until its completion.⁵⁵ Second, the realities of parliamentary government rendered the possibility of improved legislation at the 1945 sitting improbable, since the government could sidetrack or defeat any CCF motion with ease. This of course was actually what happened. The BCFL leaders considered that they might go away from Victoria empty-handed, without even the "stone" at which Angus MacInnis sneered, had they cast their lot in with the CCF caucus.

At any rate, Pearson soon rewarded them for their support. First he withdrew an offer of participation in the government-labour committee which he had made to the CMA the day after the lobbyists left Victoria. Apparently realizing that employer representation on the committee would not find favour with the BCFL leaders, Pearson suggested to Hugh Dalton, secretary of the CMA's B.C. division, that he would get the labour committee together and then ask for employer representation.⁵⁶ At this the employers became apprehensive, fearing that Pearson would capitulate completely to the labour demand. Their suspicions were partly confirmed in the legislature on March 21. During a speech on labour matters, Pearson began to criticize the anti-union actions of some employers, then turned to Hart and asked: "May I go as far as I like, Mr. Premier?" On receiving Hart's okay, he told the astonished MLAs that very few employers really opposed the check-off, that those who did were categorically "simply stupid" and that those who opposed the union shop were "equally stupid". Noting that most of the 15 strikes in 1944 were prompted by the unwillingness of employers to recognize unions, he said he had been "heartbroken at times, the way some employers take an obstinate and stupid attitude in opposing the right of every employee to stand up for himself." Nevertheless, Pearson continued, many firms were coming to see the advantage of institutionalizing unions by giving them security. "In the last year", he said, "a large paper company wrote to me and asked for a closed shop.

After a year's experience with a union agreement they felt it was in the best interest to have a closed shop".⁵⁷ He concluded by saying that "had it not been for the recent show of force by some groups of employers the labour unions would not have taken the stand they did in their recent lobby."⁵⁸

The employers couldn't believe their eyes when they read this in the newspapers. Ralph Campney, the chairman of the CMA's industrial relations committee, a lawyer and former federal Liberal cabinet minister, took Hart to task for permitting the outrage, which he said constituted

an entirely unwarranted and unjustifiable attack on employers of the province. I cannot recollect any similar circumstances where such remarks have been made by a responsible Minister of the Crown in relation to industrialists and businessmen of a community.

. . . they (the remarks) apparently would indicate that any efforts on the part of employers to work in co-operation with him (Pearson) in the matters of industrial relations are hopeless and foredoomed to failure.(59)

The Western Miner added its voice to the clamour:

. . . it would be difficult to select a more opposite adjective than "stupid" to characterize such an exhibition of bad taste, arrogance and bias by a responsible Minister of the Crown.

. . . Mr. Pearson considers it foolish of employers to desire to protect the rights not only of their men absent on active service, but of all their employees who under the check-off system are compelled to comply with union requirements in this matter of the disposition of part of their earnings or suffer the consequence in the loss of employment.

. . . Mr. Pearson appears to rejoice in the accomplishments of the C.I.O. miners' union, an organization professing communistic doctrines, controlled from Denver, Colorado and whose past record for high-handed, not to say violent, action in the United States is not enviable.(60)

Pearson's speech marked the beginning of a definite coolness between him and the organized forces of capitalism in British Columbia. As we shall see, the anti-labour forces found it easier to bypass Pearson in their quest for

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restrictive legislation (or the lack of progressive legislation) and to win an overall aggregation of Coalition power to their cause. Given the class composition of the legislature outlined in Chapter 2, the odds were on their side from the start.

Notes to Chapter 3

- 1 Stuart Jamieson, "Industrial relations and government policy", CJEPS, 17 (1951): 28.
- 2 Stuart Jamieson, Times of trouble: labour unrest and industrial conflict in Canada, 1900-66, Task force on labour relations, study no. 22, Ottawa: Privy Council Office, 1968, 297.
- 3 Ibid., 296.
- 4 B.C. Financial Times, May 19, 1945, 1.
- 5 Labour Gazette, 47 (1947): 421. My emphasis.
- 6 See Lloyd Ulman, The government of the steel workers' union, New York: John Wiley and Sons, 1962.
- 7 B.C. Lumber Worker, August 7, 1944, 2.
- 8 Ibid., October 17, 1944, 2.
- 9 Western Miner, March 1945, 30.
- 10 B.C. Financial Times, August 4, 1945, 1.
- 11 Report of proceedings, executive committee, B.C. Liberal Association, Vancouver, April 11, 1944, BCLAP, box 1, 22-3.
- 12 Pearson to Murphy, January 11, 1944, MMP, 36-8.
- 13 Pearson to Murphy, February 17, 1944, ibid.
- 14 Western Miner, April 1945, 94. The intimacy which existed between Pearson and Murphy is shown in a subsequent letter dealing with a different question. This was addressed "Dear Harvey" and concluded: "I am going to be away from the office for about two weeks so see if you can keep things quiet for me while I am away." Pearson to Murphy, September 12, 1946, MMP, 36-8.
- 15 Western Miner, April 1945, 39.
- 16 The first B.C. Federation of Labour disbanded in 1920 when the syndicalist One Big Union was formed. See Paul Phillips, No power greater: a century of labour in British Columbia, 85.
- 17 BCFL Convention Proceedings, 1 (1944), 10-11.
- 18 Ibid., 22. A similar provision already existed in the coal mines, which were under federal jurisdiction.
- 19 Loc. cit.
- 20 Ibid., 24. It will be remembered that Pearson decided to administer P.C. 1003 himself rather than set up, as the other provinces did, a regional wartime labour relations board.

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- 21 Gad Horowitz, Canadian Labour in politics, Toronto: University of Toronto Press, 1968, 78.
- 22 The BCFL's president was Daniel O'Brien, a theoretically neutral CCL West Coast representative who in practice agreed with the rest of his executive. First and second vice-presidents were Murphy and Alex McKenzie of the United Oil Workers and the secretary-treasurer was Harold Pritchett. All were communists and the LPP claimed the loyalty of most of the five other executive members. The key members of this group remained in office until 1948.
- 23 Details of this hostility in B.C. are contained in Irving Abella, Nationalism, communism and Canadian labour, Toronto: University of Toronto Press, 1973, chs. 5 and 7.
- 24 Horowitz, op. cit., 90. Horowitz's sneering attitude toward the communists mars his treatment of this struggle.
- 25 Blair Fraser, "The commies muscle in", Maclean's, January 15, 1947, 13.
- 26 Pearson to Hart, December 11, 1944, PP, 1944-45, L-3-G.
- 27 Abella, op. cit., 116.
- 28 See George M. A. Grube, "P.C. 1003 - just another order-in-council", Canadian Forum, 24 (1944-5): 6-8.
- 29 BCFL, Submission to Premier John Hart and cabinet, December 19, 1944, MMP, 31-6.
- 30 Whereas the convention resolution asked for security where a majority of the employees wanted it, the federation officers asked the cabinet for legislation enabling this to happen only after certification had taken place. This suggests the federation leaders were more preoccupied with the institutional aspects of union security than was the rank-and-file.
- 31 Industrial Canada, November 1945, 87.
- 32 Blaylock to Hart, PP, 1944-45, C-11-G.
- 33 Foley to Hart, PP, 1944-45, L-3-G.
- 34 Industrial Canada, February 1945, 80.
- 35 See, e.g., Myrtle Bergren, Tough Timber, Toronto: Progress Books, 1967.
- 36 BCFL executive meeting minutes, January 27, 1945. MMP, 31-10; BCFL legislative bulletin, February 2, 1945, ibid., 31-7.
- 37 Pearson to Hart, January 8, 1945, PP, 1944-5, L-3-G.
- 38 The Trades and Labour Congress' provincial executive was invited to participate in the lobby, but declined to accompany the BCFL to Victoria and instead met the cabinet two days before the BCFL arrived. The TLC's brief to the cabinet actually proposed better maximum hours and vacation legislation than did that of the BCFL, but it was silent on the security

- question. Some TLC unionists, including those in the CCF-dominated Victoria Trades and Labour Council, did participate in the BCFL lobby. See TLC submission to cabinet, January 12, 1945, PP, 1944-5, L-3-G; Railway brotherhoods' submission, January 1945, ibid.
- 39 Labour lobby minutes, February 25, 1945, MMP, 31-10.
 - 40 For the antagonism which this move by the national Steel leader, Charles Millard, engendered within the national CCL, see Horowitz, op. cit., 118-22.
 - 41 Labour lobby minutes, February 25, 1945, MMP, 31-10; Vancouver News-Herald, February 26, 1945, 2.
 - 42 Labour lobby minutes, February 25, 1945, MMP, 31-10; Victoria Times, February 28, 1945, 11. Almost to a man the Conservative coalitionists, along with Hart, opposed the check-off demand. Vancouver Sun, February 28, 1945, 1.
 - 43 One newspaper described the situation as "admittedly tense". Vancouver News-Herald, February 28, 1945, 1.
 - 44 Undated legislative memorandum, Pearson to Hart, PP, 1944-5, L-3-G.
 - 45 B.C. District Union News, March 10, 1945, 6.
 - 46 Labour lobby executive committee minutes, February 27, 1945, MMP, 31-10.
 - 47 Quoted in Horowitz, op. cit., 126.
 - 48 Horowitz, op. cit., 125. Another group of CCFers led by George Wilkinson attempted to organize a "rump lobby" to press for implementation of the original demands at the 1945 session.
 - 49 Labour lobby executive committee minutes, March 25, 1945, MMP, 31-10.
 - 50 BCFL statement, March 1945, PP, 1944-45, L-20-D.
 - 51 Steel Labor, September 1945, 4.
 - 52 Herbert Gargrave (CCF-Mackenzie) had introduced into the legislature a resolution in support of the check-off -- but only the check-off -- proposals contained in the BCFL brief.
 - 53 BCFL statement, March 1945, PP, 1944-45, L-20-D.
 - 54 The LPP actually supported the Liberals over the CCF in the 1945 federal election. See Walter Young, The anatomy of a party: the national CCF, 1932-61. Toronto: University of Toronto Press, 1969, 280.
 - 55 The CCL leaders in Eastern Canada supported the BCFL's stand. See Horowitz, op. cit., 127.

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- 56 Dalton to Pearson, March 7, 1945, PP, 1944-45, L-20-D; Pearson to Dalton, March 10, 1945, ibid.
- 57 Vancouver Sun, March 21, 1945, 1.
- 58 Vancouver News-Herald, March 21, 1945, 1.
- 59 Campney to Hart, March 24, 1945, PP, 1944-45, L-20-D; see also James H. Eckman to Pearson, March 22, 1945, ibid.
- 60 Western Miner, April 1945, p. 39. This editorial was reprinted in Mine-Mill's newspaper under the headline: "He Must Be Good If They Attack Him". B.C. District Union News, September 29, 1945, 3.

CHAPTER IV

THE UNIONS FIGHT FOR STATUS: BATTLES - I

Introduction

A national endeavour such as the prosecution of a war enables a facade of class unity to develop. Such was the case in British Columbia during the war years, when the class interests of workers, farmers and even businessmen were temporarily abandoned in deference to the "war effort". After victory in Europe, this facade began to fall apart. Employers began to talk about the sacrifices that would have to be made during reconstruction. Workers, for their part, "had a strong incentive to 'get what they could while the getting is good'".¹ Even before the Allied victory in the Pacific, the first bitter strike with its roots in the issue of union status and security had broken out. This conflict set a pattern of employer intransigence, agrarian support for the company and government intervention aimed at maintaining production that was to be repeated several times in the following year and formed the social basis for the ICA Act of 1947.

A. American Can: the maintenance of production

In the last chapter we saw that union security formed the cornerstone of the post-war bargaining policy of the United Steelworkers of America. The first strong stand on the issue was taken at the American Can Co. Ltd., after four years of bargaining and signing contracts. The plant was the only manufacturer of metal cans in the province and thus enjoyed a monopoly on the production of a commodity on which the food-producing industries were utterly dependent. The fisheries and the fruit and vegetable processing plants on the Fraser and Okanagan Valleys had to have a continuous supply of metal containers during the harvest season, as the perishables they pro-

duced could not be stored for long periods. Production had been running at a peak during the war and the level was kept up by the demand for food supplies in the liberated countries and in the Pacific.

Record crops and fish runs in 1945 heightened the potential impact of a shutdown at American Can. Peach and pear crops in B.C. were the largest ever. Apricot, raspberry, strawberry and grape yields were up over 1944, and B.C. producers were expecting to cash in on eastern markets, since crops had been poor there.² B.C. fishermen had landed the fourth largest catch in history and the showpiece of the provincial fishery, the salmon pack, was up, destined to rise 62 per cent over the previous year.³ Total value of the B.C. fish catch turned out to be by far the highest ever: up to \$44.5 million from \$34.9 million in 1944. Canned salmon alone accounted for \$18.4 million of the 1945 total.⁴

It is possible the Steelworkers did not decide to take a firm stand on union security at American Can until it became clear the war's end was only a matter of time. The union's representative on a conciliation board that began hearings May 11 initially concurred with the other board members⁵ in recommending that the new contract contain a voluntary check-off clause but not the union shop.⁶ Then the representative, George Wilkinson of the Victoria Trades and Labour Council, changed his mind (undoubtedly after consultation with the Steelworkers) and wrote a minority report in which he favoured inclusion of a union shop clause "to secure harmonious realtions from year to year".⁷ The company accepted the majority report but the union held out for the union shop and on July 27 the 446 employees struck.

Provincial conciliation officers⁸ attempted without success to attempt a settlement. Wires began to pour in to Victoria and to Hart, who

was in Ottawa attending the dominion-provincial conference on reconstruction, from employer and producer groups urging government intervention to settle the strike. The Salmon Cannery Operating Committee pointed to the record salmon run, said thousands of dollars had been invested in new equipment to process the fish and warned that a province-wide cannery shutdown would occur August 3 if production was not resumed.⁹ Similar appeals came from the B.C. Wholesale Grocers' Association, the Canned Foods Association of B.C., and the Fraser Valley Milk Producers' Association. The BCFL also urged the government to intervene, imposing a settlement favourable to the strikers.¹⁰ The government could not intervene under P.C. 1003, however, because the USWA had complied with the provisions requiring a 14-day hiatus between the report of a conciliation board and a strike.¹¹

The situation was compounded by the absence of Pearson, who was in hospital undergoing an eye operation. The acting labour minister was the Tory mines minister, Ernest Carson. On August 4, when the strike was in its ninth day, Carson apparently decided that the conciliation efforts were not going to succeed and wired Hart: "Our legal department have (sic) reviewed legal aspects of strike and are of opinion that strike illegal."¹² This, according to the Steelworkers, was in direct conflict with statements made to them by the deputy labour minister, who had allegedly advised them that no laws were being broken.¹³ Either there was confusion in the bureaucracy about the legality of the strike, or Carson and his Tory cabinet colleagues took advantage of the situation to throw the department's policy of conciliation out the window.¹⁴ In any event, Carson asked the federal government on August 6 to follow the salmon cannery's suggestion that the American Cannery plant be taken over by the dominion under the War Measures Act.¹⁵ Three days later the federal government did exactly that, appointing a controller

to oversee operations and ordering the men back to work.¹⁶ The same day, August 9, the "win-the-war" rationale for maintaining production vanished abruptly with the bombing of Nagasaki and the surrender of the Japanese. A federal Industrial Inquiry Commissioner was appointed and eventually a contract was signed corresponding roughly to the conciliation board's majority report.¹⁷

B. The second labour lobby: the employers get angrier

While the American Can conciliation dragged on, a four-week coal miner's strike in the fall of 1945, called to protest the rationing of meat by the federal government, kept labour unrest in the public eye. Meanwhile the controversial government-labour committee established at the 1945 session was trying to deal with the many proposals for changes in labour legislation. No employer representatives had been appointed to the committee. At its third and final meeting January 3, 1946, the committee passed a series of resolutions to be forwarded to the cabinet. Of the 30 questions into which the labour demands of 1945 were consolidated, six were considered to have been dealt with by legislation enacted since the committee was formed, ten were considered to require further information, no action at all was taken on nine and five were recommended for legislation or government investigation.¹⁸ The proposals for legislation and investigation were actually department policy irrespective of the committee, since they had been drafted by department staff. That they were moved and seconded by members of the government-labour committee -- most being sponsored by one BCFL and one TLC representative -- was largely a matter of window-dressing.

The demand for a new provincial labour code was stalled with the following:

The Chairman (Pearson) stated that it was apparent the Federal Government was taking steps to consider amendment to P.C. 1003 and it seemed likely that the Provincial Labour Ministers would be brought together to consider recommendations that had been made by Labour Organizations and counter-recommendations made by employer groups.

In view of this the Provincial Government is not prepared to deal with this matter at this time, nor is the Provincial Government prepared to amend the Masters and Servants Act to provide for payroll check-offs, this being considered to be within the jurisdiction of the Federal Government under P.C. 1003. (19)

Pearson might have considered it possible that the provinces would come to some agreement with the dominion on the question of jurisdiction over labour matters. More likely he used the constitutional question as an excuse to stall the matter as long as possible, despite his personal public position in favour of union security. Instead of this institutional change, the labour leaders were given short-term palliatives. Of the five recommendations for government action, three were of little importance and two were destined to widen the gap between the LPP and CCF factions in the labour movement. One, moved by Birt Showler of the TLC and seconded by Murphy, proposed lowering the maximum work week from 48 to 44 hours. The second, moved by the TLC's Roly Gervin and seconded by Danny O'Brien, provided for a statutory week's vacation with pay.²⁰

This was obviously as far as the government was prepared to go, but the labour members of the committee had to keep in mind the pressure on them from below. Both union centrals, at conventions the previous fall, had favoured the 40-hour week and a two-week statutory vacation and agreement had been reached to mount a joint lobby to Victoria at the 1946 session. Accordingly, at a preliminary meeting with the cabinet January 18, the same leaders who two weeks previously had agreed to a 44-hour week and one week's vacation pressed for 40 hours and two weeks, as well as repeating the pro-

posals of 1945 regarding the labour code, union security and company unions.²¹

When the 340 delegates (including a sizeable veterans' contingent) descended on Victoria February 24, the anti-LPP unionists suspected something was up. At the first mass rally, one of them asked whether the committee members would be so kind as to inform the delegates of the progress the committee had made. The committee members were "not in a position to report to this delegation", stammered Gervin, because "they have dealt with matters submitted a year ago" and "did not come here with the intention of making a report". Not satisfied, the CCF supporter pressed further: "Does it mean that this Committee is not prepared to support every item in this (the lobby's) brief?" Replied Gervin, somewhat evasively: "Every item in this (the lobby's) agenda will be supported by this lobby." Murphy jumped in hurriedly to add that the lobby's agenda was made up of BCFL and TLC convention decisions which had to be supported. Another CCF sympathizer proposed that the lobby adopt the strategy tried in 1945 by the CCF, requesting the convening of the standing legislative committee on labour and demanding that the house remain sitting until the labour proposals were considered. This was ruled out of order by Gervin on the dubious ground that "we don't know what the reply will be."²²

The class divisions in the coalition began to show on the second day, when the lobbyists tried to buttonhole MLAs in the legislature. A few apparently wished to avoid the issue altogether: one colourful account had the MLAs "scurrying around corners and up corridors trying to avoid the determined lobbyists."²³ The Conservatives were almost uniformly hostile, and interior Tories particularly so. Some, such as Thomas Love (Grand Forks-Greenwood) refused to speak to the delegation.²⁴ Anscomb, MacDonald and Eyres, the latter two soon to join the cabinet, declared themselves in basic

opposition, with Eyres reportedly stating that he was "opposed to everything labour stands for."²⁵ The two Liberal cabinet ministers the lobbyists were able to reach indicated a basic sympathy and Liberal MLAs from urban or industrial areas such as James Mowat (Alberni) or Byron Johnson (New Westminster) added their encouragement. On the whole 13 of the 37 Coalition MLAs were reported roughly in agreement with the labour demands.²⁶

The apparent presence of support for the lobby within the ranks of the Coalition alarmed the employer groups, which had grown increasingly apprehensive about the government's plans since being frozen out of the government-labour committee. The way to the good life for the working class of B.C., they told the government the following week, was through increased productivity and "prices our customers will pay." Only industries sheltered from foreign competition could afford the reduction in the maximum work week and the increased minimum wage the unions were asking for, they argued. The employers' brief to the government, signed by the CMA and 18 other organizations, showed that the paternalism characterizing much of their initial opposition to unionization was not yet dead. In the primary industries, they said,

The five-day week would be even more disruptive, of course, since, in remote areas without the city's facilities for recreation, it would leave employees with two idle days a week on their hands. The human inclination under those circumstances is to leave the camp in search of amusement. Any experienced superintendent would expect, on the basis of experience, that large-scale absenteeism would ensue affecting production in the remaining five days of the week. (27)

The employer's brief also provided a novel interpretation of seasonal unemployment. It claimed that the proposal for statutory paid vacations was inappropriate in an economy where employment fluctuations gave many workers extended "vacations" anyway. These aspects of employer opposition to improvements in labour legislation show how both the grievances of the working class

and the attitudes of their employers were shaped by the needs of resource-based capitalist production.

This trend is further illuminated by the barrage of letters from British Columbia capitalists to the government which followed the submission to the cabinet. Mines Minister Carson forwarded to Hart a letter from Howard T. Mitchell, publisher of Western Business and Industry, which warned that in the mining industry the result of improved labour standards would be "high-grading", or utilization of only ore with the highest mineral content and consequently the rapid depletion of mineral resources. Neither Carson, Mitchell, nor Hart, of course, entertained the notion that this might not be the case if social utility rather than the profit motive governed the priorities of the mining industry.²⁸ H. J. Macking, president of the Canadian Western Limber Co. and of the Industrial Association of B.C., maintained that the inevitable result of the shorter work week would be lower productivity. He added, perhaps with tongue in cheek: "I am not attempting to employ any pressure methods ... but am just trying to impress you with the gravity of the situation."²⁹ The chairman of the B.C. Logger's Association, H. J. Irvine, claimed that the shorter work week would mean, 25,000 fewer urgently-needed housing starts in 1946.³⁰ Since the construction industry was one of the few capable of passing increased costs directly to the consumer, and there was no reason for any decline in the total number of man'hours worked, this prediction can only be interpreted as a threat to cut back log production. Finally, the general manager of the Sorg Pulp Co. wrote CCF MLA Herbert Gargrave and stated that the antiquated Port Mellon pulp mill in Gargrave's riding would be shut down, throwing soem 300 men out of work if the maximum work week was lowered.³¹ These employer outbursts were backed by telegrams from beef cattle and fruit growers and, of course, the government also got the usual mass of wires from unionists and ladies' auxi-

liaries in favour of the labour demands.

The lack of unanimity among the coalition MLAs led to a general acceptance by them of the compromise proposals of the government-labour committee. In March 1946 Pearson introduced legislation to enact the 44-hour week and the statutory one-week paid vacation as proposed by the committee. Hugh Dalton of the CMA immediately cried foul. In a letter to Hart he claimed Pearson had promised the employers representation on the government-labour committee and he enclosed as proof his 1945 correspondence with Pearson.³² "We accepted the Minister's repeated promises in good faith and refrained from lobby pressure," Dalton complained. "This apparently was a mistake on our part."³³ Hart replied that the views of the employers were made clear in their meeting with the cabinet, and added that CMA representatives had met MLAs at a dinner in the Empress Hotel in February, where the subject of labour legislation had been discussed thoroughly.³⁴ Yes, Dalton shot back, these meetings had indeed taken place, but the employers had been given no inside information on what the government planned to do, having instead to rely on "rumour and newspaper report." Dalton continued, ominously:

There is a striking contrast between the treatment afforded industry in this whole matter and the very close collaboration which has existed between the Government and organized Labour . . . It only remains to express the hope that this policy will not constitute standard practice on the part of the Government in the future. (35)

This was the voice of a man used to getting his own way, or at the very least to being informed in advance of planned government action. The grudge borne by the majority of B.C. employers toward the left wing of the coalition was becoming more acute, and Hart's apparent reluctance to oppose his labour minister's handling of the situation more irksome.

The CMA's outbursts at the new legislation were rivalled only by those of the CCF and its union supporters. When the minutes of the govern-

ment-labour committee's January 3 meeting were tabled in the legislature, the opposition screamed that the lobby leaders had betrayed their followers and maintained that the situation had arisen through LPP collusion with the government. "Harold Winch wanted to know what labour's demands were -- those of January 3 or those of February 25."³⁶ A Victoria Trades and Labour Council pamphlet branded the whole exercise an "elaborate pantomime" on the part of the BCFL and TLC leaders, and the Vancouver Labour Council (CCL) narrowly defeated a Steelworkers motion "regretting" the actions of the BCFL leaders.³⁷

The debate between the BCFL leaders and the CCF continued after the legislation was passed in early April. O'Brien pointed out that the CCF caucus had supported the government-labour committee proposals when they came to a vote in the house. Pritchett acknowledged that the committee members had been "confronted. . . , with a problem" but said they had made it clear that they "would not relinquish any right to press and lobby if necessary for a 40-hour week. . . . It was the government's bill and we are not a revolutionary organization and were making gains." He added that no other province in Canada boasted such advanced statutory working conditions. O'Brien charged that the CCF had embarked on a "planned program and policy . . . to belittle the efforts of the Federation of Labour. . . . They are afraid," he continued, "that the Federation will get advanced legislation, that we can get it and the CCF are unable to elect more members."³⁸

Despite these protestations, the government-labour committee episode was disastrous for the dominant LPP faction in the BCFL. The decisions made by the federation executive were pragmatic and realistic ones which did result in short-term gains for the working class. But they simply looked bad. Fuzzy as the CCF's notion of "class" was, it was a simple task for the social-democratic MLAs and supporters to make the charge of "class collaboration" stick. The class base of the party system had been reinforced and highlighted

by the coalition of the two "old-line" parties. Any form of co-operation with the government -- even with its left wing -- was bound to be quite obviously a distasteful backroom deal. The implication of a peacetime sell-out was added to the communists' record of wartime collaboration. Had the BCFL been able to extricate itself from the government-labour committee arrangement after the victory in the Pacific, it would not have been as vulnerable to the CCF charges and might have begun to develop grass-roots initiatives for political action, perhaps even increasing the LPP's electoral chances. As it was, the BCFL had little of this kind of resource to fall back on in 1947 when the government abandoned Pearson and his friends in the labour movement.

But to criticize the BCFL leaders is not to endorse the actions of the CCF, whose policy of vituperation toward anyone attempting independent political action was the essence of sectarianism. The communist union leaders could lay more claim, as far as trade union objectives went, to the sympathies of the working class than could the CCF MLAs, despite the proletarian electoral support which the latter enjoyed. The insistence of CCFers in the labour movement that labour political action be keyed to the legislative efforts of the CCF probably alienated as many workers as it won over to the cause of socialism. To be sure, the CCF in B.C. had been slightly less sectarian than elsewhere, at one point (in 1943) proposing that the national CCF study the possibility of electoral co-operation with the LPP. But these radical, albeit somewhat intellectual, tendencies were crushed by the national CCF, partly through the influence of Steelworker emissaries such as James Robertson and Eileen Tallman.³⁹ This assisted the growth of the CCF on a national scale, but it killed the possibility of any co-operation between the labour and socialist movements on the West Coast until the LPP influence was virtually wiped out in 1948-51.

Notes to Chapter 4

- 1 Stuart Jamieson, Times of trouble: labour unrest and industrial conflict in Canada, 1900-1966, Task force on labour relations, study no. 22, Ottawa, 1966, p. 301.
- 2 Canada, Dominion Bureau of Statistics, Quarterly bulletin of agricultural statistics, 38: 3 (July-September, 1945) p. 153.
- 3 Canada, Dominion Bureau of Statistics, Fisheries statistics of Canada, 1945, Ottawa: King's Printer, 1947, 22, 47.
- 4 Ibid., 22, 26.
- 5 The employer representative was R. H. Pooley, a former Conservative house leader in the provincial legislature.
- 6 The union shop was not recommended for the curious reason that it "would not be accepted by the Company, and such recommendation might endanger this splendid spirit of co-operation" which, the board had been told, had existed since the first agreement was signed with the Company in August, 1941. See Labour Gazette, (1945): 975-9.
- 7 Ibid.
- 8 Under P.C. 1003 the responsibility of the federal labour department for industrial disputes ended as soon as the conciliation board report was made public.
- 9 Salmon Cannery's Operating Committee to Hart, August 1, 1945, PP, 1944-45, L-20-D.
- 10 McAuslane and Pritchett to Hart, July 31, 1945, ibid.
- 11 The conciliation board had reported June 15, more than a month previously. Labour Gazette, (1945): 975.
- 12 Carson to Hart, August 4, 1945, 45 PP, 1944-45, L-20-D.
- 13 BCFL, Convention Proceedings, 2 (1945), 2.
- 14 This was what the unions claimed. See loc. cit.
- 15 Salmon Cannery's Operating Committee to Hart, August 2, 1945, PP, 1944-45, L-20-D; Labour Gazette, 45 (1945): 1505.
- 16 Labour Gazette, 45 (1945): 1505.
- 17 Steel Labor, June 1946, 9.
- 18 Government-labour committee minutes, January 3, 1946, PP, 1946-7, L-20-D.
- 19 Ibid.
- 20 Ibid.

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- 21 B.C. District Union News, January 21, 1946, 1-2.
- 22 Labour lobby minutes, February 24, 1946, MMP, 53-5.
- 23 B.C. District Union News, March 4, 1946, 1.
- 24 Ibid.
- 25 Ibid.; Labour lobby minutes, February 25, 1946, MMP, 53-5.
- 26 B.C. District Union News, March 4, 1946, 1.
- 27 Canadian Manufacturers' Association submission to cabinet, March 4, 1946, PP, 1946-47, D-3-G.
- 28 Mitchell to Carson, February 21, 1946, PP, 1946-47, L-20-D.
- 29 Mackin to Hart, March 6, 1946, PP, 1946-47, L-3-G.
- 30 Irvine to Hart, March 8, 1946, ibid.
- 31 H. M. Lewis to Gargrave, March 13, 1946, Ibid. The mill did not close.
- 32 See above, ch. 3.
- 33 Dalton to Hart, April 1, 1946, PP, 1946-47, L-3-G.
- 34 Hart to Dalton, April 4, 1946, ibid.
- 35 Dalton to Hart, April 9, 1946, PP, 1946-47, L-20-D.
- 36 Gad Horowitz, Canadian Labour in Politics, Toronto: University of Toronto Press, 1968, 128.
- 37 Loc. cit.
- 38 At the BCFL executive meeting where these statements were made. O'Brien produced a letter from national CCL secretary-treasurer Pat Conroy supporting the BCFL stand. The letter read in part: "The main issue I think is to maintain good relationships with the Cabinet." O'Brien also charged that the CCF was receiving money under the table from the CCL's political action committee. BCFL executive council minutes, April 22, 1946, MMP, 31-10.
- 39 See Walter Young, The anatomy of a party: the national CCF 1932-61, Toronto: University of Toronto Press, 1969, 275-76; Irving Abella, Nationalism, communism and Canadian labour, Toronto: University of Toronto Press, 1973, 116; Horowitz, op. cit., 120-2.

CHAPTER V

THE UNIONS FIGHT FOR STATUS: BATTLES - II

Introduction

Even as the labour standards legislation of 1946 was being debated, events on the collective bargaining scene were building up to an all-time high in labour unrest. Before the year was out four big strikes, including two in the crucial lumber and mining industries, produced a time loss of more than 1¼ million person-days¹ in B.C. industry and confronted the government squarely with the urgency of modifications to its labour policy. These strikes were matched in Eastern Canada by others in the coal, automobile, rubber, electrical, steel and shipping industries. The B.C. strikes posed problems to the government in the area of the role of trade unions and their legal status, which were addressed, although imperfectly, by the Industrial Conciliation and Arbitration Act of 1947. The major areas of controversy were union strike votes, industry-wide bargaining, jurisdictional strife and the use of the courts in labour disputes.

British Columbia's manufacturing industry underwent a period of consolidation and reconversion after the war, as some firms managed to convert to peacetime production while others were forced out of business. But in the primary industries, since the demand for construction lumber and for most metals was high, the outlook for profits and employment was superb. These industries were thus ripe targets for the newly-acquired strength of the industrial unions. But years of fluctuating demand told the employers that the situation would not last and warned them to hold fast against union encroachment on their profits and powers. Thus while the industries could -- and did -- afford outsized wage increases, they fought them as hard as they could, and encouraged the government to make sure the 1946 situation was never repeated.

We have seen that union leaders in the post-war years feared not only that a disproportionate share of the benefits of the post-war boom would wind up in the bank accounts of employers, but also that a concerted attempt would be made to wrest from the labour movement the status it had gained during the war. The groundwork for a concerted wage and security drive by the CCL had been laid by strikes such as the one at American Can and the Campaign had gotten under way in earnest with the strike in late 1945 at the Ford Motor Co. in Windsor, Ontario. The general demand was for a 15-cent hourly wage increase, in direct opposition to public statements by Wartime Prices and Trade Board chairman Donald Gordon to the effect that employers could only pay 10-cent increases.² The 15-cent pattern was eventually set after an unprecedented show of union strength.³

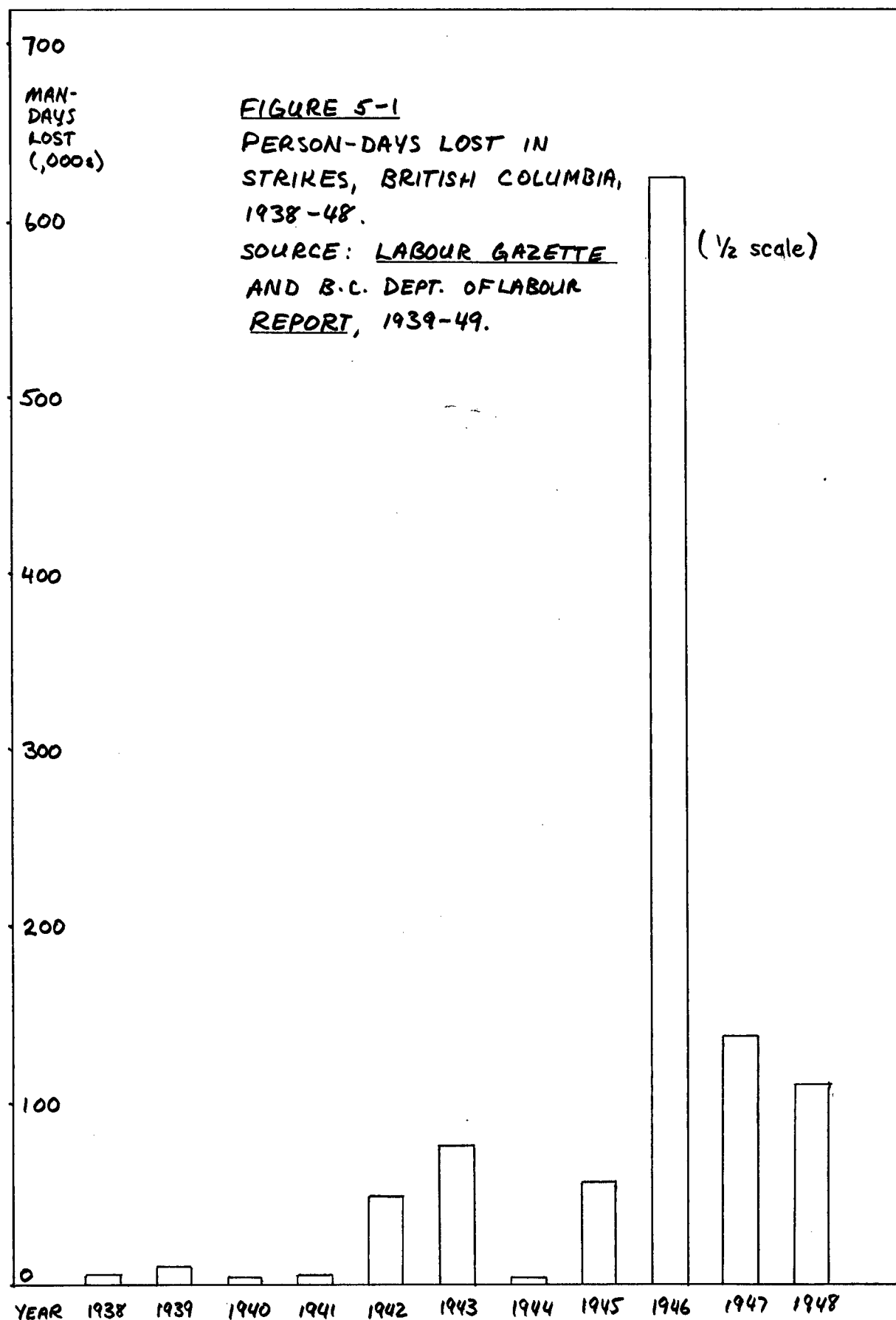
The impact of this crescendo of labour unrest can be best understood in graphic form. Figure 5-1 shows the loss of person-days in relation to the period 1938-48. Figure 5-2, for all of Canada, shows the rapid succession in which the largest strikes of 1946 were called. In the two months following the start of the B.C. lumber strike, 17 of the most important (in terms of time lost) strikes began. For four weeks during July and August, a similar number were in progress. The strikes shown in Figure 5-2 involved some 45,000 workers.⁴ Figure 5-3 adds to the data used in Figure 5-2, for the eight strikes resulting in a loss of more than 100,000 person-days, the dimension of the number of workers involved. Of these eight strikes, the lumber and metal-mining strikes in B.C. were the only ones to occur in resource-extractive or low-level processing industries, and of the 25 in Figure 5-2 only two occurred in these industries outside B.C. This, of course, reflects the predominance in the B.C. economy of resource extraction and processing and the relative insignificance of secondary manufacturing. The charts also show the pace-setting role of the B.C. lumber strike. Finally,

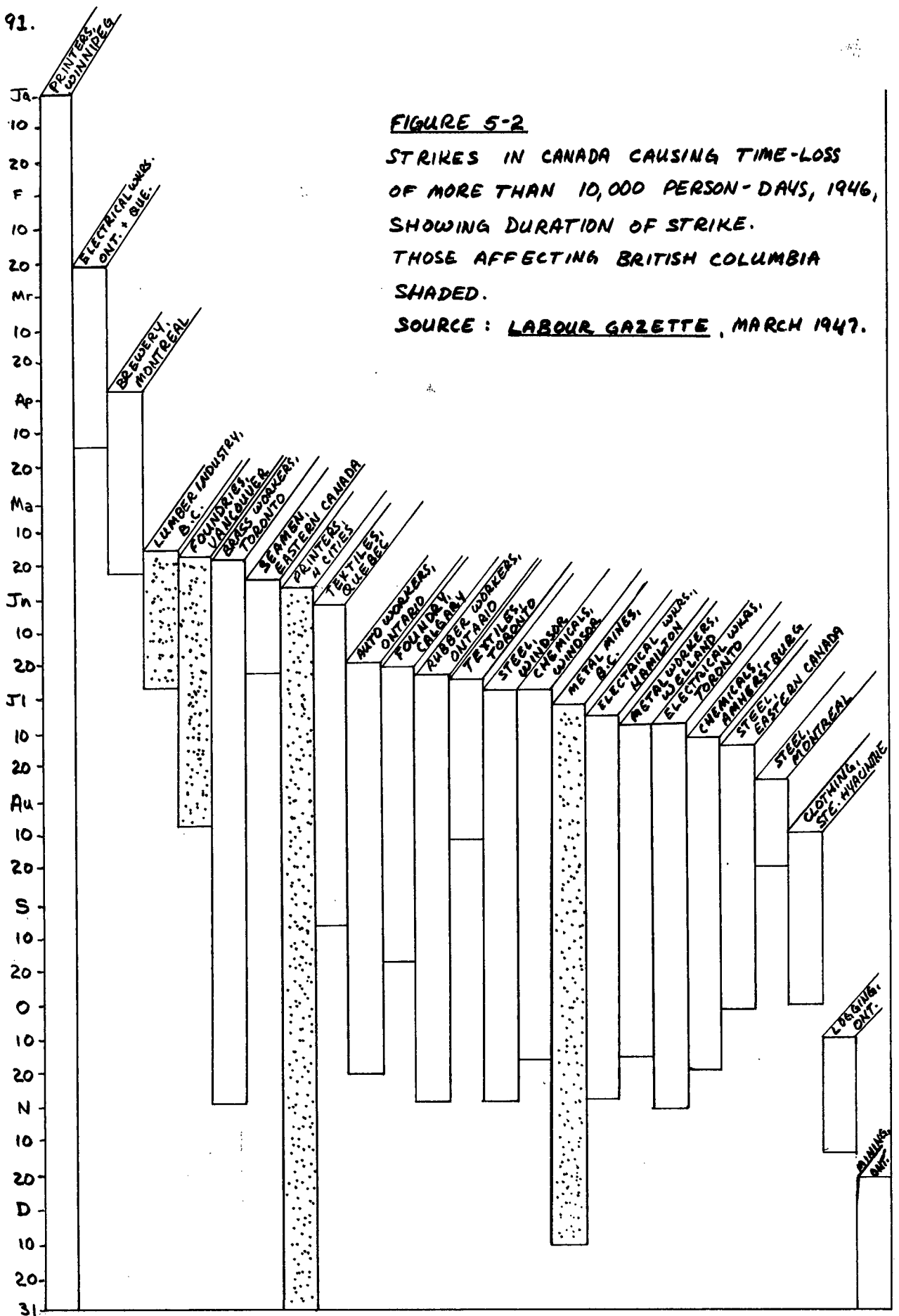
Figure 5-4 shows that besides the lumber and metal-mining strikes, two others rate special mention. These were the printers' strike at the Vancouver Daily Province (including a sympathy strike of pressmen) involving a total of 400 workers and a strike of some 500 foundry workers in Vancouver and New Westminster, members of Mine-Mill.⁵ I will deal in some detail with the four important strikes in the order in which they began.

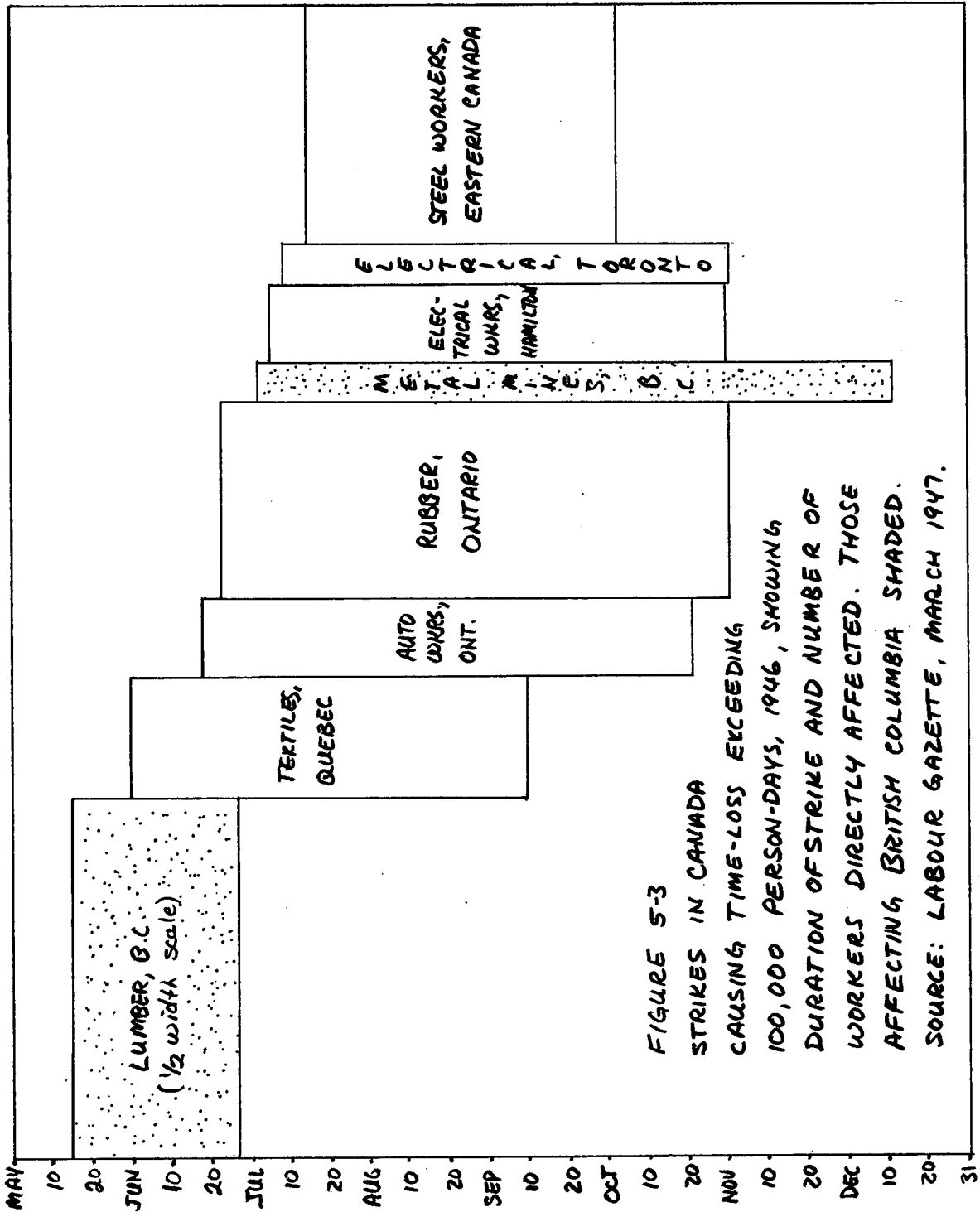
A. The forest industry

Thanks to government co-operation, aggressive salesmanship and a stable labour force, B.C. edged ahead of the U.S. Pacific Coast in the race for world lumber markets in the period between the First and Second World Wars.⁶ The integration process which was to produce today's forest conglomerates got under way in the late 1930s, with lumber mills buying out logging companies to ensure a steady supply of logs.⁷ Integration, or "rationalization" got under way in earnest after the war and continued until 1951, by which time most of the production of lumber in British Columbia was controlled by five corporations. British markets had been lost when the Soviet Union entered the war and lumber from Baltic forests became available, but this was more than offset by the increases in demand in both Canada and the U.S.⁸ At the end of the war, B.C. lumber operators prepared to take advantage of a critical housing shortage in Canada, an unprecedented demand for lumber in the U.S., an adequate labour supply owing to the slowdown in manufacturing and an eight per cent increase in the price of lumber and plywood scheduled to take effect May 1, 1946.⁹ There was good reason to believe that the IWA was capable of setting a high standard which eastern manufacturing industries would be compelled to follow.

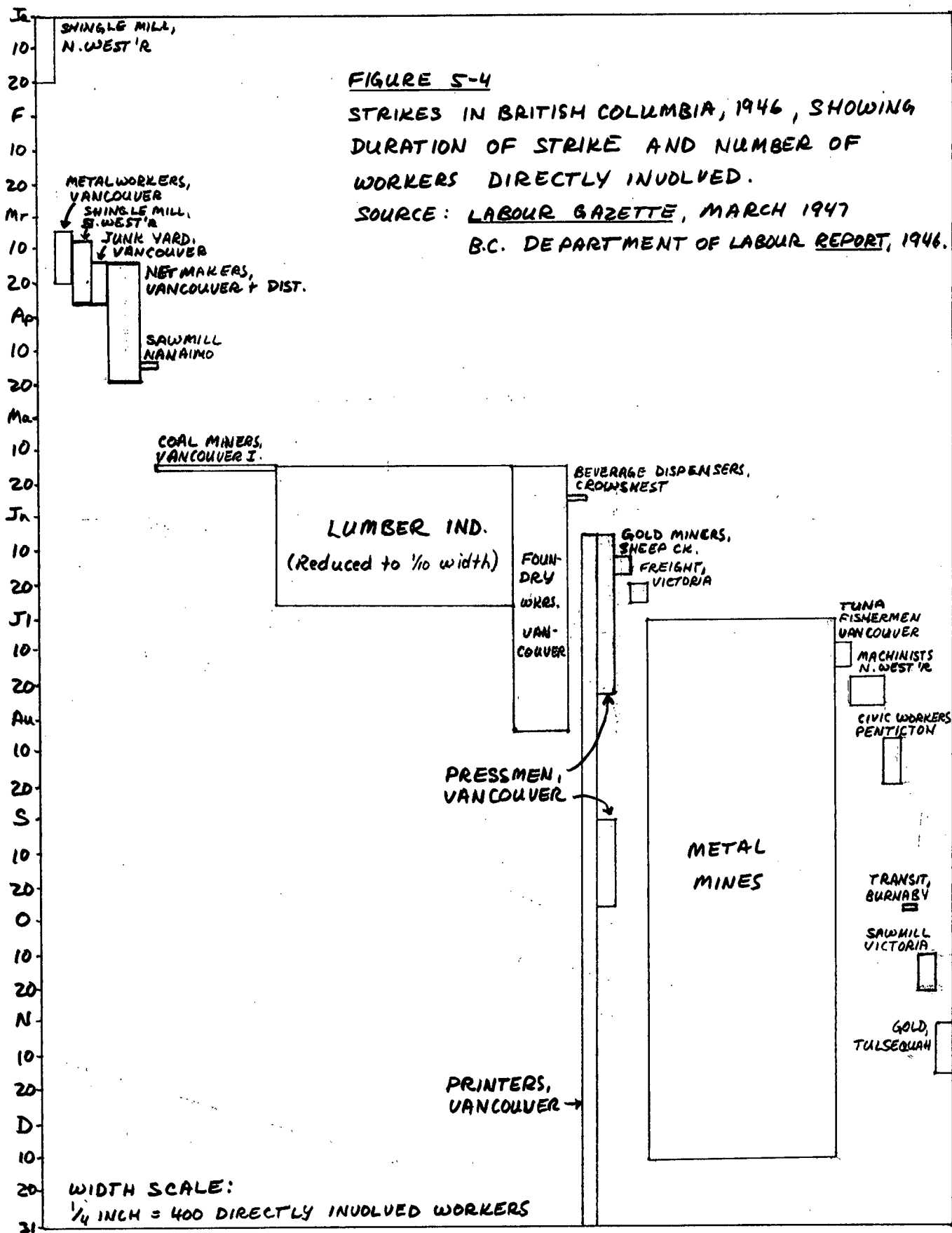
Stimulated by the 1943 ICA Act amendments, by P.C. 1003 and by the wartime sellers' labour market, the IWA by 1946 had a total provincial







WIDTH SCALE : 1/4 INCH = 2,000 DIRECTLY INVOLVED WORKERS



membership of 18,000 or slightly less than half the number employed in the forest industry.¹⁰ While the union had signed its first contract with a Vancouver sash and door manufacturer in 1937,¹¹ it was not until 1943 that a master agreement was signed with management negotiator R. V. Stuart Research Ltd., acting on behalf of more than 100 employers. Union security was rare, although a union shop had been won at a Vancouver Island logging camp in 1941¹² and the 1943 master agreement had been supplemented with security provisions in a few camps.¹³ But security was an important issue among the province's lumber workers. As one student of the IWA put it, the attention of the logger and mill worker toward the end of the war "was being focussed once again upon his own security rather than that of the country."¹⁴ "Woods workers," says another account, "were still poor in the matter of incomes. In Lake Cowichan most of the workers lived in small shacks or homes. There was never enough to get on properly from pay-day to pay-day, without a struggle. It seemed inevitable that the contest must come, that year."¹⁵

The IWA's district convention early in 1946 agreed on a three-point program for that year's coast negotiations: a 25-cent hourly raise, the 40-hour week and the union shop and dues check-off.¹⁶ The submission to the employers emphasized the need for a wage increase in the face of a soaring cost of living and a housing shortage:

. . . increased productivity of industry is devoid of benefit to workers unless it is accompanied by increases in real wages and shorter hours of work. Indeed, increased productivity, instead of benefitting workers, plagues them with unemployment, unless purchasing power is raised to provide expanding markets, and hours of work shortened to spread the employment. (17)

The employers countered with an offer of a 5-cent increase, rejecting all the other union proposals. The wage offer was increased to 12½ cents early in May, but the employers refused to budge on hours of work or security. A similar pattern was followed in the interior forest industry.¹⁸ On May 7 the union leaders called an industry-wide strike for May 15 failing employer

acceptance of their demands. They cited a 90-per-cent-favourable strike vote taken before negotiations began March 21.¹⁹

Now the inevitable letters from apprehensive employers began to reach the government. The CMA's retiring B.C. division head, James Eckman, delivered up to Hart the opinion that the strike should be outlawed because the strike vote had been taken before the start of negotiations, adding that he was "confident" the government would avert a shutdown.²⁰ (This argument, not strictly accurate according to law,²¹ was to be echoed the following year in the employers' clamour for government supervision of strike votes.) But the Dominion government moved first. The chief justice of the province, Gordon Sloan²² was appointed May 11 as an industrial inquiry commissioner²³ to attempt to reconcile the parties. The employers, maintaining they would not negotiate with a gun to their heads, refused to bargain until the union called off the strike, which the union refused to do -- although it lowered the wage demand to 18 cents. Sloan reported three days later that he had failed. At 11 a.m. May 15, most of the province's 37,000 loggers and lumber mill workers -- barely half of them IWA members -- downed tools.

By 12 noon on May 15th, all the vast operations of the timber country were silent, except for a few unorganized areas like Prince George and there in a few days the loggers walked out too.

Even in the isolated Blue River country behind Kamloops where no union organizer had ever set foot, the small tie camps and logging operations came out, in the wave of solidarity that swept the province. (24)

Some 8,000 workers reportedly joined the IWA after the strike began.²⁵

The forest walkout, according to the Labour Gazette,

quickly made itself felt far beyond the bounds of the forest products industry, Construction came to a halt on public works and on housing projects. Many box plants soon used up reserve supplies of raw materials for making crates for fruit growers and fish canneries.

Ships intended to carry timber to Great Britain and UNRRA (United Nations Relief and Rehabilitation Administration) areas were turned away. Work stopped on a million railroad ties for China ordered by UNRRA. Even ships to carry grain to famine stricken areas were hampered by the lack of lumber to line their holds. Newspapers in both Canada and the United States were compelled to cut down in size. (26)

Eckman's successor at the CMA, H. A. Renwick, claimed the lumber strike and Mine-Mill's foundry strike represented a communist attempt to destroy private enterprise by placing industry under foreign union control and increasing production costs in Canada to the level of those in the U.S.²⁷ The CMA recommended a four-point program to wipe out strikes: the imposition of financial responsibility on the unions, government-supervised acceptance votes on all employer offers, government supervision of strike votes and a ban on strike votes before negotiations and the removal of the right of employees with less than six months' seniority to vote in union elections.²⁸ The union accused the CMA of being "a group of fascist-minded reactionaries, whose objective for the day is to smash all trade union organization leading to the final subjugation of the Canadian people." No longer was the LPP's wartime "united-front" policy shackling the IWA rhetoricians.²⁹ Perhaps the most vociferous protests to the B.C. government came from the agricultural associations, which complained that the shutdown of box-making plants in the interior would endanger the fruit crop.³⁰ As usual, the prosperous farmers of B.C. identified their class interest with the capitalists rather than with the working class.³¹

Both federal and provincial governments co-operated in an attempt to settle the dispute. On Pearson's recommendation, Sloan's appointment as inquiry commissioner was extended and he was asked to negotiate a wage rate and arbitrate the issue of union security. On June 1, he recommended a 15-cent across-the-board increase, a 44-hour week (to be achieved through a

40-hour week in the slack summer months and a 48-hour week during the winter) and the voluntary revocable check-off. An employer proposal that the contract contain a provision making it void in the event of a strike was rejected, as was the union demand for the union shop. Sloan claimed he was "unable to reach the conclusion that the union, during the life of the agreement, would stand in any need of any form of additional "security."³²

The IWA was faced with a dilemma. The 15-cent increase was all that could realistically be hoped for and was sufficient to break the 10-cent pattern the Eastern industrialists wanted to impose. The award on hours of work, while not much of a gain since the 44-hour week law was due to come into effect in July, offered in the seasonal differential a solid basis for future negotiations. But the IWA leaders felt so strongly about the security issue that they termed the award "unacceptable to the membership". The employers accepted the Sloan award June 3.³³

But Sloan's appointment had covered only the coast forest industry, and the shortage of boxes in the interior was becoming critical. Interior employers urged Pearson (in his role as the Regional War Labour Board) to authorize a 10-cent increase in their region so that boxes for fruit, vegetables and fish could be produced. Pearson refused, claiming he had no authority to do so.³⁴ The union then decided to try a little pressuring of its own. On June 14, 3,000 strikers and supporters converged on Victoria, surrounding the legislative buildings and chanting slogans while their leaders conferred inside with the cabinet.³⁵ But the government gave them no cause for hope.

The IWA then met again with Sloan, who suggested that his revocable check-off award could easily be made irrevocable if the union required its members to sign an agreement promising not to revoke their assignment of

dues for the life of the contract.³⁶ This scheme became known as the Sloan formula and was a precedent widely followed in post-war bargaining. The IWA leaders realized this would be a victory of sorts, but still they refused to call off the strike.³⁷ The government in Victoria had lost all patience by this time and on Pearson's request the federal government appointed a controller June 18 to oversee operation of the box and shook (stave) mills in the interior and the lumber camps supplying them. The order-in-council which authorized this step also required the employees of these mills to return to work and at the same time Sloan's appointment was extended to cover the interior operations.³⁸

It was obvious that this government intervention would soon be extended to all the lumber and logging operations in the province. Some dissension was also reported among the rank and file in the Okanagan.³⁹ Faced with these prospects the IWA district council decided to call off the strike and on June 20 the camps and mills resumed production, with the exception of a few small northern operations which were quickly coaxed back to work by the IWA leaders. By July 5 agreements had been signed incorporating the Sloan award in the coast industry and a 10-cent increase in the interior.⁴⁰

B. The foundries

The metal trades industry in Greater Vancouver had its troubles following the end of the war with the slackening of demand for castings and machinery. But those firms in business in mid-1946 generally had amassed enough capital by filling war contracts to convert relatively painlessly to peacetime production. For these employers, prospects were bright owing to government and business plans for development of the province's interior. Organized into one of the most vociferous sections of the CMA, the Metal Trades Section, the owners of foundries and pattern-making shops had learned to co-

operate in industrial relations. Their negotiations with all unions were handled through the CMA's full-time industrial relations director. The metal manufacturers were also represented politically: the chairman of the Metal Trades Section, Allan McDonell, won a Vancouver Centre seat in 1945. McDonell was a Conservative Coalitionist and a hysterical anti-unionist.⁴¹

If the degree of employer solidarity was high, the state of union representation in the foundries was chaotic, involving three unions. The TLC's International Moulders' and Foundry Workers' Union, a craft organization, generally represented the most skilled machine operators. The United Steelworkers of America attempted plant-wide organization, but often represented only the semi- or unskilled workers in shops where the Moulders represented the craftsmen. Mine-Mill attempted to pursue an industry-wide organizing style, but represented only pattern-makers at many of the foundries for which it was certified.⁴² Intense rivalry existed among the three unions and attempts to arrive at working agreements which would enable them to live side by side had failed.⁴³

The foundry strike of 1946 initially involved only Mine-Mill. It did not involve a large number of workers or last for a particularly long time, but was important in its contribution to the CCL wage drive and in intensifying the employers' desire for restrictive labour legislation. The 500-man strike began after two months of negotiations on May 17, just two days after the IWA walkout. The main union demands were for the 15-cent increase and the 40-hour week, union security being less significant in the small metal shops than in the mass-production industries. As the strike developed friction between Mine-Mill and the Moulders increased. Pickets were thrown up around shops where Mine-Mill was not certified, but this tactic was dropped in the interest of preventing "dissension and chaos."⁴⁴ Nevertheless the Moulders not only

crossed Mine-Mill picket lines where both unions were certified, but also attempted to undercut the strike by signing agreements with some firms for a 10-cent increase.⁴⁵ The CMA negotiators were delighted at this dissension and threatened to sue Mine-Mill for maintaining pickets at the shops which had signed with the Moulders.⁴⁶

When the Regional War Labour Board⁴⁷ (RWLB) approved the Moulders' 10-cent increase, things looked bad for Mine-Mill. Luckily the foundries' initial solidarity could not be maintained. On July 3 two of them, deciding that the lost production was worth more than the wage increase Mine-Mill was asking for, broke ranks and announced they would sign contracts providing for the check-off, a 15-cent increase and the 40-hour week.⁴⁸ This was the turning point. But to the outrage of Mine-Mill's Harvey Murphy, the RWLB refused to approve the 15-cent settlement because it had already approved a 10-cent contract between the foundries and the Moulders.⁴⁹ Here Murphy's influence with Pearson apparently came into play, for after the RWLB was bombarded with union submissions, the approval of the 10-cent settlement was revoked and decision reserved on the Mine-Mill application. On the assumption that the 15-cent increase would eventually be approved and following a government pledge to appoint an inquiry commissioner for the 30 foundries which remained without a settlement, the workers voted to go back to work August 6.⁵⁰

Sure enough, the following week the 15-cent increase was approved. The reaction of McDonell and his Metal Trades Section is not recorded, but we may assume that it was not favourable. Another employers' group, in a radio broadcast claimed that Pearson's action opened the door to inflation and an outrageous display of union power.⁵¹ All the foundry workers were eventually awarded the 15-cent increase and the 40-hour week, confirming the wage pattern set by the IWA and improving the maximum work week.⁵² But the unions, and indeed the rest of the province, hadn't heard the last of McDonell, who

turned with renewed vigour to the task of finding legislative ways to curb the power of the unions.

C. The Province

The most violent and the least successful of the 1946 strikes in B.C. had its origins outside the province. An attempt by the International Typographical Union to develop multi-employer bargaining in the newspaper industry, through the publishers' associations of North America, proved unsuccessful. As a substitute, the union incorporated certain standards relating to wages and working conditions in its own by-laws and sought to have provisions included in agreements declaring the by-laws to be integral parts of contracts, not subject to arbitration.⁵³ This amounted to a devious attempt to circumvent wartime wage controls and increase take-home pay and it was opposed by Canadian publishers, who claimed the union sought to remove "from the realm of collective bargaining matters that belonged there."⁵⁴

Nevertheless, the three Vancouver dailies, which bargained jointly with the ITU through a publisher's committee of which Province publisher Leigh Spencer was chairman, signed a contract containing the non-arbitrability clause in 1945. The refusal of other Canadian publishers to do likewise led to a strike against the two Winnipeg dailies beginning in November 1945. Soon afterward the Southam-owned Tribune and the Sifton-owned Free Press began to publish a joint edition and shortly they switched to an open-shop operation, formally dismissing the ITU men. Little could be done about the Free Press, but to put pressure on the Southam organization the union expanded the strike to its papers in Hamilton, Ottawa, Edmonton and Vancouver.⁵⁵ The Province strike began June 5. It was clearly illegal, since although the ITU had given the required notice of intention to terminate the 1945 contract, the men had walked out without waiting for a conciliator's report.⁵⁶ But

Spencer could take little solace in this knowledge, for more ominous developments were in the works. He thought the publishers of the Sun and Province had an agreement to the effect that a strike against either would result in publication of a joint paper. But Sun publisher Don Cromie refused to do this, citing as his reasons a desire to preserve relations with the Vancouver Newspaper Guild,⁵⁷ the lack of a firm agreement and apprehension about the Southam Co.'s degree of domination over the Province.⁵⁸

The Province was crippled by the strike, as the competing afternoon Sun gained steadily in circulation. Spencer tried desperately to put out a paper, but

The barriers were formidable. Vancouver labor was in ferment. A woods-workers trike and other walkouts were under way. Unions set up a co-ordinating committee to force complete stoppage in all strike-bound industry in British Columbia. The city's labour council quickly put the Province on its "do not patronize" list. A council of allied printing trades representing four newspaper unions, including the pressmen, did the same thing. (59)

On July 12 the Province imported four strikebreakers, but ITU pickets and other sympathetic unionists followed the men into the building and threw them out. This was the first in a series of violent incidents for which the ITU and its supporters were later brought to trial. Pressmen who were persuaded by their union to end their sympathy strike managed to make it through the picket line on July 18, but got cold feet and walked out the same day.⁶⁰

Publication resumed on July 22, but the labour movement was not about to give up its anti-Province campaign. Non-union delivery trucks were besieged and the second issue of the non-union Province was burned in the street.⁶¹ Over-zealous unionists "persuaded" news vendors not to handle the paper -- on some occasions by overturning their news-stands.⁶² An injunction against picketing was obtained by the company in the B.C. Supreme Court on July 15 in "the first major post-war labour injunction case", one which "formed

a precedent for many labour injunctions subsequently applied for and obtained."⁶³ The injunction was ignored by ITU pickets and supporters from the IWA, the Canadian Seamen's Union and Mine-Mill, but from this point the Province was able to publish continuously, with the exception of a period in September when the pressmen again walked out under threat of expulsion from the Vancouver Trades and Labour Council. For various picket line offences a total of 12 persons were convicted. Eighteen months later six local ITU leaders were assessed nominal civil damages of \$10,000 for the interruption of publication.⁶⁴ When the Province finally signed a contract with the ITU late in 1949, it had lost forever its leading position in the afternoon newspaper field.⁶⁵

While no one was charged with contempt in the breach of the Province injunction, the precedent set by this court action was used in later years to send unionists to jail for similar violations. The lawlessness involved in the Province strike added fuel to the clamour for legal responsibilities to be imposed on unions. For businessmen robbed of an advertising outlet, the strike increased the determination to press for legislation which would guarantee the security of production. The high visibility of the newspaper strike meant that opposition to restrictive labour legislation would be that much harder for the labour movement to muster.

D. The metal mines

While the demand declined after 1945 for some industrial metals such as copper which were essential to wartime production, other factors made the future of metal mining in British Columbia bright. The international price of gold had been raised through the post-war international monetary agreement and some gold mines which had been out of production began operating again. About two-thirds of the metal mines in B.C. at this time were gold producers.⁶⁶ Almost all the mines produced silver, which was also in

high demand. Not only producing mines were looking forward to a prosperous period: exploration for new deposits, including minerals not previously known to exist in B.C. such as tungsten, was also spurred by the generally buoyant economy.⁶⁷ But success, perhaps more than in any other industry, depended on capturing export markets and the problem of profitability which that dependence always poses was compounded by the world-wide uniformity of the product: B.C. copper had no inherent advantages over U.S. or Rhodesian copper. Profits depended on the operator's ability to keep overhead and transportation costs down.⁶⁸

These were some of the reasons B.C. metal mine owners and operators used to oppose industry-wide bargaining. They claimed conditions were so different at each mine that only bargaining on a local basis was practical.

The Western Miner's featured columnist intoned early in 1946:

No man with any sense and no company with any sense, is against unions. . . . All that the companies protest is that bargaining at anything higher than the company or plant level is not only death to competitive business but death to the workers' own greatest profits. (69)

The man on the other end of the wage relationship saw the issue differently. To him, a miner was a miner whether he worked in Bralorne or in Stewart. He did the same work and he and his family had the same needs. The desire for standardization of conditions had helped the wartime organizing drive of the International Union of Mine, Mill and Smelter Workers, whose B.C. district, with Harvey Murphy as director, was set up in 1944. Between 1942 and 1946 the number of Mine-Mill locals in the province increased sixfold to 18. The 7,000 Mine-Mill members comprised nearly 100 per cent of the metal mine and smelter workers in the province.⁷⁰

Mine-Mill's membership could be broken down into three categories. One was the metal and chemical workers' local in Vancouver, which carried off the 1946 foundry strike. The second included the workers at the Consolidated

Mining and Smelting Co. complex, which included mines in Trail and Kimberley and the Trail smelter. Finally there were slightly more than 2,000 workers in 12 other producing metal mines, who struck for five months beginning in July, 1946.

Consolidated would have been a natural target had the union been, as the CMA charged, attempting to shut down B.C. industry in concert with other communist-led unions. But certain factors militated against a strike at Consolidated. The company produced silver, lead and zinc, as well as other by-products and thus was not as susceptible to price fluctuations or rigidity as single-commodity producers. Therefore in the interest of continued production it was more inclined to grant substantial wage increases. Second, the presence of organized opposition moderated Mine-Mill's approach in Trail. Although Blaylock had retired, the company union he dealt with continued to attract some support even though Mine-Mill was certified. While Mine-Mill's position under normal conditions was secure, a prolonged strike might leave the way open for decertification and the re-organization of the company union. For these reasons Mine-Mill was content to sign an agreement for a healthy 15½-cent hourly increase and a 40-hour week.⁷¹ with Consolidated and let it set the pattern for the other mines.⁷² In this way the dues and strike assessments from the Trail and Kimberley workers swelled the union's treasury and helped support the miners who did go on strike.

Mine-Mill claimed in the 1946 negotiations that district-wide negotiation, not a binding district-wide agreement was the issue, although in fact the union was after a standard eight-point program applicable to all mines in the province, with other items to be negotiated locally. The program included a demand for a \$1-per-shift wage increase, the 40-hour week, overtime, holiday, vacation, severance and sick pay, a minimum annual wage and the check-off. The wage demand was backed up by statistics showing prices had risen 35.2 per cent

but wages only 24 per cent since 1939.⁷³

Industry-wide bargaining was anathema to the mine operators, but they managed to make their position about as implausible as possible. As negotiations reached a critical point in May, the union uncovered a letter from the Mining Association of B.C. which showed a concerted effort was being made to maintain uniformly low labour standards. Sent to all mine operators, the letter advised them to refuse to discuss any of the Mine-Mill demands except the wage increase. Grounds for this admonition were said to be that miners were hired by the day or hour and were not "salaried servants" entitled to any form of company benefits.⁷⁴ The Mine-Mill leaders were quick to point out the inconsistency of the operators' position. Local bargaining could hardly be carried out in good faith when operators were being pressured into conforming with their competitors. The operators made their stance even more ludicrous by choosing the same lawyer to represent them all, yet refusing to negotiate as a body.⁷⁵ In these circumstances negotiation quickly reached an impasse. The union began to order strike supplies and locals were urged to strengthen their organization wherever they could in the single-industry and company towns by signing up "for certification purposes waitresses, store clerks etc., and becoming their bargaining agent."⁷⁶ An editorial containing the following excerpt appeared in Mine-Mill's B.C. District Union News:

Just as the loggers of B.C. will give their answer (to employer intransigence), so all of us will give our answer. We want some of the fruits from the great victory we have won at such horrible cost. We want a shorter working week, we want the position of our union secured so the gains we make will not be taken away from us and Canada plunged into the depths of a crisis worse than we've ever known. (77)

Workers at 12 operations, all the producing metal mines in the province except those in the Consolidated complex,⁷⁸ walked out on July 3. A bad break for all concerned came two days later when the Canadian dollar was raised to parity with the U.S. dollar. The effect was to lower the value to

Canadian operations of gold sold in the U.S., giving some credence to the gold mine operators' claims of inability to pay large wage increases.⁷⁹ Chief Justice Sloan, fresh from the lumber strike, was appointed as an inquiry commissioner by the federal government hours after the strike began and following the re-valuation of the dollar he separated the gold mines from the copper mines in his considerations.⁸⁰ But Sloan resigned on July 13, saying "the mining companies have no intention of entering into a master contract with the union on an industry-wide basis" and that he couldn't conciliate individually with a multitude of employers.⁸¹ "If 147 lumber operators can sign an agreement," he told the companies, "so can you."⁸² Sloan continued as adviser to a federal conciliator but his withdrawal robbed the proceedings of a certain urgency, and they dragged on into September. At least one mine threatened to shut down, claiming that it would "never negotiate with a Communist or be dictated to by Moscow or Chicago."⁸³ But the solidarity of the 12 union locals remained intact.

The metal mine operators used the strike to begin a vigorous campaign aimed at restrictive labour legislation. Almost daily broadcasts during the summer and fall of 1946, sponsored by the B.C. Metal Mine Operators' Association, railed at the union, its communist leadership and the government's failure in the field of labour legislation.⁸⁴ More thorough was the Western Miner, which before the strike began printing the following editorial on "Effective Labour Legislation":

. . . in Canada we continue sheep-like to follow the path of least resistance in labour matters . . . We countenance prolonged strikes in our own basic industries during this difficult reconversion period and, seemingly, we are powerless to take any effective action.

Whether or not Canadian leaders are Communists first and Canadians only as an afterthought (and most certainly many of them are) is a question of secondary importance at this time. The Labor-Progressive (Communist) Party is recognized temporarily at least as legal and acceptable. . . . The fault, and the root cause of the present disruption, lies

in the existence of a situation which the Communists are only too able and willing to exploit for the furtherance of their own peculiar ends. Organised labour is not effectively responsible in law for its actions and until this situation is remedied we will continue to have aggravated industrial disruption organized and fomented by members of the Labour-Progressive Party or succeeding political opportunists. . . . There has been no provision made in our laws to cope with the rapidly increasing power concentrated in the hands of union leaders. . . .

Once trade unions are made responsible in law for their actions to the same extent as corporations and individuals there will be an end to the industrial chaos we now witness; the unions will all the more effectively function as bargaining agents for their members; and the Communists, no longer able to make political capital of differences between employers and employees, will be deprived of their most potent weapon. (The workers) would have little reason to oppose such legislation. (85)

In August the Western Miner took the federal and provincial governments to task for their alleged failure to provide proper conciliation machinery.⁸⁶ While repeating the demand for legislation restricting communist leadership and imposing legal responsibility, the trade journal claimed the federal government was "reaping the whirlwind, a good part of which was sown several years ago when the C.I.O. was accorded more encouragement than current events can justify." Pearson too was slammed for his attack on employers who refused to grant union security and it was noted that in B.C. "little has been accomplished in the line of mediation and less in the protection of non-unionized citizens."⁸⁷

When the break in the metal mine strike came, in mid-October, it was the solidarity of the employers which broke down. Unable to stand the shutdown any longer, the copper mine operators accepted settlement recommendations handed down by Sloan. These provided for basic wage increases of eight cents for miners and six for other workers and a bonus system tied to copper prices which effectively brought the increases to 14 and 12 cents, plus the

44-hour week.⁸⁸ Somewhat reluctantly, and over the objection of at least one member, the union's district policy committee accepted the recommendations and on October 16 the men at the two copper mines⁸⁹ voted to go back to work.⁹⁰ Soon after this settlement the two silver-lead-zinc mines owned by the Base Metals Mining Co. in the Revelstoke area resumed production, signing a contract which closely paralleled the settlement reached at Consolidated.⁹¹

The ranks of the gold mine employers split in mid-November, when the Hedley Mascot mine signed an agreement providing for a 12-cent hourly increase for miners and 10 cents for others, with a voluntary revocable check-off. The other operators stood their ground, but when Sloan recommended a 10½-cent across-the-board increase for these mines and the union accepted, they changed their minds and the gold miners went back to work December 5. The union leaders acknowledged that the wage gains were "not a complete victory" but maintained they had "established something which the greater number of operators never wanted to happen" -- industry-wide bargaining and proof of the solidarity of the province's metal miners.⁹²

Despite the five-month shutdown, the value of mineral production in B.C. rose by an estimated \$7 million to \$70 million in 1946.⁹³ Nevertheless, the Western Miner wept for the mine owners whose "courage" led them to stay in business despite "unprecedented costs" and "inadequate numbers of workers."⁹⁴ And the omnibus employer publication, Western Business and Industry, was so incensed by the 1946 strikes as to call for Pearson's replacement as minister of labour with a "stronger", "more broad-visioned" individual.⁹⁵ Before the year 1947 was over, this wish was granted.

Notes to Chapter 5

- 1 The term used in the sources on which my discussion of strikes is based is "man-days". I have taken the liberty of correcting this inaccuracy.
- 2 Canadian Unionist, March 1946, p. 58.
- 3 Some TLC unions, notably the United Textile Workers of America, the International Typographical Union and the Canadian Seamen's Union, were involved in the 1946 strikes.
- 4 Labour Gazette, 47 (1947): 435-50.
- 5 A strike among Vancouver and district fishnet makers occurred early in 1946, but it was of minimal importance both to the labour movement generally and to the development of unionism in the fishing industry, which by this time was substantially complete. See Percy Gladstone, Industrial disputes in the commercial fisheries of British Columbia, MA thesis, University of B.C. (economics), 1959.
- 6 Joseph C. Lawrence, Markets and capital: a history of the lumber industry of British Columbia, 1778-1952, MA thesis, University of B.C. (history) 1957, 143-4.
- 7 Alfred C. Kilbank, The economic basis of collective bargaining in the lumber industry of British Columbia, BA essay, University of B.C. (economics and political science), 1947, 68-9.
- 8 Lawrence, op. cit., 156-7.
- 9 Financial Post, May 25, 1946, 15.
- 10 Kilbank, op. cit., 100-1. This organization during the war years was confined primarily to the coastal region, but a whirlwind campaign during 1945 set up most of the interior locals.
- 11 D. E. Anderson, The growth of organized labour in the lumbering industry of British Columbia, BA essay, University of B.C. (economics and political science), 1944, 131.
- 12 Ibid., 134.
- 13 Ibid., 140.
- 14 Kilbank, op. cit., 99.
- 15 Myrtle Bergren, Tough timber: the loggers of British Columbia -- their story, Toronto: Progress Books, 1967, 231.
- 16 Ibid., 230.
- 17 International Woodworkers of America, District 1, Submission to Stuart Research re industry-wide negotiations, Vancouver, 1946, 3.

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- 18 Labour Gazette, June 1946, 775.
- 19 Bergren, op. cit., 232.
- 20 Eckman to Hart, May 9, 1946, PP, 1946-7, L-20-D.
- 21 P.C. 1003 was silent on the subject of strike votes, although the IWA strike was clearly illegal since the proper conciliation procedure was not followed.
- 22 Sloan was the son of a former B.C. mines minister and had been attorney-general from 1933 to 1937 in the Pattullo cabinet.
- 23 The appointment was made under P.C. 4020 of June, 1941.
- 24 Bergren, op. cit., 233.
- 25 Kilbank, op. cit., 100-1.
- 26 Labour Gazette, 46 (1946): 776.
- 27 Renwick to Hart, May 28, 1946, PP, 1946-7, L-20-D.
- 28 Financial Post, June 22, 1946. 10.
- 29 The following passage from the LPP's Trade Union Co-ordinating Committee signified the end of the wartime policy: "The attitude of (the CMA) demonstrates fully that our fight against these dollar patriots, who came out of the war with new millions and expanded plants distilled from the blood of Canadian dead, is the fight of the Canadian people as a whole against the most vicious element in our midst. Since the War ended these manufacturers have been on the biggest sit-down strike this country has ever known, in an endeavour to raise prices and force down wages." B.C. District Union News, June 10, 1946, 2.
- 30 P. E. French to Hart, May 20, 1946, PP, 1946-7, L-2-D.
- 31 I have identified (ch. 2) the independent producers and small retail merchants in the interior constituencies as part of the Conservative party's class base, so it is worth quoting at length one example of this agrarian anti-labour philosophy:
"Farmers are men of worth, owning their own property, taxed to the limit on the value of their property. . .
"What investment have the industrial worker (sic) got? What have they at stake other than the labour they do with their hands?
"Go down into the picket lines you will find teen (sic) aged boys on duty with an older man of some undertermined nationality who can barely make himself understood in our language, and there are quite a few employees of timber and mill you got to listen very closely to follow what they are saying. They cannot tell you intelligently why they are on strike.
"Is it fair that the farmer should be penilized (sic) by irresponsible people with no stake in the country other than their labour?" (George Triggs to Hart, June 7, 1946, PP, 1946-7, L-20-D.)

Ironically, despite the radical tendencies of some union leaders, it was precisely a "stake in the country" that the post-war strikes sought to achieve for the working class -- that respectability, the lack of which precluded the possibility of farmer support in the labour struggles.

- 32 Labour Gazette, 46 (1946): 776. Sloan's award was based more on practical considerations than was the jurisprudential effort of Ivan Rand in Ontario. See Appendix A.
- 33 Loc. cit. Pritchett later admitted the rejection of this award was a "major error" which "tended to improve the position of the employers in the eyes of the public." Correct strategy, he said would have been to do then what was done a few days later -- propose that the award be made the basis for negotiations. Harold Pritchett, "The B.C. woodworkers' strike," National Affairs, 3 (1946): 237.
- 34 Labour Gazette, 46 (1946): 776.
- 35 Bergren, op. cit., 234-5. The delgation cited the IWA's wartime no-strike record and the increase in the cost of living to back up its demands for wages and security. To counter the employers' claims that the higher wages would mean lower productivity, the union pointed out that returning veterans could be employed on second and third shifts in the mills, to reduce the unemployment problem and ease the housing shortage. IWA, brief to cabinet, June 14, 1946, PP, 1946-7, L-20-D.
- 36 Vancouver Sun, June 17, 1946, 1.
- 37 The union proposed a return to work on conditon the federal government hold a referendum asking union members whether they favoured the inclusion of a maintenance of membership clause in the master contract. This was refused. See Labour Gazette, July 1946, 918-9.
- 38 Loc. cit.
- 39 Some of these members apparently bolted the IWA for a TLC union, but all were back in the fold by the end of the year. There is no evidence of dissension in the coast region. See Kilbank, op. cit., 114.
- 40 Labour Gazette, July 1946, pp. 918-9. The 15-cent goal had actually been reached on May 23 when pulp workers in a TLC-affiliated union settled with employers for that amount without a strike. Labor Statesman, September 1946, 1.
- 41 When Mine-Mill was certified at the McDonell Metal Manufacturing Co. in December 1945, McDonell immediately called a meeting of his employees at which he "stormed and cursed at the union until called to order by an outburst of resentment from the workers." (B.C. District Union News, December 15, 1945, 8.) McDonell's policy on union security was simple. His son, the shop manager, posted a notice saying no employee would ever have to join a union as a condition of employment "within the lifetime of the present owner." (Loc. cit.)
- 42 This anomaly was due partly to Mine-Mill's rivalry with the Steelworkers, but also to the pattern-makers' desire to be represented as a craft and their belief that Mine-Mill could do a better job than the Moulders.

John Stanton to B. H. E. Goult, April 23, 1946, MMP, 55-17.

- 43 An agreement signed between Mine-Mill and local USWA leaders providing that jurisdictional disputes should be settled by a ballot among the affected workers had been repudiated by the national USWA leadership. B.C. District Union News, March 10, 1945, 1.
- 44 B.C. District Policy Conference minutes, May 26, 1946, MMP, 31-4.
- 45 B.C. District Union News, June 10, 1946, 1-2.
- 46 Walter Owen to J. Frame, June 11, 1946, MMP, 55-17.
- 47 Under the wartime labour law which was still in effect, a union and an employer had to apply jointly to the Regional War Labour Board for ratification of an agreement. These boards were designed to ensure uniform labour standards and functioned since 1941 under P.C. 8253 and subsequent amendments. See H. A. Logan, Trade Unions in Canada, Toronto: Macmillan 1948, 16. The RWLB should not be confused with the Regional Wartime Labour Relations Board set up to administer P.C. 1003. The latter's functions in B.C. were discharged by the minister of labour. See above, ch. 1.
- 48 B.C. District Union News, July 9, 1946, 1; Vancouver Sun, July 5, 1946, 9.
- 49 One of the board members voting against the 15-cent increase was Birt Showler, a prominent provincial TLC leader. BCFL, Convention Proceedings, 3 (1946), 12.
- 50 B.C. District Union News, August 3, 1946, 1. The return to work included Steelworker members at two shops who had struck July 20 for the 15-cent raise and who returned to work under the condition they would be given the increase granted by the commissioner to the Mine-Mill members. Two other Steelworker-certified foundries had already agreed to the 15-cent increase, one after a week-long strike. Steel Labor, September 1946, 2.
- 51 Broadcast by Bob Morrison for B.C. Metal Mine Operators' Association, August 22, 1946, MMP, 54-13.
- 52 Labour Gazette, 46 (1946): 1434.
- 53 Stuart Jamieson, Times of trouble: labour unrest and industrial conflict in Canada, 1900-1966, Task force on labour relations, study no. 22, Ottawa: Privy Council Office, 1968, 308.
- 54 Charles Bruce, News and the Southams, Toronto: Macmillan, 1968, 209.
- 55 Bruce, op. cit., 213; Jamieson, op. cit., 311-12. This action followed a long and fruitless series of appearances before both federal and provincial labour boards, in which the union unsuccessfully argued that Southam as a newspaper chain should be required to bargain on a nation-wide basis.
- 56 Bruce, op. cit., 353.
- 57 The guild was certified at the Sun but not at the Province.
- 58 Bruce, op. cit., 353-4.

114.

59 Ibid., 355.

60 Ibid., 356-7.

61 Ibid., 358.

62 Jamieson, op. cit., 315.

63 A. W. R. Carrothers, The labour injunction in British Columbia, Toronto: CCH Canadian Ltd., 1956, 110. A variation of the injunction July 30 allowed peaceful picketing as defined in the Trade-unions Act, so long as no attempt was made to incite violence or gather large crowds. Ibid., 108-9.

64 Bruce, op. cit., 359-60.

65 By 1949 the Province had dropped in circulation from 127,000 to 97,000 while the Sun had grown from slightly less than 100,000 to 160,000. (Bruce, op. cit., 361.) The Province was eventually forced to enter into an agreement with the Sun to share mechanical facilities, and to switch to morning publication, leaving the lucrative afternoon field to the Sun.

66 Dean R. MacKay, A study of labour relations in the metal-mining industry of British Columbia, MA thesis, University of B.C. (economics), 1948, 18.

67 See W. T. Easterbrook and Hugh G. J. Aitken, Canadian Economic History, Toronto: Macmillan, 1961, 535-7.

68 The mines also suffered from more or less chronic labour shortages partly induced, as the union men never tired of pointing out, by the danger involved in underground work.

69 Western Miner, January 1946, 33. See also MacKay, op. cit., 101.

70 MacKay, op. cit., 49. Despite the favourable wartime conditions, the organization had to be fought for every inch of the way, Mine managers and superintendents whose foreign principals demanded a steady profit rate used all the stalling tactics available to them to thwart the building of the union. Employer harassment was so bad that in the giant Consolidated smelter at Trail some workers were signed up four times before certification was finally granted. This was a good example, Murphy commented, "of the need for union security and why the bosses. . . are fighting check-off and other union security demands." B.C. District Executive Board minutes, December 6, 1945, MMP, 31-3.

71 To be reached by a progressive reduction during the life of the agreement.

72 B.C. District Union News, May 20, 1946, 1.

73 MacKay, op. cit., 102-3; B.C. District Policy Committee minutes, May 26, 1946, MMP, 31-4.

74 B.C. District Union News, May 6, 1946, 1.

75 Employer representatives present at negotiations insisted they had power

not to sign agreements but only to listen and report back to their superiors. B.C. District Policy Committee minutes, June 22, 1946, MMP, 31-4.

76 Ibid., June 4-5, 1946, MMP, 31-4.

77 B.C. District Union News, June 10, 1946, 4. The union security demand was not as important in the metal-mine strike as it was in the forest industry. Murphy explained later: "The question of union security does not bulk very largely here in gold and copper mines where at least half of our membership are already covered by check-off or similar provisions." (B.C. District Policy Committee minutes, September 5, 1946, MMP, 31-4; see also MacKay, op. cit., 126) By early September the union security demands had been dropped.

78 "To enable development", union members kept working at the handful of mining properties not yet in production. B.C. District Union News, July 9, 1946, 1.

79 MacKay, op. cit., 103.

80 Ibid., 104.

81 B.C. District Union News, July 22, 1946, 1.

82 P. W. Luce, "B.C. workers lose millions in wages because of strikes", Saturday Night, August 10, 1946, 13.

83 B.C. District Union News, August 26, 1946, 1.

84 One of these broadcasts was the one in which Pearson was criticized for his handling of the foundry strike. See above, 18, esp. n. 51.

85 Western Miner, June 1946, 39.

86 This argument could be given little credence. The most moderate observer would have to agree that the mine operators' performance in negotiation and before Sloan was essentially designed to stall and obstruct as much as possible.

87 Western Miner, August 1946, 36. The mine operators were put out with Pearson at this time for another reason. The 44-hour-week provisions passed the previous spring were intended to apply to all industries except agricultural and other seasonal labour. But a clause in the Metalliferous Mines Regulation Act provided for a maximum 48-hour-week and some companies claimed this act should take precedence. In this they had the support of the mines department and its Tory minister, Roderick Macdonald. But Pearson insisted on enforcing the 44-hour legislation. The conflict eventually reached the B.C. Supreme Court, where it was resolved in favour of Pearson. The incident did nothing for Pearson's relations with the operators, or for the coalition's cohesion. (Western Miner, October 1946, 33; MMP, 55-11).

Macdonald was evidently no fan, either, of Pearson's handling of the strike. "It seems a great pity," he told the Canadian Institute of Mining and Metallurgy, "that when metal prices are fairly satisfactory, we can-

not take full advantage of this situation." Vancouver Sun, November 13, 1946, 23.

88 Labour Gazette, 46 (1946): 1575-6.

89 At Britannia Beach (Howe Sound Mining Co.) and Copper Mountain (Granby Consolidated).

90 B.C. District Union News, October 23, 1946, 1; B.C. District Policy Committee minutes, October 14, 1946, MMP, 31-3.

91 MacKay, op. cit., 104.

92 B.C. District Union News, November 15, 1946, 1; B.C. District Policy Committee minutes, November 21, 1946, MMP, 31-4.

93 Vancouver Sun, November 13, 1946, 23.

94 Western Miner, January 1947, 30.

95 Western Business and Industry, July 1946, 33.

CHAPTER VI

THE GOVERNMENT REACTS: THE PASSAGE OF BILL 39

Introduction

The foregoing accounts of industrial unrest in post-war British Columbia have demonstrated, I think, the concerted and co-ordinated attempt made by the employers of the province to maintain the conditions of production and weaken the status of working-class organization. In the face of this capitalist solidarity, working-class militance and a degree of unity managed to win important trade union battles on the legislative and economic fronts. Unable to win economic victories, the employers in the CMA and related associations stepped up their campaign for legislation which would restrict the role of the union to that of partner in the maintenance of production, by means of a series of institutions including government-supervised strike votes, a lengthy conciliation procedure and the expansion of the role of the courts in labour disputes. The politics of the 1947 legislative session were directly concerned with class conflict, as the different class interests in the legislature battled over the kind of legislation that was to replace P.C. 1003.

The government's task was made somewhat easier in that the unions themselves, or at any rate their leaders, sought institutional status in post-war society -- although without the restrictions which were eventually placed on them. But by the time the 1947 session was over, the employer interests had clearly done their lobbying well, Pearson's credibility as a "friend of labour" was effectively destroyed, and a new era of repression in labour relations had been ushered in. To understand the passage of the legislation, we must briefly discuss developments within the coalition since the end of the war which had their effect on, and in turn were affected by, the pressure for a new Industrial Conciliation and Arbitration Act.

A. Tension in the coalition

The coalition held together as long as the war effort diverted the attention of politicians from the differences which separated them in peacetime. After 1945, however, the coalition and its two constituent parties began a slow and painful disintegration. The arrangement was strained, as in truth it had always been, by ideological differences. These were manifest at times in conflicts over policy at the provincial level and at times in disapproval of the coalition on the part of the federal wings of the parties.

The federal Liberals had for the most part favoured the formation of the coalition as a wartime expedient, but they began to fear the erosion of "liberal principles" and the grass-roots party organization which kept the philosophy of the party alive. As part of their price for the support of the coalition deal in 1941, the federal Liberals insisted that the attempt be made to keep the party organization intact.¹ Nevertheless,

many Liberal riding organizations functioned as coalition organizations much of the time and there were even instances when Liberal and Conservative riding organizations held joint meetings for purposes other than the nomination of coalition candidates. (2)

The disintegration of the party, ironic in view of the Liberals' unquestioned predominance in the coalition itself, first became apparent in the federal election of 1945, when the party lost half of its 10 seats.³ The fact that coalition premier John Hart bent over backwards to avoid appearing as a Liberal partisan contributed nothing to the party's attempt to maintain a vital provincial organization.

The Tories, both federal and provincial, were more sympathetic to the coalition, evidently thinking themselves able to "build the party into a strong force which could then strike out on its own against the Liberals" by using "advantages derived from participating in government."⁴ Exactly how the Conservatives planned to do this is unclear, but the party did receive

a disproportionate share of cabinet positions, including the attorney-generalship and the ministry of public works. These positions offered patronage opportunities and patronage is one way to build a party.

The Conservatives were enthusiastic coalitionists, but they knew the arrangement had a finite life-span. As Martin Robin put it, "the junior partner was prudently preparing for the firm's demise."⁵ The Tories began their preparations in earnest on the death in March 1946 of their leader, Royal Maitland. Since no Conservative MLA was qualified to take Maitland's place as attorney-general in the cabinet, the party gave up its claim to that position in exchange for the finance portfolio, hitherto held by Hart, which went to Public Works Minister Herbert Anscomb. The latter promptly proceeded to his party's June leadership convention and was elected Maitland's successor after pledging to "uphold the dignity and integrity of the party at all times."⁶ The defeated candidate, W. A. C. Bennett, had publicly proposed formation of a coalition party. Placing Anscomb in the powerful finance portfolio had been a dangerous move for the Liberals, especially in light of his not inconsiderable personal ambition.

The two Conservative Fraser Valley merchants, Leslie Eyres (Trade and Industry and Railways) and Roderick Macdonald (Mines and Municipal Affairs) also entered the cabinet at this time.⁷ These changes in the cabinet marked a definite shift to the right. Anscomb was an arch-conservative accountant with financial interests in the liquor industry, an almost paranoid anti-communist⁸ who had allegedly, during the depression, proposed that Pattullo "cut welfare expenditures to the bone, and then "scrape the bone."⁹ Less than two years after his accession to the finance portfolio he was to impose the first sales tax in the province's history. Here was no friend of the working man and woman. Eyres and Macdonald represented conservative rural constituencies to the economies of which, as petit-bourgeois merchants, they

were closely linked.¹⁰ The man who did replace Maitland as attorney-general, Gordon Wismer, was the acknowledged leader of the right-wing Vancouver-based Liberal party "machine", with ties to primary business and liquor interests.¹¹ His re-appearance in the cabinet¹² signified the emergence of opposition to the welfare-statist influence of George Pearson and Education Minister George Weir.¹³

As long as Hart, "a figure of dignity, probity and confidence"¹⁴ and a master of brokerage politics, was in control these organizational and ideological strains within the coalition were held in check. After he resigned late in 1947 the split between the right and left in the Liberal party came into the open and the Conservatives attempted to press progressively more repressive policies on the government. The experience of the 1947 labour legislation contributed a great deal to these inter- and intra-party antagonisms.

B. A government pressured

The federal government had announced that wartime emergency legislation, including P.C. 1003, would lapse on April 1, 1947. The possibility of dominion-wide labour relations legislation covering all jurisdictions was wiped out with the collapse of the dominion-provincial labour ministers' conference in November 1946.¹⁵ Since P.C. 1003 had put the ICA Act sadly out of date, it needed amendment if not a total rewriting. As Pearson put it, the act "in its present state . . . will not be satisfactory to anyone."¹⁶ On his return from the dominion-provincial conference, labour department staff members began to draft a new act.

Meanwhile the cabinet heard submissions from the unions and employer organizations. A major union objective was to get "the principle of union security . . . established by law and this question thus removed as a strike

issue."¹⁷ A joint TLC-BCFL delegation met the cabinet on January 14, 1947 to press for this and other amendments, including prohibition of a wide range of "unfair labor practices" such as industrial espionage, company unionism and discrimination for union activity. The unions also asked for clarification of the distinction between a company union and a legitimate one, establishment of a labour relations board and a reduction from 21 to 10 in the number of days' notice required before an employer had to commence bargaining. "Labor", the delegation said, "has no interests separate and apart from the community as a whole. Based upon the improved living standards of the working people depends the prosperity of British Columbia."¹⁸

As the unions laid the groundwork for the 1947 edition of the labour lobby, the representatives of agriculture and industry pressed for restrictive legislation. Remembering the threat of hardship in the IWA strike the previous spring, the B.C. Fruit Growers' Association urged the government to revise the ICA Act "so that it can act more effectively in the event of a threatened strike."¹⁹ Fifteen employer associations, represented by Brig.-Gen. Sherwood Lett, presented a common submission to the cabinet on February 28. Included were employer organizations in lumber, mining, pulp and paper and fishing, assorted boards of trade, the CMA and the Canadian Restaurant Association.

The employers couched their demands for curbs on the power of the unions in terms of concern for a nebulous and undefined "public interest". "Experience with three disastrous illegal strikes in B.C. in 1946," they opined, "clearly shows that certain amendments should be made to (sic) both in the I.C.A. Act and in the Trades Union Act to bring about needed reforms in the interest of everyone concerned." The public interest, they said, would be best protected if unions were subjected to "formal rules of procedure and supervision." Government-supervised strike votes, they argued,

would "protect" the public from unscrupulous union leaders who called men out on strike for political ends. They also demanded that the government require a supervised vote on any "bona fide proposal for settlement" made by an employer when a strike was in progress. The brief explained:

We make this recommendation in the light of experience, in particular during 1946, where such bona fide offers have been made and where such offers have been rejected out of hand by a union strike committee. . . The result of this has been the prolonging of strikes unnecessarily, with greatly increased loss of earnings by employees and loss of production. . .

We do not think that the taking of such a secret ballot presents any insurmountable difficulties. . . . union officials can assemble mass meetings of members to listen to the union version of strike progress and we believe that by adequate publicity employees can be assembled for the taking of such a vote. . .

The employers also repeated the growing demands of the previous year for the legalization of industrial relations and they made it clear that they sought to divert industrial conflict into institutional channels in this way. The lack of legal responsibility attached to positions of union office was, they said, "not in the interests of peace, order and good government, aside altogether from the aspects of industrial stability and maximum production."²⁰ They asked that collective agreements be given legal status, that unions be corporate entities subject to civil damage suits and that employees on illegal strike cease to be employees under the ICA Act and thus be removed from the scope of its protective clauses. In the area of certification, they proposed that the vote to determine employees' wishes be mandatory, whereas the ICA Act and P.C. 1003 had left the vote up to the discretion of labour.²¹ Finally, the employers added their thoughts on union security. Invoking "the inherent right of the individual to work", they not only opposed the inclusion in the act of any reference to security, but suggested that the union shop and check-off should be outlawed.²²

To be sure, the employers by this time had accepted the principle

of the right to organize (with the exception of die-hards such as McDonell), but when it came to a choice between a union's right to conduct its own affairs and the maintenance of industrial stability, they came down unequivocally on the side of the latter. Many of the employer proposals were nothing short of obstructionist. For instance, there is no evidence to indicate that the strikes of 1946 were begun or continued against the wishes of union members. Indeed, all signs point to the contrary: the rapid increase in IWA membership following the start of the lumber industry strike and the long duration of the metal-mine strike without a break in union ranks, are two which come to mind. To be sure, there were cases of intimidation in the strike at the Province, but it must be remembered that these were directed by striking unionists toward other workers or members of non-striking unions, and not toward their colleagues. The government-supervised vote, therefore, would be a stalling device rather than a means of ensuring effective internal union democracy. The crippling effect a supervised vote could have on a strike in an industry as widely scattered as the lumber industry is obvious.

In a similar vein were the proposals for mandatory votes on "bona fide" employer offers and on certification and bargaining representatives. Theoretically there was no limit to the number of times an employer could make an "offer" -- substantially the same offer -- and involve both union and membership in a demoralizing series of votes. The demand for a vote on individual bargaining representatives was ostensibly based on a conviction that members would spurn radical district and international officers if they had the chance, but probably more truthfully in the employers' supposition that inexperienced local officers would not drive as hard a bargain. Similarly, although the employers proposed saddling the unions with a greater degree of legal responsibility, they also wanted to remove the power needed to exercise that responsibility, by outlawing union security.

C. Bill 39: a liberal's defeat

By the beginning of March the legislative counsel had nearly finished drafting Bill 39, "An Act respecting the Right of Employees to organize, and providing for Mediation, Conciliation and Arbitration of Industrial Disputes." Individual employers meanwhile continued to bombard the government with their views. R. W. Diamond, Blaylock's successor at Consolidated Mining and Smelting expressed the hope that no check-off legislation was contemplated, as it "would be the means of creating a frankenstein in the form of a radical, well-financed political bloc with tremendous power." Diamond also reminded Hart that the latter had promised to show him the legislation in draft form "and of expressing our opinion in regard to any measures we thought undesirable before they were finally passed by caucus."²³ Hart replied solicitously on March 7 that the act was almost ready and would be forwarded to Diamond in a day or so, adding that he would discuss it with Consolidated's lawyer in Victoria.²⁴ In contrast to this treatment, Pearson informed Danny O'Brien of the BCFL that labour leaders wouldn't get a chance to see the bill until it was introduced in the legislature.²⁵

Bill 39, the Industrial Conciliation and Arbitration Act (1947) was printed on March 8. On March 10 the Vancouver Sun reported that it had passed the coalition caucus substantially as drafted, including provisions for government-supervised votes on conciliation board reports -- a slightly watered-down version of the government-supervised strike vote. "Employers have been pressing strongly for the secret strike vote," the Sun reported, "and have gained enough support in the caucus to ensure it," from MLAs who felt unions had acquired "too much power during the war years."²⁶ But it soon became evident that the supervised vote clause had been included over Pearson's objection and that the caucus battle over the act was not over.

The bill was formally introduced into the legislature on March 11.

Three months earlier, a research officer in the labour department had suggested the following principles as the basis for a new labour code:

1. The right of workmen to bargain collectively with their employer should be guaranteed:
2. the right of the employer to operate his business in an economic and efficient manner should be preserved:
3. the certification from time to time of bargaining representatives of the workman should be effected by democratic process, in such a way that it is apparent to all, that those representatives actually represent a majority of the employees affected:
4. strikes and lockouts should not be resorted to during the life of a collective agreement, or, where agreement has not been reached, until a conciliation procedure has been exhausted:
5. harmonious relations between employer and employee can only be achieved by negotiation in an atmosphere free from compulsion. (27)

The fifth principle, the research officer argued, would be preserved if arbitration and conciliation decisions were not made binding by statute and if the government refrained from introducing legislation providing for union security on demand. But he suggested several amendments to the ICA Act which would enshrine the other four principles in law. Foremost among these was the suggestion for mandatory government-supervised strike votes:

The history of strikes in this country and in the United States during the past two years, shows that in many cases the majority of the employees involved had no real wish to strike, and were not given a real opportunity of making a decision in that regard themselves. Strike action, which should always be the last resort, should be forbidden by statute, unless supported by a substantial majority (say a two-thirds or three-fourths majority) of the workmen involved and after the taking of a vote by secret ballot. (28)

As introduced, Bill 39 did not go this far, providing for votes only on conciliation reports, requiring only a simple majority. But the philosophy behind the employers' contention that unions were not competent to run their own affairs unsupervised was present in the mind of Pearson's research officer and found its way into the act. The bill also provided stiff penalties for offences. For union activity during working hours, restricting production,

refused to supply information or co-operate with a Labour Relations Board order, or an illegal lockout or strike, individuals were liable to a \$100 fine and corporations or unions to a \$250 fine. For refusal to bargain collectively or refusal to comply with any other provisions of the act the corporation/union fine was to remain the same and the individual fine a maximum of \$50.²⁹ Similar fines had been provided under P.C. 1003, but were considered a function of the wartime emergency and -- more important -- were rarely enforced.³⁰ Assessment of these penalties against the unions and workers involved in the illegal 1946 strikes would, of course, have dealt them a crippling blow. More important, for the first time an institutional incentive was present for unions and their leaders to curb spontaneous unrest on the part of their members, since failure to do so could endanger the financial base of the union and thus the leaders' position. These sections of Bill 39 were destined to cause the most controversy.

Not all the employers' requests for restrictive legislation were granted. The bill provided that all parties "shall do everything they are required to do and shall refrain from doing anything that they are required to refrain from doing, by the provisions of the collective agreement."³¹ But it appeared to deny the employers' requests that collective agreements have the legal status of other contracts:

Unless otherwise provided therein, no action may be brought under or by reason of any collective agreement, unless it may be brought irrespective of the provisions of this Act. (32)

Also not included were the proposals for mandatory certification votes and a ban on union security provisions, although the ambiguous section 8 appeared to hold that only a voluntary assignment of dues was legal. The union request for a reduction to 10 days in the required notice of intention to bargain was included. But the drawn-out two-stage conciliation procedure was carried over from P.C. 1003, with the addition of the supervised vote.³³ The bill also

perpetuated the confusion found in both the old ICA Act and P.C. 1003 on the subject of company unions, including in the category of organizations eligible for certification "an organization of employees other than a trade union."³⁴ Finally, a Labour Relations Board was to be set up to certify unions as bargaining agents and to decide numerous questions of definition in the course of administration of the act.³⁵

Predictably, Bill 39 met with praise from employers and editorialists.³⁶ But union leaders predicted more illegal strikes than ever would occur if it were passed. "Where it puts one tooth in," said the BCFL's O'Brien, "it puts in a pair of pliers to yank it out."³⁷ The BCFL leaders, furious at the government's failure to inform them of its intentions, stepped up preparations for the labour lobby which had been scheduled for March 16. Two days before the delegates arrived in the capital, the first serious split in the coalition caucus occurred.

The occasion was a CCF procedural manoeuvre, the party's traditional response to coalition labour legislation: a motion that the bill, along with submissions from the labour movement, be referred to the legislature's standing committee on labour. This was the demand, designed to spotlight the CCF's legislative efforts as opposed to the lobbying of the BCFL, which had split the 1945 labour lobby.³⁸ The CCF had the same purpose in mind in 1947: party whip Herbert Gargrave told the legislature that referral to the committee would remove the need for a labour lobby. Pearson replied:

All labor bodies have been given a chance to tell the cabinet their views on the labor legislation. We have already given them the fullest consideration and reached our decisions. . . . The Minister of Labour is not afraid of anything, but I don't require the advice of a House committee on this subject. (39)

Charged CCF leader Harold Winch:

(You've made up your mind and you disregard what thousands of organized labour people think. (40)

When the issue came to a division, the CCF was supported by the Labour member, Tom Uphill (Fernie) and five coalition MLAs: Dr. J. J. Gillis (L-Yale), the labour committee chairman; William Smith (L-Atlin); William Johnson (C-Revelstoke); Tillie Rolston (C-Vancouver-Point Grey) and W. A. C. Bennett (C-South Okanagan).⁴¹ Significantly, Johnson and Smith were the only two industrial workers in the coalition caucus. Although a major factor in the five MLA's dissent was the contention that the cabinet had "usurped the role of the legislature",⁴² they evidently considered the issue of labour legislation important enough to be the politically astute place to take such a stand.⁴³

Organized labour arrived in Victoria considerably less united than it had been the previous year. The provincial executive of the TLC had appeared before the cabinet with the BCFL in January and had been the first to propose the setting of a date for the 1947 labour lobby.⁴⁴ But on March 5 the TLC leadership had suddenly denounced the lobby plans. Roly Gervin of the Vancouver Trades and Labour Council (TLC) charged that the 1946 lobby had "accomplished nothing":

The lobby last year left a somewhat sour taste in the mouths of some of the members of the legislature and they are not inclined to look favorably on labour's representations at this time. (45)

The TLC leaders were running scared, driven by a frantic desire to dissociate themselves from the communist influence in the union movement, the alleged evils of which were beginning to be "exposed" as the decade of witch-hunting we know today as McCarthyism got under way.⁴⁶ Hard on the heels of the TLC repudiation came a second blow to the BCFL's image. The day before the delegates were due to arrive in Victoria, front-page headlines across the nation screamed that national TLC secretary-treasurer Pat Sullivan had renounced his LPP membership and embarked on a campaign to drive communist organizers out of the labour movement.⁴⁷

Despite these setbacks the 300-strong BCFL lobby arrived on schedule on the 16th, accompanied by 24 TLC delegates in repudiation of their executive.⁴⁸ The lobby emphasized what the BCFL leaders considered to be the five most objectionable features in Bill 39: 1) the government-supervised vote on conciliation board reports, 2) the penalties for illegal strikers, 3) the lack of assurance that labour would be represented on the Labour Relations Board, 4) the alleged favouritism toward company unions, 5) the continuation of provisions in the old ICA Act and P.C. 1003 allowing certification of separate unions for craftsmen working in large industrial plants. Placards carried by the delegates emphasized the government-supervised vote issue above the others. A leaflet claimed the unions would find themselves "overwhelmed in a maze of government-delayed vote-taking and red tape."⁴⁹

The lobbyists compared the act unfavourably with the Saskatchewan Trade Union Act of 1944, which had sharper teeth in its unfair labour practices section. Quoting the preamble to the U.S. Wagner Act to the effect that bargaining inequality between capital and labour encourages depressions by decreasing purchasing power, they demanded, in addition to the five points listed above, legislated union security, a definition of unfair labour practices with compensation for injustices and provision for certification without delay. The ambiguous check-off provision in Bill 39, they pointed out, "provides encouragement for anti-labour employers to provoke disunity and engage in a campaign of union-busting and might even be used to break existing union shop check-off agreements."⁵⁰

Some of the more lurid anti-Bill 39 propaganda proclaimed: "Fascist Governments wiped out: Trade unions first, Religious groups next, Freedom of Speech, then Forced Labour."⁵¹ Indeed, Harvey Murphy saw the dark hand of Tory reaction behind the legislation. He couldn't believe it had come from his old friend George Pearson. Murphy predicted to the lobbyists

that Pearson would soon be replaced by Allan McDonell, the Tory metal manufacturer who had locked horns with Murphy's union during the 1946 foundry strike.⁵²

To some extent Murphy was right. The mandatory government-supervised vote section, although it was proposed by the labour department staff, did not have Pearson's support. His 14 years' experience as labour minister told him the procedure would prove unworkable, as indeed it did. He would have preferred to leave government supervision to the minister's discretion and the BCFL leaders likely would not have objected to this -- although the other features of the bill remained repugnant to them.⁵³ Either Pearson introduced the bill to the caucus as drafted by his department, including the government-supervision clause, or the clause was suggested there by an employer spokesman such as McDonell. At any rate, the Tory and right-wing Liberal elements in the caucus carried the day. The Sun reported on March 27:

The strong element in the caucus who have forced the supervised ballot are adamant that labour should be curbed. Some unions, they claim, abused the power they achieved during the war years and tied up industry unnecessarily. At least the supervised vote would show definitely that labor's rank and file are deciding an issue and not just a few leaders who brow beat members into following them. (54)

Rumours that Pearson planned to resign flew around the capital.⁵⁵ Employers bombarded the government with telegrams in support of the supervised vote, claiming its deletion would be "a disastrous set-back to the economic progress of the Province."⁵⁶ The labour lobby having obviously been fruitless, a worried delegation of union leaders visited Hart and begged him to amend the legislation in order to keep Pearson in the cabinet. But on March 28 the Sun quoted an "authoritative" Vancouver MLA (almost certainly McDonell as saying Pearson wouldn't resign, but that the caucus would not back down. "If nece-

ssary," the source said, "we are prepared to meet Mr. Pearson again and explain how a supervised ballot can be run." The Sun forecast that Pearson would introduce the bill for second reading as the "studied policy of the Coalition government: but that in so doing he would outline his objections. He would not, the Sun story continued, "embarrass the government by resigning the labor portfolio during the session, but may ask to be relieved of it later this year."⁵⁷ The months of employer pressure had paid off, and Pearson's "welfare liberalism" or "progressive capitalism" had suffered a grave defeat.

Thus it was that on March 31 in the Legislative Assembly of British Columbia a minister of the crown moved second reading of a measure with parts of which he was in public disagreement.⁵⁸ Pearson had managed to get the caucus to attempt a measure of appeasement by cutting the fines for illegal strikes and other actions in half.⁵⁹ But the supervised vote section had been made even stronger, brought in line with the original employer demands. The compulsory vote was now to be a strike vote rather than a vote on acceptance of a conciliation board report. Yet Pearson told the house that his objection to the supervised vote was not sufficient reason for him to resign his portfolio. He explained:

I feel I have been misunderstood on the whole question and an apparent crisis has been built up out of nothing.

I have always been in favour of the secret ballot in labour matters. But I don't think the supervised ballot is necessary as a general thing.

The majority of our unions, especially the older ones, have always respected the secret ballot.

My own view is that the old ICA formula, where supervision was up to the Minister, is the extent to which we should go. We can depend on the honor of our unions to take proper ballots.

However, there is a great deal of alarm among the public about what is done in union votes. There have been many stories, some of them no doubt ridiculous, about

methods that are used. I don't know if they are true. I've never watched a strike vote.

But I am convinced there is a lot of public feeling about carelessness in conducting the ballot in some cases. And if disastrous strikes are called by such methods they feel it should be stopped.

My other objection is that the supervised ballot is cumbersome and in some cases almost impossible to apply.

If, for instance, in last year's IWA strike it had been required there would have been weeks and weeks of delay and I don't think we could have got a true vote.

I may be placing myself in a foolish position by saying that I bring in a bill containing a clause to which I object.

. . . .

I refuse to believe that because I disagree on this clause I should sever my connection with the government, nor, in particular, with the Department of Labor.

It is an awkward position. It may look queer. And some people may say, 'Let him go anyway, we've had enough of him. Why doesn't he get out?' But I feel I have something to give from the experience I have had.

And I realize people are alarmed at what happened last year. The ballot section will be amended to provide that no strike can be called until a supervised vote has been taken. (60)

The CCF members seized the opportunity to taunt Pearson. "You are marring a good record," cried Gargrave. "(How can) the labor minister refuse responsibility for the supervised strike vote when he has brought it down?" Added Winch:

The Tory influence in the cabinet has reached the point of rotting Liberalism and the former progressive thought we had. The premier and the labor minister have lost control. This bill is conclusive evidence the Tories rule the cabinet. (61)

The following day, on a straight Coalition-CCF⁶² division, the bill passed third reading. During the clause-by-clause debate, Winch had manoeuvred a recorded vote on the strike ballot clause. The Sun observed that Pearson "rose very slowly from his chair to stand beside the Coalition members."⁶³ The CCF had won a moral victory, exposing the decline of liberal

principles under the pressures of coalition. Through a dubious procedure, in terms of parliamentary tradition, Pearson had allowed the government to save face. But he evidently could not stomach the repressive features of the legislation, for as it turned out he was never to administer it.

Notes to chapter 6

- 1 Judith Ward, Federal-provincial relations within the Liberal Party of British Columbia, MA thesis, University of B.C. (political science), 1966, 62.
- 2 Ibid., 64.
- 3 Ibid., 67.
- 4 E. R. Black, The Progressive Conservative Party in British Columbia: some aspects of organization, MA thesis (economics and political science), University of B.C., 1960, 37.
- 5 Martin Robin, Pillars of profit: the company province 1934-1972, Toronto: McClelland and Stewart, 1973, 93.
- 6 Quoted in ibid., 92.
- 7 Ibid., 90. At the same time, Ernest Carson was shifted from Mines to Public Works.
- 8 "There is no one who believes less in socialism than Mr. Hart. Mr. Maitland is a conservative to the marrow of his bones and Mr. Anscomb carefully looks under the bed every night, quite sure that a communist is hiding there with a bomb." Bruce Hutchison, Vancouver Sun, January 8, 1942, 4.
- 9 Quoted in Robin, op. cit., 93.
- 10 As the metal-mine strike of 1946 was drawing to a close, MacDonald in a veiled reference to Pearson blamed "legislators as well as union leaders" for "not realizing that there is a limit to the wages an employer can pay and still stay in business." Vancouver Sun, November 13, 1946, 23.
- 11 Robin, op. cit., 90; Ward, op. cit., 69.
- 12 Wismer had been attorney-general from 1937 to 1941.
- 13 Weir, a former dean of education at the University of B.C., left one interviewer with the impression that he "stood on the line which divided the right wing of the CCF from the left wing of the Liberal Party," and indeed the CCF claimed that he "rightfully belonged to them." Weir himself said his decision to run for the Liberals in 1933 was purely pragmatic, dictated by a burning desire for social reform and the knowledge that the Liberals were the party most likely to be in a position to effect it. See Douglas Clark, Some aspects of the development of the Co-operative Commonwealth Federation in British Columbia, Undergraduate essay, University of B.C. (history), 1945, 38.
- 14 S. W. Jackman, Portraits of the premiers, Sidney: Gray's Publishing, 1969, 241.
- 15 See above, ch. 1.

- 16 Pearson to Hart, January 13, 1946, PP, 1946-7, L-3-G.
- 17 B.C. District Union News, December 3, 1946, 2.
- 18 Legislative proposals submitted to the honorable the premier of B.C. and members of the cabinet, January 14, 1947, MMP, 31-6. The unions also demanded a 75-cent minimum wage, the 40-hour week and two weeks' statutory vacation, as well as improved workmen's compensation benefits.
- 19 C. A. Hayden to Hart, February 17, 1947, PP, 1946-7, L-3-G.
- 20 My emphasis.
- 21 The employers also asked that the certification vote be held not only on the employees' desire for the union but also on their preference as to individual bargaining representatives.
- 22 Industrial Canada, April 1947, 85-88.
- 23 Diamond to Hart, March 5, 1947, PP, 1946-7, C-11-G.
- 24 Hart to Diamond, March 7, 1947, ibid.
- 25 Vancouver Sun, March 8, 1947, 2.
- 26 Ibid., March 10, 1947, 1.
- 27 Michael McGeough to Pearson, Memorandum on the Industrial Conciliation and Arbitration Act of British Columbia, December 13, 1946, PP, 1946-7, L-3-G.
- 28 Ibid.
- 29 Industrial Conciliation and Arbitration Act (bill), 1947, ss. 34-37. These fines were later altered.
- 30 Wartime Labour Relations Regulations, P.C. 1003, ss. 38-44.
- 31 ICA Act, S. B. C. 1947, 11 Geo. VI, ch. 44, s. 44.
- 32 Ibid., s. 47.
- 33 Added to the conciliation process was machinery for "industrial inquiry commissions", to investigate disputes with broader terms of reference than conciliation boards, but without the element of compulsion involved in conciliation. See H. D. Woods, Labour Policy in Canada, second edition, Toronto: Macmillan, 1973, ch. 10.
- 34 ICA Act, 1947, s. 2.
- 35 Ibid., ss. 9-12, 55-58.
- 36 While disappointed that the bill did not introduce a system of "labour courts", the Sun commented that labour leaders "have yet to produce

reasons as strong as their vilification of those who wish to place a fundamental democratic safeguard on the use of a weapon (the strike) so harmful to the public interest", finishing with an admonition to Pearson to apply the law more vigorously than he had in the past. Vancouver Sun, March 13, 1947, 4.

- 37 B.C. District Executive Board minutes, March 15-19, 1947, MMP, 31-3.
- 38 See above, ch. 3.
- 39 Vancouver Sun, March 14, 1947, 12.
- 40 Loc. cit.
- 41 Loc. cit.
- 42 Paddy Sherman, Bennett, Toronto: McClelland and Stewart, 1966, 57.
- 43 Bennett had decided after his loss to Anscomb in the Tory leadership race the previous year that it was time to begin airing his differences with the coalition.
- 44 BCFL table officers minutes, March 1, 1947, MMP, 31-7.
- 45 Vancouver Sun, March 5, 1947, 9.
- 46 "We are not. . . going to be led into a chaos-creating campaign just to satisfy the political aspirations of a group of leaders whose actions have a distinctive red tinge.
"If economic conditions are not satisfactory to the workers, there is an opportunity every few years to help change those conditions, but if the workers expect to take a short cut, then there will be a lot of blood spilled like there has been in many instances since the Paris Commune."
Editorial, Labor Statesman, April 1947, 4.
- 47 Vancouver Sun, March 15, 1947, 1.
- 48 Some of these TLC delegates, such as William Rigby of the United Fishermen and Allied Workers' Union, represented communist-led organizations. Gervin and Showler of the TLC met with Pearson on March 14 but were unable to secure substantial amendments to Bill 39. Vancouver Sun, March 14, 1947, 2.
- 49 CFL leaflets, MMP, 31-7. Dave Jantzen of the United Brotherhood of Carpenters and Joiners pointed out that an employer who didn't want to bargain in good faith could stall for 79 days before his employees would legally be free to strike: 10 days' required notice of intention to bargain, 15 days of bargaining, 14 before a conciliation officer, seven to appoint representatives to a conciliation board, five to "argue about a chairman", 14 for the board to sit and report and a 14-day "cooling-off" period during which the supervised vote would be taken. Jantzen pointed out: "You could finish a building in 79 days so where would we be?"
Vancouver Sun, March 17, 1947, 2, 3.
- 50 Leaflets, MMP, 31-7.
- 51 Ibid.

52 Vancouver Sun, March 17, 1947, 20.

53 Pearson was evidently opposed also to the stiffness of the fines for illegal strikes, for he later persuaded the caucus to agree to lower them. I have not been able to determine to what extent Pearson supported the other features of the bill.

54 Vancouver Sun, March 27, 1947, 2.

55 Some years later, on the occasion of Pearson's death, a newspaper story claimed that he actually submitted his resignation but was persuaded by Hart to stay on. Victoria Daily Times, August 25, 1966, 3.

56 Western Lumber Manufacturers' Association of Canada, Weekly Letter, March 29, 1947.

57 Vancouver Sun, March 28, 1947, 1.

58 For the implications of Pearson's action, see below, ch. 8.

59 The fines in most of the clauses in the bill were cut by this amendment in half, to a \$25 maximum for individuals and a \$125 maximum for corporations or unions. The fines contained in section 37, however, stayed at \$50 and \$350. To these fines anyone was liable "who does anything prohibited by this Act, or who refuses or neglects to do anything required by this Act to be done by him . . . except where some other penalty is by this Act provided . . ."

60 Vancouver Sun, April 1, 1947, 1.

61 Loc. cit.

62 Tom Uphill, the Labour member from Fernie, supported the CCF.

63 Vancouver Sun, April 1, 1947, 1.

CHAPTER VII

REPRESSION REFINED: THE AFTERMATH OF BILL 39

Introduction

Bill 39 was a hastily-conceived piece of legislation passed in response to a crisis of class conflict. To note this point is not to deny its importance to post-war capitalism. But the act as originally passed soon proved unworkable, as government attempts to enforce it ran into legal snags which threatened to discredit the government's approach to labour legislation. While this was going on the question of the government's approach to class conflict continued to play a vital role in the politics of British Columbia. For a time it seemed as if the reformist liberal spirit of Pearson was once again going to gain ascendancy, with the election of Byron Johnson to succeed Hart as Liberal leader and premier in December 1947. But by the time amendments to the ICA Act were passed early in 1948, it was clear this was not to be the case, and repression had been confirmed as the response of government as well as business to industrial unrest.

A. The first challenge

1. Preliminaries

Employer spokesmen hailed the passage of Bill 39 as a "long step forward in the field of labour legislation."¹ The Western Miner termed it a "stabilizing and moderating" influence and claimed "most groups of employers and employees recognize it as providing reasonable definition of their mutual and respective rights and responsibilities."² B.C. manufacturers were delighted at the CMA's role in getting the legislation passed. One told the association's annual convention:

We certainly were pleased indeed when we felt we had made some gains in British Columbia in respect to the Concilia-

tion Act. . . . I do feel we have made a step in the right direction through the good office of those that led the fight in the C. M. A. (3)

Another added:

. . . our Minister of Labour, in years gone by, has very much favoured the union's viewpoint and possibly has drawn most of his political support from that body. He was one of the men we had to use the strongest persuasion to get the legislation through. The amount of bombarding by letters and telegrams that we did to the Legislature we know had some effect on putting the legislation over. (4)

Not content to rest on their laurels, some of the west coast's more rabid capitalists added their voices to the groundswell of anti-communism which was sweeping the entire Western world. They were fond of urging that the anti-communist provisions of the U.S. Taft-Hartley Act, which made the ICA Act look like the Regina Manifesto, be adopted in Canada.⁵ In the summer and fall of 1947 prominent B.C. businessmen and lawyers, painting a picture of the communist menace which must have been flattering to the LPP, called for yet more curbs on organized labour. Walter Owen, then a prominent employer negotiator and member of the Liberal law firm of Campney, Owen and Murphy, and now lieutenant-governor of the province, told a convention of wholesale grocers:

Communists bore in and get control of unions by tiring the better people out, and once they gain control the decent fellows won't go to union meetings. . . . We've reached the stage in B.C. where it seems to me we need some curbs on the power vested in the few by our present legislation.⁶

Thomas Braidwood, president of the Vancouver Board of Trade, told a radio audience that labour leaders who advocated breaking laws for "personal ambitions or loyalty to a foreign country's aims" were no friends of organized labour.⁷ And B.C. Electric Railway Co. chairman A. E. "Dal" Grauer, fondly remembered as a humanitarian in personnel matters⁸ and friend of education, was of the public opinion that labour and other social unrest were caused by mental instability. He told the CMA convention in Vancouver:

. . . perhaps 10 per cent of the population (suffers) from neurosis and anyone suffering from a sense of inferiority is excellent material for an aggressive movement that gives him a mission, however wrong that mission may be. . . . (Many suffer from) psycho-neurosis, such as nervous breakdowns, neurasthenia and severe emotional imbalance. . . . They don't know what their trouble is. What should be more natural than that many of them should fall for high-pressure slogans of exploitation and class-struggle and attribute their troubles to the nature of the economic system under which they are living? (9)

I will not speculate on the psychological abnormalities which might have fuelled the proudly aggressive nature and missionary zeal of these post-war boosters of capitalism. It only remains to note that their colleagues in government added their voices to the hue and cry. Herbert Anscomb told a gathering of provincial Conservatives the coalition would "stay together because of this threat of Communism. There is no fear of a break," he continued, "while this threat exists."¹⁰

As for the unions, they lay low for two months following the end of the 1947 session. It was only a matter of time until, somewhere or other, Bill 39 would be directly challenged by an illegal strike. Accordingly the BCFL executive voted to support "to the fullest extent, financially and morally, all unions engaging in necessary economic or strike action" against the act.¹¹ The federation's annual convention was moved ahead from September to June. The convention call read in part:

The British Columbia Government has deliberately broken faith with the working men and women of British Columbia Business and money, represented by wealthy corporations, have compelled the surrender of, and have taken over, the reins of government. It is, therefore, necessary that the people of British Columbia follow the example of Big Business in taking an interest in political affairs and become a striking force for representative government and returning the power of government to the people. (12)

Any thoughts of further co-operation with the dominant Liberal element in the coalition had been laid to rest. The Liberals "had completely capitulated

before the pressure of Big Business and should now be classed along with the Conservatives as completely reactionary." The BCFL leaders went so far as to applaud the "splendid fight" put up by the CCF and Tom Uphill against the bill.¹³

For a time it looked as if the major confrontation over Bill 39 would come in the forest industry. The one-year contract signed after the 1946 strike was due to expire in late June. The smug employers at first offered no wage increase,¹⁴ then came up to 10 cents an hour with no other contract changes. They confidently assumed that the proclamation of the act, which occurred May 15, would keep the IWA in its place.¹⁵ Shrewdly, in view of the recent debate on the supervised ballot, the IWA leaders did not reject the employers' proposals but said they would need 30 days to poll their members on the offer.

Pearson had once more been confined to hospital for a cataract operation and deputy minister James Thomson attempted to prevail upon him to order conciliation proceedings and thwart the union's stalling tactics. Thomson cited employer arguments that the union was playing a political game governed by "some other source the identity of which they take it for granted most people are aware and they (the employers) consider it rather significant that certain officials of that outside body are to arrive in Vancouver sometime around the 15th of June."¹⁶ This was a veiled reference to the scheduled arrival June 14 of Tim Buck, the national LPP leader, for a four-day speaking tour in Vancouver, Victoria and Port Alberni.¹⁷ From his hospital bed Pearson, not taken in by this attempt to impute sinister motives to the IWA and the LPP, told his deputy there could be little quarrel with the union's position on the length of time it would take to poll the membership. "This is one of the objections I raised to the compulsory secret ballot," he said pointedly. As

long as the union agreed to negotiate, he added, there was nothing in Bill 39 to indicate that a conciliation officer should be appointed.¹⁸ This "I-told-you-so" routine was the first indication that Pearson might refuse to administer the act rammed through the legislature over his objection.

2. The Nanaimo laundry strike

The first full-scale challenge to Bill 39 was directly linked to the BCFL convention, held June 6 through 8 in Vancouver. An employee of Nanaimo's Imperial Laundry Co., one Violet Dewhurst, announced to the company her intention of attending the convention as a delegate from the Nanaimo Laundry Workers' Union, a directly chartered¹⁹ CCL affiliate. The company threatened to fire her if she missed a shift as a result of attending the three-day convention and made good the threat on her return June 9. A second employee, who had stayed away from work to attend to her sick mother, was also fired. Twenty-eight employees walked out in sympathy with the two dismissed workers, in open defiance of the strike-delaying provisions of the ICA Act.²⁰

The convention itself saw no reconciliation of the political difference among the province's unionists. The executive denounced the desertion of the TLC unions and took a sideswipe at the CCF MLAs for "relying too much on parliamentary manoeuvre" and for not giving "full and unqualified support to the 1947 labour lobby."²¹ A 16-member "fight Bill 39" committee was established to "defeat the government by attacking them on both the economic and political fronts," working toward unity of labour and left-wing forces in order to defeat the coalition at the next general election.²² How such a committee might "unify" the "divisions in labor and left-wing political groups" was not specified, but presumably the majority of delegates had in mind the kind of electoral arrangement which the LPP had sought from the CCF

for years, whereby the two parties would agree **not** to contest the same constituencies.²³ Harvey Murphy made the salient point that the bill would jail CCF unionists as well as communists.²⁴ But the CCF faction was lukewarm to the idea. "The committee will have to go some," said the Steelworkers' Pen Baskin, "to unite not only the trade unions but the candidates . . . when the Federation meets a year from now we will see whether it is workable."²⁵ Nevertheless, the convention promised "full assistance to any union defying the obnoxious clauses of the bill"²⁶ and assessed member unions a special per capita levy which eventually brought the "Fight Bill 39" committee a war chest of more than \$16,000.²⁷

The BCFL executive immediately prepared to do battle on behalf of the Nanaimo strikers. Plans were laid for demonstrations and other indications of mass support.²⁸ The government did not act immediately because Hart and his colleagues wanted to take special pains to ensure any charges laid under Bill 39 were watertight. The acting labour minister, Lands and Forests Minister E. T. Kenney, waited a week before asking Hart for permission to lay charges against the strikers. Finally on June 20 charges were laid against the 28 workers, the union, regional CCL organizer Dan Radford and Percy Lawson of the United Mine Workers. Radford and Lawson had acted as bargaining agents for the laundry workers. The charges were not laid under the compulsory strike vote sections, 31A and 31B. The lawyer retained by the government apparently feared a conviction would not be obtained under these sections because in the sequence of events prescribed by the act, the strike vote was to follow conciliation proceedings, and there had been no conciliation. Instead the government proceeded under section 27, which forbade strikes before a conciliation board had been appointed and reported and section 37, the catch-all section which provided fines for offences

for which penalties were not specified elsewhere. The strikers and union officials were liable for \$50 maximum fines and the union for a maximum \$250. In addition, the union and the officials might have their fines multiplied by the number of days the strike lasted.²⁹

On the day the charges were laid, the picket lines around the Imperial Laundry were swelled with the presence of representatives from 69 unions.³⁰ The following weekend, Bill 39 was hung in effigy in a parade through Nanaimo. The case dragged on through a series of remands³¹ until August 2, when Magistrate Lionel Beevor Potts in announcing his decision blasted the procedure set out in the act as "cumbersome and long drawn out" and added:

We can only hope something will be done to simplify and clarify many of its sections. One cannot think the legislature contemplated putting anyone to all this time and expense.

Beevor Potts called for amendments to cover situations such as that of the laundry workers, where the walkout had nothing to do with the normal process of collective bargaining. "It's a great pity this thing ever arose," he concluded. He had no choice but to find 22 of the strikers³² guilty, but he assessed them each only nominal \$1 fines and \$1 costs. The charges against the union leaders were dismissed, on the ground that the Crown had failed to prove they authorized the strike, but the charge against the union was upheld in further court action.³³

"We've got them beaten now," cried CCL organizer Alex McAuslane.³⁴ His enthusiasm was hardly justified. The verdict was a disappointing one for the government, but the upholding of the charge against the union confirmed one of the major institutionalizing features of Bill 39. Belatedly, the radical union leaders realized its significance. Before the act was passed they had thought the supervised ballot section the most invidious. They had

proclaimed their loyalty to the maintenance of production and emphasized how much they wanted unions to have a secure place in the economy so they could work toward industrial harmony. Now, realizing the organizational and financial implications a rash of prosecutions and civil actions against unions would have, Murphy wrote that the sections of the act making legal entities of unions were the most "vicious". He wistfully continued:

This law is not being administered now by the department of labor, but rather by the attorney-general's department. The employers have the green light to smash unions while the government lays the prosecutions. (35)

B. The second challenge

1. The government tries again

The magistrate's comments in the laundry workers' case exposed the inadequacies of the act to public view. The contention gained currency that it was a hastily-thrown-together piece of legislation designed to frustrate unionism rather than ensure a workable system of industrial government. Other unions began to defy Bill 39, although for short periods of time.³⁶ The government had hoped to find an ally in the usually conservative TLC unions and indeed provincial vice-president Birt Showler attacked anti-Bill 39 agitation by comparing it to "a mother when her first-born gets chicken-pox"³⁷ and saying that "most labor men" opposed the defiance of the law.³⁸ But many TLC unions saw that Bill 39 could be used against them as easily as it was against others and several gave moral and financial support to the striking laundry workers. The provincial TLC executive eventually called for a special legislative session to amend the act.³⁹

While the laundry workers battled in court, the coast forest industry, which many feared would be the scene of a major confrontation, had averted a strike with a 12½-cent across-the-board hourly increase and the granting of the 40-hour week.⁴⁰ The second major battle against Bill 39 began on

August 21, when the United Steelworkers of America struck five Vancouver-- area iron and machinery companies without waiting for a government-supervised strike vote. The steelworkers wanted the same 12½ cents the IWA had won but the companies offered only 10.⁴¹ A government proposal for binding arbitration had been accepted by the employers but rejected by the Steelworkers. The CMA's J. H. Ruddock, negotiating for the steel firms, demonstrated a singular ignorance of the difference between the state and business when he tried to get Hart to run interference for him by notifying the unions that prosecutions would follow if a strike were called. (Hart, of course, refused.)⁴² After the strike began the companies applied for and were refused a Supreme Court injunction against it.⁴³ The labour department, determined to improve on its showing at Nanaimo, got the names of strikers and union leaders from the companies and sought ministerial approval to proceed with prosecutions. Hart, as acting labour minister,⁴⁴ discussed the matter in cabinet and authorized the prosecutions September 2.⁴⁵ In all 114 workers, two union officials and two union locals were charged with striking illegally under Section 31A, the supervised ballot section of the ICA Act.⁴⁶

2. Pearson goes on strike

While they awaited their trials, the steelworkers -- not to mention the employers, the newspapers and everyone else -- began to wonder what the labour minister of the province was up to. It was now three months since Pearson's cataract operation and he had been stalking the halls of the legislative buildings, wearing dark glasses, since mid-July. He was attending to his duties as health minister and provincial secretary (although he was not signing orders-in-council) and the deputy labour minister was operating under the assumption that his return to that office was imminent.⁴⁷ But Pearson was clearly stalling, as the Vancouver News-Herald's James K. Nesbitt reported:

Mr. Pearson attends cabinet meetings, steers clear of labor. There is a strong suspicion in some quarters he has told the government he won't administer the act until it is revised. (48)

For the same reason that Hart had been reluctant to accept Pearson's resignation when the ICA Act was introduced, he was not eager to see it now:

The Government, of course, could not take the chance of losing Mr. Pearson at this juncture. Should he resign the labor portfolio the whole labor situation would blow up -- and the government, naturally, doesn't want that. (49)

As rumours of not only Pearson's but also Hart's resignation began to circulate, some "political wiseacres" were prompted to surmise that "the minister of labour has gone on strike without asking the government for conciliation and supervised strike vote." The minister replied, not too convincingly:

I am recuperating from a serious illness; just as soon as I get strong enough I shall decide what I shall do. I have not resigned the labor portfolio; that is a matter for the premier to decide. (50)

It was the tired Hart, who hoped for an appointment to the Dominion Senate,⁵¹ who announced his intentions first. He would resign, he told the B.C. Liberal Association's convention October 2, at the end of the year. In his resignation speech he praised Pearson's contribution but gave no indication that the government expected the labour minister's resignation. "We trust that the time is not far distant," Hart said, "when his health will enable him once again to discharge all those responsibilities which were his prior to his operation."⁵² The BCLA executive evidently hoped so too. A policy statement on Bill 39 asserted that the act needed drastic revision:

(it) has not been accepted generally by management and labor, and we are seriously concerned with the probable results on our economy. The general public is calculated to be more and more severely embarrassed and adversely affected thereby. (53)

Clearly having the maintenance of capitalist economic relations in mind, the Liberal executive demanded amendments to make the act "more consistent

with liberal, democratic and equitable principles" -- apparently an attack on the supervised ballot. The statement also asked for a "more practical, speedy and efficient method of administration to bring the act into greater sympathy with public opinion." It was a policy "considered by leading Liberals an executive endorsement" of Pearson's disapproval of the supervised ballot.⁵⁴ This reformist sentiment was to re-emerge when Hart's successor, Byron Johnson, was elected.

3. The steelworkers' case

The two weeks following the announcement of his intention to resign were difficult ones for Hart. His businessmen supporters stuck together and gave him all the support they could. Diamond of Consolidated wrote of his outrage at the BCLA resolution and asked Hart to correct the press accounts if they were untrue, "because it certainly discredits Bill 39 in an unjustifiable way."⁵⁵ James Eckman of the Canadian Fishing Co. and formerly CMA regional vice-president, reached into his bag of ideological tricks and pulled out the threat of a fishing industry shutdown "if something isn't done to curb the present union leaders and keep their activities within reasonable bounds."⁵⁶ He gave the harried premier this written pat on the back:

. . . we want you to know that those of us in the industry are right behind you and hope you will definitely force all the striking unions to suffer the consequences in fighting Bill 39 and your Government. (57)

But as the hearings against the striking steelworkers got under way, the ill-starred Bill 39 sank deeper into the mire of its own provisions. To the dissenting voices of the province's chief Liberals and that of the Nanaimo magistrate was added the disapproval of one of the province's top jurists.

Some of the steel strikers had been charged in Vancouver police court and some in Burnaby. The latter became a test case. The defence con-

tended that Kenney, the acting labour minister should not be entitled to sit as a "labour relations board" under sections 58 and 73 of the ICA Act, for the purpose of deciding questions of fact such as whether a contract existed, whether collective bargaining had taken place, and so on.⁵⁸ The argument was based on two points: first, Kenney should not hold the hearing when the labour minister, Pearson, was in good health and able to perform his duties; second, that in empowering the labour minister to hold such a hearing the legislature had really appointed a judge, which under section 96 of the British North America Act was the exclusive prerogative of the federal government. The defence also contended that the anti-strike provisions in Bill 39 constituted criminal law, which was also in the exclusive jurisdiction of the dominion. The strikers sought and received a Supreme Court injunction prohibiting the trial or Kenney's hearing from going ahead pending a hearing on the defence submissions.⁵⁹

The chief justice of the B.C. Supreme Court, Wendell B. Farris, rejected all three of the defence contentions and held that the act was intra vires the provincial legislature as far as the steelworkers' case was concerned.⁶⁰ But in the hearing on the constitutionality of the act, Farris termed it "a very dangerous encroachment on the powers of the laws of our land by giving to boards rights which belong to the courts." Bill 39, he said, was "apparently unknown in any other British country" and the result of the trend it indicated could be the "destruction of the power and freedom of the courts" and "totalitarian government." It would have been a "great pleasure" for him to quash the sections relating to the labour relations board and ministerial powers. Unfortunately, the judge lamented, "the only thing that is going to change it is the weight of public opinion."⁶¹ Another blow had been struck at the mechanics of the act.

4. A new minister: back to square one

The labour department breathed a sigh of relief on hearing of Chief Justice Farris' decision. Deputy minister Thomson announced that prosecutions would proceed against not only the steelworkers but also packinghouse and furniture workers who had struck illegally since the steel charges were laid.⁶² But before Kenney could hold his hearing on the matters of interpretation in the steel case, the long-awaited resignation of Pearson from the labour portfolio⁶³ was announced. On October 16 the short, pudgy, somewhat frog-faced attorney-general, Gordon Wismer, was sworn in as labour minister. Hart hoped Wismer's sharp legal mind could find a way out of the Bill 39 mess.⁶⁴ He gave perhaps unwitting testimony to the change in labour relations wrought by the ICA Act:

The choice of Mr. Wismer for the labor portfolio was made in view of the fact that administration of labor affairs is very closely identified with legal matters. (65)

The liberal-minded Pearson, who relied on his skill as a diplomat rather than rigid regulations, had been replaced by a man of the opposite temperament.⁶⁶

Wismer announced his intention to enforce the ICA Act "as any other position would not be in accordance with the principles of democratic government."⁶⁷ But he announced for the first time that the government planned to amend Bill 39. He promised to establish the Labour Relations Board as soon as possible, to investigate delays in conciliation proceedings and to hear representations from employer and labour spokesmen before amending the act. He asked for a "spirit of genuine co-operation" to put an end to "the strife which is threatening inconvenience and suffering to the public and serious disruption of the economy."⁶⁸

Wismer then proceeded to hold, as a one-man "labour relations board", the hearing to determine the questions of interpretation in the steelworkers' cases.⁶⁹ Since Wismer remained attorney-general, the hearing

was in rather shaky accordance with the "principles of democratic government" he professed to hold so dear. A Steelworker press release issued after the hearing described the situation:

The procedure at the Court House today under Bill 39 could not be duplicated in any British country on the face of the globe.

The prosecutor, acting under the direction of the attorney-general for B.C., Gordon Wismer, endeavored to prove material facts in illegal strike charges against 116 B.C. citizens.

Sitting in judgment of his own prosecution effort was the same Gordon Wismer, in his capacity as minister of labor.

Such procedure makes a farce of justice under such circumstances and it is virtually impossible to gain a fair verdict. (70)

As it happened, however, the verdict favoured the union. Wismer's legal mind picked out a discrepancy between the facts of the case and the informations sworn out against the strikers. The latter said the contracts between the Steelworkers and the companies had expired, but Wismer ruled that this was not so. The charges laid against the union leaders and strikers in Vancouver as well as Burnaby, were accordingly dismissed when they came to court, and the charges against the union locals were withdrawn.⁷¹ Legally the informations could have been rewritten and the men charged again, but the government in doing so would have appeared unspeakably petty. The exasperated Wismer pledged with renewed conviction to amend Bill 39, removing the "ponderous and unnecessary machinery which was giving the labour department so much trouble. He also announced that until the act was amended the department would prosecute no individual strikers but only unions and leaders."⁷²

In fact, no more charges were laid against anyone until after the 1948 amendments became law, although the opportunity presented itself on several occasions. Among these were the packinghouse and furniture workers' strikes already referred to.⁷³ Employers and their representatives in these and other disputes repeatedly pressured the government to invoke the super-

vised ballot sections of the thoroughly discredited act, but to no avail.⁷⁴

A crippling month-long transit strike in Vancouver, Victoria, Nanaimo and New Westminster during October and November was settled through personal mediation by Wismer, and was followed by a walkout of coal miners on Vancouver Island in January, 1948.⁷⁵ But Wismer evidently had decided to let things ride until he could work out amendments to the act.

The unions attempted to take advantage of the government's predicament. Murphy blasted the coalition for "doing nothing to help bring labor-management together to settle the strikes, but instead, . . . embark(ing) upon a course of intimidation and mass arrests. . . . Thus the province of British Columbia," he continued, "which had the best labor relations in all of Canada throughout the war and until the adoption of Bill 39 is today in an industrial crisis."⁷⁶ A BCFL delegation visited the cabinet in mid-October to urge that the penalties for illegal striking, which "serve to mulct (sic) the union treasuries dry thereby giving comfort and abetting the employers in the breaking of a trade union", be eliminated along with the supervised ballot.⁷⁷ When the BCFL was asked by Wismer to nominate labour representatives to the Labour Relations Board, at first it refused, claiming that to do so would be an implied endorsement of Bill 39.⁷⁸ After being told the LRB would recommend changes in the act, however, the BCFL changed its mind and nominated Pritchett, Murphy and Mackenzie, on the ground that "participation on the Board is a continuation in the most effective way of . . . opposition."⁷⁹ Some of this labour pressure appeared to be pay-off when Wismer told the annual Mine-Mill district convention that he favoured shortening the conciliation period and leaving the decision on the supervised ballot at the discretion of the LRB.⁸⁰ But any elation on the part of labour leaders was short-lived, for the amendments proved to make the act even more restrictive.

C. Labour and the Liberals

Once again the pre-session political activities of the labour movement fell into the doldrums and attention shifted to the stage of party politics, where Hart's resignation had brought into the open the discontent in both the Liberal party and the coalition. Shortly after the premier announced his impending resignation, a Conservative convention "served notice on Hart that it expected Anscomb to become premier."⁸¹ Hart would entertain no such notion, maintaining that the Liberal leader elected to succeed him should also succeed as premier. Labour issues, as might be expected, played a prominent role in the succession contest.

The "favourite and front runner" was Wismer, who counted on Liberal "machine" support centred in Vancouver.⁸² But Wismer was not acceptable to a sizeable number of Liberals, including many in the so-called "federal wing" of the party and the reform-minded Young Liberals who deplored the party's deviation from the left-wing path of Pattullo and Pearson.⁸³ This group put forward backbencher Byron Johnson, general manager of a building supply company in New Westminster, who appeared acceptable to the business community but was "free from the taint of machine politics"⁸⁴ which marred the Wismer candidacy.⁸⁵ Hart remained publicly aloof from the contest but was privately known to support Johnson.⁸⁶

The Liberal delegates assembled in the Hotel Vancouver on December 9 to choose the next premier of the province. Their executive's policy statement on Bill 39 was fresh in their minds and they were to hear a good deal on the subject of government labour policy before voting. Johnson, mindful of the executive's statement, began his campaign speech by talking about labour, invoking the spirit of George Pearson. "I employ a lot of labour myself," he said, not in the least facetiously, and he continued:

I have nearly 1,000 men under my direct supervision and I can say in all my life I have never had a strike, I have never had a serious disagreement with men who have

been employed by the companies which I operate.

I say to you that I understand labour because I come from a labouring home. . .

. . . we have on this platform today the outstanding man, whether it is in Canada or in any part of the Empire, who has played the greatest role and has made the greatest contribution to the labouring classes of our province. I refer to the Honourable George Pearson.

. . . I remember the days when . . . we were elected to power in the depths of the depression in 1933, and I recall the constructive legislation which George Pearson brought before that legislature . . . I remember the tremendous opposition which there was to it at that time. By the fixed determination of purpose with which Mr. Pearson approached that problem, British Columbia was saved many, many strikes which would have been had it not been for the courage of Mr. Pearson to go through with it . . . we as Liberals can feel proud of Liberal labour legislation in this province . . . the Honourable George Pearson has rendered the greatest contribution any Liberal has ever rendered our cause in connection with the splendid labour legislation which he has placed on our books. (87)

Notable, of course, was the reference to "Liberal labour legislation," with the implication that its Coalition counterpart was not worthy of such high praise. Indeed, Johnson's supporters appeared to sell him as the candidate who could rebuild the degenerate Liberal organization in preparation for an imminent split in the coalition.⁸⁸

Wismer attempted to stand on his own record. His seconder, an Interior delegate, pointed to the labour minister's personal mediation in the recently-concluded transit strike as evidence that he possessed the qualities necessary to deal with labour unrest, the greatest obstacle to post-war prosperity. The Liberals needed "a man of integrity, with a keen sense of fair play, outstanding ability and unlimited courage," the seconder said and

the man who stepped into the breach and brought about settlement of a strike that was costing labour many, many thousands of dollars in lost wages, that seriously affected the business life of Canada's third largest city as well as Victoria and New Westminster, to say

nothing of the inconvenience and in many cases the hardship caused, is such a man. (89)

In a speech somewhat more self-inflating than Johnson's, Wismer told the delegates yes, he was sure his rival treated his employees fairly, but nevertheless he was best suited for the driver's seat in a time of labour unrest because "for months", as labour minister, he had been in "consultation" with labour leaders and employers:

. . . if you give me a mandate to carry, I am going to bring in a labour code that will make for industrial peace and which will be acceptable to labour, that will not be attacked as it has in recent months, causing strike after strike and fomenting discord after discord. (90)

Wismer finished by tossing off a belated tribute to Pearson -- "one of the greatest humanitarians there has ever been in this province" -- and trying to cash in on the moral currency of the former labour minister by saying that the two had been in "close contact."⁹¹

Each candidate evidently knew that a major factor in the delegates' decision would be his ability to deal with the labour situation, so that industry might move unimpeded into an era of post-war expansion. While Wismer sold himself as the man who would bring in legislation that worked and downplayed the philosophical aspects of government labour policy, Johnson appealed to the reformist tradition of Pearson and Pattullo, which was obviously far from dead. This strain in the Liberal party was also, as we have seen, more partisan and less enamoured of the coalition than the one which Wismer represented. The party was evenly split between the two wings, if the leadership voting is any indication, but Johnson won 475-467.⁹² The slight predominance of the reformist sentiment was confirmed when Arthur Laing, who promised to "do all I can to put Liberalism first",⁹³ was elected president of the party. The majority of Liberal delegates clearly expected the amendments to Bill 39 to show that Pearson's opposition and res-

ignation had not been in vain. But the placing of their confidence in Johnson soon proved to have been ill-advised.

D. The amendment of Bill 39

Johnson wasted little time in showing that he planned to maintain the coalition. Anscomb apparently attempted to wheedle more concessions out of the new premier but was unable to do so and on Boxing Day 1947 the two announced that the existing arrangement, including the composition of the cabinet, would continue as before.⁹⁴ In retaining Wismer and Anscomb, Johnson ensured the presence of a strong right-wing influence on government policy which effectively betrayed the reformist ideals which had put him in power. One of the first indications that this was to be the case came in January 1948, when Anscomb stated publicly, in response to a barrage of telegrams and letters from employers, that the supervised ballot section would remain in the ICA Act.⁹⁵ Wismer had said the previous fall that he favoured leaving the question of supervision up to the Labour Relations Board and he was furious at Anscomb's obvious attempt to head off any change.⁹⁶ But Wismer did not feel strongly enough on the question to make an issue of it. As the 1948 legislative session got under way in February, he intimated that the section would be retained intact. Incredibly, he claimed there had been "little or no" opposition to it from labour leaders.⁹⁷

Indeed, it began to look as if the Johnson government planned to add yet more restrictive provisions to the labour relations system ushered in by the passage of Bill 39. Yet any possibility of united labour opposition was precluded by developments in the union centrals. I have given brief glimpses of the barrage of employer propaganda which attempted to link unions and communists together as disloyal threats to the democratic order.⁹⁸ The national CCL had decided to meet this onslaught not by attacking the dubious claims to loyalty and democracy made on behalf of capitalism, but

by declaring war on the communists in the union movement. The 1947 CCL convention had signalled the start of the drive by passing a number of resolutions condemning world communism, supporting the Marshall Plan and so on, drawing charges of "red-haiting" from the communist-led unions.⁹⁹ One of the first targets was the BCFL. A young Steelworker organizer, Bill Mahoney, was sent to the west coast to attempt to win control of the B.C. labour movement for the CCF faction. Mahoney was to work with the CCF unions such as the USWA and packinghouse workers, and with anti-communist blocs in the communist-led unions.¹⁰⁰ A skilled and ruthless union politician, Mahoney lost no time in drawing together the heretofore disorganized anti-communist groups. By the end of January 1948 he had scored his first victory, unseating the communist executive of the CCL's Vancouver Labour Council.¹⁰¹

The second CCL coup, which did not directly involve Mahoney, concerned the appointment of its representative to the B.C. Labour Relations Board. According to CCL practice this was the prerogative of the BCFL, and Pritchett, Murphy and McKenzie had been nominated for the post.¹⁰² But the national CCL took the unprecedented step of going over the provincial organization's head and asking member unions to make "independent nominations" if they were not satisfied with the BCFL choices.¹⁰³ When one of these "independent" nominees, Harry Strange of the Canadian Brotherhood of Railway Employees, was appointed, and proceeded to accede to what the BCFL considered unacceptable amendments to Bill 39, the BCFL leaders were outraged -- but there was little they could do.¹⁰⁴

In this less than united state¹⁰⁵ the B.C. labour movement prepared to press for pro-labour amendments to the ICA Act. The BCFL executive met the cabinet February 27 and repeated substantially the demands of the previous fall, but according to Murphy "the delegation felt the gentle whisk of a brush-off."¹⁰⁶ Some sections of the TLC were playing into the

government's hands by calling for retention of the supervised ballot section in order to help union leaders prevent wildcat strikes.¹⁰⁷ The employer organizations, in a brief presented by the well-known Tory T. G. Norris, urged a provision modelled on the U.S. Taft-Hartley Act requiring union officers to sign declarations that they were not members of the Communist or Labour-Progressive Party:

Just as the law-abiding element in organized labor has accepted the secret government-supervised ballot, we believe that they would also accept this requirement that collective bargaining agents should comprise men and organizations which stand for the upholding of the law of the land and the maintenance of present governmental institutions. (108)

At the 1948 labour lobby the split within the BCFL burst into the open. A somewhat inebriated Murphy, during the lobby banquet on the evening of April 8, launched into a personal attack on CCL officers for their co-operation with the government in the deportation of Mine-Mill's international president on the ground that he was a foreign communist agitator.¹⁰⁹ Labeling CCL leaders "red-baiting floozies" and implying that they engaged in bizarre sexual acts with employers,¹¹⁰ Murphy sparked a walkout by Mahoney and 16 other delegates, who for the remainder of the session lobbied the government as "CCL" rather than BCFL representatives.¹¹¹ The effectiveness of the labour lobby was seriously impaired, and the upshot of the attack was Murphy's suspension from all CCL and BCFL activities for two years.

When the amendments to Bill 39 were introduced by Wismer, they contained some provisions the labour spokesmen had been asking for. These included a) removal of the term "employee organization" and substitution of "labour organization", clearing up the ambiguity on the subject of company unions,¹¹² b) mandatory compensation by employers in cases of illegal discharge,¹¹³ c) shortening of the minimum time between initiation of bargaining and a strike from 79 to 57 days,¹¹⁴ d) removal of penalties for individual

employees,¹¹⁵ e) binding of successor employers by contracts,¹¹⁶ and f) a requirement that companies with headquarters outside the province appoint a B.C. resident to conclude and sign agreements.¹¹⁷ As well, the Labour Relations Board was given power to issue "cease and desist" orders after holding hearings to determine whether anything forbidden by the act was being done by an employer and/or employees.¹¹⁸ Finally, Wismer heeded the warning of the chief justice of the Supreme Court, repealing section 58 (3) and amending section 58 (1) to remove the LRB's authority to decide questions of fact in cases before the courts.¹¹⁹

Many of these corrected oversights in the original drafting of Bill 39,¹²⁰ while others grew out of the experience of the summer and fall of 1947 when they proved unsuited to the task for which the act was designed. Far outweighing them were four anti-labour amendments. Not only was the mandatory supervised strike ballot retained, but a section was added providing that during a strike or lock-out the LRB could order a vote of employees on any "bona fide" settlement offer from an employer.¹²¹ This was a long-standing employer demand¹²² and greatly increased the possibilities for the obstruction of militant union action. Second, the amendments repealed section 47 of the act, which had provided that collective agreements were not actionable in law.¹²³ This opened the way to further employer harassment through civil litigation.¹²⁴ Third, the amendments enabled the board to cancel the certification of any union striking illegally. This was one of the most important institutionalizing features of the Rand decision in Ontario.¹²⁵ Finally, for the purpose of dealing with the federal government in the jurisdictionally nebulous coal and meat-packing industries, the cabinet was empowered to make regulations superseding any of the provisions of the amended act.¹²⁶

These amendments locked the unions into a system of industrial relations more rigid than ever. "They've taken Bill 39, which was an abortion in the first place and made it even worse," said the CCL's Alex McAuslane.¹²⁷ A maze of regulations had been placed in the way of the one truly effective working-class weapon -- the strike. The ways in which a strike might now be illegal were legion. Most important, the breach of any part of the complicated conciliation procedure might result in the loss by the union of the only status it now had: the certification accorded it by the state. Any illegality also left the unions open to costly civil actions. And the objective of legislated union security on request, the driving force behind the unions' political activity since the end of the war, still eluded their grasp.

At its fall convention, the BCFL passed the usual "political action" resolution, endorsing neither the CCF nor the LPP, protesting the government's "removing established rights from Trade Unions and placing them in the hands of Government agencies." The communist leaders denounced the CCL for "beheading" the protests against Bill 39,¹²⁸ and unions were urged to set up "defence committees" and "defence funds" to oppose the act through economic action.¹²⁹ But the fight against Bill 39 was effectively over. The unions were forced to turn from the political front and concentrate on combatting the civil actions and injunctions launched by employers to hamper militance during the 1950s. The LPP leadership was effectively removed when Mahoney and his CCF friends managed to overthrow the BCFL executive at the 1948 convention.¹³⁰ While there was still occasional talk of "independent labour political action", in practice this merely meant sections of the BCFL tried to influence the selection of CCF election candidates.¹³¹ As for the ICA Act itself, even with the 1948 amendments it proved generally unsatisfactory¹³² and was replaced in 1954 by the Social Credit government of W. A. C.

Bennett. But the statute which replaced it, the Labour Relations Act, did not alter the system of certification and conciliation which Bill 39 and the 1948 amendments inaugurated.

Meanwhile George Pearson contemplated the demise of the Liberal reformist impulse which had originated under Duff Pattullo in the depression years. He continued until 1950 in the field of health and welfare, trying to administer a hospital insurance scheme that was sabotaged at every turn by the tight-fisted Anscomb.¹³³ To the legislature Pearson conceded that he had been a "very disappointed man"¹³⁴ when he left the labour department. He had genuinely tried to improve labour relations in the province. "At one time," he said, "I was conceited enough to believe I had made some progress." But, alas,

at the end I found so many obstacles in the way that it would be impossible to make any appreciable progress in one man's lifetime. (135)

The efforts of this lone liberal reformer had succeeded for a while. He had been particularly effective in securing the co-operation of working-class leaders during the depression and the war, when a less astute man might have been unable to prevent widespread labour unrest or violence, perhaps the election of a CCF government or the development of extra-parliamentary political opposition. But Pearson's concern for the worker's ability to "stand up for his rights" didn't fit in with the expansion plans of post-war capitalism. So his influence waned as that of the McDonells, the Anscombs and the Wisniewskis waxed. The life work and philosophy of one reformer proved no match for the organized forces of a dominant class.

Notes to chapter 7

- 1 Industrial Canada, May 1947, 102.
- 2 Western Miner, June 1947, 35.
- 3 Industrial Canada, July 1947, 204.
- 4 Ibid., 209.
- 5 Vancouver Sun, October 7, 1947, 9.
- 6 Ibid., June 3, 1947, 2.
- 7 Ibid., September 4, 1947, 13.
- 8 See B. K. Sandwell, "B.C. private capital sets about some community building", Saturday Night, May 18, 1946, 18.
- 9 Vancouver Sun, June 10, 1947, 3.
- 10 Ibid., July 26, 1947, 22.
- 11 BCFL executive council minutes, April 27, 1947, MMP, 31-10.
- 12 Convention call, 1947, MMP, 31-7.
- 13 BCFL table officers minutes, April 3, 1947, MMP, 31-7.
- 14 Clifford Anderson, Collective bargaining under a compulsory conciliation system in the B.C. coast forest industry, 1947-1968, MA thesis, University of B.C. (economics), 1971, 51.
- 15 Western Lumber Manufacturers' Association of Canada, Weekly Letter, May 3, 1947.
- 16 Thomson to L. Pitkethley, May 30, 1947, PP, 1946-7, L-21-D.
- 17 Pacific Tribune, June 13, 1947, 3.
- 18 Pearson to Thomson, June 3, 1947, PP, 1946-7, L-21-D; Thomson to Hart, June 2, 1947, ibid.; Hart to Thomson, June 3, 1947, ibid.
- 19 "Directly chartered" locals were admitted to the CCL without being required to affiliate to a national or international union.
- 20 BCFL leaflet, June 17, 1947, MMP, 31-7; BCFL Convention proceedings, 4 (1947), 30. The laundry workers' union had been going through conciliation proceedings with the company since March 23 in an attempt to sign a contract.
- 21 BCFL, Convention proceedings, 4 (1947), 61.

- 22 Ibid., 17-18. The membership of the committee generally reflected the alignment of political forces in the BCFL, with a majority of members from the communist-led unions and a minority from those led by CCFers of independent unionists.
- 23 The Sun commented that the proposal "sounds like the 'united front' which the Labor-Progressive Party wanted in 1945." June 10, 1947, p. 4.
- 24 BCFL, Convention proceedings, 4 (1947), 24.
- 25 Ibid., p. 26. Not surprisingly, Harold Winch rejected any suggestion of an LPP-CCF coalition, pointing out that 176,000 British Columbians voted for the CCF in 1945 while only 16,500 voted for the LPP.
- 26 Vancouver Sun, June 9, 1947, p. 9.
- 27 BCFL, Convention proceedings, 5 (1948) exhibit C. This total was considerably short of the \$50,000 goal. BCFL pamphlet, August 1947, MMP, 31-7.
- 28 "We couldn't spare Mrs. Dewhurst," the management claimed innocently. "Last week we asked the union to appoint another delegate in her place. But they didn't. They thought we were trying to dictate to them." About one-third of the workers did not join the strike and the laundry continued operation with the assistance of strikebreakers. Vancouver Sun, June 9, 1947, 1.
- 29 Vancouver Sun, June 20, 1947, 1. See also above, ch. 6, n. 59. Deputy labour minister Thomson, in describing the retaining of a Nanaimo lawyer to draw up the charges, told Kenney: "I impressed him with the necessity of exercising every care to insure a successful case being presented to the court . . ." Thomson to Kenney, June 18, 1947, PP, 1946-7, L-20-D.
- 30 Vancouver Sun, June 20, 1947, 1.
- 31 A contributing factor to the delay was the necessity of referring several questions of interpretation (such as: was the union actually a union; had collective bargaining actually taken place) to Kenney for a decision under section 58 (3) of the ICA Act. This section gave power to the Labour Relations Board to decide this kind of question, but under section 73 Kenney held the power since a board had not yet been appointed. See above, ch. 6.
- 32 The Crown withdrew charges against five of the strikers on discovering they were juveniles.
- 33 Vancouver Sun, August 2, 1947, 1. The union's lawyer sought a ruling from the higher courts as to whether the union, which he claimed had no legal personality, could be charged. Chief Justice Sloan ruled that it could be and his ruling was upheld when the Supreme Court of Canada refused to hear an appeal. The government never did prosecute the union, however, because by the time the Supreme Court ruling was handed down in February 1948, the intention to amend the ICA Act had already been announced. An appeal against the conviction of the strikers and union

officials was initiated but later dropped. Vancouver Province, November 15, 1947, 3; Vancouver Sun, February 4, 1948, 1.

34 Vancouver Sun, August 2, 1947, 1.

35 B.C. District Union News, August 28, 1947, 1.

36 Coal miners and sawmill workers in the Nanaimo region held one-day strikes in sympathy with the laundry workers. Labour Gazette, April 1948.

37 Vancouver Sun, June 11, 1947, 3.

38 Ibid., September 5, 1947, 4.

39 Ibid., July 24, 1947, 24. Showler's lack of influence among his followers became evident when in the annual TLC elections he was defeated as provincial vice-president and replaced with a member of the left-wing United Fishermen and Allied Workers' Union. Ibid., September 30, 1947.

40 Ibid., June 23, 1947, 1. Any strike plans were snuffed out when only 68 per cent of the IWA members voted in favour of a strike, and the large New Westminster local, which by this time had fallen into anti-communist hands, rejected any possibility of a strike. This lack of militance was understandable in the wake of the 1946 conflict. See C. H. Anderson, op. cit., 51-2.

Recalling the forest operators' glee upon the proclamation of the ICA Act when negotiations were under way in May (see above, p. 5), we may add the following passage from the Western Lumber Manufacturers' Association of Canada's June 21 Weekly Letter; "The result of the Union Ballot is not definitely known, but the action of the Government in starting proceedings against the strikers in the Nanaimo Laundry dispute is, no doubt, having some influence on Union policy."

41 The offer included an additional five cents for an insignificant number of exceptionally low-paid workers. Vancouver Sun, August 20, 1947, 1.

42 Ruddock to Hart, August 19, 1947, PP, 1946-7, L-20-D; Thomson to Hart August 22, 1947, ibid., L-21-D.

43 Vancouver Province, September 23, 1947, p. 2; A. W. R. Carrothers, The labour injunction in British Columbia, Toronto: CCH Canadian, 1956, 111-12.

44 Kenney had been acting labour minister but was out of the province at the time.

45 Thomson to Hart, August 26, 1947, PP, 1946-7, L-21-D; Thomson to Hart, September 2, 1947, ibid., Richards to Thomson, September 2, 1947, ibid.

46 Vancouver Sun, September 2, 1947, 1.

47 Thomson to Hart, August 26, 1947, PP, 1946-7, L-21-D.

48 Vancouver News-Herald, September 2, 1947, 13.

49 Loc. cit.

50 Ibid., September 17, 1947, 1.; September 18, 1947, 1.

51 Paddy Sherman, Bennett, Toronto: McClelland and Stewart, 1966, 57; Judith Ward, Federal-provincial relations within the Liberal party of British Columbia, MA thesis, University of B.C. (political science), 1966, 67; S. W. Jackman, Portraits of the premiers, Sidney: Gray's Publishing 1969, 239. This last account says Mackenzie King hoped Hart might accept an appointment as ambassador to Ireland.

52 Vancouver Sun, October 2, 1947, 1.

53 Ibid., October 3, 1947, 1.

54 Loc. cit.

55 Diamond to Hart, October 3, 1947, PP, 1946-7, C-11-G. Hart replied that the government intended to enforce the act regardless of any party pronouncements.

56 Eckman to Hart, September 17, 1947, PP, 1946-7, L-21-D.

57 Ibid. To this the Western Miner added: ". . . the present extremely vocal objectors to Bill 39 demonstrate beyond question that they subscribe to a doctrine of strikes for the sake of disruption . . . All that remains is for the government to enforce the Act in every instance. Unless and until that is done, disruptive elements will seize on any pretext to strike in furtherance of political aims." October 1947, 38.

58 See above, n. 31 and ch. 6.

59 Vancouver Province, September 23, 1947, 2; Vancouver Sun, September 30 1947, 2.

60 Section 58 (3) read: "Where a question set out in this section arises in any legal proceedings under this Act, if the question has not been decided by the (Labour Relations) Board, the Justice or Justices of the Peace, Magistrate, Judge or Court before whom it arises shall refer the question to the Board and stay further proceedings until the Board's decision is received."

The chief justice ruled that the use of the words "judge" and "court" in this section were ultra vires the provincial legislature, because he could not conceive of any kind of action in which anyone other than a justice of the peace or magistrate would have occasion to refer a question to the board, since the criminal cases would invariably be dealt with initially in magistrate's court. This being so, the words "judge" and "court" might purport to give the board judicial functions and insofar as they did, they would be beyond the competence of the legislature. Vancouver Province, October 11, 1947, 1.

61 Vancouver Sun, October 7, 1947, 2.

62 Ibid., October 14, 1947, 3.

- 63 He remained in the cabinet as health minister and provincial secretary.
- 64 The previous week the chairman of a conciliation board had warned that unionists were becoming "disheartened" by the slowness of proceedings under Bill 39. The implication was that unionists couldn't be blamed for striking illegally when the process set out in the act took so long. This warning followed an attempt by Walter Owen, negotiating for an employers' association in a bakery workers' dispute, to stall the proceedings by having the case of each employer heard separately. Vancouver News-Herald, October 10, 1947, 3.
- 65 Vancouver Sun, October 16, 1947, 1.
- 66 None was sorrier to see Pearson go than Harvey Murphy, who could not fail to remember the minister's assistance in the early days of Mine-Mill organizing. A eulogy in Murphy's newspaper nevertheless noted that Pearson "didn't step outside of his position as minister of labor to give labor any breaks. All Mr. Pearson did was to act fairly and interpret the law, but the employers don't like that. Did they ever?" B.C. District Union News, October 27, 1947, s.
- 67 Vancouver Sun, October 16, 1947, 1.
- 68 Loc. cit.
- 69 The strike had ended at four of the five steel plants the day before the October 24 hearing, the strikers settling for the 10-cent increase offered earlier by the companies. Wismer refused a USWA request that the charges be dropped in light of this development. The fifth plant settled for the same increase in January 1948. Vancouver Sun, October 23, 1947, 1; Vancouver News-Herald, January 29, 1948, 1.
- 70 Vancouver Province, October 24, 1947, 1. The determination of questions of fact, of course, might have a significant bearing on the outcome of the case. Wismer either did not see or chose not to recognize the conflict of interest, terming the Steel charges "absurb . . . too silly for comment." Loc.cit.
- 71 Vancouver Sun, November 5, 1947, 1; November 7, 1947, 34; November 8, 1947, 34.
- 72 Ibid., November 5, 1947, 1.
- 73 The former was part of a nation-wide strike by the United Packinghouse Workers of America. The B.C. government was hesitant to move even before the Steel charges were thrown out, because it was unclear whether the industry was in the federal or the provincial jurisdiction.
- 74 See, e.g., Thomson to Hart, August 27, 1947, PP, 1946-7, L-21-D; O. Pearson to Kenney, October 3, 1947, ibid.; Dalton to Kenney, October 2, 1947, ibid.; J. C. Rankin to Kenney, October 4, 1947, ibid., H. R. Plommer to Wismer, January 16, 1948, ibid., J. L. Lawrence to Pearson and Wismer, October 6, 1947, ibid., L-20-D.

- 75 B.C. Department of Labour, Report, 1948, 133; ibid., 1947, 125.
- 76 Text of radio broadcast, October 2, 1947, MMP, 54-10. Credit was due the BCFL protests, Murphy claimed, for the policy statement of the Liberal executive. B.C. District Union News, October 10, 1947, 4.
- 77 The union leaders also pressed for union security on request, strengthening of the unfair labour practices sections of the ICA Act and elimination of the ambiguity on the subject of company unions. Ibid., October 27, 1947, 2.
- 78 Vancouver Sun, October 22, 1947, 32.
- 79 B.C. District Union News, November 21, 1947, 4.
- 80 Ibid., December 22, 1947, 2.
- 81 Sherman, op. cit., 57.
- 82 Martin Robin, Pillars of profit: the company province 1934-1972, Toronto: McClelland and Stewart, 94.
- 83 Ward, op. cit., 69.
- 84 Robin, op. cit., 95.
- 85 Contrary to the assertion that Johnson was "dredged up" "after extensive searching" (Robin, op. cit., 94), the Sun listed Wismer, Kenney and Johnson as the three likely candidates for the leadership on the day Hart resigned. Two days later, anonymous "leading supporter of 'Boss' Johnson conceded privately that Gordon Wismer is on top of the pile at the moment." Kenney soon announced he would not run for the leadership. Vancouver Sun, October 1, 1947, 2; October 3, 1947, 1.
- 86 Sherman, op. cit., 58. Hart's appointment of Wismer to the labour portfolio scarcely two weeks after announcing his own resignation and less than two months before the handicap the attorney-general in his leadership bid.
- 87 BCLA Convention proceedings, December 9-10, 1947, 80-1, BCLAP, box 1.
- 88 Robin, op. cit., 95.
- 89 BCLA Convention proceedings, 79. The seconder was Tip O'Neil of Kamloops.
- 90 Ibid., 92-3.
- 91 Ibid., 93.
- 92 Robin, op. cit., 96.
- 93 Quoted in Robin, op. cit., 96.
- 94 Ibid., 96-7. "It was often observed that Wismer's powers in party matters were greater than those of Johnson," Ward, op. cit., 70.

- 95 Vancouver News-Herald, January 21, 1948, 1.
- 96 Ibid., January 23, 1948, 1. See above, 20.
- 97 Vancouver Sun, February 10, 1948, 3.
- 98 See above, 22-4.
- 99 Irving Abella, Nationalism, communism and Canadian labour, Toronto: University of Toronto Press, 1973. 117-18.
- 100 Ibid., 117.
- 101 Ibid., 118.
- 102 See above, 20.
- 103 B.C. District Union News, November 21, 1947, 4-5.
- 104 BCFL, Convention proceedings, 5 (1948): 100-101. The chairman of the board was the provincial legislative counsel, J. Pitcairn Hogg. The TLC representative was George Wilkinson of Victoria and the employer representatives Col. Macgregor Macintosh and F. W. Smelts. The board was appointed January 13, 1948. Labour Relations Board, Report, 1948, 7.
- 105 In a half-hearted attempt to mollify the CCFers, the BCFL executive endorsed CCF candidates in two provincial by-elections and sent them token contributions of \$100 each. BCFL executive council minutes, February 7, 1948, MMP, 31-10.
- 106 B.C. District Union News, March 12, 1948, 4.
- 107 Richards to Johnson, January 2, 1948, PP, 1948-9, L-3-G.
- 108 Vancouver Sun, April 14, 1948, 1. At the same time an issue of the Western Miner called on mine operators to refuse to bargain with communist union leaders. This action was justified on the ground that it "would compel the government to move against industrial domination by a foreign power." (Western Miner, April 1948, 182) This was clearly an exhortation to disobey the law, since it was compulsory to bargain with certified union leaders, communist or not. It should be contrasted to the magazine's editorial of October 1947 (see above, n. 57), which admonished unions and their leaders to obey the law regardless of their disagreements with it. Evidently, for some employers and their spokesmen, the principle of adherence to the law which they so loudly urged on others had only limited application when they themselves wished to force a change in government policy.
- 109 See Abella, op. cit., 96-100.
- 110 Ibid., 121; Mahoney charges against Murphy, MMP, 31-10.

169,

- 111 Mahoney and Alex McAuslane, in the name of the CCL, actually issued a joint statement on the amendments with the TLC leaders. Labor Statesman, April 1948, 1.
- 112 Industrial Conciliation and Arbitration Amendment Act, S.B.C. 1948, 12 Geo. VI, ch. 31, e.g. s. 3.
- 113 Ibid., s. 14.
- 114 Ibid., ss. 42, 43, 48, 63.
- 115 Ibid., ss. 53, 55.
- 116 Ibid., s. 36.
- 117 Ibid., s. 72.
- 118 Ibid., s. 17.
- 119 Ibid., ss. 69, 70.
- 120 For instance, state policy since P.C. 1003 had frowned on company unions but sloppy legislative draftsmanship had left employers a number of loopholes in this area.
- 121 Ibid., s. 50. The board could also order a vote of employers on a settlement offer from employees, although this was likely to be a rare occurrence.
- 122 See above, ch. 6.
- 123 ICA Amendment Act, s. 62. See also above, ch. 6.
- 124 See Carrothers, op. cit., 60.
- 125 ICA Amendment Act, s. 72. See also Appendix A.
- 126 ICA Amendment Act, s. 81.
- 127 Vancouver Sun, April 16, 1948, 1. The unions' protests were able to wring only one concession out of the government: a provision that a union's certification could not be cancelled until it had been in force for 10 months (except in case of illegal strike). ICA Amendment Act, s. 35.
- 128 BCFL Convention proceedings, (1948): 102.
- 129 Ibid., 160.
- 130 Mahoney was aided in this task by the suspension of Mine-Mill from the CCL for an anti-Congress article which had appeared in the union's newspaper, since the suspension meant Mine-Mill delegates could not vote. One month later the communist leaders of the IWA, though a series of tactical blunders, lost control of their union to the "white bloc" or anti-communist forces. For a full description of these events see Abella,

op. cit., chs. 6 and 7. Mine-Mill was thrown out of the CCL for good in 1949.

- 131 Gad Horowitz, Canadian Labour in Politics (Toronto: University of Toronto Press, 1968), 160-1.
- 132 The Labour Relations Board laid no prosecutions under the act after chalking up a poor record of convictions in 1948.
- 133 Anscomb consistently refused to give the hospital insurance scheme the money it needed. See Robin, op. cit., 115.
- 134 Vancouver Sun, April 13, 1948, 7.
- 135 Vancouver Province, April 13, 1948, 5.

CHAPTER VIII

CONCLUSION AND INTERPRETATION

Introduction

This study has drawn mainly on a wealth of primary sources in describing a facet of British Columbia's history touched on only superficially in secondary works concerned with broader topics. My main concern in the preceding chapters has been to keep the narrative -- or, more properly, the multitude of narratives -- flowing as smoothly as possible. While I have not shied away from interpretation when the opportunity presented itself, the empirical research to be valuable should lead to some theoretical conclusions. Accordingly, this final chapter attempts, perhaps somewhat impressionistically, to explore the three themes outlined in the introduction: class conflict and politics in British Columbia, the labour policy of a capitalist state and the development of the west coast labour movement.

A. Politics and class conflict: the economic base

1. The capitalist resource economy

The primary resource-extractive sector has always been vital to the economy of British Columbia. Although they employ a small and diminishing percentage of the province's labour force, the industries which make up this sector -- basically fishing, logging and mining -- constitute the base of the regional economy. Employment and production in secondary and tertiary industries is largely dependent on them. R. A. Shearer says that in 1961 more than 60 per cent of "manufacturing" output consisted of "low-level" processing of primary resources, such as the manufacture of pulp, packed fish, lumber, ore concentrates and smelted metals. Most secondary industry, he adds,

uses native as opposed to imported raw materials, and of course, tertiary industries exist to service the primary and secondary sectors and the people who work in them.¹

Shearer's characterization applied equally if not more strongly during the 1940s. The war spurred the development of manufacturing, but in this sector most of what remained after 1945 was dependent on native raw materials. Many aircraft plants and others using imported materials closed down after the war's end. Those which remained, such as the American Can. Co. or the foundries and machinery companies, found markets for their products in the resource industries. These in turn, however, existed at the whim of world markets. The dominant forest products industry and the metal mining industry exported most of their production. Particularly in the latter, as I explained in Chapter 5, international prices by rising or falling could make or break the entrepreneur. Modern corporations attempt to insulate themselves from drastic fluctuations in commodity prices through diversification, but the resource corporations of British Columbia were only just beginning to do this. The forest products industry was saturated with small independent companies pursuing marginal operations. The phase of consolidation and integration was only just beginning.² In metal mining, only the Consolidated Mining and Smelting Co. had achieved a significant degree of diversification and the rate of return on investment suffered also from a shortage of underground labour.

1. Industrial

2. Industrial relations in the capitalist resource economy

Resource extraction since the mid-nineteenth century in British Columbia was carried on in the capitalist mode of production. Those who had accumulated capital in the form of money, land or other property hired the strength or labour power of others to produce commodities or services.

The natural tendency is to pay for this labour power the lowest wage at which continued efficient production can be ensured, in order to maximize the return on investment. This "lowest wage" has risen drastically in the past 100 years, due not least of all to the power of the union movement. But the fact remains that in the wage system, where the worker does not receive the full value of his labour, the conditions for a basic antagonism between the working and capitalist classes are present. This class war takes the form of a constant working-class struggle for better wages and working conditions.

To perpetuate itself, the capitalist economy of British Columbia required what Marx called "reproduction of the relations of production" -- that is, the continuous generation of capital, the development of new technology and markets and the maintenance of a stable labour force, together with values and institutions sympathetic to the system. But the class antagonism generated by the system was a serious impediment to the maintenance of a stable labour force, as well as to the maintenance of production itself. Certain aspects of resource-based production make it particularly susceptible to the manifestations of this class antagonism.³ The assurance of a stable, docile and productive working class was a central problem for British Columbia capitalists.

Three important aspects of resource-based industry exacerbated the difficulty of reproducing a reliable labour force. The tendency toward remote locations, first of all, tends to produce special social and economic grievances. This was true of the logging, mining and fishing industries. A higher cost of living and the tendency toward corporate authoritarianism and company towns in these locations led to working-class dissatisfaction and eventually to unionism. Industries in remote locations are also susceptible

to fluctuations in the availability of labour and unions enjoy a bargaining advantage which makes them more likely to be militant when labour is in short supply.

The second and third problems posed by resource-based industry are the dependence on unprotected foreign markets (with the resultant keen competitiveness) and the seasonal nature of some production. The competition for foreign markets makes a continuous supply of the product of paramount importance, yet stockpiling against a possible interruption in production is difficult because of the seasonality. The profit-seeking capitalist of British Columbia (or the manager charged with producing profits for his principals) therefore placed a high premium on uninterrupted production at the cheapest labour rate possible. But where the manufacturer finds it possible at times to "buy off" discontent in the work force, the resource-extracting capitalist finds it difficult to "buy" the continuous reproduction of labour power through high wages (because of the uncertain margin of profit) or through paternalistic labour relations (because of unavoidably poor working conditions). These problems are supplemented by the high transportation costs of a mountainous frontier area. The capitalist in British Columbia's resource-extracting or processing industries had less freedom to move, all other things being equal, than his counterpart who owns, say, a watch-making factory in Toronto.⁴ This point was driven home during the metal mine strike of 1946 when the drop in price led to a lower settlement in the gold than in the copper mines.

These economic factors underlay the attitudes of the working and employer classes in primary industries. The former placed a strong emphasis on immediate economic gains to offset immediate hardships, with a secondary emphasis on long-term security. The working class organized into unions for these purposes, sporadically and locally before the turn of the century, then

in the thirties with improved communication on a provincial scale. The IWA's submission to the employers in 1946, with its emphasis on the need for greater purchasing power, reflects this attitude.⁵ Both the IWA and Mine-Mill dropped the security demand as the 1946 strikes progressed. Nevertheless the question of security was important as it had never been before in the post-war years. The working class had seen the power of its unions weakened, and their membership halved, between 1919 and 1934,⁶ and it did not want to see this happen again. This concern led also to the unions' political activity, discussed in Part C of this chapter.

In the case of the employers, the marginal nature of many operations led to a "damn-everything-to-hell-that-gets-in-my-way" attitude. This was the celebrated "rugged individualism" of the "gyppo" logging contractor or the mine operator. These employers reasoned that a one-day strike or the payment of time-and-a-half for overtime might mean the difference between profit and loss. They developed strong anti-union attitudes which effectively killed the miners' organization in the twenties and thirties and made the loggers' struggle an extremely difficult one. In the propaganda of the logging, mining and fishing industries we find constant emphasis on the demands of competition in world markets, opposition to the shortening of the work week and the raising of the minimum wage and the assumption that "increased productivity" was the solution to the ills of the working class and the nation as a whole.⁷ Later on they proposed legislative restrictions on unions as the solution to the problems of resource extraction.

Of course, this kind of propaganda was partly ideological, in that the motivating influence behind it was the maximization of profit rather than the general welfare. But that the resource capitalists' attitudes were partly dictated by their economic predicament is indicated by comparison with

the few employers who found it expedient to welcome the unions as partners in the battle for greater production -- to make the trade-off for higher wages and better conditions. We know that some employers fell into this category. George Pearson even claimed that many did⁸ -- but they are difficult to identify because they were not vocal. The scattered evidence I have been able to find indicates that with a few exceptions they were in stable secondary industries. The first union shop contracts went to the highly-skilled craftsmen in such industries as printing and by 1946 the newspapers had even signed the controversial ITU by-law agreement in an effort to ensure that the presses would keep rolling.⁹ The first of the CCL industrial unions to win security provisions was the United Steelworkers of America. These contracts were negotiated in the metal industries during and just after the Second World War -- secondary industries which enjoyed the federal defence production market, the most protected of all. The power of the industrial unions in these industries at a time of full employment cannot be underestimated, but neither can the ability of the companies to pay sizeable wage increases and accept the unions' co-operation in increasing production. In one or two cases this process operated in the primary sector.¹⁰ But in general, where the institutional role the unions could play was recognized, it happened in the manufacturing sector. This tends to confirm the contention that the resource capitalists' opposition to unionism was rooted in the economics of their industries.

On the other hand, the secondary employers who welcomed the unions were clearly in the minority. Many manufacturers refused to believe that long-run advantage would be gained by any policy other than outright tooth-and-nail opposition to unionism or union security. The Canadian Manufacturers' Association, after all, was in the forefront of the opposition to any increase in the unions' institutional status or economic power.¹¹ It is possible that

those secondary employers most responsive to unionism tended to be in the most stable industries, furthest removed from the volatile resource sector, while those most hostile (such as the foundry employers) depended on resource industries for markets and were thus "tainted" by the economics of that sector as far as their labour relations policies were concerned. My research has not been exhaustive enough to discover whether this was so.

At any rate, all employers shared a number of other attitudes. They consistently saw society as a jumble of atomized individuals and denied the existence of social classes.¹² This took two main forms. One was the glorification of "individual rights" or the "right to work" embodied in the campaigns against the union shop -- a position which placed the employers in clear contradiction of the majority-rule tenets of liberal democracy in the political sphere.¹³ The second was the opposition to industry-wide bargaining which prolonged the metal mine strike of 1946 and also played a role in the ITU strikes against the Southam newspapers. The insistence on bargaining at the local level served to perpetuate income differentials among workers in different parts of the province, which always has the effect of depressing wage levels and working conditions. The employers always insisted this was an unavoidable economic fact of life. They could not, of course, answer the argument that the needs of the worker were the same irrespective of the profitability of the enterprise on which he worked. Finally, of course, the employers' concern for profit and the maintenance of privilege led to the increasingly virulent anti-communism of the post-war period.¹⁴

B. Politics, class conflict and the state in British Columbia

1. The state in capitalist society

We have seen that a basic problem facing capitalism in British Columbia was the reproduction of labour power. Yet economic forces alone, as I

have tried to show, were unable for a variety of reasons to perform this task satisfactorily. The problem of keeping people at work productively in B.C. spawned the intervention of the state, which began to regulate the conditions under which the working man or woman contracted with the employer to sell his or her labour. In this section, I want to show the relationship between the needs of capitalism and the policy and functions of the state. A theoretical discussion of the state's relation to economic structures and social classes may make the conclusions about British Columbia more meaningful.

The idea that the state arises out of specific forms of social organization for the purpose of restraining the struggle between social classes owes its origin to Engels. The state, he says, is a direct product of the division of labour in society.

. . . it is a product of society at a certain stage of development; it is the admission that this society has become entangled in an insoluble contradiction with itself, that it is cleft into irreconcilable antagonisms which it is powerless to dispel. But in order that these antagonisms, classes with conflicting economic interests, might not consume themselves and society in sterile struggle, a power seemingly standing above society became necessary for the purpose of moderating the conflict, of keeping it within the bounds of "order"; and this power, arisen out of society, but placing itself above it, and increasingly alienating itself from it, is the state.¹⁵

The distinctive features of the state are the organization of citizens according to territory, the establishment of coercive institutions (police, prisons, army, law) and the authority to collect taxes and contract public debts to pay for them. The officials "in possession of the public power . . . stand above society" and are "forced to attempt to represent something above it", in contrast to the primitive chieftain who "in the midst of society" commanded "uncoerced and undisputed respect."¹⁶ But although

thus "alienated" from society the state nevertheless facilitates the rule of class over class:

As the state arose from the need to hold class antagonisms in check, but as it arose, at the same time, in the midst of these classes, it is, as a rule, the state of the most powerful, economically dominant class, which, through the medium of the state, becomes also the politically dominant class, and thus acquires new means of holding down and exploiting the oppressed class.¹⁷

In the age of capitalism, "the modern representative state is an instrument of exploitation of wage labour by capital" -- an instrument of bourgeois rule.¹⁸

This is all very well, but just how does the state keep class conflict in check? One current theory has it that all social institutions, including schools, churches, political parties, the family, trade unions, media and cultural institutions, wield "state power" -- that these "private institutions" function objectively as aids to the reproduction of the conditions of production, and therefore, can be considered "ideological apparatuses" of the state.¹⁹ More applicable, it seems to me, is the work of Ralph Miliband, who distinguishes between the "state system" and the "political system". The former includes the institutions which directly wield state power: 1) the government, 2) the administration or bureaucracy, 3) the military and police, 4) the judiciary, 5) regional or sub-central governments and 6) parliamentary assemblies. "It is these institutions in which 'state power' lies, and it is through them that this power is wielded in its different manifestations by the people who occupy the leading positions . . ."²⁰ The "political system" "includes many institutions, for instance parties and pressure groups, which are of major importance in the political process, and which vitally affect the operation of the state system."²¹ Finally, of course, there are institutions outside both state and political systems: corporations, churches, mass media and (we may add) trade unions. To fail to make these

distinctions, Miliband argues, is

to obscure the difference in this respect between advanced capitalist political systems and systems where ideological institutions are indeed part of a state monopolistic system of power. In the former systems, ideological institutions do retain a very high degree of autonomy and are therefore the better able to conceal the degree to which they do belong to the system of power of capitalist society. The way to show that they do, is not to claim that they are part of the state system, but to show how they do perform their ideological functions outside it.²²

The crucial distinction for Miliband is the concept of "power".

"'The state' is not a thing. . . . it does not, as such, exist".²³ What does exist is the power acquired by the institutions which make up the "state system", by virtue of their relationship with the dominant economic class, and their formal control of the distribution of wealth.²⁴ But the institutions outside the state system and their representatives, do not wield state power. They certainly possess more or less political or economic power, and they may facilitate the application of state power. But they are far more a part of society than, like the state, "above" it.

Miliband goes on to show that for two main reasons, the application of state power by the institutions comprised in the state system helps facilitate the functioning and the evolution of the capitalist system. First, the personnel occupying the "command positions in the state system" are members of "the world of business and property, or from the professional middle classes", while those of the "subordinate classes" fare "very poorly".²⁵ This applies to not only the non-elective but also the elective positions, despite formal democracy and universal suffrage. Second, the state system, although "increasingly alienated" from society (i.e., from the social interaction of the mass of individuals), is subject to decisive economic pressures from the capitalist class, "by virtue of its control of economic resources".²⁶ These pressures -- such as threats of withdrawal of capital -- make what is "pos-

sible" in politics "what the 'business community' finds acceptable."²⁷ This is not to say that the state institutions are never innovative, that they do not attempt real and important changes in the system which directly affect the lives of many people. But politicians (and the argument extends to other areas of the state system), even when they advocate innovations, "have always conceived their proposals and policies as a means, not of eroding -- let alone supplanting -- the capitalist system, but of ensuring its greater growth and stability."²⁸ In other words, the system of wage-labour and profit is never challenged.

2. Reform and repression

Miliband's analysis of the state in capitalist society can be both vindicated and clarified by an analysis of post-war politics in British Columbia. The maintenance of stability for capitalist production was considered a task of the state by employers, politicians and other state personnel. But capitalists and state personnel were far from united on the strategy toward this end. Much of the politics of the forties can be explained by considering the conflict between reformers and those who favoured repression as a means of containing the class struggle. Before discussing the practical functioning of state institutions, it is necessary to describe these two strategies and discuss the political parties which represented them.

It is impossible, of course, to establish anything like a one-to-one correspondence between political parties and social classes or even between parties and political strategies. Parties are themselves political institutions, with their own internal conflicts over theory and practice. Nevertheless in British Columbia during the 1940s something set off the Conservative from the Liberal, just as something set off both from CCFer. Broadly speaking, the Conservatives favoured the use of repression -- restrictive labour legis-

lation involving the use of coercive institutions for the overt suppression of labour militance. The Liberals, again broadly speaking, favoured reforms which appeared to guarantee individual rights and opportunity, leaving room for the personal conciliation efforts of cabinet ministers in crisis situations. By the end of the period under study, however, the Conservative influence in the coalition had drastically weakened the reform sentiment in the Liberal party -- enough, I will argue, to kill the party's chances of winning political power alone.

a. The Liberals

In Chapter 2 I showed that the Liberal party enjoyed the broadest range of support of any of British Columbia's political parties in the post-war period. This support included the urban petite bourgeoisie and employers and workers in resource extraction, the frontier working class being shared with the CCF. In view of the above discussion of the class outlooks of primary and secondary manufacturers, we might expect the Liberal supporters in the resource industries to favour repressive methods of containing the class struggle. And indeed, when the chips were down in 1947, they did. But the process was more subtle. The employers in the primary sector²⁹ supported the Liberals as the party of individual initiative -- the party which was not afraid to attempt legislative innovations to broaden the horizons of capitalism.³⁰ They included men such as logging boss Herbert Welch of Comox and towboat operator Capt. John Cates of North Vancouver.³¹ During the depression and the war, they accepted social reforms because they considered the ideology of "individual initiative" would be bolstered by them. The left-wing Liberalism of Pearson and Weir³² did not scare them. In addition, they were willing during the unusual wartime conditions to accept labour policy reforms such as the 1943 amendments to the ICA Act. After the war, however, the "right wing" of the Liberals -- epitomized by politicians such as Wismer and non-politicians such as Walter Owen -- came into increasing

conflict with the "left wing" -- the professionals such as Weir and the few "progressive" secondary employers such as Pearson.³³

The reformist standard carried by Pearson had its origins in the King policy and the IDI Act, which has been discussed in Chapter 1. The working-class and socialist challenge had ended once and for all the feasibility of naked repression as a means of putting down working-class revolt.³⁴ Not through coercive institutions but through personal conciliation did King hope to defuse the time-bomb of class conflict.³⁵ The repressive element in state labour relations policy never vanished, but lived on in the form of the compulsory conciliation procedure. Nevertheless, in the hands of Pearson (in the case of B.C.), labour policy became predominantly reformist. The reform wing of the Liberal party had its heyday during the first years of the Pattullo administration, when the entire province was in tune with the "work and wages" program. The enthusiasm for reform faded somewhat toward the end of the decade,³⁶ but got a new lease on life with the outbreak of war. The overpowering necessity for maximum production dictated concessions to unions at both the provincial and federal levels and these were reflected in the ICA Act amendments of 1943.³⁷ Yet Pearson knew that progressive administration can be a more effective political tool than progressive legislation. His style was personal intervention, leaning on an employer here, a union there, to achieve the goal of organization and collective bargaining for all.³⁸

But the momentum of reform became increasingly difficult to maintain after the end of the war. Pearson was twice forced to put off his friends in the labour movement when they came pleading for better collective bargaining legislation. By mid-1946 he was locked in a battle with the Tory mines minister over the question of the application of the 44-hour week in the metal mines.³⁹ Hart might have favoured the continuation of the policy of reformism, but the Tory opposition and the need to maintain the coalition precluded any

support from that quarter. As the hostility of the employers toward Pearson increased, the last vestiges of the reformist tradition dropped away, leaving the labour minister to "rise very slowly" to vote for a bill he did not fully support. In the party's rank and file the reform tradition was not dead, for Johnson and Wismer found it necessary to appeal to the spirit of Pearson and Pattullo. But Johnson's betrayal of his supporters made it inevitable that the Tories would drag the Liberals down to defeat.⁴⁰

b. The Conservatives

Conservative support was shown in Chapter 2 to have come from the rural petite bourgeoisie and urban manufacturers. The class outlook of the farmers and the merchants who depended on their custom, like that of the bourgeoisie and the working class, reflected the way in which they earned their daily bread. The lack of currency of reformist or radical ideologies among the farmers of British Columbia is well-known.⁴¹ Most were relatively affluent and owned their own land.⁴² This produced a deep-seated faith in the private-enterprise system and an almost self-righteous reverence for the farmer's "investment."⁴³ When the exertion of working-class power clearly interfered with the profitability of the farming enterprise, such as the 1946 cessation of production in the interior box industry, confirmed these sentiments, precluding any union attempts to duplicate the prairie farmer-labour alliance. These interests have been represented at times in the legislature by farmers, but during the 1940s they were represented mainly by independent rural businessmen such as the cabinet ministers Eyres and MacDonald from the Fraser Valley, or the publisher Thomas Love from Grand Forks-Geenwood. All of these were vocal spokesmen for the repressive legislation the Conservatives sought.

These rural petite bourgeois found a considerable community of interest with the other branch of the Conservative party: the urban manufacturers. Chief legislative spokesman for this group was, of course, Allan Mc-

Donell of Vancouver-Centre.⁴⁴ His stubborn advocacy of the supervised ballot epitomized the Tories' concern for legislated solutions to the problem of class unrest. He was Pearson's chief antagonist in coalition caucus meetings and it is safe to assume he was lustily supported by his Vancouver colleagues, manufacturers Leigh Stevenson and Donald Brown.⁴⁵ When Wismer the lawyer replaced Pearson the industrial diplomat, the Tories must have known they had won the day.

3. Methods

I have concluded that an important function of the state in capitalist society is the reproduction of labour power, or the maintenance of a stable and productive labour force. I have also discussed the conflict between reformist and repressive strategies in British Columbia's capitalist class and "old-line" political parties. It is now time to show how the institutions of the "state system" performed this function of helping keep B.C. safe for capitalism. Of the institutions listed by Miliband, I will be concerned with only four: the executive, the legislative assembly, the bureaucracy and the judiciary. Regional political bodies in B.C. are not concerned with labour policy,⁴⁶ and the military and police played no significant role in the events under study.

a. The executive

The provincial cabinet in the late 1940s offers a good example of the tendency for industrialists to shun the highest circles of government, to leave the most important positions to representatives of other classes.⁴⁷ The section of the cabinet most easily identifiable with capital was as much representative of its "administrative" arms, such as accountancy and law (Hart and Wismer) as it was of the "captains of industry" themselves (Pearson and Anscomb).⁴⁸ The "public relations" value of this characteristic of

the executive should not be underestimated. It is said that Hart "gave the public the feeling that with him they were in the company of the bank manager."⁴⁹ It would have been difficult for, say, a logging boss to appear as impartial an administrator as Hart managed to. The "alienated" state needs some form of legitimation if it is to properly maintain stability and this appearance of fairness, of concern for all classes, helps legitimize state institutions in the eyes of the people. Important, too, in this regard, is the role of the petite bourgeoisie in the governing process of a capitalist society. Half the cabinet in 1947 was composed of men whose class background could be counted on to steer them away from any challenge to the foundations of the economic system, but who nevertheless were "little men" -- friendly store-keepers and farmers, whose presence assured rural interests and probably a good section of the working class that the Coalition cabinet was not the puppet of fat industrialists.

In a certain sense, of course, this perception was correct. It would be foolish to assert that Hart and the cabinet were completely under the thumb of the lumber, mining and fishing industries and the CMA.⁵⁰ A definite coolness existed between Pearson and the employers from the 1945 session on and Hart supported his labour minister until 1947. Yet Hart did withdraw his support for Pearson and support Bill 39. And he was not eager to cross the likes of Consolidated Mining and Smelting's R. W. Diamond, whom he took great pains to furnish with a copy of Bill 39 before it got through the government caucus, at a time when labour leaders were screaming to be told what was going on. Then, too, ministers such as Carson and MacDonald, when they held the mines portfolio, appear to have more or less consistently taken the part of the employers, at least on matters of labour policy.⁵¹ It appears that cabinet ministers can play leadership roles within the context of the capitalist economy which may lead to temporary unpopularity. Where the policy leadership

offered is rejected, as in the case of Pearson, political life is short. In any case, no cabinet ministers were prepared to offer solutions to the class antagonisms of British Columbia which went beyond the system based on wage-labour and profit.

The story of George Pearson offers considerable insight into the way a cabinet minister does his job. An awareness of developments in the U.S. labour movement led him to prepare for the CIO onslaught by means of the first ICA Act. He then began to develop personal contacts among labour leaders, assisting them in organization during the war with the knowledge that they wanted to help put industrial relations on a more even keel. His friendliness with Harvey Murphy is symbolic of this stage, Mine-Mill never won a more important organizational battle than the one Pearson helped it win at Consolidated, for the solid financial base provided by this victory supported the rest of the B.C. membership during the 1946 strike.

In developing these contacts, Pearson was performing the crucial task of isolating an elite which the state could deal with. The politician's or bureaucrat's desire to deal with spokesmen rather than with groups of people as such needs no elaboration. "Let me talk to your leader", says the cabinet minister addressing a howling mob on the steps of the legislature. Yet this behaviour is directly related to the "alienation" of the state to which Engels referred. Since the state is "above" or "alienated from" society, in the sense that state power is not a part of social life, it cannot deal with "classes" as such. Officials of state institutions can therefore develop no organic relationships with, for instance, workers as wage labourers. To address class antagonisms, the state must organize "conflict groups" into "imperatively co-ordinated associations" in an attempt to transform conflict into a series of elite negotiations.⁵² A recent study of the pressure activities of organized labour in Canada points out the benefit to the state of

the isolation of elites:

The acceptance of new interests and new groups stabilizes the entire structure of society, including the existing political system. It does so by giving the new groups an interest in the existing social order and thereby winning them over to it, or, at worst, winning them over to an only slightly modified version of the existing order.

The stability of the system is served if the "leaders of the moment" become leaders of "well-organized hierarchies". . .⁵³

Pearson realized, of course, that once isolated, the labour elite required institutional status. The labour elite was assured of co-operation in the pursuit of its organizational (but not necessarily its social or political) goals in 1937 when state policy in British Columbia gave formal assurance of the right to collective bargaining.⁵⁴ But the uncertainty of the labour leaders' position, which rested on the shaky and unpredictable foundations of the will of the membership, remained a problem. Pat Conroy, the national CCL secretary-treasurer, wrote that the union movement showed "on too many occasions little respect for its own elected leaders" and complained that the "instability" this caused had resulted in too many strikes.⁵⁵ Stuart Jamieson made the same point:

One of the most potent sources of industrial conflict on the North American continent. . . is the insecurity of labour organizations and their officialdom, despite their size and power. . .

An insecure union cannot be expected to be fully "responsible" in its relations with others. Its officials will be preoccupied constantly with consolidating its position among the membership, at the expense of management and the public if necessary . . . It will be tempted to magnify labour's differences with management and/or government in order to rally its members and arouse their fighting spirit.

The road to stability in industrial relations, then, seems to lie in the direction of greater rather than less union security.⁵⁶

It is doubtful whether Pearson would have wanted to legislate the union shop

and check-off on request, since he preferred voluntary co-operation wherever possible; in any case he was never able to do so. But he did replace his informal personal recognition of the labour elite with the adoption of the Wagner Act principles, the germ of which was contained in the rudimentary certification procedure of the 1943 ICA Act amendments.

Pearson was quick to take advantage of the groundwork he had laid during the war. He was able to save face for the government by using his BCFL friends to undercut the CCF, while at the same time being careful in the establishment of the government-labour committee not to promise too much. Drawing the wrath of the CMA at this time, he evidently considered, was a small price to pay for these achievements. He genuinely believed that if he could keep on top of the situation in this manner, he could achieve his goal -- to provide the "opportunity" for the working class to unionize and thus enjoy a little more of the fruits of labour and in so doing to reduce the intensity of class antagonisms and maintain the conditions of capitalist production. Institution of repressive measures such as the government-supervised strike vote would jeopardize his relations with the labour elite and he therefore refused to support them. Refusing to be embarrassed in the eyes of his union friends, he took the unique step of publicly disagreeing with Bill 39 as introduced.

Pearson's position in stating to the legislature his disapproval of a vital clause in the bill was at variance with the conventions of cabinet government. In general, "a minister who is not prepared to defend a Cabinet decision must . . . resign".⁵⁷ A precedent for Pearson's action exists in the history of British government, when in 1931 the cabinet of a coalition government split on the issue of increased tariffs, resulting in the "agreement to differ" of 1932, in which the dissenting cabinet ministers were allowed to vote and speak against the measures.⁵⁸ Jennings notes that such open conflicts

are most likely to occur in coalition governments and that a case might be made out for such "agreements to differ" on the ground that "frequent resignations involve frequent party splits and party splits lead to short and weak Governments which in turn lead to distrust of democratic system." But, Jennings adds,

Both logic and experience show that, under the party system, resignations need not be frequent. A Cabinet that is agreed upon fundamentals can compromise upon incidentals. . . Coalitions, unless they are merely part of the process of remoulding party alignments, are necessarily unprincipled. The party system is the real protection of democracy. Party Governments are strong Governments. An 'agreement to differ' in order to maintain a coalition is an attempt to break down the party system and to substitute government by individuals for government by political principles. No harm was done by the precedent of 1932 provided that it is not regarded as a precedent.⁵⁹

There does not appear to have been at any time a Canadian equivalent of the "agreement to differ" and Canadian convention on cabinet solidarity has followed that of the United Kingdom, namely, "that all members must openly agree on all important public questions; and apparent contradictions among ministers must be explained away."⁶⁰ The Bill 39 episode thus calls into question the security of the foundations of the cabinet system in British Columbia.⁶¹

Party governments are indeed strong governments; they deal with the problems of the social and economic order in a manner more forceful than coalitions. Had the Liberals or the Tories been governing independently, there would have been no public disagreement. Pearson would have had to put up or shut up, for party ties are the "most powerful" centripetal force operating in a cabinet.⁶² But the difference between the two capitalist-supported parties had been papered over in order to exploit the contradiction between them and the perceived threat of a CCF electoral attack on the capitalist order. "Government by political principles" was not thrown out the window, for the

coalition was based on the overriding political principle of support for free enterprise. Once the agreement to coalesce had been made, "agreement to differ" could logically be tolerated on questions of strategy toward the political goal.

This might suggest that when the economic order based on free enterprise is endangered, or perceived to be endangered, the time-honoured conventions of the cabinet system may be considered expendable. This is probably true, but by itself is a simplistic conclusion. The cabinet conventions are designed to protect party government, it is true, because the party system gives political expression to the economic interests in industrial society. The multi-party system produces "strong government" in capitalist society for two reasons: first, the party system provides a more or less clearcut choice of strategy in dealing with class antagonisms; second, the existence of more than one party with a commitment to the capitalist order facilitates the channelling of class conflict into the electoral arena, where conflict over minor strategic issues assumes an importance far greater than any debate over the fundamental nature of the system. These aspects of the party system do begin to break down when a coalition is formed. But the breakdown is not irrevocable. In the case of British Columbia, the party system was rejuvenated through the entrance of a new party, the Social Credit League, which owed its ascendancy precisely to the fact that the "old" parties in coalition had failed to provide "strong government", because of the necessity for compromise, and had failed to offer an electoral choice within the framework of free-enterprise ideology, thus making the spectre of class war more real. The Bill 39 debacle was the first evidence of weakness in the coalition, the first sign that short-term expedience had been substituted for well-thought-out political and economic strategies. The coalition's demise dated from the moment it could not show a consensus on strategies for the reproduction of the conditions of

production. The party system, far from being irreparably weakened, proved adaptable beyond expectations, throwing up a new formation to undertake the task at hand.⁶³

b. The assembly

We are accustomed to seeing cabinets govern⁶⁴ and the foregoing discussion of the role of the executive is based largely on the assumption that they do. The passage of Bill 39, however, seems to be a case of "government by caucus." The role of the individual MLA appears to be greatly enlarged in a coalition situation.

The general sympathy of the petite bourgeois with the maintenance of capitalist relations of production was noted earlier in this chapter. The predominance of urban and rural petite-bourgeois in the legislature which passed Bill 39 was shown in Chapter 2. A sizeable proportion of this overrepresentation occurred as a result of an electoral distribution which gave more weight to a rural vote than to an urban one. The disproportionate representation of the petite bourgeoisie in the legislature, particularly those from rural ridings, assured success to the proponents of Bill 39. They could be counted on to react to the industrial crisis of 1946 through the only means at their disposal -- the passage of restrictive labour legislation. Under normal circumstances the composition of the cabinet and the interests represented therein would be more important than the proclivities of the individual MLA. Under coalition circumstances, when the executive did not have the use of the vital tool of party discipline, the government caucus became a policy-maker.

The employer lobbyists apparently realized the significance of this shift in state power, for they turned to lobbying individual coalitionists when the direct approach to Pearson failed.⁶⁵ MLAs such as McDonnell ex-

exploited this situation to the hilt. Almost certainly it was he who kept the press advised of the rough ride Pearson was getting at the hands of the coalition MLAs. One might have wondered who the leader of the Conservative Party, or indeed the government, was upon hearing McDonnell say that the caucus was "prepared to meet" Pearson and "explain" to him how a supervised ballot would work.⁶⁶ Not without reason did Harvey Murphy fear Pearson's replacement with the metal manufacturer from Vancouver-Centre.

Pearson's defeat on Bill 39 came at the hands of the caucus, not the cabinet. The dangers of a situation where the caucus, which is not "responsible", formulates policy, are evident from his subsequent refusal to administer the act containing the obnoxious supervised ballot clause. Hart was forced to leave the labour department essentially leaderless for six months, and then find someone who was willing to administer the act. Traditionally, of course, Pearson would have resigned and the problem would not have presented itself. But because he did not want the catharsis of a Pearson exodus, Hart could not accept the resignation. The MLAs had insisted on a policy, then gone home to their constituencies and left Hart, responsible for the executive function of government, sitting in Victoria with a recalcitrant minister and a department that needed attention. The process was hardly conducive to sound administration, as the indecision of the summer months showed. Nevertheless, once the employer class had decided on the strategy for containment of class conflict it wished the government to follow, the individual MLAs played an important role in seeing that its wishes were carried out.⁶⁷

c. The bureaucracy

The research for this study has unfortunately not thrown much light on the role of the bureaucracy in the maintenance of a productive labour force. However, one or two ways in which the administrative arm of

the state exercised power toward this end may be noted. Whether from their administrative experience or from an a priori ideological affinity, the labour department civil servants who drew up the ICA Act adopted much of the rationale given by the employer spokesmen for restrictions on the freedom of unions. Michael McGeough, who wrote the memo to Pearson which formed the basis for the act,⁶⁸ believed that "in many cases" unions struck without the sanction of the majority of their members. While part of this belief might have come from his experience in British Columbia,⁶⁹ he extended the generalization to the rest of Canada and the U.S. This suggests that his conclusion that the supervised strike vote was necessary was based at least in part on hearsay. Here the arguments of employers were obviously making a greater impression than those of the unions. Additionally, although there is no direct evidence to indicate it, McGeough and other labour department personnel may have been motivated by the bureaucrat's natural desire to regularize the relationships between the groups with which he deals. This might help account for the desire to give binding legal force to collective agreements (finally realized in 1948) and to institute other legislative controls. Whatever the origin of these sentiments, they meshed nicely with the chosen strategy of the employer spokesmen.

Once the government-supervised ballot had become law, tension developed between Pearson and the bureaucracy. The overriding concern of the civil servants was to uphold the law and they urged its uniform enforcement upon Hart and others. Deputy minister Thomson even encouraged Pearson to pursue a course of dubious legality to head off the possibility of a 1947 IWA strike.⁷⁰ Thomson was evidently happy to have the new ICA Act to work with as a tool for keeping the lid on labour unrest and wished it was even stronger.

d. The judiciary

It is becoming clear in this discussion of state institutions and

the reproduction of labour power that the institutions, while supporting the economic order, are in a position to recommend changes in its supportive apparatuses, and in doing so may come into conflict with other institutions both inside and outside the state system. This is perhaps most clear in the case of the judicial system (including the entire legal process, remedies and penalties).

The law of private property, restraint of trade and conspiracy functioned clearly as an instrument of repression of the early labour movement. At one time unions were punished simply for striking under combination laws, or on the pretext that a refusal to maintain a plant constituted willful damage to private property. Toward the end of the nineteenth century laws were passed exempting strikers and pickets from combination laws. B.C.'s Trade-unions Act of 1902 removed much industrial conflict from the legal arena although under the IDI and ICA (1937) Acts the threat of legal action hung over a union which failed to follow the prescribed courses of compulsory conciliation, aiding employers in stalling tactics.

After P.C. 1003, which for the first time made strikes during the term of a collective agreement illegal, employers began to use the injunction before trial as a weapon of class struggle. The first important case was that of the Province strike, where strikers were enjoined from "watching and besetting" the employer's premises with a view to doing anything except what the union was explicitly allowed to do by the Trade-unions Act, namely, persuading would-be customers and employees "by fair and reasonable argument" not to enter the plant.⁷¹ The ICA Act of 1947 ushered in the heyday of the labour injunction. By making certain kinds of strikes illegal, it provided that "conduct heretofore within the protective pale of the Trade-unions Act may be proscribed,"⁷² and allowed the application of time-honoured principles of commercial law to labour disputes. British Columbia's legal institu-

tions had been adapted to deal with the measure of status accorded unions, as Carrothers puts it:

. . . the trade union movement is a strong and integral part of our economy, marking out for itself responsibility where half a century ago it required the protection of privilege; what may have been within the area of reasonable self-interest then may not be so regarded now.⁷³

The statute-law provided a justification for the initiation by employers of costly and time-consuming actions. The majority of post-ICA Act cases in which injunctions were ordered never came to trial on their merits. The injunction was used by employers as a "sword of collective bargaining" rather than a "shield of legal rights"; too often it was

sought and obtained not to protect a legal right but to gain an economic advantage, not to put down lawlessness but to bring a union to terms for a collective agreement.⁷⁴

The files and newspapers of B.C. unions are riddled with communications to and from the lawyers hired to pilot them through not only the shoals of employer applications for injunctions but among legal deadheads such as opposition to certification application. All this work, of course, costs time and, most important, money -- money which might be used to support union members during strikes or for organizing new sections of the labour force. If state policy is to give the labour elite an institutional role while at the same time to maintain curbs on its power, there is no more useful ally than these tortuous legal processes, backed up by the legal ideology of the sanctity of contract and private property.⁷⁵

The judiciary system also furnishes valuable personnel for the development of mechanisms and institutions designed to contain class antagonisms. A good example is Chief Justice Gordon Sloan, who appears to have had the confidence of both unions and employers (as well as a good deal of persuasive power owing to the eminence of his position). The "Sloan formula" --

the voluntary, revocable check-off, with the understanding that employers could agree with the union not to revoke the arrangement during the life of a collective agreement -- set a post-war bargaining standard which enabled the government to ignore the union demands for legalized union security on request.

On the other hand, to say that judges always support the government, or even that they always support capitalists, is simplistic. They can, of course, be expected to be impartial only in conflicts where the economic canons of private accumulation and wage labour (or the role of the judiciary in their perpetuation) are not questioned. But it is precisely the "impartiality" within these bounds which enables them, by opposing certain tendencies on the part of capitalists or governments, to devise more effective refinements to the system. Thus Sloan gave credibility to the perfectly sensible and functional concept of industry-wide bargaining when he refused to conciliate separately with individual mine owners in the 1946 metal mine strike, pointing out that negotiation at the industry level had worked in the lumber industry and could be expected to in mining.⁷⁶ An equally important role was played by the judiciary in criticizing Bill 39, a legislative experiment which failed dismally in the laboratory of the courts. The magistrate who tried the case of the Nanaimo laundry workers sounded the first note of dismay when he criticized the "cumbersome and long drawn-out" procedure.⁷⁷ More significant was the assessment of the chief justice of the B.C. Supreme Court, who warned against the encroachment of government boards on the power of the courts. The implication was that the ideology of judicial impartiality becomes less credible as more and more conflict is removed from the judicial system and placed before less obviously impartial tribunals.⁷⁸ Both these judicial admonitions formed the basis of amendments passed in 1948, when the conciliation procedure was shortened and the Labour Relations Board divested

of the power to rule on matters of fact in cases before the courts.⁷⁹ Clearly the judiciary, while broadly supporting the prevailing order, can at the same time clash with certain elements and thus help to produce new forms of institutional control.

C. The union movement

This study has shown the role played by the state in the maintenance of a stable labour force in British Columbia. The fulfillment of this role took many forms, but by 1948 the emphasis in state policy had turned to repressive measures, including the use of the judiciary process and the bureaucratic apparatus, designed to channel class conflict through the unions into forms acceptable to the state. It now remains to discuss the unions' reaction to this process. The fact that repression became dominant as an instrument of state policy in the late 1940s must be seen as a failure for the labour movement. This failure can be attributed partly to the divisions in the labour movement and partly to regional economic and political factors. But perhaps most important of all, the union leaders of the day did not foresee the consequence of the integration of the union movement into the system of production. On the other hand, there were good reasons why the union leaders acted as they did and there is good reason to believe they could not have acted otherwise.

1. The craft-industrial split

Two divisions split the union movement in British Columbia in the 1940s. One was a split in forms of organization, between the craft-oriented Trades and Labour Congress and the industrial unions in the Canadian Congress of Labour. The second was a political division -- between communists and their supporters in both congresses and their opponents, the most vocal of whom supported the CCF.

The split between the TLC and the CCL was the less important of the two. The lack of militance of the TLC infuriated CCL leaders, but by the end of the war they packed enough punch on their own to put up a good fight before governments and employers. This was partly due to the CCL's predominance in the strategic resource industries. Nevertheless, it is significant that the major statutory concessions given to the labour movement in the post-war years were won in 1946, the year that both congresses had co-operated on the government-labour committee and the only year in which both gave official sanction to the mass labour lobby. Many of the TLC leaders, however, were confirmed gradualists. Some even welcomed the supervised ballot as a curb on wildcat strikes.⁸⁰ Thus in 1947, when the TLC leadership shunned the lobby on the pretext of anti-communism, it became easier for the government to say that only a handful of union militants opposed Bill 39. Equally important was the effect of the TLC-CCL split in the field of economic action. The foundry strike of 1946 would certainly have ended sooner, with substantially the same settlement, had not the employers had the American-based moulders' union to play off against Mine-Mill.

The TLC unions, less militant and more highly bureaucratized, had been under the ideological influence of the American Federation of Labor since 1902 and tended toward the "class collaborationist" practice of that body.⁸¹ Since the CCL unions, particularly those under LPP leadership, were not under such heavy domination from their American headquarters, there are grounds for saying that the friction between the two union centrals had a national/international component.⁸² The hegemony of the ideology of class collaboration, which thanks to the TLC and AFL had dominated the twentieth-century Canadian labour movement, can also be held partly responsible for the eagerness with which the CCL unions pursued the institutionalizing features of P.C. 1003. Even the communist union leaders, in practice, appeared to fit the following description:

They are concerned not so much with the fact that the employer owns the means of production but with the extent of his bargaining advantage. It is in his power to threaten them with unfavourable legislation and with the use of competitive labour. . . that his advantage is seen to lie. Their impulse therefore is not to suppress the employer, but to deal with the recognized threats to their bargaining strength.⁸³

Nevertheless, it is impossible to attribute the pervasiveness of this philosophy solely to the American tie. Such leaders as Pritchett and Murphy, by virtue of their popularity and a skill and the strategic placement of the workers in their unions, enjoyed a high degree of autonomy. Irrespective of the links with American unionism, most Canadian labour leaders were eager to gain the "secure status and authority"⁸⁴ which the Wagner Act system promised them.

2. The communist-social-democratic split

The CCF supporters in the union movement were foremost among these who sought this "secure status and authority". Their party based much of its appeal in wartime and post-war elections on the need for "security" and "industrial government".⁸⁵ For the CCFers, political action was electoral action, aimed at sending a social-democratic government to Victoria. The trade union activity of CCF supporters, who until 1946 were weak in the west coast labour movement, was designed to dovetail with the legislative activities of the party caucus. The more the labour demands of 1945, 1946 and 1947 could be made the subject of legislative or committee debate, the greater would be the prestige and media exposure of the CCF MLAs and presumably the more likely would the worker be to cast his vote for the party at the next election. Similarly, the drive to eliminate communism from the union movement was not only an attempt to remove the only organized political opposition to the CCF from that movement, but also part of a general CCF face-lifting, an overriding desire to win electoral support by publicly dissociating itself from communism.

The CCF supporters considered that their constant electoral challenge to the coalition had paid off in the economic struggle. Seeking to discount LPP attempts to take credit for the gains won in the IWA and Mine-Mill strikes of 1946, one wrote: "The Eastern employer opposition to increases over 10 cents an hour was not so evident in that province where CCF strength is a constant threat to the Tory-Liberal coalition government."⁸⁶ The suggestion was that Pearson had been reluctant to support a determined employer stand against increases of more than 10 cents because it was concerned to keep labour electoral support from swinging to the CCF. This of course, was only part of the story, since the employers were already beginning to bypass Pearson and appeal to more rash coalition elements. The solid organization of the IWA, combined with the economics of the forest industry in which markets must be maintained and stockpiling was difficult, was the basic explanation for the IWA's 15-cent breakthrough.

The communists' activity in the union movement was based on Lenin's admonition to

carry on agitation and propaganda systematically, perseveringly, persistently and patiently precisely in those institutions, societies and associations -- even the most reactionary -- in which proletarian or semi-proletarian masses are to be found.⁸⁷

They attempted to raise class consciousness in sectors where organization already existed and to undertake the difficult task of organizing workers in the unorganized industries. They formed the organizational nucleus of the IWA and Mine-Mill before the war and later rose to leadership positions in the fishermen's and shipbuilding unions. While this study does not cover their activity within the union movement, it is evident that a considerable amount of political activity and discussion was generated in the unions where communist militants were active, if only from the number of resolutions passed at union meetings in support of causes such as the Spanish Civil War.

But when the communists became union leaders and in fact gained control of one of the two union centrals in British Columbia, the situation changed somewhat. A rank-and-file militant can be, for a time, a more or less public communist, but a leader has to watch his step. Men like Murphy and Pritchett constantly proclaimed their preoccupation with trade union goals in an effort to remove the curtain of fear surrounding any discussion of communism.⁸⁸ With the LPP's wartime policy of unqualified support for the war effort and the Liberals (including the Liberal element in B.C.'s coalition), the communist union leaders joined in support of the institutionalizing features of P.C. 1003 and considered them victories for trade unionism. As I have pointed out the communist-led unions were slightly less vociferous on the question of union security than those in which the CCF faction was dominant. On the whole, however, the communist leaders were no less vociferous in their demand for institutional assurance of "harmony and co-operation between employer and employee."⁸⁹ Of course, they never asked for the repressive features of Bill 39: the supervised ballot, the fines for illegal strikes, or the decertification provisions contained in the 1948 amendments. But only in the wake of Bill 39 did they realize that any move toward institutionalization was bound to put labour relations on a basis more legalistic than economic.⁹⁰ Only then did they realize how much harder it became even to organize militant action around "economist" demands, let alone attempt to make the unions instruments of extra-parliamentary political struggle.⁹¹ To compound the problem, the institutionalization represented by Bill 39 was incomplete. The unions were given a role to play in policing the work force; they were integrated into the system of production. But their ability to perform the role was crippled by the lengthy conciliation procedure, the supervised ballot and the lack of a clear-cut endorsement of the check-off and union shop. Danny

O'Brien expressed the frustration of union leaders at this situation when he said of Bill 39: "Where it puts one tooth in, it puts in a pair of pliers to yank it out."

On the face of it, then, it might seem that the communist leaders committed a grievous error in failing to oppose the process of institutionalization and the labour demands for its acceleration. Perhaps they should have attempted to head off the rise of "business unionism", to attempt to maintain the strong leadership-membership ties which had been necessary in the days before certification and the check-off.⁹² On the other hand, anyone who has read newspapers and periodicals of the post-war period cannot fail to be impressed by the desire for personal security which pervaded the working-class consciousness. An attack on the demand for union security, or even a failure to play it up, might very well have induced mass disaffection among the members of the communist-led unions. It is easy to ignore the fact that the actions of leaders such as Murphy and Pritchett were direct responses to the needs of their constituency, the working class, as they saw them. Incorrect responses they may have been, but they were nonetheless rooted in actual practice.⁹³

Moreover, the formal integration of the unions into the system of production should not allow us to assign to them a totally reactionary position in society. Like any other social institution, unions have a dialectical character. To the extent that they are institutionalized, they act as social stabilizers, regularizers of the industrial arena and aids to capitalist planning. But in a liberal democracy they retain economic power, whereas they would not under a more formally authoritarian political order. The unions were organized and expanded, in response to conditions affecting thousands of people. They organized and still organize, social protest and class demands. In the period under study, the unions were the basic form of working-class

organization and the only significant expression of working-class consciousness. While none of the demands of the 1946 strikes were revolutionary, they implicitly called into question the ability of the economic system to provide what was considered a "decent" living. More important, the entire sequence of events from the formation of the BCFL through the mass lobbies to the court struggles over Bill 39 showed the willingness of the state to act as a suppressor of class action and to support the general drift of employer demands.

The communists' strategy in this situation was not to "claim to be the political arm of labour",⁹⁴ but to attempt to build an "independent labour political movement" which communists could use to build their party and to develop a revolutionary consciousness in the working class. The main obstacle was the CCF, which did claim to be labour's political arm and whose MLAs constantly pressed the unions' cause. The communists spent much of their energy trying to deflect labour support away from the legislature and the CCF MLAs. This left little time for the work of the union communist: "to take up the problems that emerge from the daily experience of the working class, to articulate them, to give them political content and to use them to educate workers as to the nature of the major contradiction facing the working class: capitalist ownership of the means of production."⁹⁵ The working class demanded security. For the communist, true security is impossible in a system where major economic decisions are made by the owners of the means of production for the purpose of maximizing profit. The communists of the 1940s, however, failed to show this. They were unable to take the demand for security and give it meaning beyond the concept of the union shop and check-off.⁹⁶

There have been few innovations in the labour movement's concept of political action since 1950. Support for the CCF and the NDP has been assured since the purge of the communist unions. Yet twenty-five years of support for

social democracy has produced little change in the position of the labour movement. The percentage of the labour force organized remains roughly the same in British Columbia -- about 45 per cent. Moreover, the labour policy of a social-democratic government has recently produced doubts among unionists concerning the benefits of the close labour-NDP tie. As well, the current upsurge of nationalism in the labour movement is evidence of a challenge to "business unionism" and bureaucracy which may begin to undermine the highly institutionalized industrial relations system brought to the province by Bill 39. One result of all this may be a move toward labour support for the kind of independent movement the communists attempted to build. The emergence of such a movement, in opposition to an NDP government, would be fresh evidence of the vital role of class conflict in British Columbia's political system.

Notes to Chapter 8

- 1 R. A. Shearer, "The development of the British Columbia economy: the record and the issues," in R. A. Shearer, ed., Exploiting our economic potential: public policy and the British Columbia economy, Toronto: Holt, Rinehart & Winston, 1968, 10-11.
- 2 This statement does not apply to the pulp and paper industry.
- 3 See Stuart Jamieson, "Regional factors in industrial conflict: the case of British Columbia," CJEPS, 28 (1962): 405-16. Much of this discussion follows the outline of this article. For a discussion of the fishing industry in these terms see Stuart Jamieson and Percy Gladstone, "Unionism in the fishing industry of B.C.", CJEPS, 16 (1950), 1-11 and 146-171, esp. 2.
- 4 "In some departments the shortage of labour interfered with the maintenance of continuous operations so essential as a means of achieving low production costs. In these times of high construction costs, involving a heavier capital investment, the continuity of production becomes a matter of increasing importance." Consolidated Mining and Smelting Co. Ltd., Annual Report, 1947, 3.
- 5 See above, ch. 5, sec. A.
- 6 Paul Phillips, No power greater: a century of labour in B.C., Vancouver: B.C. Federation of Labour/Boag Foundation, 1967, Appendix A.
- 7 See, e.g., above, ch. 4, sec. B.
- 8 See above, ch. 3, sec. C.
- 9 See above, ch. 5, sec. A.
- 10 An example was the capitulation of the metal mines in 1946.
- 11 The CMA since 1919, although it had been "militantly opposed to the demands of trade unionism", left "the more controversial questions of labour disputes and strikes" to other industrial associations. A major reason for this appears to have been that unions were powerful enough to be useful allies in the CMA's constant campaign for tariff protection, but not quite powerful enough to constitute a threat to the security of profit. The rapid wartime expansion in the domestic market diminished the fear of competition from the U.S. and other manufacturing nations, and with it the need for the CMA's 40-year raison d'etre, the protective tariff. The class-oriented position required by a large-scale entry into the field of industrial relations was no longer an embarrassment. The war freed the CMA for an all-out attack on the unions' power, which became the number one concern of Canadian industrialists. See S. D. Clark, "The Canadian Manufacturers' Association: a study in collective bargaining and political pressure", University of Toronto Studies, history and economics series, vol. 7 (1939).

- 12 A journal entitled *Enterprise*: the Canadian analysis, published first by something called the Association of Canadian Individualists and later by the B.C. Federation of Trade and Industry, was full of articles which proclaimed that the union shop was a violation of individual rights, that all workers were just mini-capitalists and that strikes were dictated from Moscow. These, of course, were public attitudes; it is questionable whether the employers could have denied to one another the existence of social classes as a motivating force in history.
- 13 The contradiction between the employers' position and the constant harassment of workers for union activity has already been pointed out. See above, ch. 3, sec. B.
- 14 The employers appeared blind to the fact that orthodox communism in Canada at this point in time constituted little threat to the prevailing economic order.
- 15 Frederick Engels, "The origin of the family, private property and the state," in Karl Marx and Frederick Engels, Selected Works, Moscow: Foreign Languages Publishing House, 1962, vol. 2, 318-9.
- 16 Ibid., 319-20.
- 17 Ibid., 320.
- 18 Loc. cit.
- 19 Louis Althusser, "Ideology and ideological state apparatuses", in Lenin and Philosophy, New York: Monthly Review Press, 1971, esp. 142-5. Althusser distinguishes between "repressive" and "ideological" apparatuses, the former including the government, administration, police and courts and the latter including the "private institutions." The "ideological apparatuses" inculcate values and mask the contradictions of capitalist society; therefore they can be said objectively to exert "ideological" state power. The picture painted by Althusser is one of a frightening web of bourgeois power reaching all corners of society.
- 20 Ralph Miliband, The state in capitalist society, London: Weidenfeld and Nicolson, 1969, 54.
- 21 Loc. cit.
- 22 Ralph Miliband and Nicos Poulantzas, "The problem of the capitalist state," in Robin Balckburn, ed. Ideology and Social Science, n.l.: Fontana, 1972, 262.
- 23 Miliband, op. cit., 49.
- 24 The implication is that when Engels spoke of the state as "a power", he meant not the concrete thing we refer to when we speak of "the great power" or "the powers that be" but rather the less tangible, yet no less real, "power" over the social organization of men and women. State power must also be distinguished from the legitimacy attained through such mechanisms as elections.

- 25 Miliband, op. cit., 66.
- 26 Ibid., 155.
- 27 Ibid., 153.
- 28 Ibid., 72.
- 29 These employers were, of course, supported by the sections of the urban petite bourgeois linked through various financial relationships to them. The employers' lawyer Walter Owen would be an example.
- 30 The forest policy of the Liberal-dominated coalition, for example, opened the way to "more intensive utilization of the forest crop", giving the lumber industry a new lease on life. See Keith Weaver and Don Reid, "Aspects of the political economy of the B.C. forest industry," in Paul Knox and Philip Resnick, eds., Essays in B.C. Political Economy, Vancouver: New Star Books, 1974, 13-24.
- 31 The "individualist" ideology of Liberalism also appealed to a sizeable section of the working class.
- 32 For discussion of this philosophy, see above, ch. 3.
- 33 See above, sec. A.
- 34 In earlier times, when business and government inter-changed personnel freely and openly and the purpose of the state was more explicitly to further the interests of private capital, overt repression was used several times to put down protests against the exploitation of labour in the Vancouver Island coal mines. See Jack Scott, Sweat and struggle: working class struggles in Canada, vol. 1 (1789-1899), Vancouver: New Star Books, 1974, ch. 5.
- 35 "An industrial system characterized by antagonism, coercion and resistance must yield to a new order based upon mutual confidence, real justice and constructive good-will." William Lyon Mackenzie King, Industry and Humanity, Toronto: Thomas Allen, 1918, xv. A recent article has shown that state policy in Britain with respect to industrial relations is characterized by the Conservatives' willingness to contain class conflict through the use of legal restrictions and the Labour party's leanings toward King-style personal intervention. See Anthony Barnett, "Class struggle and the Heath government", New Left Review, 77 (1973): 33-41.
- 36 By the Liberal party's 1938 convention, it had "moved considerably to the right." J. Neil Sutherland, T.D. Pattullo as a party leader, MA thesis, University of B.C. (history), 1960, 110. Sutherland adds: "After the 1933 election victory and the progressive legislation of the first two or three years. . . the party became less interested in reforms, or at least in new reforms and more content to look backward to praise its past. . . . The party still contained reformers who felt that further social legislation was necessary, but these men were now in the minority and with the exception of Weir and Pearson, they lacked cabinet

leadership and support." Ibid., 72-3.

- 37 Other reform measures included workmen's compensation and legislation on holidays, family allowances, family courts, minimum wages for teachers, post-war planning and the condition of farmers, veterans and school districts. See Martin Robin, Pillars of profit: the company province 1934-1972, Toronto: McClelland and Stewart, 1973, 78. These measures were financed out of a bulging wartime treasury. Production doubled in value between 1940 and 1945, giving the province increased natural resource royalties and declining interest rates freed more revenue for social security programs. See A. E. Carlson, Major developments in public finance in British Columbia 1920 to 1960, PhD thesis, University of Toronto (political economy), 1961, 80-1, 97-9.
- 38 Most noteworthy was his assistance to Mine-Mill in organizing at Consolidated Mining and Smelting. See also below, sec. B (3) (a).
- 39 See above, ch. 5. n. 87.
- 40 The last hope for reform faded in 1950 when Johnson failed to seize the opportunity, provided when W. A. C. Bennett bolted the coalition to sit as an independent, to dissolve the arrangement and go to the people with a Liberal program of reform, which even at that late date the party could probably have carried off. S. W. Jackman considers that Johnson would have done this were he a "true politician", but that he was too concerned about the promise of continued co-operation he had given the Tories in 1949. See Jackman, Portraits of the premiers, Sidney: Gray's Publishing 1969, 251.
- 41 See Martin Robin, "British Columbia: the politics of class conflict", in Martin Robin, ed. Canadian provincial politics, Scarborough: Prentice-Hall, 1972, 34.
- 42 Of all farms in B.C. in 1941, 80.5 per cent were owned by the farmers, as against 75.5 per cent for Canada as a whole and an average of 60.9 per cent for the three prairie provinces. Canada, Dominion Bureau of Statistics, Census of Canada, 1941, vol. 1, 525.
- 43 See above, ch. 5, n. 31.
- 44 In an earlier era it had been Tory house leader R. H. Pooley.
- 45 Anscomb, nominally an accountant but with considerable investment in a Victoria wine company, was also not afraid to enter the fray, as evidenced by his deliberate embarrassment of Wismer over the supervised ballot question early in 1948. See above, ch. 7.
- 46 It must of course be noted that the B.C. legislature is itself a regional assembly, and that in Canada various facets of labour policy have been split between the dominion government and the provinces.
- 47 Miliband, op. cit., ch. 3:2.
- 48 See above, ch. 2, table 2-3.
- 49 Jackman, op. cit., 241.

- 50 Leafing through Hart's mail, however, leads one to think most employers considered that the cabinet ought to have been under their thumb.
- 51 Indeed, cabinet ministers appear to have been spokesmen for the interests with which they dealt in the day-to-day job of representing the government. Thus Pearson championed the unions, almost to the point of resigning when they were let down and Carson and MacDonald took the part of the mining industry. This lends credence to a view of the reality of cabinet government which some would find disturbing. Dawson and Ward, for example, are critical of the view that a cabinet minister should be a spokesman for economic interests of a particular kind, or that ministers should be especially familiar with the fields of their portfolios. (R. M. Dawson, The government of Canada, rev. Norman Ward, 5th ed., Toronto: University of Toronto Press, 1970.) For better or worse, however, this may have been the reality of the B.C. cabinet. The corollary of this argument is that ministers occupying more than one cabinet position will find the various interests with which they are associated come in conflict with one another. Thus Wismer's position as attorney-general and labour minister led to a direct conflict of interest when he was forced to act in a judicial capacity during the October 1947 trial of the striking Steelworkers.
- 52 See Ralf Dahrendorf, Class and class conflict in industrial society, Stanford: Stanford University Press, 1959, ch. 6. Dahrendorf and other conflict theorists see the transformation of class conflict into group conflict as beneficial to the social order. This school improves on Parsonian theory by depicting conflict as the norm rather than the aberration, but posits authority rather than economic exploitation as the basis of social conflict. This fundamental revision of Marxist theory of conflict is also present in much of the literature on "industrial relations systems", in which the "actors" are said to be "hierarchies" of managers and workers, together with government agencies. In this conception the work relationship is not an economic contract. "The managers have responsibilities at varying levels to issue instructions (manage) and the workers at each corresponding level have the duty to follow such instructions (work)" (John Dunlop, Industrial relations systems, New York: Henry Holt, 1958, 7. One could read this book in its entirety and scarcely be aware that any money changed hands between capitalist and worker.)
- 53 David Kwavnick, Organized labour and pressure politics, Montreal: McGill-Queen's University Press, 1972, 16, 17. Other institutionalized elites in B.C. are the leadership in farmers' and producers' associations and the various professional associations of doctors, lawyers, engineers and so on. They are allowed to exercise a certain amount of self-regulation and given powers to enhance their position in society, in return for which the state is assured of regularity in its dealings with them.
- 54 For a time, during the thirties, the labour elite recognized by the state consisted only of the craft union leaders. This relationship was reflected in the 1938 amendments to the ICA Act which gave an institutional advantage to these unions. See above, ch. 2, n. 13.

- 55 Pat Conroy "Functions and responsibilities of labour unions", Public Affairs, 7 (1944): 131-3. The Steelworkers' Murray Cotterill wrote as follows: "If management wants to see its agreement honored by the employees, the union, as representative of the employees, must be in a position to enforce observance of the contract. Without the 'union shop', non-union employees can break rules, incite trouble, slow down or even strike and the union must take the blame. Or some union member may tear up his card just because the organization refuses to defend some action. "New Labor 'Hot Spot' is Union Security", Saturday Night, April 28, 1945, p. 18. Another writer saw an added benefit to the industrial order if unions fulfilled a social function outside, as well as inside, the workplace:". . . if the social, recreational and personal needs of the worker are well taken care of outside the plant, the happier, more contented and hence more efficient the worker will be inside the plant." C. W. B. Hart, "Industrial Relations research and social theory", CJEPS, 15 (1949): 64.
- 56 Stuart Jamieson, "Industrial relations and government policy," CJEPS, 17 (1951): 36, emphasis in original.
- 57 W. Ivor Jennings, Cabinet government, 3rd ed., Cambridge: Cambridge University Press, 1959, 277.
- 58 Ibid., 279-80.
- 59 Ibid., 281.
- 60 Dawson, op. cit., 175.
- 61 A more recent work on cabinet government notes that the usual course of action for a cabinet minister who disagrees strongly with government policy is to leak information anonymously to the news media: "The unattributable leak is itself a recognition of the doctrine that members of a Cabinet do not disagree in public . . . That is why the 'agreement to differ' over a major issue of policy in January 1932 was an aberration or blind alley in Cabinet evolution. . . . Had it become established that Cabinet 'unity' could no longer be preserved by the timely leak, but only by public and open disagreement on a number of matters, then the whole Cabinet system would have been undermined." Patrick Gordon Walker, The cabinet, rev. ed., London: Jonathan Cape, 1972, 38-9.
- 62 Dawson, op. cit., 185.
- 63 Had Pearson left the cabinet, the Liberal party would have been split wide open and the coalition's demise would probably have come sooner than it did. This would have hastened a return to the traditional party system and the concomitant sanctions against party splits. Paradoxically, by trying to keep his party as well as the coalition strong. Hart weakened the cabinet system of which the party was apart. As well, the influence of the federal system may be noted. If the left wing of the Liberals had not been concerned with maintaining a federal presence in B.C., the need to keep the party distinct from the Tories, and thus to keep Pearson in the cabinet, would not have been so great.

- 64 "The influence which the cabinet wields over the House of Commons and which enables it to get its own way in almost every instance is firmly imbedded in the party system and the conditions under which the cabinet is placed in power." Dawson, op. cit., 206.
- 65 See above, ch. 7, sec. A (1).
- 66 See above ch. 6, sec. C.
- 67 In one way, the power of the assembly was diminished during this period. This arose from the continued refusal of the government to refer legislation to standing committees. The basic reason for this refusal was the fear, undoubtedly justified, that CCF MLAs would use the committee sittings as a political platform. The revolt of coalition MLAs against this practice (see above, ch. 6, p. 15) was not particularly significant except insofar as the lack of regard for the elected legislature which it illustrated added to the long list of grievances which W. A. C. Bennett was able to present to the electorate some years later in urging a change of government.
- 68 See above, ch. 6, sec. C.
- 69 I have been unable to find any evidence to indicate that any B.C. unions struck without a membership vote, although in some cases such as the IWA in 1946 the strike vote was taken some time before the strike was called. In any case, it is doubtful that any union leader who called a strike without being assured of rank-and-file support would have lasted long.
- 70 See above, ch. 7, sec. A (1).
- 71 A. W. R. Carrothers, The labour injunction in British Columbia, Toronto: CCH Canadian, 1956, 108-10.
- 72 Ibid., 60.
- 73 Loc. cit.
- 74 Ibid., 210. Of course, it is possible to claim that the terms "legal right" and "economic advantage" are synonymous: in that the "legal rights" to property and trade were enshrined in the first place to protect the economic advantage of the propertied.
- 75 A study of the development of labour law following the passage of the ICA Act might, of course, show that it has actually been dysfunctional to the efficient reproduction of labour power. Paul Phillips notes: ". . . the widespread and increasing use of injunctions and of legal restrictions in collective bargaining has tended to destroy the ability of the collective bargaining process to control conflict within institutional channels." Phillips, op. cit., 164.
- 76 See above, ch. 5, sec. D.
- 77 See above, ch. 7, sec. A (2).
- 78 See above, ch. 7, sec. B (3).

79 See above, ch. 7, sec. D.

80 See above, ch. 7, sec. D.

81 See Roger Howard and Jack Scott, "International unions and the ideology of class collaboration", in Gary Teeple, ed., Capitalism and the national question in Canada, Toronto: University of Toronto Press, 1972, pp. 67-88; C. Brian Williams, "Trade union structure and philosophy: need for a reappraisal," in Richard Miller and Fraser Isbester, eds., Canadian labour in transition, Scarborough: Prentice-Hall, 1971, 145-72.

82 See Irving Abella, Nationalism, communism and Canadian labour, Toronto: University of Toronto Press, 1973.

83 Howard and Scott, op. cit., 80.

84 Jamieson, "Industrial relations and government policy", 28.

85 Walter Young, The anatomy of a party: the national CCF 1932-61, Toronto: University of Toronto Press, 1969, 118. See also Stuart Jamieson, "Growing support for C.C.F. expected from workers," Saturday Night, October 30, 1948, 34: "Socialism seems to hold more appeal. . . to certain economic and social drives of wage earners. The most compelling of these is security, rather than material gain or comfort -- a regular job, a certainty of one's livelihood and an assured place among one's friends." Jamieson added that the CCF "socialist" alternative to the LPP faction was a major factor in eliminating the influence of communism from the union movement.

See also an editorial in Canadian Forum, 24 (1944-5): 125-6, which asked on the 25th anniversary of Mackenzie King's first accession to the prime ministership: ". . . what has he done. . . to bring closer the day when industry should be worked by a constitutional system instead of by the centralized irresponsible despotism to which he was verbally so opposed. . ."

86 Henry Ogilvie, "The political significance of the 1946 strikes," Canadian Forum, 26 (1946-7): 202-4.

87 V. I. Lenin, Left-wing communism, an infantile disorder, New York: International Publishers, 1940, 37.

88 Pritchett told a reporter in 1947 that the IWA was "willing to operate within the framework of capitalism." He continued: "The LPP membership, true, will struggle for socialism. If and when the Canadian people reach the point of mature political thinking when they want socialism, they can have it. But it would be foolish -- and impossible -- for us to try to force socialism into Canada until the people want it. . . . the forest industry means our livelihood. What we can do to better it is for our own good. We need it every bit as much as the operators do." The reporter concluded that Pritchett was "sincere". Vancouver Sun, February 6, 1947.

89 See above, ch. 3, sec. A.

- 90 I do not mean to imply that settlements were dictated by state agencies. The economic power of unions and employers still played a large role in labour relations. It has been noted that in the forest industry, following the passage of Bill 39, "the settlement made possible were ultimately dependent on consent and coercive considerations extraneous to the intervention process itself." (J. R. Vaselenak, "Industrial dispute settlement in the British Columbia logging and lumber industry, 1946-1953", in H. D. Woods, ed., Patterns of industrial dispute settlement in five Canadian industries, Montreal: McGill University Industrial Relations Institute, 1958, p. 369.) But the adoption of collective bargaining as an instrument of state policy involved government agencies in the selection of one of the parties, and enabled the state to impose conditions (such as adherence to the restrictive illegal-strike laws) for the continuation of its sanction. In this sense the basis of collective bargaining, after P.C. 1003 and the ICA Act, was fundamentally legal.
- 91 As Phillips put it: "The achievement and spread of check-off provisions weakened to some extent the previous close contact between shop stewards, union officers and the rank and file. . . . Involved and sophisticated new labour laws and fringe benefits forced the unions to an increasing degree to develop highly skilled representatives. Competent oratory and militant unionism were no longer sufficient prerequisites of union leadership." Phillips, op. cit., 145. The leaders of the IWA found out how easily procedures such as certification could be used against them when they seceded from the international union to form the ill-fated Woodworkers' Industrial Union of Canada. See ibid., 143.
- 92 David Kwavnick's study shows the effects of business unionism. The Canadian Labour Congress, he found, sees itself as an interest group whose structural position in society is no different from that of the CMA or the Canadian Federation of Agriculture. Leaders of the CLC seek "legitimation" of their professed interest and a "mandate" for themselves -- the assurance that they and their organization will be the sole representatives of those interests before the government. This attainment of "legitimacy" forces the leaders to "ensure that their group's aims and their behaviour do not at some later date come into conflict with society's values" and furthermore, since legitimization and mandate mean the leaders have a hand in the formulation of government policy, "the group leaders are under an obligation to support it and, what is more, to convince their members to accept the policy as reasonable." (Kwavnick, op. cit., esp. 7, 13.) This view, unfortunately, is somewhat a historical in that the situation is attributed to "the ubiquitous instinct of self-preservation". There is no discussion of how class movements are transformed into interest groups.
- 93 A long-time labour leader and former member of the U.S. Communist Party was quoted recently as saying: "Within the Party, you just had to get the words in the proper order. You had to learn the stations of the cross. But as a labor spokesman, you had to be convincing, you had to answer the real questions people had on their minds. (Dorothy Healy in Barry Farrell, "Dorothy Healey: the great purge of 1973", Ramparts, December 1973, 31.) This description of the dichotomy between political theory and the work of labour organization applies to the practice of most leftist sects in Canada. It is worth asking whether this theoret-

ical-organizational impasse has yet to be satisfactorily dealt with by marxist theories of organization and revolution. Without attempting to answer this, I would simply point out the danger in accusing the post-war communist labour leaders of "reformism" or "economism."

94 As Walter Young says they did. Young, op. cit., 274.

95 Howard and Scott, op. cit., 84.

96 This failure may, of course, be linked to the general phenomenon of "working-class conservatism" in which organized workers pursue their aims at the expense of the unorganized sector and seek to carve out for themselves a secure, "middle-class" existence. I think, however, that these distinctions can be over-emphasized and that the thesis of "working-class conservatism", while it may have validity in studies of elections, cannot successfully be applied to industrial conflict.

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APPENDIX: THE UNION SHOP

Financial and organizational security gives labour leaders the tools to maintain the relative stability which their acceptance as partners in the maintenance of a productive labour force demands. Under the Wagner Act system, state recognition replaces economic action as the basis of unions' power vis-a-vis employers. When unions have the benefit of a union shop,¹ employer recognition replaces the union's representation of its members' interests as the basis of its power vis-a-vis the workers. If the state passes legislation institutionalizing the union shop, the basis of the union's power vis-a-vis its members shifts from employer recognition to state recognition. The state is then potentially able to grant or revoke the two types of power a union possesses: power vis-a-vis employers and power vis-a-vis its members. This would mark the completion of the integration of unions and their members into the power structure.

An example of a law which institutionalizes the union shop is the Trade Union Act of Saskatchewan, which declares that at the request of the union representing the majority of employees in a bargaining unit, a modified union shop arrangement becomes part of a collective agreement or takes effect even if there is no agreement.²

The Queen's University Industrial Relations Department published in 1943 a bulletin which somewhat hysterically viewed the union shop as a threat to the social order, but accurately summed up the contemporary arguments in its favour:

Union spokesmen no longer say: "Trade unionism is a defensive weapon against employers -- a means of beating the obstreperous employer into submission. It is a means of bargaining about the employee's share of the income and a weapon which assures that the worker gets the maximum for his labour. Its primary purpose is the substitution of combination for competition among workers with respect to terms of employment. A collective agreement is the culmination of the bargaining process."

Rather they say: "Trade unionism is a social institution. Its chief objectives are to establish and maintain harmony in a plant, to increase production, to lower costs, to conserve labour and to provide machinery for determining and protecting the equities of employer and employed. The closed shop is the culmination of the bargaining process."³

This publication also pointed out that the union shop was more crucial to the leaders of industrial unions than to those of craft unions, since the semi- or unskilled nature of labour in mass production reduced the union's ability to secure a monopoly on labour and gave the industrial worker "slight protection against the unskilled immigrant and agricultural worker."⁴

Although the union shop in most of Canada remains a matter to be decided between employers and unions, the principles on which the union argument for it is based were given quasi-official recognition in the Rand formula of 1946. This was an arbitration award by an Ontario Supreme Court judge, Ivan Rand, in the famous 1945 Ford Motor Co. strike in Windsor.⁵ Rand's problem, as he saw it, was to reconcile the "principle of action" known as "private enterprise" with "evolving notions of social justice."⁶ The answer was to "elaborate and strengthen" the power of organized labour "for its essential function in an economy of private enterprise."⁷ The function was to assist in the maintenance of production, for

any disturbance in (industry's) scope or tempo sends out repercussions affecting interests which have been built up on the assumption of its continuance. The economic life and fortunes of men become hostages to that continuance, which in turn takes its place as part of the general security. (8)

Rand saw that union security would give the union not only the power but the "maturity of judgment and of conduct" to discharge the practical function of "maintaining the administration of employee interests, of administering the law of their employment . . . the union contract."⁹ He reasoned that the union should have financial security to fulfill these duties and therefore awarded the involuntary, irrevocable check-off, regardless of union membership. In

this way the freedom to join or not to join the union was preserved but all employees were required to share the cost of the "administrative services" provided by the union.

In exchange for this assurance of financial security, however, the union was required to become a labour police force. Union leaders were required to

repudiate any strike or other concerted cessation of work whatsoever by any group or number of employees that has not been called by the union after being so authorized; and shall declare that any picket line set up in connection therewith is illegal and not binding on members of the union. (10)

Employees participating in wildcat strike were liable to fines and a loss of one year's seniority for every week of the wildcat. The union, if it did not comply with the above provisions, was liable to suspension of the check-off.¹¹

The Rand report assumes the fundamental inequality of wage labour and the inevitability of worker disenchantment. Rand proposed no structural economic changes, no alteration of the system of wage labour. The problem as he saw it was not the alienation of labour but one of arbitrary authority on the part of foremen and managers. This enabled him to "deal with" the problem by removing the arbitrary nature of that authority, through strengthening the union, while preserving in the economic relationship from which it derived the basis for the authority itself. At the same time, the only real weapon the workers had against the arbitrary exercise of authority -- the threat of a spontaneous withdrawal of labour -- was taken away. For it was substituted a lengthy grievance procedure. Union security, the demand of the unions, thus became one more tool in the fight for stabilized industry and the capitalist's ability to plan ahead. The Rand formula never became the basis for union security legislation, but it became "the precedent for

collective bargaining for the next generation."¹² Union leaders were slow, on the whole, to realize its implications,¹³ and did not really do so until the legal restrictions imposed by post-war labour legislation (in B.C. and elsewhere) pointed up the dangers of state regulation of labour relations.

Notes to Appendix

- 1 Under a union shop plan, all employees must join the union within a specified time after they are hired. It differs from the closed shop, in which an employer cannot hire workers who do not already belong to the union.
- 2 See J. C. Cameron and F. J. L. Young, The status of trade unions in Canada, Kingston: Queen's University Department of Industrial Relations, 1960, 102-3.
- 3 Queen's University, Department of Industrial Relations, The closed shop: a study of the methods used by unions to obtain security, Kingston, 1944, 66-7.
- 4 Ibid., 11.
- 5 Irving Abella, Nationalism, communism and Canadian labour, Toronto: University of Toronto Press, 1973, 142-7; Charles Lipton, The trade union movement of Canada 1827-1959, Montreal: Canadian Publications Ltd., 1967, 269-71.
- 6 Labour Gazette, 46, (1946): 123.
- 7 Ibid., 125.
- 8 Ibid., 124.
- 9 Ibid., 127-8.
- 10 Ibid., 129.
- 11 Loc. cit.
- 12 Abella, op. cit., 145.
- 13 See, e.g., B.C. District Union News, February 15, 1946, 4.