



ESTABLISHING UNIONS IN CANADA: A LONG, DIFFICULT ROAD

*"We paid the price to get here. We'll pay the price to stay."
Eddie Fitzpatrick (local union President)*

Today, workers in Canada can come together, organize among themselves, democratically determine if there is majority support to form a union, and negotiate and vote on an enforceable collective agreement. And if we think about it at all, we see that every step in the process is backed up by the law. But this wasn't always the case.

Canada has a rich history of workers organizing to raise living standards and advance social conditions for all. But from the beginning, one of the most elusive goals was to create sustainable organizations that could grow and strengthen over time. The early history of Canada's labour movement is filled with heroic efforts to organize from the ground up, efforts that were only to be largely undone whenever an economic downturn hit, or in the aftermath of a battle with an employer. The goal has always been to organize – but also to organize to stay.

The journey to establish our labour rights stretches back a long way in our history: to the earliest craft unions, to efforts to build mass workers' organizations in the 1880s, to the fight for industrial unionism that began early in the 20th century, through to the renewed organizing efforts that began during the Great Depression and into World War II. And even after the war, and the watershed 1946 Rand decision, workers in Canada still struggled to achieve further union security protections in law, right into the late 1970s and early 1980s.

Along this long road, unions have moved from illegality, to facing laws aimed solely at containing workers' militancy, to eventually winning protections for the right to organize, collectively bargain and gain union security.

**EMPLOYERS AND GOVERNMENTS LEARNED THE HARD WAY THAT
WORKERS WOULD NOT BE PUSHED BACKWARDS AT WAR'S END.**

CONTROLLING THE CRAFT: WINNING THE RIGHT TO EXIST

Workers in Canada have been organizing for centuries. The earliest forms of unions were brought over by European artisans and craft workers when they first came to these shores. These highly skilled workers advanced their interests by keeping control over their craft and guarding access to their skills. The first formal record of organized workers in Canada dates to 1798, among carpenters in Halifax, and by the early 1800s there were unions across the country among several crafts, including printers, tailors, mechanics, shoemakers, and others¹.

Yet even among workers who were not employed in formal crafts or trades, the tradition of collective action stretches back more than three centuries to the first documented job action, in the Quebec City shipyards in 1671, when workers successfully engaged in a slowdown to win better wages and working conditions². Early Canadian history is filled with countless incidents of unorganized workers responding collectively to back up demands, or defend their conditions, through strikes and demonstrations. These were typically one-time events, however, and did not result in the creation of lasting organizations.

The few organized unions that had been established in those early days remained relatively small and largely isolated from one another. It was not until the late 1800s that one of the first watershed efforts to unite the disparate elements of Canada's early labour movement arose. In the spring of 1872, the demands of the nine-hour-day movement to shorten working hours were backed up by a series of coordinated strikes. Originating in Hamilton, Ontario among organized printers, the movement's parades, protests, and strikes quickly spread to other communities across Southern Ontario and into Quebec.

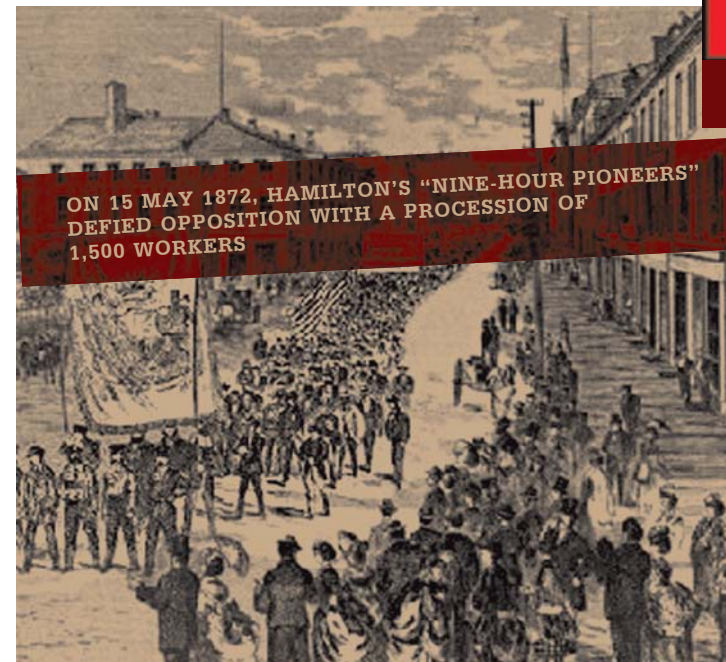
Twenty-four of the movement's leaders were eventually brought to court under charges of conspiracy and illegally "combining" their labour, sparking a rally of 10,000 in Toronto demanding their release. In a move that would come to mark the pattern of how labour rights have been advanced in Canada, the federal government responded to the militancy of the nine-hour movement by enacting the first legislation governing unions, the 1872 *Trade Union Act*. This first piece of labour legislation afforded very few rights as we would understand them today, but removed the criminality of "combining" labour and guaranteed the right for workers to form unions.

MASS ORGANIZING: FRAGILE FIRST ATTEMPTS

By the 1880s, skilled workers in Canada had more than a century of union organizing behind them. The workplace was changing rapidly, however, as the Industrial Revolution advanced and began breaking down the power of artisanal and craft production. Sometimes, members of these first unions jealously guarded their craft against unskilled labour; at other times, however, they enthusiastically joined efforts to broaden the union movement. Soon, far-reaching movements arose that sought to extend the benefits of organization beyond skilled workers, to the many unskilled labourers employed in larger workplaces. And it was through these efforts to bring unions to the masses that the struggle for recognition and



Great Seal of the Knights of Labor, 1878:
"An Injury to One is the Concern of us All"



union security took on a new urgency and would become a central focus for the labour movement for the next 60 years.

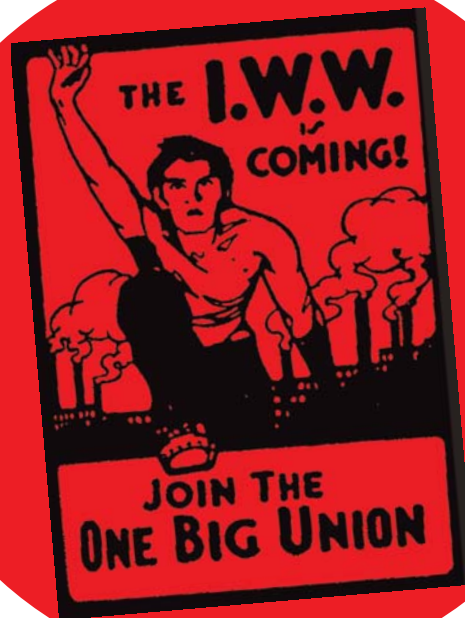
The earliest attempts to build mass unions in Canada offered both inspiration and important lessons for future generations. In the Nova Scotia coal industry, for example, the Provincial Workman's Association (PWA) started organizing in 1879, bringing together skilled and unskilled workers under one

umbrella to push for improved conditions³. And throughout the 1880s, the Knights of Labor, which originated in the United States, made great advances in organizing all workers, including women and people of all racial backgrounds, on a platform of broad social reform, making considerable inroads with more than 200 local assemblies, and a peak Canadian membership above 14,000 workers⁴. Both the PWA and the Knights of Labor were short-lived organizations, however. The recession of 1893, changes in industrialization and self-limiting strategies spelled the end of mass unionization movements until well into the next century. While permanency would elude these first efforts at building mass organizations, they demonstrated not only the capacity and hunger of workers to organize, but also the fragility of workers' organizations.

EARLY INDUSTRIAL UNIONISM: FIERCELY OPPOSED

At the dawn of the 20th century, the idea of industrial unionism began to take hold, building on earlier efforts at mass organizing and arising largely from the hopes and efforts of socialists and communists who aimed to unite workers across all boundaries.

Canada's earliest industrial unions made great strides extending unionization beyond skilled and craft workers during the decade before World War I. In British Columbia and Alberta, the Western Federation of Miners (WFM) and the United Mine Workers of America (UMW) organized workers in the mines and coal fields. The Industrial Workers of the World (IWW) – the “Wobblies” – made inroads into the nation's logging camps and among railway builders. In the east, the UMW extended their reach into Nova Scotia, while textile workers in Ontario and Quebec began joining the International Ladies' Garment Workers' Union (ILGWU) and



Organizing Poster of the Industrial Workers of the World, circa 1910

the Federation of Textile Workers of Canada. As well, emerging industrial unions would take a foothold and expand their presence across the leading technological industries of the time, including the railways (United Brotherhood of Railway Workers), and telegraphers (Commercial Telegraphers Union of America), among others. These early industrial unions engaged in countless, and often epic, strikes and other forms of struggle to advance the union movement.

Yet in an environment with virtually no legal protections for unions, employers used every means available to intimidate workers, from forcing employees to sign “yellow dog” contracts vowing that they would not join a union as a condition of employment, to refusing to recognize the union where it was organized, to engaging in lock-outs and forcing strikes, to bringing in scab labour and trying to starve out workers. And, more often than not, the governments of the day promptly sent in police and the military to actively intervene on behalf of employers.

Early in the century the federal government moved to contain a rising tide of militancy, particularly following a violent strike in the Lethbridge, Alberta, coalfields in 1906, by introducing new legislation the following year. The 1907 *Industrial Disputes Investigation Act*

required a conciliation and investigation period before strike action. But the legislation afforded no protections for organizers, however, or any requirement for employers to recognize the union. Rather, it put the state in a position of actively mediating conflicts rather than simply suppressing them, and brought the first, albeit limited and grudging, legislative legitimacy to collective bargaining.

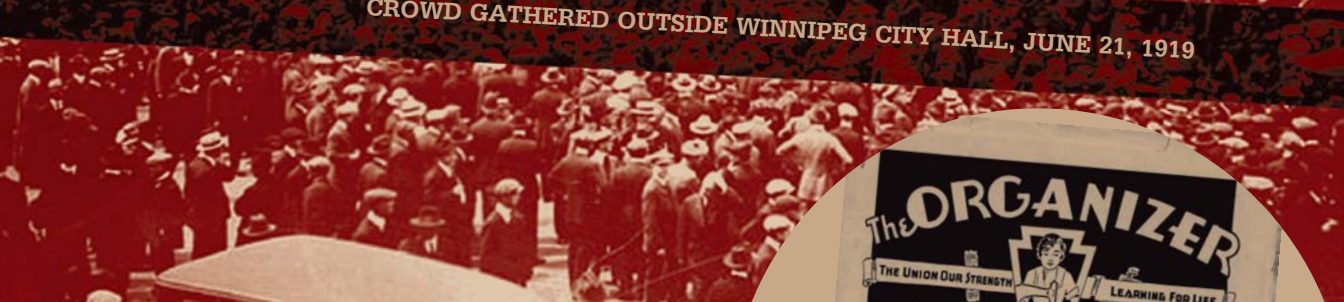
In the years leading up to World War I, these fledgling organizations advanced and then retreated, winning key victories and suffering crushing defeats. Their leadership also suffered increasing government crackdowns through “red scares” and efforts to rid Canada of the influences of “foreign radicals.” But in the aftermath of the carnage of the war,



Vehicle window placard permitting movement across Winnipeg, June 1919



CROWD GATHERED OUTSIDE WINNIPEG CITY HALL, JUNE 21, 1919



returning soldiers and other workers joined a rising tide of internationalism, at times inspired by the revolutionary events taking place in Russia and throughout much of Europe. In the first two years after the war, for example, Canadian workers joined unions in droves, doubling overall membership to 378,000 by 1919, the year of the historic Winnipeg General Strike – an event in which the struggle over union recognition provided one of the initial sparks⁵.

In 1919, seeking higher wages to combat rising inflation, and looking for improved working conditions, Winnipeg’s metal and building trades workers brought their demands to employers. Yet, in a tactic all too familiar to unions of the time, the employers simply refused to recognize the unions, and refused to bargain. The workers struck to back up their demands, appealed to the rest of the labour movement, and were soon followed by



Newsletter of Montreal Cloak and Dressmakers Joint Council, circa 1935

30,000 other workers, both organized and unorganized, who held out in an epic six-week general strike. The Winnipeg strikers demonstrated remarkable leadership, creativity, and discipline in maintaining the strike and keeping the basic functions of the city running under their control.

The strike raised hopes and inspired workers across the country, and struck fear in the hearts of Canada’s ruling classes. It was eventually broken up by a force of 1,800 “special police,” in the aftermath of the June 21 “Bloody Saturday” attack on gathering strikers that saw two killed and 30 wounded, and resulted in mass arrests. The rising wave of militancy was not limited to Winnipeg though: sympathy strikes and other actions took place across the country, and the summer of 1919 saw more than 115,000 workers out in 210 strikes⁶.

But with the Winnipeg General Strike broken, and facing heightened crack-downs by government, labour was once again on the retreat. The effects of a devastating recession in 1921, and in the face of rising corporate power in the 1920s, union membership fell by a third in the five years after 1919, and once again the goal of permanency for unions in Canada remained elusive.



OSHAWA UAW LOCAL 222 MEETING DURING 1937 STRIKE

BATTLING THE DEPRESSION AND WAR: LABOUR'S PUSH FOR PERMANENCY

More than a decade would pass before Canada's next upsurge in union organizing began. In the wake of the spectacular financial crash of 1929 that ushered in the Great Depression, unions were dealt a serious blow. Yet many would join in efforts to organize among the unemployed, finding greater relevance and newfound strength that culminated in the mass marches of the "On to Ottawa Trek" in 1935.

In the U.S., voters looked to President Roosevelt and his "New Deal" policies to end the Depression through economic relief efforts, employment programs, and wide-ranging public works projects. And, for the U.S. labour movement, the 1935 *Wagner Act* brought the first formal recognition of workers' rights to organize, a requirement for employers to recognize unions, and the explicit right to collective bargaining.

Seizing on this new opening to pursue the long-held dream of mass industrial organizing, four months after the *Wagner Act* was signed into law, John L. Lewis of the United Mine Workers of America split with the leadership of the craft-oriented American Federation of Labor to found the Committee for Industrial Organization (CIO). The new CIO unions would set out to organize among mass production manufacturing industries that had begun to dominate the economy: auto, rubber, steel, and paper, among others.

Similar legislative rights would not be enjoyed by Canadian workers, however, until the closing days of World War II. But increasing economic integration with the U.S., and links between existing unions in both countries, meant that Canadians joined the surge to build the new CIO, and other existing industrial unions. 1937 saw several breakthrough struggles in Canada to win union recognition, including the strike among autoworkers in Oshawa, Ontario; a series of job actions and other tactics among Sydney, Nova Scotia steelworkers which additionally won dues check-off; and the "dressmakers" strike by 5,000 women textile and apparel workers in Montreal. In a recovering economy, and the build-up for war, union membership doubled between 1939 and 1945, reaching 725,000⁷.

In the early years of World War II, government appeals for stability came hand-in-hand with tight wage controls and a toothless plea for employers to negotiate with workers. Despite this, organizing efforts remained fiercely opposed, as employers routinely refused to recognize unions. In Kirkland Lake, Ontario, for example, the miners' strike,



which began in late 1941, highlighted how union recognition was viciously opposed through the employer's use of scab labour and the deployment of police forces against workers.

Chafing under wage controls and the hardships of the war economy, and frustrated by employers' continued unwillingness to recognize unions, Canada witnessed a massive wave of strikes in 1942–43. There were 760 strikes during this period, involving one in three union members and resulting in more than one million strike days in 1943 alone. Once again, advances in workers' rights would only come as government stepped-in to contain the disruptions and militancy, by enacting *Privy Council Order 1003* in 1944. This new directive essentially brought the *Wagner Act* to Canada, with the requirements that employers recognize and negotiate with unions – but only for the duration of the war.

Beyond the clear desire for improved wages and working conditions, this wave of wartime strikes also sought to establish the legitimacy and permanency of unions as the collective voice of workers. Working people had witnessed the cycle of boom and bust repeat itself over and over since the 1880s, and sought not only to win formal recognition, but also to put their unions on a solid financial footing.

Early experiences of CIO unions in large industrial workplaces showed that they remained vulnerable to the volatility of the marketplace and employer interference on the shop floor. And while hand-to-hand dues collection necessitated a large and active steward body, it also created organizational instability – a serious challenge to permanency for these rapidly growing unions at time when it was needed the most.

By this time unions had been able to win a variety of forms of union security, including “closed shop” workplaces, where only union members could be employed; the “union shop,” where everyone must become and maintain membership; and the “agency shop,” where everyone covered by the agreement pays dues. Regardless of the form of union security, the rapidly growing industrial unions sought to extend the practice of “check-off” to union dues. This wasn’t an entirely new idea, rather it picked-up on the practice established by early unions where deductions for various benevolent, burial and other union-managed social aid programs were “checked-off” from workers’ paycheques.

The struggle to win dues check-off began well before the famous 1945 Ford strike, in fact, unions on both sides of the border began pressing for it in the late 1930s.

Greater control over labour relations in Canada during the war had been assumed by the Wartime Labour Relations Board (WLRB). The WLRB’s proceedings show just how much the question of dues check-off had become front and centre. Among 39 major strikes over union security that occurred in 1944-45, in 23 cases the WLRB recommended awarding dues check-off in the settlement⁸.

And a major battle for dues check-off also lay at the heart of the 1944 strike in the Halifax shipyards by 3,000 workers, where the right to dues check-off was eventually established by a ruling of the Nova Scotia Supreme Court – a precedent-setting achievement⁹.

POST-WAR: CONSOLIDATION AND COMPROMISE

The post-war period saw significant change and consolidation in the union movement. A wave of strikes that occurred in the immediate post-war period was an expression of workers’ desire to hold onto and advance the gains they had fought so hard to win over the previous decade. Key strikes in this period – the 99-day strike by 11,000 workers and blockade at Ford Motor Co. in Windsor, in 1945 [see page 21 to learn more about the Ford strike], and the 86-day strike in 1946 by 2,000 workers at Stelco, in Hamilton – still resonate today for the gains, and, more importantly, the union security and permanency, they helped workers win.

The Ford strike, of course, led to the key arbitration decision giving us the “Rand Formula,” that solidified the agency shop and dues check-off, but also went hand-in-hand with a union pledge to control and discipline wildcat strikes and other job action during the term of the collective agreement [see page 27 to learn more about the Rand decision]. But the struggle for union security certainly did not end with the Rand decision and union security and dues check-off did not suddenly materialize for all workers – there was no change in law that required it. Rather union security and the Rand Formula had to be won inch-by-inch through negotiations, backed up by the largest strike wave the country had ever seen.



In 1946-47, strikes for improved conditions, union recognition and dues check-off shut entire industries, including auto, steel, rubber, electrical, forestry, textiles, newspapers, among others as labour pushed to solidify wartime gains. More than 120,000 workers hit the picket lines across the country in this period, resulting in over 7 million strike days¹⁰. Employers and governments learned the hard way that workers would not be pushed backwards at war's end.

By the 1950s, provincial governments had adopted basic labour relations legislation modeled on wartime rules. And the Rand Formula had become the established pattern among major industries and in large workplaces. And yet, while unions routinely negotiated the Rand Formula during bargaining, there was still no requirement to do so in law. Many employers would routinely reject the demand – especially in newly organized workplaces – in attempt to break the union.

THE 1960S AND BEYOND: RAND FORMULA BECOMES LAW

A rising wave of labour militancy and strikes during the mid-1960s led the federal government to establish a *Task Force on Labour Relations*, under the chairmanship of H.D. Woods, Dean, Faculty of Arts and Science, McGill University. The “Woods Task Force,” as it became known, identified the struggle over union security as being at the heart of several strikes of the era, and among its many suggestions for improving Canadian labour relations recommended that the Rand Formula become law across the country. Only Manitoba would heed that recommendation, however, becoming, in 1972, the first jurisdiction to require that mandatory dues check-off be part of all collective agreements¹¹.

It would only be on the heels of major upheavals and strikes that the legal protection for the Rand Formula would be extended beyond Manitoba's borders. In Quebec it took a bitter 20-month strike that began in 1974 at United Aircraft in Longueuil to spur changes to the Quebec Labour Code in 1977, making dues check-off mandatory [see page 31 to learn more about the 1974 United Aircraft strike].

And in Ontario, a small band of 80 women at the newly organized Fleck auto parts plant in Centralia stared-down hundreds of police in an epic 163-day strike in 1978 that paved the way for legal protections of the Rand Formula coming into force in 1980. [see page 35 to learn more about the 1978 Fleck strike]. Legal protections for the Rand Formula were extended to the federal jurisdiction in 1984, and eventually to other jurisdictions in the ensuing years.



DEFENDING OUR GAINS: FACING EFFORTS TO ELIMINATE OUR RIGHTS

Today, most Canadian jurisdictions require mandatory dues check-off to be part of all collective agreements, or require that employers accept the demand if sought by the union (Manitoba, Quebec, Ontario, Saskatchewan, British Columbia, Newfoundland and Labrador and the federal jurisdiction). And in all other provinces, workers are free to negotiate the Rand Formula. The legal protections that exist have been important for stabilizing and extending unionization, but it is vital to underscore that efforts by some corporate lobby groups and governments to bring so-called “right-to-work” laws to Canada are not merely about removing these existing protections, but rather, they aim to make it *illegal* to even negotiate the Rand Formula.

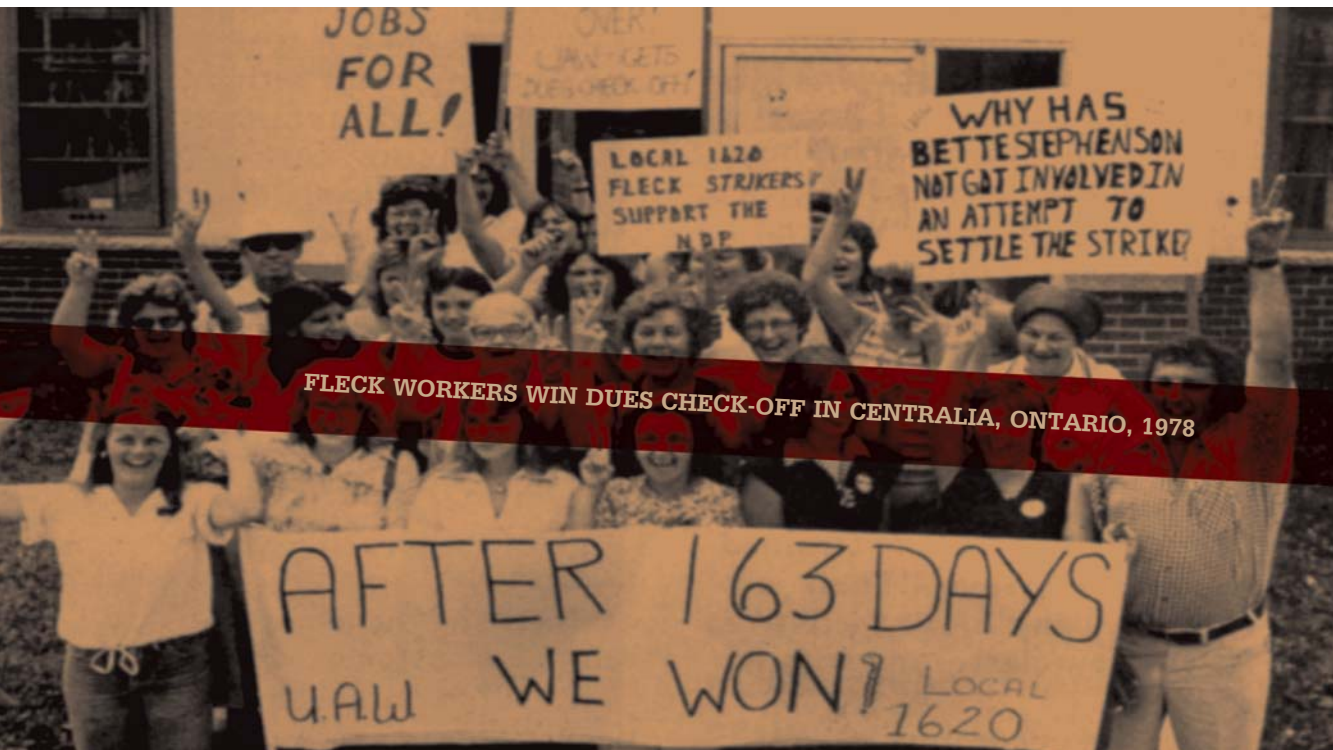
From a historical perspective, prohibiting this basic form of union security, and reaching so deeply into the right to collectively bargain would clearly mark a return to the 1930s, if not earlier. In some respects, making it illegal for workers to negotiate dues-check off, and ultimately making it illegal to back up their demands with strike action, brings us back

to the 1870s when workers could be charged for conspiracy and illegally “combining” their labour. Today, there are some in Canada looking to roll back a century-and-a-half of social progress.

What lessons are we to draw from this history? It’s clear that each and every advance in the rights of workers came after a wave of militancy and struggle: from the nine-hour movement, to the enactment of the 1872 *Trade Union Act*, to the 1907 *Industrial Disputes Investigations Act*, to the Winnipeg General Strike and the On-to-Ottawa Trek, to wartime strikes and the key labour relations legislation that arose during and after World War II, to the many militant actions of the 1960s and beyond.

We won what we won only by pushing and struggling and building a movement collectively. Our rights were not given or granted to us by anyone. They were won.

Today, all Canadians enjoy the rights and benefits won by those who came before us. And if they were with us now, would they allow progress to be undone? Will you?



FLECK WORKERS WIN DUES CHECK-OFF IN CENTRALIA, ONTARIO, 1978



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