

LABOUR LAWS AND THE DEVELOPMENT OF THE LABOUR  
MOVEMENT IN NEWFOUNDLAND 1900-1960

CENTRE FOR NEWFOUNDLAND STUDIES

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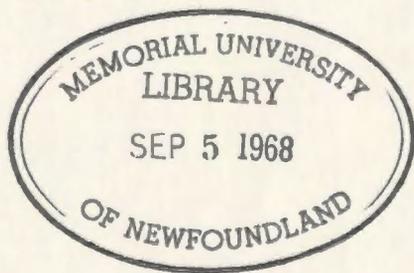
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**Memorial University of Newfoundland**

**Labour Laws and the Development of the Labour Movement  
in Newfoundland 1900-1960**

**by**

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A thesis submitted in partial fulfilment of the requirements for the degree of Master of Arts, Memorial University of Newfoundland, St. John's, Newfoundland, Canada.

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## ABSTRACT

This is an attempt to outline the legal and economic framework within which trade unions have functioned and developed in the island of Newfoundland.

The paper begins with a brief account of the economic, social and political background of the island. Thereafter, it is divided basically into two parts. The first part outlines the labour laws in the island before and after Newfoundland became the Tenth Province of Canada. The pre-1949 labour laws were patterned on British labour legislation. However, after 1949, it became necessary to either enact new laws or revise the old ones so as to make them conform substantially with those of other parts of Canada.

The Labour Legislative Committee which advised the government of Newfoundland was comprised mainly of trade unionists. It was therefore not surprising that the immediate post-1949 labour laws of Newfoundland heavily favoured the trade unions. The result was that the labour movement in Newfoundland was able to make great strides in the years immediately following the island's union with Canada.

After the bitter International Woodworkers of America (I.W.A.) strike in 1958/59, the government of Newfoundland passed two labour acts, the effect of which was to sever the "friendly" links between organized labour and the Newfoundland government. These two acts in question tended to weaken the labour movement.

The first part ends with a comparison of labour legislation in Newfoundland and other parts of Canada, especially that of the Atlantic Provinces. An attempt is also made to appraise, critically, the Newfoundland labour laws.

The second part of the paper tries to trace the development of the labour movement in Newfoundland. An attempt is also made, in this part, to explain how the structure and nature of the labour force in the island - namely, its heavy reliance on the seasonal fishing and logging industries - did not favour the growth of trade unions. This second part of the paper outlines the formation of the first Newfoundland trade union, that is the Seal Skinners' Union of St. John's in 1854. However, the real foundation of the labour movement in Newfoundland can be traced to the building of the trans-island railway, as well as to the establishment of the pulp and paper industries in the island.

The formation of the Newfoundland Federation of Labour in 1937, its growth and subsequent affiliation to the Canadian Labour Congress is outlined.

An attempt is made to suggest reasons why the Newfoundland Federation of Labour is not as strong a movement as it was before the I.W.A. strike and the possible ways by which the Federation can increase its membership and effectiveness in the province.

The thesis concludes with a detailed account concerning the causes and development of the bitter 1958/59 International Woodworkers of America (I.W.A.) strike which made headline news all over North America, and the implications of this dispute for the labour movement in the province.

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## CONTENTS

	<u>Page</u>
Abstract . . . . .	i
Acknowledgements . . . . .	iii
List of Tables . . . . .	v
<u>Chapter</u>	
I The Economic, Social and Political Background . . . . .	1
II Newfoundland Labour Laws 1900-1963 . . . . .	14
III Newfoundland Labour Laws - An Appraisal . . . . .	37
IV The Newfoundland Labour Movement 1900-1948 . . . . .	57
V The Newfoundland Labour Movement 1949-1960 . . . . .	89
VI The International Woodworkers of America (I.W.A.) Dispute 1958/59 . . . . .	118
<u>Appendix</u>	
A The Objectives and Constitution of the Newfoundland Trades and Labour Council 1937 . . . . .	139
B A List of Trade Unions in Newfoundland October 1938 . . . . .	141
C Past Officers of the Newfoundland Federation of Labour. . . . .	144
Bibliography . . . . .	147

LIST OF TABLES

<u>Table No.</u>	<u>Title</u>	<u>Page</u>
1	Population of Newfoundland 1836-1965	2
2	Newfoundland's Production By Major Commodities 1891-1963	10
3	Distribution of Labour Force in Newfoundland	11
4	Minimum Wage as a Percentage of Average Rate in Manufacturing Sector	47
5	Trade Union Membership in Newfoundland 1949-1963	89

## CHAPTER I

### THE ECONOMIC, SOCIAL AND POLITICAL BACKGROUND

Even though this is a study of labour relations in Newfoundland, the study would be incomplete without some knowledge of the economic, social and political setting under which the various labour laws were passed, and within which the trade unions in the island carried out their activities.

Any study of any facet of Newfoundland life and institutions reveals the scars that long periods of isolation and suffering have left across the rugged face of the island. The effects of this long period of isolation are manifested in the labour laws and the development of trade unionism in the province. Today, 1967, almost 18 years after the island became the Tenth Province of the Dominion of Canada, Newfoundland is in the midst of an exciting period in its history.

The Liberal Government of Premier Smallwood - the only Premier the province has had since 1949 - is aware of the implications of being part of a fast developing Canada, and is trying not to be left behind in the growth race. All over the province, the great disparity - economic and otherwise - between the tenth province and many of the other provinces of the Dominion is being recognized, and major attempts are being made both by the provincial and the federal government through education, vocational training, encouragement of business organizations, and direct and indirect participation in economic and social programs to help bridge the gap between Newfoundland and the rest of Canada. It is significant to note that all over the island, the people, especially the youth, are co-operating with the government in various ways to get the economic

position of the province in line with the rest of Canada.

### Population

In spite of its large size, and in spite of the fact that Newfoundland is the oldest part of the New World to be settled by Europeans, the population of the island has remained relatively small; in actual fact, it was not until the year 1965 that its population reached the half a million mark. The table below illustrates the increase in the population of the island since 1836.

TABLE 1

POPULATION OF NEWFOUNDLAND 1836-1965

Year	Population
1836	75,094
1874	161,374
1901	220,984
1935	289,588
1951	361,416
1961	457,853
1965	500,000

Source: R. I. MacAllister (ed.). Newfoundland and Labrador. The First Fifteen Years of Confederation, p. 69.

For two centuries after its discovery by explorers and fishermen from Europe, settlement on the island was actively discouraged by those who, by Royal Charter, controlled the fishing and mercantile concessions in Newfoundland. The early settlers, who were mostly of British stock

(English, Irish, Scottish), were concentrated on the Avalon Peninsula, the trading post of St. John's and the east coast. On the west coast, there were the Acadians, who had left the Atlantic region of Canada, settlers from France, England, the Channel Islands, Ireland, and from Cape Breton.

By the beginning of the 20th century, there were about 220,000 people on the island. These settlers were scattered in about 1300 settlements around the island's 6,000 mile coastline.<sup>1</sup> The main occupation of the people was fishing, so that when choosing places of residence, the fishermen sought isolated, sparsely populated "out-of-way coves" where they hoped to avoid the Naval authorities.

The distribution of the population among the numerous hamlets, separated from each other by the roadless wilderness, and for the most part, by the ice-bound sea, had far-reaching consequences. Not only was social and economic contact limited but also political administration became difficult and expensive. For similar reasons, health, education and other welfare facilities were limited.

By the middle of the 20th century, with the exception of St. John's, which maintained its traditional economic importance, urban growth was only beginning to show up in the pulp and paper towns of Grand Falls and Corner Brook, the mining centres of Buchans and to some extent on Bell Island.

World War II had a great impact on Newfoundland. The establishment of the wartime defence bases by the governments of the United States, Canada, and the United Kingdom on the island provided new and large-scale

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<sup>1</sup> Newfoundland Royal Commission 1933 Report, Appendix A, p. 234.

employment opportunities for rural Newfoundland, while at the same time, the creation of the concentrated settlements on the bases exposed the people of the island, especially those in the rural areas, to new faces, new ideas, and different ways of life. This exposure ended the long isolation of the island. In April 1949, Newfoundland joined the Dominion of Canada as the Tenth Province, and this had the effect of further exposing the people on the island to the ideas, life and government on the Canadian mainland.

While Newfoundland's high birth rate has contributed very much to the growth of the population, the province has not been able, in view of its geographical position and lack of employment opportunities, to attract many European immigrants, who have contributed so much to the economic and social development of some of the other provinces of Canada. It is significant to note that Newfoundland is experiencing a rapid urban growth now. For instance, during the decade 1951-1961 the rural population increased from 207,000 to 226,000, while the corresponding increase in the urban areas during the same period was from 154,000 to 232,000.<sup>2</sup>

Later in this paper it will be shown that one of the reasons why it took so many years for Newfoundland to develop trade unions was the fact that the population was sparsely distributed all over the island. It was no wonder, therefore, that the first trade unions in the island started in St. John's. With the growth of urban areas, trade unions have been formed in several places in the province.

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<sup>2</sup>D. Snowden, The Co-operative Movement in Newfoundland, A Mimeographed ARDA Report 1965, p. 3.

## Government and Education

For a long time in the history of Newfoundland, the churches have played a very important role in the field of government affairs and education. Even now the churches have great influence in the education system up to high school level. For a long time the people on the island did not take an active interest in politics. The reason was that they were separated from each other by long roadless distances, and newspapers could not reach many areas. Very often, many of the districts were represented in the legislature by the lawyers in St. John's. Even though St. John's had been granted a local government system in 1888, it was not until 1938 that a local government system was established for the whole of the island.<sup>3</sup>

In 1932 as a result of the bankruptcy of the Newfoundland government, a Commission of Government, dominated by the British, was set up to govern the island. The result was that many British laws, including labour legislation, were incorporated into the Newfoundland statutes. When Newfoundland, in 1949, joined the Dominion of Canada, it became necessary for the province to revise her laws to make them conform with corresponding laws in the other provinces of Canada.

The isolation of the numerous hamlets on the island was for many years a great obstacle to the implementation of an island-wide school system. It is not surprising at all therefore that sectarianism has always remained a big influence on the island's education system. To get the children into schools, the Commission Government passed the Children's Protection Act, the School Attendance Act and several other

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<sup>3</sup>Report of the Royal Commission for the Preparation of the case of the Government of Newfoundland for the Revision of the Terms of Union, pp. 488-9, 492.

acts which had the effect of keeping children away from employment during school hours. Even then, it was difficult to enforce these well-intentioned laws in the isolated parts of the island.

With the growth in urbanization during and after the World War II years, and especially since 1949, much emphasis has been placed on universal education in the province. An indication of the great progress made can be seen from the fact that the high school attendance in the province rose from 7,300 in 1949 to about 22,000 in 1964.<sup>4</sup> Huge sums of money are being spent by both the provincial and federal governments on vocational training.

Outstanding progress has been made in the output of university graduates. Between 1948/49 and 1965 the student body of the Memorial University of Newfoundland increased from 329 to 3,500. Moreover, with the introduction of fee-free university education in 1965 and the provision of financial allowances to students in 1966 - the first of such a program in Canada - no longer will lack of funds be a barrier to university education in the province. With the expansion and progress in education, labour in the province is fast becoming aware of its role and rights in the country.

#### Economy

For more than 400 years, Newfoundland depended upon its rich cod fishing for its economic support, but the industry was poorly organized. The fishing activity was limited to the individual fishermen who employed old methods of fishing, curing and marketing their own catch.

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<sup>4</sup>D. Snowden, op. cit., p. 4.

The government of Newfoundland failed to take an active interest in regulating the curing of the fish or in controlling shipments to foreign markets. The result was that Newfoundland produced poor salt fish.

By the end of the 19th century therefore, Newfoundland was losing the European salt cod fish market to the fishermen of Norway and Iceland who provided a better product. Newfoundland was compelled, under the circumstances, to seek new markets in the West Indies and South America, where the people were indifferent to the relatively poor quality of the Newfoundland salt cod.

The fishing industry remained in this depressed situation until the advent of World War II. During the war, several fishing countries were eliminated from the world fishing trade. The result of this was that the world demand for fish exceeded the supply. This factor created favourable marketing conditions during and immediately after the war, and the fishing industry in Newfoundland benefited greatly thereby.

Since 1949 when Newfoundland became a part of the Dominion of Canada, the Federal Government in co-operation with the Provincial Government has tried to modernize the fishing industry. The Newfoundland Fisheries Development Authority and the Newfoundland Department of Fisheries have carried out intensive research studies to improve the industry. By 1965 there were 60 salt fish plants and 33 frozen fish plants dotted along the Newfoundland coast, most of which are along the southern banks between Port-aux-Basques and St. John's.<sup>5</sup> Despite the great attention that both the federal and provincial governments have given to the fishing industry, the importance of the industry has

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<sup>5</sup>R. I. MacAllister (ed.), Newfoundland and Labrador, *The Fifteen Years of Confederation*, pp. 125-7. *Fifteen*

declined considerably through the years. For instance, while at the end of the last century, the industry employed about 80% of the gainful labour force in the island and produced about 84% of the island's total annual product, the corresponding figures in 1951 were 17% and <sup>5%</sup>8% respectively.<sup>6</sup>

Agriculture has always remained a less important industry in Newfoundland partly because much of the land is not suitable for farming, and partly because it is highly seasonal. The farms on the island were mostly around St. John's and the districts of Cordroy and the Humber Valley in the west coast. Even though St. John's provided a good food market, high transport costs from the farming areas did not contribute to the improvement and development of agriculture in the island. Confederation with Canada has not brought any significant change in Newfoundland's agriculture, and it appears that the province will have to rely on imported food for a very long time to come.

The forest industries have always played an important role in Newfoundland's economy. Their importance in the economy was greatly increased after the establishment of the Anglo-Newfoundland Co. Ltd. in 1905 at Grand Falls and the Bowater's (Nfld) Pulp and Paper Mills Ltd. at Corner Brook 18 years later.

When Newfoundland became a province of Canada, half of the forest area of the island was under commercial use. In addition, there were about 900 sawmills on the island. In 1949 the four mining enterprises in Newfoundland employed among them about 3% of the labour force. These were the Bell Island Iron Ore Mine, the Buchans copper, zinc and

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<sup>6</sup>P. Copes, "St. John's and Newfoundland". An Economic Survey, (The Newfoundland Board of Trade Report 1961), pp. 10, 153, 217 and Tables 2 and 3, pp.10 and 11.

lead mine, the Burin Peninsula Flourspar mine and the Aguathuna limestone mine. The Bell Island mine which at one time had been regarded as one of the richest iron mines in the world was closed in 1966, when it was no longer profitable to operate.

Apart from the fish processing industries and the paper mills, industrial manufacturing on the island before 1949 was largely confined to St. John's. The manufacturing plants, for the most part, were small and devoted to tasks of assembly. Among the primary manufacturing activities were boots and shoe making, confectionery, paints, nails, furniture, baking, margarine, brewing and the production of other goods such as bricks, which were largely meant for the local market. On the whole, Newfoundland's manufacturing industries have progressed rather slowly since Confederation. Between 1951 and 1957, the net value of manufacturing production increased only five per cent.<sup>7</sup>

Table 2 shows clearly how the economy of the island has, since the year 1948, shifted its reliance from the fishing industry to the forestry and mining industries. Of course, forestry has always produced a major share of the national product since the establishment of the two paper mills. The sudden rise in the proportion of national product contributed by the mining industry since 1953 was the result of the opening of the rich Labrador Iron Ore mine.

With the increasing economic development of the island, the distribution of employment has tended naturally to change as can be seen in Table 3.

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<sup>7</sup>Ibid., p. 112.

TABLE 2

## NEWFOUNDLAND'S PRODUCTION BY MAJOR COMMODITIES 1891-1963

(thousands of current dollars)

Annual Average	<u>Fishery</u>		<u>Forestry</u>		<u>Mining</u>	
	Value	% of Total	Value	% of Total	Value	% of Total
1891-95	5,741	84 %	500	7.0%	575	8.0%
1911-15	10,041	75.5%	1,937	14.6%	1,329	9.0%
1926-30	15,176	43.3%	16,331	46.6%	3,558	10.1%
1936-40	7,445	22.7%	17,249	52.6%	8,105	24.8%
1941-45	14,961	40.9%	14,424	39.5%	7,214	19.8%
1946-48	29,899	43.7%	25,711	37.6%	12,806	18.8%
1953-57	27,977	16.7%	76,920	46.0%	62,118	37.2%
1958-63	34,442	16.4%	83,124	39.6%	92,439	44.0%

Source: Adapted from R. I. MacAllister (ed.), op. cit., p. 70.

TABLE 3

## DISTRIBUTION OF LABOUR FORCE IN NEWFOUNDLAND

		<u>1951</u>	<u>1961</u>
Primary Industries Total	40,400		37,500
Fishing (incl. processing)		19,000	22,000
Mining		4,100	4,300
Forestry (incl. pulp and paper)		13,800	9,600
Agriculture		3,500	1,600
Secondary Industries Total	21,900		29,300
Manufacturing (excl. fish and wood)		2,400	3,000
Power		500	700
Construction		8,400	13,400
Transportation		10,600	12,200
Tertiary Industries Total	34,900		45,200
Wholesale Trade		4,000	4,000
Retail Trade		12,000	14,000
Commercial Service		2,300	3,000
Finance-Insurance and Real Estate		600	1,400
Community Service		6,500	10,000
Government Service		9,500	12,000
		<u>97,000</u>	<u>112,000</u>

Source: R. I. MacAllister (ed.), ibid., p. 82.

The proportion of the working population in the primary industries sector has actually declined, while that in the secondary and tertiary industries has increased as can be seen from Table 3. In the construction industry alone, the increase in employment has jumped about 60%. This is not surprising when we remember that in 1949 and 1963 the value of construction activities actually carried out in the province was \$13 million and \$106,000 million respectively.<sup>8</sup>

The coming of World War II had the effect of lifting up the Newfoundland economy from depression into boom. As stated earlier, it also exposed the island to the world outside it. During the war the construction of defence bases and airports on the island meant the flow of outside capital and ideas into the island. While this defence expenditure ceased in most parts of Canada with the end of the war, in Newfoundland it was to remain an important economic factor because its geographical position made the continuance of these bases necessary because of post-war international tensions. It has been stated that between 1941 and 1964, at least \$1½ billion has been invested in defence installations in the province.<sup>9</sup> Of this amount, about \$1.0 billion were U.S. funds invested in the Argentia, Quidi Vidi-Pepperrell (St. John's), Stephenville and the Goose Bay U.S. defence bases. The Pepperrell and the Stephenville bases were closed in 1960 and 1966 respectively.

On April 1, 1949, as a result of a narrow victory in a referendum held in Newfoundland the previous year, Newfoundland became Canada's

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<sup>8</sup>R. I. MacAllister (ed.), op. cit., p. 76.

<sup>9</sup>Ibid., p. 84.

Tenth Province. No matter what the emotional feelings, especially of the older generation of Newfoundlanders towards this union, the fact remains that the union with Canada has contributed much towards the economic, social and political development of the province. Among the important effects of the union with Canada are improvements in transportation linkage with the mainland, and the influence in Newfoundland of Canadian radio and television broadcasting. The greater mobility and contact of the population of Newfoundland and mainland Canada has had a great impact on every aspect of life in the province including the organization of trade unions.

The following statement indicates some of the benefits accruing to Newfoundland after it joined the Canadian Confederation.

Much easier to measure <sup>n</sup> that the emotional impact of Newfoundland's identity within the Canadian political structure is the impact of confederation upon the provincial economy. The province continues to absorb massive injections of social capital, both from its own and the federal government. The expenditure of public funds is having its most pronounced effect in the provision of health and education facilities and in the development of a highway system which are changing the province's trade pattern and economic growth.

In the 15 years immediately after confederation, new public and private investment was just under \$2.0 billion, at \$472 per capita, the highest in the Atlantic Provinces, and only slightly below the average for Canada. Since 1960, about 60% of the investment has been diverted towards new capital expenditure on the primary resources industries, notably in mining (Labrador) and in the provision of modern shore facilities for the fishing industry. By 1963, according to the D.B.S. estimates, construction headed the list of commodity producing industries, followed by mining, fishing, forestry, and a rapidly growing electric power industry in that order. <sup>10</sup>

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<sup>10</sup>D. Snowden, op. cit., p. 46 & 7

## CHAPTER II

### NEWFOUNDLAND LABOUR LAWS 1900-1963

Any attempt to understand and assess the public interest in industrial relations must be concerned with law as the formal embodiment of public policy, and particularly, although not exclusively, with labour-relations law . . . . The enactment of such laws reflects a conscious social purpose establishing formal industrial-relations policies. Amendment of these laws reflects either the need to clarify policy at certain points where it was obscure, or the need to adjust policy in the light of changing circumstances. But law is the surface codification of the rules of the industrial-relations system . . . (the root of which) lies deeper in the day-to-day and long run circumstances of the relationships of the parties engaged in industry. <sup>1</sup>

There can hardly be a better description of the form, and changes in the form, of labour laws in Newfoundland between 1900 and 1963 than that given in the above quotation, the significance of which will become clearer in the pages that follow.

Until the year 1949, when Newfoundland became the Tenth Province of Canada, there was no Department of Labour in the island. In 1933, it is said, the Commission of Government ordered a Department of Labour to be set up, but no such department was created until 1942, when a start was made by the establishment of a Labour Relations Office in the Department of Public Utilities. This office conducted national registration and administered labour regulations issued under the Emergency Powers Act of 1940. The office also assisted the Commissioner

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<sup>1</sup>H. D. Woods and S. Ostry, *Labour Policy and Labour Economics in Canada*, Macmillan of Canada, Toronto, 1962, p. 3.

of Public Utilities in handling the administration of the wartime Trade Disputes (Arbitration and Inquiry) Act 1944.<sup>2</sup> In 1949, immediately after Newfoundland's union with Canada, the provincial government of Premier Smallwood, himself a former trade unionist, set up a Department of Labour. Mr. C. H. Ballam, a founding member of the Newfoundland Federation of Labour, and once the Federation's Executive President, became the first Provincial Labour Minister.

Before the country's union with Canada, one of the most important labour laws in the island was the Trade Union Act of 1910. This Act, together with the wartime Trade Disputes (Arbitration and Inquiry) Act 1944, was British in character. Some of these British features were retained in the province's labour laws enacted even after confederation with Canada. All other laws in Newfoundland pertaining to labour before 1949 applied to the specified trades (for example, the Logging Act 1938 and the Shops Act), or protected the workman from industrial accident and disease (for example, the Workmen's Compensation Act 1948).

Two months after Newfoundland's union with Canada, Premier Smallwood set up a Labour Advisory Committee to assist and advise the Minister of Labour in the preparation of labour legislation for the province. Five of the six members of this Committee were trade union officials, so that it was not surprising that the first body of labour laws enacted in the province heavily favoured the labour movement.<sup>3</sup>

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<sup>2</sup>Department of Labour Newfoundland, Commentary on Labour Legislation, A mimeographed report of the Newfoundland Department of Labour, p. 2.

<sup>3</sup>The Commission was made up of the following members: Kervin J. Barry, LL.B., Corner Brook, Chairman; Joseph J. Thompson, Grand Falls, President of the Newfoundland Lumbermen's Association; Frank J. Brenton, Burin, President of the Fishermen's Workmen's Protective Union of Burin East; Leo Earle, St. John's, President of the Long Shoremen's Protective Union; Robert Fogwill, St. John's, Vice-Chairman of the Brotherhood of Railway Clerks; Cyril W. Strong, Secretary of the Newfoundland Federation of Labour.

One of the direct results arising out of the enactment of these favourable labour laws was the great increase in the province's labour movement after 1950.<sup>4</sup> This growth in union membership continued until 1959, when as a result of the appearance of the bitter International Woodworker's of America (I.W.A.) dispute, the Newfoundland Federation of Labour fell out of favour with the provincial government.<sup>5</sup>

That year and the next saw the passage of labour laws that had the effect of weakening the effectiveness of the labour movement.<sup>6</sup> Since 1963, the provincial government has repealed most of the provisions it introduced into the province's labour laws during the I.W.A. dispute, because it became clear that these laws were unpopular not only in the province but also all over Canada and abroad.

We shall now proceed to analyse the provisions of the various important labour laws enacted in the province before and after 1949, mentioning briefly also the other laws pertaining to labour. Throughout the thesis, we shall be ignoring those economic activities that come under federal control like international or interprovincial railways, highway transport, pipelines, canals, ferries, telephones, cable system, shipping, broadcasting, aerodromes, banks, and all other federal controlled undertakings. The workers of those undertakings are covered by the Dominion Industrial Relations and Disputes Investigations Act 1948,<sup>7</sup>

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<sup>4</sup>See Table 5, p. 89.

<sup>5</sup>Chapter 6 is devoted solely to the story of the I.W.A. dispute and the 1959 Acts enacted to halt the dispute.

<sup>6</sup>These were The Labour Relations (Amendment) Act 1959; The Trade Union (Emergency Provision) Act 1959; The Trade Union Act 1960. For details of these Acts see Chapter 6.

<sup>7</sup>Dominion Industrial Relations and Dispute Investigation Act 1948, Ottawa: King's Printer, 1948.

on which the Newfoundland Labour Relations Act 1950 and those of the other provinces of Canada were modelled.

### The Trade Union Act

The first Trade Union Act 1910<sup>8</sup> passed in Newfoundland defined a trade union as "any combination, temporary or permanent, for regulating relations between workmen and masters, or between workmen and workmen, or between masters and masters, or imposing restrictive conditions on the conduct of any trade or business."<sup>9</sup> Any seven or more members could register their union with the Registrar of Companies so long as they complied with the rules laid down in the Act concerning name, union laws, membership, officers and accounts.<sup>10</sup> However, registration, as in Canadian law, was voluntary and remained so until 1960 when, as a result of the bitter International Woodworkers of America (I.W.A.) strike, registration was made compulsory. The Act declared that an act of a trade union should not be considered unlawful merely because it restrained trade. In this way, the act sought to protect trade unions and their members from criminal charges of conspiracy.<sup>11</sup>

An interesting feature of this Act was the provisions contained in Section 20. This section permitted the application in Newfoundland of two Imperial Acts. These British Acts were the Conspiracy and

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<sup>8</sup>The Trade Union Act 1910, St. John's, Newfoundland: J. W. Withers, Printer's to the King, 1910.

<sup>9</sup>Ibid., Section 2.

<sup>10</sup>Ibid., Section 7.

<sup>11</sup>Ibid., Sections 3 and 4.

Protection of Property Act, 1875<sup>12</sup> and the Trade Disputes Act, 1906.<sup>13</sup> The Conspiracy and Protection of Property Act exempted the application of the law of conspiracy to trade disputes.<sup>14</sup> It also provided penalties for wilful and malicious breach of contract by persons employed in supplying a town with gas, water or anything that could endanger life or property.<sup>15</sup> The Trade Disputes Act extended legal picketing to cover "peacefully obtaining and communicating information, or of peacefully persuading any person to work or abstain from work."<sup>16</sup> The same act also exempted trade unions from court action for any "tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute."<sup>17</sup> Under the Trade Union Act of 1910, trade unions in Newfoundland did not have legal identities, and continued to remain so until 1960.

On May 13, 1950, a year after Newfoundland's union with Canada, the Trade Union Act<sup>18</sup> of the Province of Newfoundland was enacted. This Act had some similarities with other Canadian Provincial and the Dominion Acts. In conformity with trade union legislation in other parts of Canada, this Act included a provision which empowered the Minister of Labour to

<sup>12</sup>Imperial Act 38 and 39, Vic Cap 36, entitled "The Conspiracy and Protection of Property Act 1875".

<sup>13</sup>Act 6, Ed VII, Cap 47, entitled "The Trade Disputes Act 1906".

<sup>14</sup>The Conspiracy and Protection of Property Act 1875, op. cit., Section 3.

<sup>15</sup>Ibid., Section 4.

<sup>16</sup>Trade Disputes Act 1906, Section 2.

<sup>17</sup>Ibid., Section 4.

<sup>18</sup>The Trade Union Act, Act No. 21, May 13, 1950, St. John's Newfoundland: King's Printer, 1950.

issue every year a certificate to those trade unions which filed their annual returns with his office, and complied with certain specific regulations laid down in the Act concerning the rules of the trade unions.<sup>19</sup> Again, the Newfoundland Act, like other provincial acts, stated that court proceedings could not be issued against a trade union for any legal act done by a trade union in furtherance of a trade dispute.<sup>20</sup>

A significant departure of the Newfoundland legislation from similar laws of the other Canadian provinces and from the Dominion law was the retention in the Newfoundland Act, of the clause borrowed from the British Trade Disputes Act of 1906. This provision exempted trade unions in the province or their members from any court action for any tortious acts alleged to have been committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.<sup>21</sup> The effect of this provision, which remained on the Statute Books of the province until 1960, was to enable the labour movement in the island to take great strides in its growth after 1950.<sup>22</sup> In 1952, the Trade Union Act (1950), became Chapter 262 of the Revised Statutes of Newfoundland.

On March 6, as a result of the bitter I.W.A. strike, an emergency provision was inserted into the Trade Union Act.<sup>23</sup> The effect of this amendment was the decertification of two local unions in the province.<sup>24</sup>

<sup>19</sup>Ibid., Section 12.

<sup>20</sup>Ibid., Section 4.

<sup>21</sup>Ibid., Section 6.

<sup>22</sup>See Table 6, p. (missing)

<sup>23</sup>The Trade Union (Emergency Provision) Act, 1959, March 6, 1959, St. John's, Newfoundland: Queen's Printer. Details of this Act are given in Chapter 6.

<sup>24</sup>The details of this Act are given in Chapter 6.

In 1960, a year after the 1959 Emergency Act, The Trade Union Act 1960 was enacted in the Provincial Legislature. This new Act repealed the original Trade Union Act 1952. It defined a trade union as "a local or provincial organization or association of employees, or a local provincial branch of a national or international organization or association of employees within the province that has as one of its purposes the regulation in the province of relations between employers and employees through collective bargaining, but does not include an organization or association of employees that is dominated or influenced by an employer".<sup>25</sup> The frequency with which the words "local and provincial" occur - a legacy of the I.W.A. dispute in 1959 - will be appreciated more after reading Chapter 6.

"The Trade Union Act which came into effect on October 1, 1960 is the first example in Canada of legislation requiring unions to register and to conform with certain rules as a condition of existence as trade unions."<sup>26</sup> The Act established the office of the Registry of Unions in the Provincial Labour Department, with the Registrar of Unions, appointed by the Lieutenant-Governor in Council, as the head. Six months after formation or six months after the law became effective, every trade union is required, under the Act, to apply to the Registrar of Unions for registration. Each union is required to include in its application for registration such information as the members of the union in good standing, the names and addresses of its trustees, officers and executive members, a copy of the union's objectives, regulations, and a copy of its

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<sup>25</sup>The Trade Union Act, 1960. July 6, 1960, St. John's, Newfoundland: Queen's Printer.

<sup>26</sup>The Labour Gazette, November 1960, p. 1162. (Department of Labour, Ottawa).

audited financial statement. If the Registrar finds the union to be complying with the provisions of the Act, he can issue a certificate of registration to it within 30 days.<sup>27</sup> A union may appeal to the supreme court of Newfoundland if the Registrar refuses to register it, or approve its rules, and if he suspends or cancels its registration certificate.<sup>28</sup> In any case, a suspension or cancellation of a union's certificate requires three months' notice from the Registrar. Within those three months, it is hoped that the union can take action to remedy the cause for which its certificate is in danger of being suspended or cancelled. Safeguards, therefore, have been introduced into the Act to limit the arbitrary abuse of power by the Registrar.

Provisions are also made in the Act under which a registered union can affiliate, amalgamate with other unions, and change its name. The Act is ambiguous as to the legal status of trade unions. All it says on this question is that all actions, suits, prosecutions and complaints taken by or against a union in respect of union property shall be taken in the name of the trustees of the union. These trustees can sue and be sued. "All other actions by and against a union registered under this Act shall be taken in the name of the union."<sup>29</sup> Even unregistered unions can be sued. It is interesting to note that the Act is completely silent on the question of responsibility of a union for the actions of its members, as well as the way the law is to handle

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<sup>27</sup>The Trade Union Act 1960. Sections 4, 5, and 6.

<sup>28</sup>Ibid., Section 22.

<sup>29</sup>Ibid., Section 5.

both legal and illegal activities of a union in carrying out their objectives. The answers to these questions are contained in Section 25A of the Labour Relations Act discussed below.<sup>30</sup> The Registrar is required under the Act to publish annually the names of all unions registered, suspended or refused registration in the local papers.<sup>31</sup>

### The Labour Relations Act

Just as the wartime Privy Council Order 1033 in 1944<sup>32</sup> "was the first single document in Canadian policy which . . . (set up) a program of industrial-relations control, complete with administrative machinery . . .,"<sup>33</sup> so, to a lesser extent, did The Trade Disputes (Arbitration and Inquiry) Act 1944<sup>34</sup> of Newfoundland.

The purpose of this Act can be obtained from the full title of the Act which read: "An Act to provide for the establishment of an Arbitration Tribunal and a Board of Inquiry in connection with trade disputes, and to make provision for the settlement of such disputes, and for the inquiry into economic and industrial conditions." This Act, which was not applicable to Crown employees, sought to settle any "dispute or difference between employers and workmen, or between workmen and workmen, connected with the employment or non-employment, or terms of the employment,

<sup>30</sup> See above.

<sup>31</sup> This is done every year in the December edition of the Newfoundland daily paper, "Daily News", published in St. John's.

<sup>32</sup> Privy Council Order 1003, 1944, (often referred to as PC 1003). Ottawa: King's Printer.

<sup>33</sup> H. D. Woods and S. Ostry, Labour Policy and Labour Economics in Canada, Toronto: Macmillan of Canada, 1962, pp. 80-81.

<sup>34</sup> Trade Disputes (Arbitration and Inquiry) Act 1944. St. John's, Newfoundland: King's Printer, 1944.

or with the conditions of labour."<sup>35</sup>

Under this Act, whenever any industrial dispute arose or threatened, the Commission of Public Utilities (or any Commissioner appointed by the Governor-in-Commission), upon his own initiative, or upon the application by any of the parties involved, could take steps to bring the parties together for promoting a settlement thereof. For the settlement of industrial disputes, the Commissioner could refer the matter to an arbitration tribunal constituted of either a sole appointed arbitrator or a tripartite arbitration tribunal.<sup>36</sup> But where machinery for the settlement of a dispute had been already set up under a collective agreement, the Commissioner could not refer the dispute for settlement by an arbitrator or an arbitration tribunal except where there had been failure to settle it by such machinery and/or where both parties to the dispute had agreed to his intervention.<sup>37</sup> The Act also empowered the Commissioner, when he deemed it convenient, to appoint a Board of Inquiry to inquire into disputes, real and threatened, connected with the economic or industrial conditions in the island, and to report to him.

An interesting feature of the Act was that while the arbitration tribunal or the board of inquiry could exclude or admit the public and the press to its sitting, it usually permitted them to publish a fair and accurate account of the proceedings including evidence, but forbade, under penalty, publication of comment until the award or result of the inquiry had been officially published by the Commissioner.<sup>38</sup> This

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<sup>35</sup>Ibid., Section 1 (b).

<sup>36</sup>Ibid., Section 2.

<sup>37</sup>Ibid., Section 3.

<sup>38</sup>Ibid., Section 11.

provision of the Act which sought to prevent the press from influencing the judgement of the arbitration tribunal or the board of inquiry did not exist in any province in Canada.<sup>39</sup> The award of the arbitration tribunal was binding upon the two parties.

Just as a new Trade Union Act was passed in Newfoundland in 1950 after it became a province of Canada, so was a Labour Relations Act<sup>40</sup> enacted at the same time. In 1952 this Act became Chapter 258 of the Revised Statutes of Newfoundland. Like the Federal Act<sup>41</sup> on which all provincial acts were modelled, the present Newfoundland Labour Relations Act is characterized by certain important elements:

It comprises the right of association of work people, compulsory recognition by employers of certified bargaining agents, compulsory collective bargaining with the object of reaching an agreement, compulsory conciliation of unresolved interest disputes, restraint, in the form of compulsory postponement, on the freedom to strike or to lock-out, and generally the compulsion to provide procedures for the final and binding settlement, without resorting to work stoppages, of disputes over rights or interpretation during the period when an agreement is in force.<sup>42</sup>

The above quotation sums up the provisions of the Newfoundland Labour Relations Act. Nevertheless, it is necessary to give a brief summary of some of the important sections of the Act.

<sup>39</sup>Labour Gazette, Labour Legislation in Newfoundland. Department of Labour Ottawa, April 1949, p. 387.

<sup>40</sup>The Labour Relations Act 1950, May 13, 1950. St. John's, Newfoundland: King's Printer, 1950.

<sup>41</sup>Dominion of Canada Industrial Relations and Disputes Investigation Act 1948. Ottawa: King's Printer, 1948.

<sup>42</sup>H. D. Woods, Canadian Collective Bargaining and Dispute Settlement Policy: An appraisal. Canadian Journal of Economics and Political Science, Vol. 21, 1955, p. 449.

Like the Federal Act, the Newfoundland legislation covers all employees except Crown employees, those in the management class, and members of certain enlisted professions such as the medical, legal and engineering professions. It recognises the right of employees and of employers to associate in trade unions and employers' associations respectively. In order that personal freedom of individuals may not be violated, the Act forbids such practices as coercion and intimidation in joining or leaving trade unions by either an employer or union leaders and members.<sup>43</sup> On the question of union security, the Act permitted "closed-shop" clauses "inquiring, as a condition of employment, membership in a specific trade union". However, in order that private rights should be protected, the act made invalid any collective agreement which required any employer to discharge an employee because the employee was or continued to be a member of a union other than the specific trade union.<sup>44</sup>

Any trade union that claimed to have the support of a majority of its members in good standing could apply to the Labour Relations Board, set up under the Act, for certification as the sole legal bargaining agent for the employees in the unit concerned. But whenever, in the opinion of the Labour Relations Board, the certified union lost its majority support, the Board could revoke the certification, upon which the union lost its bargaining rights and upon which every collective agreement entered into between that union and its employer became ineffective.<sup>45</sup> Certification of a union as bargaining agent

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<sup>43</sup>The Labour Relations Act (R.S.N. Chapter 258, 1952). St. John's, Newfoundland: King's Printer, Section 4.

<sup>44</sup>Ibid., Section 5.

<sup>45</sup>Ibid., Section 7-11.

meant compulsory recognition by the employer, and this, in part, resolved the problem of union jurisdiction.

Among the most important sections of the Labour Relations Act are those concerned with machinery for collective bargaining and arbitration. On the whole the Newfoundland machinery is similar to that of the Dominion Act in this respect. Briefly summarized, the arrangement for concluding, revising or renewing a collective agreement is as follows:<sup>46</sup> A certified bargaining agent or an employer can serve the other with notice to bargain with it with a view to concluding a collective agreement, or revising or renewing an old agreement. If within twenty days after the notice was served, the two parties had not met to commence collective bargaining, or if a new agreement had not been concluded before the expiry of the old agreement, each party could request the Minister of Labour to appoint a conciliation officer to assist them to conclude a collective agreement. If the conciliation officer should fail to bring about an agreement between the two parties, the Minister could appoint a conciliation board to endeavour to help the two parties to conclude a collective agreement. The Act forbids the trade union to strike and the employer to alter wages or working conditions or cause a lock-out until the conciliation board has "functioned and reported" to the Minister and seven days have elapsed from the date of the receipt of the report by the Minister. On the other hand a strike action or lock-out can be taken if after a request has been made to the Minister, he notifies the requesting party of his intention not to provide conciliatory services. This two-stage compulsory

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<sup>46</sup>Newfoundland Labour Relations Act, Sections 12-23.

conciliatory intervention in negotiations is common to all the other provincial laws, except that of the Province of Saskatchewan, where restraint and intervention is very little.<sup>47</sup>

Section 19 of the Newfoundland Act, in line with the other provincial laws, requires that the trade union shall not engage in a strike action nor the employer in a lock-out action during the life of a collective agreement, and requests all the parties to submit unresolved industrial disputes for settlement by impartial third parties. In other words, the Newfoundland law permits compulsory arbitration in industrial disputes. It is interesting to note that in the acts of Newfoundland (Section 23 (2), Manitoba, Nova Scotia, as well as of the Dominion Government, the parties can include in the agreement provisions for the possible reopening of specific clauses before the expiration of the agreement as a whole. Disputes over these issues would not lead to compulsory arbitration, and the strike or lock-out would be available to the parties. In any case, the strike or lock-out are delayed until after compulsory conciliation requirements had been complied with.<sup>48</sup>

In 1960, Newfoundland extended the provision of Section 19 of its Labour Relations Act, thereby giving the Labour Relations Board the authority, if necessary, to modify the clauses governing "the provisions for the final settlement in collective agreement, including the provisions for the method of appointment of an arbitrator or an arbitration board".<sup>49</sup> Ontario and Manitoba have similar legislation.

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<sup>47</sup> Saskatchewan Trade Union Act. There is no provision for conciliation officers, but much conciliation work is done by the industrial relations officers of the Department of Labour.

<sup>48</sup> H. D. Woods and S. Ostry, *op. cit.*, pp. 208-209.

<sup>49</sup> Newfoundland Labour Relations Act, Section 19 (3).

The act provides for a two-stage compulsory arbitration machinery similar to that provided in the conciliatory arrangement in collective bargaining. When an industrial dispute arises and the two parties fail to settle the dispute, an arbitrator can be instructed to confer with the parties, and to report to the Minister of Labour concerning what matters the parties have agreed upon, what matters they cannot agree upon, and whether or not it would be advisable to appoint an arbitration board. If the arbitrator recommends the appointment of an arbitration board, a tripartite board is appointed to help settle the dispute. This board meets and receives evidence from both parties, and makes a report to the Minister of Labour. After receiving the report, the Minister sends copies to each of the parties, who within fifteen days must notify the Minister of their acceptance or rejection, wholly or in part, of the report. If they both accept the report wholly, the dispute is ended. Otherwise the dispute may result in a strike or lock-out in the long run. Nevertheless, the Newfoundland Act, like those of Nova Scotia, New Brunswick, British Columbia and Manitoba, has a "variety of special voluntary arbitration"<sup>50</sup> provisions which state:

Where a conciliatory board has been appointed and at any time before or after it has made its report the parties so agree in writing, the recommendations of the board shall be binding on the parties and they shall give effect to them. <sup>51</sup>

The Act allows the use of a strike action only to certified trade unions.<sup>52</sup>

<sup>50</sup> H. D. Woods and S. Ostry, *op. cit.*, pp. 221-222.

<sup>51</sup> Newfoundland Labour Relations Act, Section 39.

<sup>52</sup> *Ibid.*, Section 25.

One important feature of the Act was the setting up of the tripartite Labour Relations Board. Among the various duties of this Board are the certification of trade unions as bargaining agent and the revocation of an Order of Certification; the prescription of final settlement provisions to be contained in collective agreement for the final settlement of disputes arising over the meaning or violation of such agreement; and the investigation of complaints referred to it by the Minister of Labour that a party has failed to bargain collectively. The Board has the responsibility to determine who is a member in good standing of a trade union, and to conduct representation votes of trade unions in settling jurisdictional disputes. A decision or order of the Board is final and conclusive.

In March 1959, following the I.W.A. dispute, the Labour Relations (Amendment) Act 1959<sup>53</sup> was enacted. This amendment empowered the Lieutenant-Governor to dissolve any trade union which had any of its officers convicted of any heinous crime. It also gave trade unions legal entities, and outlawed secondary boycotts and sympathy strikes. In 1960, further amendments were introduced into the Labour Relations Act.<sup>54</sup> By the 1960 Act, while "closed-shop" agreements were retained in collective agreements, an employer was given the authority to employ any "qualified" person, who had applied and had been denied membership in the specific union. By 1960 some of the hue and cry about the legislation passed in 1959 had died down, and so the provincial government

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<sup>53</sup>The Labour Relations (Amendment) Act 1959. Queen's Printer, St. John's, Newfoundland. A detailed account of the circumstances leading to the passage of this Act, and its provisions, is given in Chapter 6.

<sup>54</sup>The Labour Relations (Amendment) Act, 1960, St. John's Newfoundland: Queen's Printer.

felt it "safe" to modify some of the 1959 laws. One of the provisions of the 1960 Act therefore was to give power of dissolution of a trade union, of which some of the officers had been convicted of a heinous crime, to the Supreme Court rather than to the Lieutenant-Governor as provided for in the 1959 Act.<sup>55</sup> Despite the fact that this amendment freed the Lieutenant-Governor from administering judicial duties, the amendment did not change the fact that Newfoundland still remained the only province in Canada in which a certified trade union could be dissolved because some officers of the union had a criminal record. Freedom of association remained incomplete in the province. In 1963, however, this Section which was unique in Canadian labour legislation was repealed, and once more, the Newfoundland law in this respect conformed to those in the other provinces.<sup>56</sup>

The 1960 Act also returned the power to revoke the certification of a certified trade union to a reconstituted Labour Relations Board.<sup>57</sup> Certification could be revoked only if the union lost its majority support. In conformity with legislation of the other provinces, provisions were made in this Act so that any member of the Labour Relations Board with "undue interest" in a matter that came before the Board could not sit on it while the matter was being considered.<sup>58</sup> A new Section 15A specifically stated that the number of trade union representatives on a bargaining committee should be according to the numerical strength of

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<sup>55</sup>Ibid., Section 6A (1).

<sup>56</sup>The Labour Relations (Amendment) Act, 1963, St. John's, Newfoundland, Section 2.

<sup>57</sup>The Newfoundland Labour Relations (Amendment) Act, 1960, Section 11 (1).

<sup>58</sup>Ibid., Section 59 (7).

the union, while a new Section 15B required an employer or his representative to be present in collective bargaining. A new Section 21A provided by the 1960 amendment stated that whenever ownership of a business changed hands any collective agreement concluded between the former owner and the certified trade union should be binding on the new owner and the trade union. Similar provisions are provided in the legislations of British Columbia, Alberta, Nova Scotia, Manitoba and Saskatchewan.

The 1960 Act also repealed Section 52A of the 1959 law, and, in its place, put a new Section 52A, the implication of which "appeared to have removed any procedural obstacle hindering action against a trade union in its name."<sup>59</sup>

The Labour Relations (Amendment) Act<sup>60</sup> enacted in Newfoundland in 1963, four years after the I.W.A. dispute, contained three major provisions, and demonstrated a "softening" on the part of the provincial government toward the trade unions after the "clash" in 1959. Apart from the repeal of Section 6A, referred to above, the 1963 amendment repealed Section 43A. of the Labour Relations Act which had forbidden secondary boycotts and sympathy strikes and put in its place a new Section 43A. This new Section permitted picketing in a legal strike or lock-out. It also allowed public expression of sympathy or support, other than picketing, through the media of radio, press, television or circulars for a legal strike.

As a result of a long strike of the nurses at the Western

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<sup>59</sup>The Labour Gazette, November 1960, p. 1162.

<sup>60</sup>The Labour Relations (Amendment) Act 1963, St. John's, Newfoundland: Queen's Printer.

Memorial Hospital in Corner Brook, the 1963 Amendment added a new Section 39A to the Labour Relations Act. This Section empowered the Lieutenant-Governor in Council to stop or terminate, by proclamation, any strike or work stoppage in any hospital where such strike action appeared to endanger life. Upon the issue of the proclamation, the Minister of Labour was to appoint a Board of Arbitration to assist the parties involved in the dispute to reach an agreement. The award of the Board is binding on both parties.

In 1967, the non-professional employees of the Grand Falls Hospital went on strike when the hospital authorities failed to implement the wage increases which had been awarded by an arbitration board to these employees. As happened in the 1958/59 I.W.A. dispute, the provincial government stepped into the matter, and passed the Hospital Employees (Emergency) Act<sup>61</sup> which had the effect of outlawing the Grand Falls strike as well as prohibiting all strikes, lock-outs and picketing involving all hospital employees and employers in the province.

*wrong!*  
*See paper*  
*by A-Hearn*

#### OTHER LABOUR LAWS

##### The Minimum Wage Act

A Minimum Wage Act<sup>62</sup> was first passed in Newfoundland in May 1950, and in 1952 the Act became Chapter 260 of the Revised Statutes of Newfoundland. This Act empowered the Lieutenant-Governor in Council

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<sup>61</sup>The Hospital Employees (Emergency) Act 1966-67, St. John's, Newfoundland: Queen's Printer, 1967.

<sup>62</sup>The Minimum Wage Act 1950, St. John's, Newfoundland: King's Printer.

to appoint a Minimum Wage Board to investigate terms and conditions in any trade, industry, business or occupation in Newfoundland that comes under provincial jurisdiction, and to make recommendations to him, upon the receipt of which he could give effect to them by Order.<sup>63</sup> Four such Orders have been issued in Newfoundland since 1950, and all of them have general applicability rather than to specific industries or areas in the province as is the case in some Canadian provinces such as Quebec and Nova Scotia. The first Minimum Wage Order issued in 1953 applied to male labour alone, and set the Minimum wage per hour at \$0.50. In 1955, Order No. 2 retained the wages set for men in 1953, while Order No. 3 fixed the female hourly wage at \$0.35. The last Order, No. 4, was issued in 1963 and raised the hourly wages for men and women to \$0.70 and \$0.50 respectively.

The Minimum Wage Act made provision for the establishment of a Minimum Wage Branch within the Labour Department, headed by an inspector and charged with the general administration of the Act. While a detailed appraisal of this Act is given in the next chapter, we would like to state here that the various Orders have done much to raise the wage levels particularly of the unorganized workers in the province.

#### The Industrial Standards Act

The Industrial Standards Act<sup>64</sup> 1963 provides the machinery by which minimum standards of working conditions may be established in "a zone or zones for an industry" in the province. The Act, referred

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<sup>63</sup>Ibid., Section 5-6.

<sup>64</sup>The Industrial Standards Act 1963, St. John's, Newfoundland: Queen's Printer, 1963.

to as "permissible legislation", permits a group of trade unions or employees in any zone or any particular industry to petition the Minister of Labour to convene a conference of representatives of the employees and the employers of any particular industry and zone for the purpose of considering the working conditions existing in the industry, and for negotiating with a view to producing a Schedule of Standards concerning wages and other working conditions within that particular zone or zones and for the particular industry.<sup>65</sup> While a schedule is in force, its provisions are binding on all employees and employers in the particular industry and zone. In order that labour could be guaranteed better working conditions under the Act, Section 23 of the Act states that whenever the provisions of a schedule contained wages and working conditions which are less favourable than similar provisions contained in the Minimum Wage Act or any Order made under it, the regulations of the latter Act were to prevail.

The only schedule so far made in Newfoundland under this Act is that of the Construction Carpentry Industry, which came into effect on May 4, 1965. This schedule which governs workers in the construction carpentry industry in the towns of Badger, Grand Falls, Windsor and Bishop Falls set the minimum hourly wage of a carpenter at \$2.11 and provided for a forty-hour week.<sup>66</sup>

#### The Workmen's Compensation Act

The first Workmen's Compensation Act in Newfoundland was enacted

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<sup>65</sup> Ibid., Sections 6 and 7.

<sup>66</sup> The Newfoundland Gazette, May 4, 1965, St. John's, Newfoundland: Queen's Printer.

in 1948,<sup>67</sup> just a year before the country's union with Canada. Two years later, another Workmen's Compensation Act<sup>68</sup> repealing the 1948 Act, and with provisions very similar to corresponding legislations in the other provinces of Canada was enacted in the province.

Apart from minor details, concerning rates of compensation which were increased after 1950, the 1948 and 1950 Acts differed only in one major respect. That is, whereas the 1948 Act permitted the law courts in the island to determine awards for industrial accidents and sickness,<sup>69</sup> because there was no Department of Labour in Newfoundland then, the 1950 Act, in conformity with Canadian law set up a Workmen's Compensation Board to make awards.<sup>70</sup> This 1950 Act is divided into three parts, but it is Part 1, the administration of which comes under the Workmen's Compensation Board, that is necessary for our purpose. Briefly summarized, this Act provides protection to workmen against all accidents and diseases arising out of and in the course of employment except where an injury is the result of a "serious and wilful misconduct or negligence" of the workman. This Act became Chapter 253 in the Revised Statutes of Newfoundland in 1952. Since then, several amendments have been passed on the Act, mainly to clarify certain aspects of the Act and to bring it in line with the changing economic conditions prevailing in the province.

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<sup>67</sup>The Workmen's Compensation Act 1948, St. John's, Newfoundland: King's Printer, September 2, 1948.

<sup>68</sup>The Workmen's Compensation Act 1950, St. John's, Newfoundland: King's Printer, May 13, 1950.

<sup>69</sup>The Workmen's Compensation Act 1948, op. cit., Sections 28 and 31.

<sup>70</sup>The Workmen's Compensation Act 1950, op. cit., Section 19.

### The Apprenticeship Act

In 1962 a new Apprenticeship Act<sup>71</sup> repealed the Apprenticeship Act of 1952, (Chapter 261 of the Revised Statutes of Newfoundland). However, the only difference between the two Acts was that the 1962 Act sought to improve on the methods of training and testing of apprentices by increasing the powers of both the Apprenticeship Board and that of the Lieutenant-Governor in Council. The need for better apprenticeship training became necessary because the economy of the province in 1962 was more developed than it was in 1952, and partly because it has become increasingly clear that a better system of training tradesmen is very necessary if the province wants its economy to develop faster than it has hitherto done. The provisions of the Newfoundland Apprenticeship Act are substantially similar to corresponding legislation in most provinces of Canada.

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<sup>71</sup>The Apprenticeship Act 1962, St. John's, Newfoundland: Queen's Printer.

## CHAPTER III

### NEWFOUNDLAND LABOUR LAWS - AN APPRAISAL

At this point, it will be necessary to examine in general the nature of Canadian and, in particular, Newfoundland labour laws, the cause of their present form and possibilities for further improvement.

Unlike the situation in the United States where labour legislation has gone through wide swings of the pendulum since the 1930's, the Canadian labour laws have been relatively consistent since the start of the present century. In the U.S. the Wagner Act of 1935 guaranteed labour the right to organize, and compelled employers to bargain with properly certified unions. However, the Taft-Hartley Act of 1947 put new restrictions on labour, revised the use of injunctions against labour in certain labour disputes, and allowed employers greater freedom of action in dealing with unions.

"Canadian legislation on labour relations appears to have been modelled on British and American experience, and also to have developed from experience. Undoubtedly, Canadian experience has been the important factor."<sup>1</sup> On the whole, they have been relatively consistent in their content since the beginning of 1900. An examination of present Canadian Federal and Provincial labour legislation reveals that they are mainly based on the Dominion Conciliation Act 1900, the Railway Labour Disputes Act 1903, the Industrial Disputes Investigation (I.D.I.)

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<sup>1</sup>H. D. Woods, Canadian Collective Bargaining and Dispute Settlement Policy: An Appraisal, Canadian Journal of Economics and Political Science, Vol. 21, 1955, p. 453.

Act 1907, and more especially on the wartime Labour Relations Regulations (Privy Council Order 1003) 1944, often referred to as PC 1003.<sup>2</sup>

The Conciliation Act authorized conciliation, but did not compel it.<sup>3</sup> The Railway Labour Disputes Act, and the I.D.I. established the major principles underlying the compulsory arbitration by a tripartite board in industrial disputes, while the PC 1003 included the main principles of the U.S. Wagner Act (guarantees of labour's right to organize, selection of units appropriate for collective bargaining, and labour relations boards to investigate and to correct unfair labour practices), and established much the same type of machinery to enforce them.

The PC 1003 retained, in amended form, the procedures derived from the I.D.I. for preventing or settling disputes, namely, compulsory conciliation of disputes, and compulsory delay of strikes or lock-out pending investigation, intervention by a conciliation officer at the first stage of a dispute, and failing settlement, the establishment of a tripartite conciliation board. It also provided for compulsory arbitration of industrial disputes.

Canada's and Newfoundland's preoccupation with attempts to prevent strikes or lock-outs by legislative means may be explained in part by the vulnerability of a national economy that has always depended heavily upon foreign trade, and specialized to a large degree in the large scale production and export of raw materials and semi-finished goods. "Such circumstances tend to generate an exaggerated view of the

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<sup>2</sup>H. D. Woods and S. Ostry, *Labour Policy and Labour Economics in Canada*, Toronto: Macmillan of Canada, 1962, pp. 41-86. There Professor Woods gives an interesting and detailed account of Canadian Labour Laws since 1900.

<sup>3</sup>Ibid., p. 46, footnote 17.

damage the strike brings."<sup>4</sup> It is in this respect that Canada resembles New Zealand and Australia. A good example of this exaggerated view of the damage caused by strikes was evident in the I.W.A. strike of 1959, when the forest industry on which about one-third of the population in the province depended for their livelihood was considered by the government to be on the verge of collapse because of the strike. With this in mind it is not difficult to understand the Newfoundland government's behaviour at that time.<sup>5</sup>

In Newfoundland as well as in Canada as a whole, and in several countries of the western world, labour laws are enacted for two main objectives. These are the encouragement of trade unionism and collective bargaining, and the settlement of industrial disputes and the prevention of strikes.

As far as the first objective is concerned, we may only have to look at the number of unions that have sprung up in Newfoundland their membership strength since the passage of the Labour Relations Act 1950, and the Trade Union Act 1950 to satisfy ourselves that this objective is being realised. Table 5 illustrates this fact. Nevertheless, the Newfoundland Federation of Labour (N.F.L.) has to improve its organizational structure, educational activities, cohesiveness and leadership qualities to be able to use its bargaining power to the best possible advantage of labour in the province.

The second objective of labour legislation, namely that of attempting to reduce or eliminate strikes by compulsory means, has been

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<sup>4</sup>Stuart Jamieson, *Industrial Relations in Canada*, p. 103. Macmillan Canada Company Limited, 1959.

<sup>5</sup>See p. 141.

subject to wide criticism, on the ground that it is based on false assumptions. The critics contend that the frequency of strikes in an economy is not necessarily an indication of inefficient or unhealthy industrial relations, nor can the absence of strikes be taken to be an evidence of labour-management harmony. For instance, the seventeen year strike-free period under the Woods Labour Board in the wood, pulp and paper industry in Newfoundland is explained by certain people as not constituting labour-management harmony during the period. Rather, these people argue that the industrial harmony was achieved as a result of the great influence management had over the union, and the complacency of the union leaders.

It is also true that there were more strikes in Newfoundland within the past year (1966), than there were after the passage of the 1959 Acts. However, this does not mean that there has been much industrial conflict within the past year, and that there was industrial peace immediately after the 1959 Acts.<sup>6</sup> On the contrary, the numerous recent strikes can be taken to indicate the growing strength of the unions, and relatively better education of their members as to their rights, and the expansion of the economy with its new strains on labour-management relations, while the "industrial peace" that existed immediately after the 1959 Acts came about as a result of the punitive measures of the two Acts. Despite the frequent strikes in recent years, very few people (both labour and management) in Newfoundland will deny that there is more favourable labour-management relations now than in the immediate post 1959 relatively strike-free year.

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<sup>6</sup>In 1966 there were 54 industrial disputes out of which 14 resulted in Strikes. (Daily News) December 31, 1966. However, in 1960 there were only 23 industrial disputes, but no strikes. (Daily News) December 31, 1960, p. 8.

In any case, industrial conflict can take many forms, latent as well as overt, such as anxiety and tension, frustration and apathy, absenteeism, tardy or careless work, slowdowns and actual sabotage, high turnovers, and others. Strikes and lock-outs represent only one overt manifestation of conflict that has become institutionalized through trade unionism and collective bargaining. In fact several authors including Robert Dublin,<sup>7</sup> and E. E. Witte<sup>8</sup> have shown that strikes in many cases play a positive role in temporarily settling conflict and bringing about voluntary agreement between unions and employers. A lengthy analysis of strikes in Newfoundland or their absence, therefore, will not of itself provide us with an adequate picture of the nature of industrial relations in the province.

The main weakness in most Canadian labour laws, and this applies to the labour laws in Newfoundland, seems, according to Stuart Jamieson<sup>9</sup> and other prominent labour economists such as J. T. Montague<sup>10</sup> and H. D. Woods,<sup>11</sup> to lie in their compulsory provisions. Whereas in the U.S. the Taft-Hartley Act provides, for the most part, only one-stage conciliation or mediation of industrial disputes, in the Canadian laws, there

<sup>7</sup>Robert Dublin, "Constructive Aspect of Industrial Conflict" in Korhauser. R. Dublin and A. Ross (ed.), "Industrial Conflict", New York: McGraw-Hill, 1954, pp. 37-48.

<sup>8</sup>Edwin E. Witte, "Strikes Sometimes Clear the Atmosphere" in "Unions Management and the Public". New York: Harcourt, Bruce 1948, p. 474. (ed.) W. Blake and Clark Kerr.

<sup>9</sup>Stuart Jamieson, op. cit., p. 118.

<sup>10</sup>J. T. Montague, "Labour Relations Law and Public Policy" in Industrial Relations Quarterly, Vol. 19, 1964, No. 4, pp. 440-461.

<sup>11</sup>H. D. Woods, "Canadian Collective Bargaining and Dispute Settlement Policy". Canadian Journal of Economics and Political Science, XIX (November 1955), p. 464.

are provisions for compulsory two-stage conciliation for virtually all labour disputes.

The Joint Submission in 1956 by the Trade and Labour Congress to the Royal Commission on Canada's Economic Prospects said among other things:

The 'cooling-off' period often turns out to be a 'hotting-up' period, and the longer it lasts the hotter the dispute gets, and the greater the likelihood of a strike by workers who have lost all patience with the law's delay.

Nothing is so corrosive of good relations, or potentially good relations, as delay and procrastination. And we may add, no part of the existing labour relations legislation is so heavily weighed against the trade union as the built-in delays.<sup>12</sup>

To this, Dr. J. T. Montague adds: "Labour laws, in seeking to avoid conflicts, have institutionalized conflict and set its regularity".<sup>13</sup>

H. D. Woods offers three distinct types of recommendations for reforming the two-stage compulsory conciliation procedures that have been the subject of much criticism by labour economists. The first of these recommendations, which he calls the mildest, suggests the retention of present basic arrangements, while a correction of administrative machinery such as a more rigid enforcement of time limits, better training of conciliation officers, and a simplification and speeding up of administrative steps, would shorten the time delays that are now current and that seem to cause the greatest irritation. A second and more drastic recommendation, he argues, could be a major change such as the elimination of the board report as is done in the province of Quebec. In

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<sup>12</sup> Joint Submission, Trades and Labour Congress of Canada and Canadian Congress of Labour to the Royal Commission of Canada's Economic Prospects. Ottawa: Mutual Press, 1956, p. 38.

<sup>13</sup> J. T. Montague, *op. cit.*, p. 448.

Quebec the element of compulsion has been retained, because strikes and lock-outs are forbidden until after the two-stage conciliation has been completed, but "the second stage has been drastically altered with the object of redirecting the effort of the board, and the time limits have been tightened considerably." The third type of reform would eliminate not only the board report but would also eliminate to a very large degree the use of compulsion and the suspension of the work stoppage during industrial disputes.<sup>14</sup>

Another widely criticized provision in many of the Canadian provincial and federal labour legislation - a criticism that applies once again to the labour laws in Newfoundland - is that which requires conciliation boards to submit their own recommendation for settling disputes. These critics argue that this requirement involves a conflict of principles and a confusion of rules. The critics contend that conciliation, in principle, is supposed to mean using every legitimate means of persuasion to encourage the parties to a dispute to continue bargaining, to make concessions and to reach agreement on their own terms if at all possible. But many chairmen faced with the necessity for submitting recommendations in official reports tend to act as arbitrators rather than conciliators. In many cases they take rigid positions beforehand, and often regard themselves as "defenders of the public interest."

Dr. J. T. Montague also considers the tripartite approach to be conservative in character. He argues that it would be unusual to join in a conspiracy of innovation. He writes:

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<sup>14</sup>H. D. Woods and S. Ostry, op. cit., pp. 198-200.

The representatives of the two parties are conscious of their place in a lengthy bargaining process. The chairman, most often appointed by government, is at once coveted and disowned. He is limited to choosing within the range of two positions, or two vested interests, which could scarcely be called innovation. <sup>15</sup>

For the above reason, many economists maintain that compulsory measures for settling disputes should be used very sparingly, and only in industries of major importance in which strikes or lock-outs would jeopardize the welfare and livelihood of large proportions of the population.

It is interesting to note that such legislation existed in Newfoundland before the province entered the Canadian Confederation in 1949. In 1875 the Conspiracy and Protection Act provided penalties for wilful and malicious breach of contract by persons employed in supplying a town with gas, water or anything that would endanger life or damage property. Unfortunately, this important piece of legislation was left out in the R.S.N. 1952. It was not until June 20, 1963 that the need for a revival of this important provision came to be realised - as a result of a long and bitter strike involving the hospital workers in Corner Brook. The result was the passage of the Labour Relations (Amendment) Act 1963, referred to earlier, which empowered the Lieutenant-Governor in Council to stop or terminate any strike or lock-out in a hospital if the strike or lock-out was thought to be endangering human life. It is speculated this piece of legislation will in time be extended to other "relevant" industries such as gas and water. An Act in 1967 forbade strikes and

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<sup>15</sup>J. T. Montague, op. cit., p. 456-7.

lock-outs in hospitals.<sup>16</sup>

Perhaps the quotation below sums up completely the reforms needed in Canadian (and Newfoundland) labour legislation:

A strong case can be made for altering public industrial-relations policy in favour of greater use of . . . flexible instruments and less use of the compulsory devices that now form part of the statutory procedures. Specifically, it would appear that the conciliation board might profitably be dropped altogether and the ban on the use of the work-stoppage during the conciliation period either dropped or limited in time. In place of the conciliation board the government might use an industrial inquiry commission in the few cases where a serious public interest is involved; the commission might be an individual or a board; it might be charged with conciliation functions only, or it might undertake such roles as fact finding, analysing, and even recommending proper terms; in extreme cases it might even be granted arbitral authority.<sup>17</sup>

A development along these lines, H. D. Woods further argues, would confine intervention beyond the conciliation-officer stage to cases of public importance. It would encourage more effective collective bargaining, and probably foster private machinery in the hands of the two parties, and thereby greatly reduce the demand for the service of conciliation board personnel, which at present is so great in some provinces that often the parties are forced to accept unsuitable nominees as chairmen.

One of the laws affecting the welfare of workmen that has often come under attack from both organized and unorganized labour in Newfoundland is the Minimum Wage Act.

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<sup>16</sup>The Hospital Employees (Emergency) Act 1966-67, St. John's, Newfoundland: Queen's Printer, see p. 32 above.

<sup>17</sup>H. D. Woods and S. Ostry, *op. cit.*, p. 275.

There are four main distinct methods of establishing minimum wages.<sup>18</sup> Which of the four types of minimum wage legislation a country adopts depends mainly on the goals of legislation envisaged in the country or province, and upon the economic, political and social climate existing in the country. The U.S.-French method which is used in all the provinces of Canada aims mainly at establishing some kind of "decent" living wages for the workers in the economy. In provinces such as Nova Scotia and Quebec, adjustments are made, as in France, for regional differences in cost of living. The British system endeavours to establish a decent wage and eliminates unfair competition through wage councils, especially where labour is very poorly organized. The New Zealand-Australian type aims at establishing industrial peace and stability, and the various industrial minimum wages are based on "capacity to pay". This method is used in Nova Scotia, Quebec, and to a small extent, in Prince Edward Island. The Netherlands-Belgium "contract extension" system, a variant of which is practised in Newfoundland under the Industrial Standards Act 1963, aims mainly at achieving industrial peace, and particularly, industrial stability and co-operation between management and labour. This need was clearly demonstrated in the I.W.A. strike in 1959.

The greatest handicap of the U.S.-French country and province-wide uniform minimum wage decree which is employed in Newfoundland is that much consideration is given to the least efficient sector of the economy, and this generally results in a minimum wage rate which provides a rather low standard of living. The result is that in countries and provinces practicing the pure U.S. method of establishing minimum wages

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<sup>18</sup>D. E. Kahn, Fair Labour Standards Act. South African Journal of Economics, June 1965, Vol. 33, No. 2, pp. 131-145.

without adjusting for regional differences in cost of living, as is done in France and in some provinces of Canada, the minimum wage tends to be a smaller percentage of the average earnings. This conclusion is clearly demonstrated by the table below.

Comparison of Minimum Wage with Average Earnings in Selected Countries.

TABLE 4

MINIMUM WAGE AS A PERCENTAGE OF AVERAGE RATE IN MANUFACTURING SECTOR

	<u>1955</u>	<u>1959</u>
<u>U.S.</u>		
Male and Female	40	46
Female	53	60
<u>France</u>		
Male and Female		
High cost Region	89	82
Low cost Region	78	76
<u>Great Britain</u>		
Male (leather Tanning)	63	66
Female " "	81	86
<u>Australia</u>		
Male	81	84
<u>Newfoundland</u>		
Male	35	29

Adapted from D. E. Kaun, "Fair Labour Standards Act." South African Journal of Economics, Vol. 33, No. 2, 1965, p. 145, and the Canadian Bureau of Census figures.

If the Minimum Wage Orders in Newfoundland could be constantly revised in the light of the rising cost of living and in the light of "ability to pay" by employers, and if the facilities provided under the Industrial Standards Act 1963 could be fully utilized by labour, we should expect the two methods to lead to the goals for which they were intended. Nevertheless, even though the Minimum Wage Act stipulates a revision in the wage rate every two years, since its enactment in 1952 until 1967, there have been only four revisions. Moreover, only one schedule, that concerning Construction Carpentry Industry workers of central Newfoundland, has been issued. The greatest handicap of the Industrial Standards Act is that you need to get both management and workers in a zone willing to meet in a conference to be able to make a schedule.

So far this co-operation has not been demonstrated. In 1965 for example, there were seven petitions from employees for the conclusion of a schedule. But since the employers in the zone did not see fit to conclude such a schedule, nothing could be done.<sup>19</sup> The result is that the Minimum Wage Orders in the province have been dragged down by the inefficient sectors of the economy.

It is interesting to note that for skilled labour and unionized labour, wages in Newfoundland compare favourably with their counterparts in other Maritime Provinces. It might also be suggested at this point that since the few industries in the province are concentrated on the three heavily populated areas of the island, namely, St. John's, Corner Brook and Grand Falls which are also the areas of high living costs, the zonal wage differential practice followed in Nova Scotia and Quebec

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<sup>19</sup>St. John's "Daily News", December 31, 1966.

could be adopted here to the benefit of the workers in these areas. Again in view of the fact that the facilities provided under the Industrial Standards Act 1963 are not being utilized, the New Zealand-Australian occupational wage differential methods which are being used in Nova Scotia and Quebec can be adopted in Newfoundland. This will help to ensure a better standard of living for the employees in the "efficient" industries.

That Newfoundland has the lowest minimum wage orders in the whole of the Atlantic Province at present can be witnessed from the figures below.

Comparison of Atlantic Provinces Minimum Wages Per Hour, 1966

Newfoundland

Women - \$0.50

All types of jobs - Skilled and Unskilled

Men - \$0.70

Nova Scotia

Zone I - Halifax-Dartmouth-Sydney Areas

\$0.80 for Women

\$1.05 for Men

Zone IB- New Glasgow, Truro, Amherst, Yarmouth Areas

\$0.70 for Women

\$0.95 for Men

Zone II- Rest of Province

\$0.60 for Women

\$0.85 for Men

New Brunswick

Factories and Shops - Men and women \$0.80

Construction, logging, mining, sawmills - Men and women \$1.05

Services - Men and women \$0.70

P.E.I.

\$1.00 for men in all jobs except food processing where it is \$0.80

Source: N.F.L. brief to the Royal Commission on the Economic Prospects of Newfoundland and Labrador. February, 26, 1966.

There are several other useful labour laws not now in Newfoundland that can be added to the body of labour legislation in Newfoundland for improving labour-management relations and living standards. Among the Acts we have in mind are the Vacation with Pay Act, the Hours of Work Act, the Fair Wages Act and the Equal Pay Act.

Vacation with Pay Act

At the moment Newfoundland and the Prince Edward Island are the only provinces in Canada without a Vacation with Pay Act. The result of the absence of this type of act is that, at present, many Newfoundland workers get vacation with pay either through the collective agreement concluded with their employers, or merely because their employers feel that their workers are entitled to and should receive some vacation with pay. Since the above legislation does not exist in the province, for most of those workers who are not organized, especially those groups of workers whose small numbers defy any union organization, any vacation taken means no pay. The importance of an annual vacation for a worker cannot be denied. For this reason, it would be appropriate for the Newfoundland legislature to enact a Vacation with Pay Act to cover all workers.

Hours of Work Act

Five provinces in Canada have general hours of work laws. For

instance, Ontario, British Columbia and Alberta have laws that set daily and weekly limits on working hours. In Manitoba, Saskatchewan (and the Yukon) the laws do not limit the hours to be worked in a day or week, but require the payment of one a half regular rate after a specific number of daily or weekly hours.

In Newfoundland, however, there is no general Hours of Work Act. Hours of work limitation applies only to the shops, where the working hours per day is 8, and 40 in a week. Beyond the 8 hour work day and 40 hour work week, overtime pay rates of one and a half is paid.

Again the effect of the absence of a general Hours of Work Act in Newfoundland is that for those small enterprises, and especially in catering establishments where the small size of the workers makes the formation of a labour union difficult, some workers are forced to work 50, 60 or more hours a week. One advantage that would result from the enactment of a general Hours of Work Act will be that the act may lead to the spreading of employment, and surely this will reduce the large number of people in the province who are on government unemployment relief - a factor which may not only help to release funds for other expenditure, but could also create a healthy psychological atmosphere in the province.

#### Fair Wages Act and Equal Pay Act

By "Fair Wages" is meant that the working conditions and wages of workmen performing the same class of work in the same district should be the same. This is usually the practice in government contracts.

New Brunswick enacted such a legislation in 1953, but this type of legislation is absent in Newfoundland. In a brief<sup>20</sup> to the Newfoundland

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<sup>20</sup>Newfoundland Federation of Labour Annual Brief to the Government on April 18, 1966, p. 15.

Legislature on April 18, 1966, the Newfoundland Federation of Labour exposed the case of a contractor working on two similar government construction projects who paid one group of labourers on one of the projects an hourly rate of \$1.15, while the labourers on the other project just a mile away received \$1.35 an hour. In the same area, the municipal council labourers were receiving an hourly wage of \$1.30. This is a typical case of wage discrimination for similar work. If a Fair Wage Act existed in the province, the "unfairness" in wage structure would not have arisen. This Act is needed more in Newfoundland where the Nova Scotian zonal wage differential law does not exist.

By an "Equal Pay Act", we mean equal wage rates and working conditions for men and women doing similar work. The Equal Pay Act was passed by the province of Ontario in 1951 and became effective in 1952, by Saskatchewan in 1952, British Columbia in 1953, by the Federal Government for its employers or employees coming under its jurisdiction in 1956, by Nova Scotia and Manitoba in 1956, and Alberta in 1957. P.E.I. became the seventh province to adopt such legislation in 1959. Newfoundland is still without this type of law. There is no doubt that this law is needed in Newfoundland also.

It is desirable at this stage to make a brief comparison between the labour laws of Newfoundland and those of the Maritime Provinces. Since most of the provisions of the labour legislation in the provinces of Canada are similar (for they are all more or less based on the Federal Industrial Relations and Disputes Investigation Act 1948), it will be proper to consider those provisions which differ rather than those which are identical.

For the present purpose of comparison, the relevant Acts are the Newfoundland Labour Relations Act 1950 and the Trade Union Act 1960; the

New Brunswick Labour Relations Act 1949; the Nova Scotia Trade Union Act 1947; the Prince Edward Island Industrial Relations Act 1962 and their subsequent amendments.

All the provincial labour laws of Canada except those in Quebec,<sup>21</sup> permit the parties to a collective agreement to insert in the agreement "closed-shop" clauses, that is, a provision requiring "as a condition of employment, membership in a specified trade union, or granting a preference of employment to members of a specified trade union."

The Newfoundland Act, while it recognizes union security, seeks to modify the "closed-shop" clauses by permitting employers to employ non-union employees if such persons are qualified for the job, have applied for membership in the specified union and membership in the union has been refused. The Newfoundland modifications were inserted presumably to limit the reckless use of power by the unions. So long as employers do not abuse the provisions of the Act by employing "unqualified" personnel, the Newfoundland modification is desirable indeed.

Both the Newfoundland Act and the Nova Scotia Act (Section 37) forbid the use of the Report of and proceedings of a Conciliation Board as evidence in court except in perjury cases. Presumably, the objective is to guarantee the security of the witness. It is interesting to note that the New Brunswick Act remains silent on this.

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<sup>21</sup>The P.E.I. Trade Union Act 1945, repealed in 1962, specifically prohibited an employer and a trade union from entering into agreement containing a "closed-shop" clause. However, Section 7 of the new P.E.I. Industrial Relations Act permits closed-shop agreements, but also allows employers not to discharge an employee if membership in the union was denied him. Even though the Quebec legislation does not specifically prohibit "closed-shop" clauses, it, nevertheless, places greater restrictions on unions than the statutes of any other provincial act as well as the federal act, with regard to such matters as strikes, union security, communist sympathies and affiliation of unions and election of officers.

All the Maritime Provinces forbid strike action by uncertified unions. This regulation is also applicable to all the other provinces of Canada.

According to Section 11 of the Nova Scotian Act, a revocation of certification of a bargaining agent based on the loss of majority support of the union members may not be issued by the Labour Relations Board, until ten months have elapsed after the certification was granted. This ten months "closed-period" within which the certification cannot be withdrawn is thought to be sufficient time within which the union is given the opportunity to "straighten things up". In New Brunswick this concession is not allowed; certification, on loss of majority support, can be revoked straight away. By the Labour Relations (Amendment) Act 1966, the Newfoundland legislation requires the Labour Relations Board to consider an application for revocation of a bargaining certificate not earlier than six months after the union was certified. Section 17 of the P.E.I. Act also provides for a ten month closed-period. In this respect, the Newfoundland Act resembles those of Nova Scotia and Prince Edward Island.

At the moment, all the Maritime Provinces in their labour laws, either by implication or specifically, have given legal status to trade unions so that they can sue and be sued. In New Brunswick this legal identity of unions was specifically stated by an amendment in 1961 to Section 43(1) of the Labour Relations Act. Section 52 of the P.E.I. Acts and Section 45 of the Nova Scotia Act, specifically give legal entity to trade unions, while in Newfoundland the implications of the 1959 and 1960 amendments to the Labour Relations Act, together with the requirements of the Trade Union Act for unions to register, provide that a trade union, before its registration, "may be sued in its own name or

in the name of any of its members." So far as registered unions are concerned, it is clear that they may hold real and personal property, that such property shall vest in the trustees, and that all actions, suits, prosecutions and complaints shall be taken in the name of the trustee, and that they may sue and be sued. Then the Act states that "all other actions by and against a union registered under this Act shall be taken in the name of the union."<sup>22</sup>

Both the Newfoundland and Nova Scotian legislation make provisions whereby an existing collective agreement is binding on the new employer when an enterprise changes hands. In 1965, Nova Scotia amended this provision so that it is effective only if "the sale does not result in a substantial change in the plant, property, equipment, products, working force and the employment relations of the business."<sup>23</sup>

Another piece of legislation which is peculiar to Newfoundland alone is the provision contained in Section 6 of the Newfoundland Trade Union Act 1960. This section requires all trade unions in the province to register with the Registrar of Trade Unions. This unique piece of legislation in Canadian labour history was the direct result of the 1959 I.W.A. dispute. The effect of it was that it gave the government the opportunity to be acquainted with the aims, officers and membership of any union existing in the province.<sup>24</sup> The major objection from the

<sup>22</sup>The Labour Gazette, Labour Legislation in the Past Decade, Vol. LXI, No. 9, September 1961, p. 904.

<sup>23</sup>Nova Scotia Trade Union Act, Section 20A (2C). Newfoundland Labour Relations Act, Section 21A.

<sup>24</sup>The Annual Report (1960) issued by the Labour Minister stated that "the Act is intended to give members of a union a voice in the affairs of the union."

trade unions concerning the compulsory registration every year, however, was that it entailed heavy paper work and bookkeeping requirements which were too much, especially for the smaller unions. Fortunately, this compulsory registration provision has not been strictly enforced since the Act was passed. In this case, a repeal of the compulsory registration requirement - a repeal that would make the Newfoundland Act conform with similar acts in the other Canadian provinces - seems logical.

## CHAPTER IV

### THE NEWFOUNDLAND LABOUR MOVEMENT 1900-1948

In 1949, when Newfoundland became the Tenth Province of Canada, the Commission of Economic experts appointed by the Federal Government to look into and report on the economic situation in the island, wrote:

Although the structure and nature of the labour force in Newfoundland has not favoured the growth of trade unionism, approximately one-third of the workers are organized.<sup>1</sup>

Among the obstacles that hindered the early development of trade unionism in Newfoundland were the heavy reliance of the economy on the fishing industry, the seasonal nature of many occupations, the lack of contact among workers of the island who were scattered in numerous hamlets all over the island, and the lack of education generally among the working class in the island.

Until recently, a large proportion of the working population (in fact over 84% of the working force at the end of the last century) was engaged in the fishing industry. Of these fishermen, a large percentage was "own-account" workers, and only during the "off-fishing" season did they accept employment with other enterprises. It is clear that under such an arrangement, the necessity for the formation of trade unions did not arise.

The situation in agriculture, some logging operations, and certain other seasonal occupations such as the construction industry,

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<sup>1</sup>Labour Gazette, April 1949, "Labour and Industry in Newfoundland", pp. 386-7.

was much the same. Consequently, close to one-half of the manpower entered organized occupations on a seasonal basis only, so that until recently, a large section of the industrial activity on the island was carried out with a small number of full-time workers.

The persistence of a large number of seasonal workers was a serious disadvantage to the formation of trade unions in the island because it reduced the possibility of a stable union organization. In some cases, this seasonal occupational obstacle was partially offset by organizing the seasonal workers of one industry through another industry. Typical of such unions was the Fishermen's Protective Union which was active among both woodworkers and the fishermen.

Nobody will deny that there are serious difficulties in organizing workers when you have them spread sparsely over 1300 settlements. When you remember also that until recently communication between these numerous settlements was poor or non-existent for the greater part of the year, then you have a clear picture of why, for many years, the labour force in the island, except that in the urban industrial areas of St. John's, Grand Falls and Corner Brook, remained unorganized.

Another factor that retarded the growth of the labour movement in the island was the general lack of education that prevailed among the working force for hundreds of years. In fact, until 1938 when the School Attendance Act was passed, education for children was not compulsory. The majority of the schools that existed in the island were started by the churches, and there was little co-ordination in the public school system. Instead of attending school, most sons of fishermen helped their fathers in their trade. The result of the general lack of education was that the benefits of labour's becoming organized to obtain certain advantages were not clearly grasped by a

large section of the working people. Most workers preferred to belong to an association that would care for them and their families in times of sickness or distress, and that would see to it that they got a decent burial. All these things that the ordinary worker desired were provided by the numerous Fraternal Associations that existed in Newfoundland among which was the Society of United Fishermen (founded by the Rev. George Gardiner in 1862).<sup>2</sup>

Several factors accounted for the keen interest taken by the workers of Newfoundland in Unionism at the beginning of the 20th century, and more especially in the 1930's. Among these factors were the building of the Newfoundland Railway late in the Nineteenth century, the establishment of industries in the island that required labour all the year round, the introduction of compulsory education in 1938, and finally the exposure of the island to outside influence especially during and after the Second World War.

Even though the St. John's Seal-Skinners Union had been formed as far back as the year 1854,<sup>3</sup> the introduction of trade unionism on any significant scale in the island can be traced to the construction and subsequent operation of the Newfoundland Railway and also to the erection of the first paper and pulp mill at Grand Falls, that is the Anglo-Newfoundland Development Co. (A.N.D.) in 1908. The railway workers, the paper makers and the pulp and sulphite workers, to a large extent, came from the mainland Canada or the U.S. and they brought

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<sup>2</sup>See J. R. Smallwood, "The Book of Newfoundland", Vol. 2, where a comprehensive account of the activities of the numerous fraternal and charitable organizations is given. Newfoundland Book Publishers, 1937.

<sup>3</sup>T. K. Liddell, Industrial Survey of Newfoundland, p. 39. St. John's, Newfoundland: Robinson and Co. Ltd, Printers, 1940.

with them ideas concerning trade unionism.

The first trade union to be organized in Newfoundland was the St. John's Seal skimmers Union (1854).<sup>4</sup> By the middle of the last century, the seal industry was a very important industry in Newfoundland, and all the sealing vessels had to come to St. John's where the only seal-oil manufacturing plant was located. The seal-skimmers were dissatisfied with the method of payment, which was by piece-rate, so under the leadership of Joseph Forgarty, the O'Briens, Fitzgeralds and the Moores - all professional butchers on St. John's Water Street - the union was formed. This was a craft union, and it was not surprising that they introduced a five year apprenticeship period into their trade. Early in the twentieth century, with the introduction of scaling machines, the union began to fade away, so that by 1938 there were only 20 members in the union.

The next trade union to be organized in Newfoundland - also a craft union and established in St. John's - was the St. John's Journey-men Cooper's Union which came into being two months before the great fire of St. John's in 1892 through the efforts of a group of cooper employees employed at the Dundee Rooms who "conceived the idea of joining (in) a union having for its object an enhanced wage scale, protection for its members, their wives and widows."<sup>5</sup> The first president of this union was Mr. G. Reid. The union reached the height of its membership in 1918 when it claimed a membership of 350. Thereafter with the retirement of the older members, and as a result of the altered conditions of

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<sup>4</sup>J. R. Smallwood (ed.), op. cit., p. 100.

<sup>5</sup>Ibid.

methods of shipment of Newfoundland products (mainly fish which was refrigerated) which forced many members to take up other vocations and others to emigrate to Canada and the U.S., the union began to dwindle in size, and by 1937, its membership stood at 180.

One trade union in Newfoundland which has maintained its "Independence" since its formation, and has refused to affiliate with either the Newfoundland Federation of Labour or any International union is the Longshoremen's Protective Union (L.S.P.U.).<sup>6</sup> The desire of the longshore (wharve) workers in St. John's to increase their wages was the force behind the formation of the Longshoremen's Protective Union in May 1903. Notable among the names of the founding fathers of this union were James Kavanagh; William Courtenay, the first president; Matthew Fleming, its first secretary; Hon. Gibbs, K.C. and J.J. McGrath. For a very long time this union remained the second largest union in the island - second only to the Fishermen's Protective Union - numerically. In fact, in 1905 it claimed a membership of 2500.

From its inception in 1903, the policy of the union was stated authoritatively as being "to hold what it has and to sign nothing."<sup>7</sup> By this policy, the union adopted the strategy of signing no agreement with any firm operating in St. John's. Its tactics were to wait till a ship was in St. John's harbour, before demanding a wage rate and working conditions for a particular work. The merchants in St. John's were unorganized until 1938. Rather than incur heavy losses while the cargo remained undischarged from the ship, the individual merchant

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<sup>6</sup>Ibid., p. 102.

<sup>7</sup>T. K. Liddell, op. cit., pp. 36-37.

always yielded to the demands of the union. The L.S.P.U. therefore was always in a stronger bargaining position. By 1937 the union had succeeded in raising the hourly wage rates of their day and night time workers from the 1903 rates of 10 cents and 12 cents to \$0.30 and \$0.39 respectively. It is significant to note that the L.S.P.U. sought to organize the non-skilled workers into their ranks. Like many of the organizations in Newfoundland during the early years of the century, the L.S.P.U. also paid much attention to providing a death benefit fund for members and their wives.

In 1938 two employers' associations were formed in St. John's<sup>9</sup> in addition to the already existing ineffective "Employers Association". These were "Associated Newfoundland Industries" which was comprised of certain Newfoundland manufacturers, and the "Exporters and Importers Association" which represented the great majority of the firms in St. John's and which controlled the Departmental Stores and the Shopping business in the city. After the formation of these associations the effectiveness of the L.S.P.U. began to diminish because, then, the employers co-operated in dealing with the union. Finally, with the introduction of the mechanized side-board loading system in St. John's, the L.S.P.U. quickly ceased to be the force that it once was. Today the L.S.P.U. still exists as a union mainly in name. Nevertheless, it still remains an independent union with no affiliation with either the Newfoundland Federation of Labour (N.F.L.), the Canadian Labour Congress or with any outside labour organization.

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<sup>8</sup>J. R. Smallwood, op. cit., p. 103.

<sup>9</sup>T. K. Liddell, op. cit., pp. 32-33.

The year 1908 saw the birth of another trade union in the island called the Fishermen's Protective Union (F.P.U.).<sup>10</sup> This trade union which came into being through the efforts and extraordinary leadership abilities of its founder Mr. William F. Coaker (later knighted by the King of England) played a prominent role in moulding the political and commercial affairs of Newfoundland during the period 1908-1932. It was the first trade union to be registered under the Trade Union Act of Newfoundland (1910).

To a large extent the F.P.U. represented the first effort to unite the workers of Newfoundland into one great labour movement. The earlier trade unions in the island had limited their membership to one craft only, and made no efforts at all to get the workers of the different crafts to become members. But Sir William F. Coaker's F.P.U. accepted into its ranks fishermen, loggers, farmers and coasters. At its peak it claimed a membership of over 20,000 workers. Basically the F.P.U. was a trade union, but with time it adopted other functions as well.

As a trade union, it sought to benefit the fishermen economically, especially between 1908-1919, by establishing a price for cod and seal and advised its members to hold their catch until this price was reached. The F.P.U. also had some distinguishing characteristics of a fraternal society, in the sense that it attempted to help its members in time of ill-fortune by establishing a disaster fund to which all the members contributed. In certain localities, and to some extent, it played the

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<sup>10</sup>J. G. Feltham, "The Development of the F.P.U. in Newfoundland" 1908-23. An unpublished M.A. Thesis, Memorial University of Newfoundland 1959.

role of the local government.

In 1910, it began to take on the activities of a consumer co-operative movement, and in 1917, with the formation of the Union Export Co., it branched out into a producers' co-operative. It exercised a large political influence in the island, and sponsored the Union Party in several elections. Its founder, Sir Willima F. Coaker, held different ministerial positions in the government of Newfoundland because of the great influence of the Union Party.

On the retirement and departure of Sir. W. F. Coaker in 1932 to Britain, Mr. Scammell became the President of the F.P.U. But this was the period of the great depression so that like many activities whose pace slackened during the depression years, the F.P.U. also became very ineffective both politically and as a union. In 1934 the F.P.U. was practically moribund when Mr. K. M. Brown was invited to become its president. Under his presidency the union was able to secure a collective agreement for its loggers employed by the Corner Brook Paper Mills Co., and it helped also in getting the Logging Act of 1938 passed. As time went on, the members of the Union Party - the political wing of the F.P.U. - were gradually absorbed into the Liberal Party fold. By the time the N.F.L. was formed in 1937, the F.P.U. had ceased to be effective as a union.

#### The Railway and the Paper Mill Unions

In the development of the Labour Movement in Newfoundland no group of workers have played a bigger role than that played by the railway and the paper making workers. As stated earlier, not only did the railways and the paper mills provide 'stable' employment, but also their establishment in the island brought into Newfoundland several

Canadian and U.S. workers who had long experience with the trade union movement on the North American Continent.

As early as 1904 there were five groups of unions among the railway workers of Newfoundland. These unions had as their members the Trainmen, the Telegraphers, the Trackmen, the Enginemen, and the Railway Steamship Clerks, Freight Handlers, Express and Station Employees Brotherhood (1899). It was not until the early 1930's that they were able formally to enter into agreement with the railway company. All the railway unions in Newfoundland were locals of International Unions with their headquarters located in the U.S.A.. They were also affiliated with the American Federation of Labour (A.F.L.).

These early railway unions met with opposition from their employers who refused to bargain with them. Nevertheless, in 1917, a group of mechanics from the Reid Newfoundland railway docks in St. John's - among whom were Philip Bannet, John Ramsey, George Kirkland, C. Quick, F. Marshall, C. Grace, W. McKay, A. Pittman, M. McDonald and H. Fry - met to discuss the steps they could best take to resist the indifference towards their industrial welfare that they were convinced prevailed in the minds of their employers.<sup>11</sup>

This was a time of rising prices. In spite of the opposition from their employers, the group managed to enlist workers from the workshops, factory, office and the stores of Water Street and all other avenues of employment into an association called the "Newfoundland Industrial Workers' Association" (N.I.W.A.).<sup>12</sup> Soon its influence

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<sup>11</sup>J. R. Smallwood (ed.), *The Book of Newfoundland*, Vol. 1, pp. 279-281.

<sup>12</sup>Ibid., pp. 279-281.

spread outside St. John's.

Soon after its establishment, the N.I.W.A. established a co-operative consumers' society. However, in their haste for social reform, the N.I.W.A. unwisely plunged into politics in 1919, when three of its members contested the St. John's West election. This created much friction among the members, and thereafter the N.I.W.A. - which in 1921 claimed a membership of 3,000 - began to fall apart.

After the disintegration of the N.I.W.A., the five railway unions began to revive - drawing their membership from the N.I.W.A.. Again the railway union leaders recognized the need for a concerted action on major issues. The result was that all the railway unions agreed to form the Labour Executive Board, which decided for all the unions matters of extreme importance. The man who helped most with the formation and activities of the Railway Labour Executive Board was Mr. W. S. Sparks. Another important person was R. Forgwill.

The greatest achievement of the Labour Executive Board was the successful organization of the Railway Strike in 1922. Again through the organization abilities of W. S. Sparks and F. A. F. Lush, the Brotherhood of Maintenance of Way Employees (Railway Machinists Union) and the Brotherhood of Railway Carmen were chartered in 1935 and 1936 respectively.<sup>13</sup> By the time the N.F.L. was formed in 1937, the Newfoundland Railway Company had seven different agreements with seven different Trade Union organizations.<sup>14</sup>

These Unions were:

1. The International Association of Machinists.

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<sup>13</sup>J. R. Smallwood (ed.), The Book of Newfoundland, Vol. 2, pp. 104-6.

<sup>14</sup>T. K. Liddell, op. cit., p. 34.

2. The Brotherhood of Locomotive Firemen and Enginemen.
3. The Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.
4. The Brotherhood of Railway Trainmen.
5. The Brotherhood of Maintenance of Way Employees.
6. The Railway Telegraphists.
7. The Brotherhood of Railway Carmen of America.

In 1908 the first paper mill in Newfoundland, the Anglo-Newfoundland Development Company (A.N.D.) was opened at Grand Falls. Two years later the first Newfoundland local of International Brotherhood of Paper Makers was formed in the mill. Two years after the formation of the first union, a second international union local, namely, the International Brotherhood of Pulp, Sulphite and Paper Mill Workers was formed by the employees in the A.N.D.. Both these unions were affiliated with the A.F.L. with their headquarters in the U.S.. Backed by the financial and organizing support of the international headquarters, these two unions soon enlisted into their ranks all the paper mill workers of the A.N.D.. After the establishment of the Bowater Paper Mills at Corner Brook in 1923, branches of the two international unions were formed there. The Corner Brook local of the International Brotherhood of Pulp Makers was inaugurated in 1925, while the International Brotherhood of Pulp, Sulphite and Paper Mill Workers at Corner Brook came into being in 1931.

In time the paper mill workers came to be the best organized workers in Newfoundland, and it was not surprising that under their initiative, and with the strong support of the railway unions, they managed to get the Newfoundland Federation of Labour established firmly in 1937.

### The Loggers and the Woods Labour Board

Another important (numerically) group of workers in Newfoundland who remained unorganized or were loosely organized before 1936 were the loggers. The lack of organization among the loggers, as explained earlier, was due to the seasonal nature of their occupation. Prior to 1936, the 14,000 loggers on the island were either unorganized or were organized in the Fishermen's Protective Union. However, in 1936, a new loggers union, called the Newfoundland Lumbermen's Association (N.L.A.),<sup>15</sup> was formed and it managed to secure collective agreement for its members employed in the A.N.D. and the Bowater's Company. Excluding the loggers employed in these two paper companies, the loggers of the smaller "con-  
cessional operators" remained unorganized.

In 1938, because of internal trouble in the N.L.A., there were two splits among its ranks, one in the Humber and Corner Brook area, and the other in the Deer Lake area. The result was the formation of two other unions, the <sup>Workers'</sup> Woods Central Protective Union with their headquarters at Deer Lake, and the Newfoundland Labourers' Association with their headquarters at Corner Brook. The F.P.U. had its headquarters at Port Union while the N.L.A. retained its offices in Grand Falls and Corner Brook, but with a reduced membership.

In the spring of 1939, while the Bowater Co. signed a new agreement with the F.P.U. and the Workers' Central Protective Union, it refused to negotiate agreements with the N.L.A. and the Newfoundland Labourers' Union because it accused them of causing unnecessary trouble in the logging camps. This increased the feud between the leaders of

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<sup>15</sup>T. K. Liddell, op. cit., pp. 17-19.

the N.L.A. and the F.P.U.. However, later in the spring, the Bowater Co. concluded agreements with the two remaining unions. It must be mentioned here that the agreements concluded by the N.L.A. with the two companies were identical because at that time the two companies interchanged employees in certain areas. Because the agreement signed by the Bowater Co., and the F.P.U. differed in content from the more favourable agreement with the N.L.A., serious trouble developed between the two unions. The N.L.A. claimed that the loggers at Indian Bay were its members. In the end, the dispute between the two unions was settled by a Conciliation Board under the chairmanship of Mr. Justice Higgins. The Conciliation Board ruled that the loggers belonged to the N.L.A.. However, the agreed settlement did not lead to the settlement of the feud between the two unions.

In September 1939, the outbreak of World War II brought new and formidable problems. In this period of turmoil, the sense of urgency and responsibility arising out of the war provided the catalyst which fused the conflicting elements. The first formal expression of the desire to collaborate came from labour. The leader of one of the unions suggested in a letter to the Commissioner of Natural Resources that a meeting of the paper companies and the unions be held under the aegis of the Government. The Commission of Government approved the idea, and named A. J. Walsh (now Sir), then Assistant Secretary of Justice to act as Chairman. The first meeting took place in St. John's between March 26th-29th, 1940, and it resulted in the formation of the Woods Labour Board,<sup>16</sup> with equal voting rights for the four unions on one side

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<sup>16</sup>See R. Gushue, "The Newfoundland Woods Labour Board". An address delivered to the St. John's Rotary Club, May 19, 1955. Mr. R. Gushue was the Chairman of the Board from 1947 to 1956.

and the two paper companies on the other.

It was decided to confine the Board's activities to the operations of the pulp and paper companies, and it agreed that the Board would remain in operation "for the duration of the war, and as long thereafter as all members agreed to continue." In actual fact, the Board continued to function till 1956 when it ceased to exist.

The Woods Labour Board was an unusual example of voluntary collective bargaining between the four unions and the two pulp and paper companies. It was charged with the responsibility of settling any dispute arising between the unions, the workers and the two companies. It assisted in the conclusion of collective agreements. Because of the continued presence of an independent and impartial Chairman of the Board, two of the familiar steps in labour-management negotiations (that is negotiation and conciliation) were blended, and the third step (arbitration) was often informally but effectively used.

The following extract from the 1955 Newfoundland Royal Commission on forestry, correctly sums up the achievement of the Woods Labour Board:

"The outstanding feature of the labour-management relations in the industry in Newfoundland is the Woods Labour Board. The success of this organization has been phenomenal. On the one hand, Woods Labour in the industry is one hundred per cent organized, and the earnings of the men have been substantially increased. On the other hand, all working agreements over a period of 15 years have been faithfully implemented, and management has on the whole been well satisfied with the way woods operations have been carried out. Besides, being a tribunal before which the labouring man can air his grievances, the Board has done much to acquaint him with the difficulties and hazards inherent in great enterprises, and the fact that in the long run the interest of labour and management are identical."

Mr. J. A. Walsh became the first Chairman of the Board from its inception in 1939 till 1940. He was succeeded by Mr. Justice Higgins. The next chairman was Mr. Justice Fox. In 1947, Mr. Raymond Gushue became the chairman of the Board and remained so until it finally ceased to exist in 1956. From the time it was founded until it ceased to exist Mr. N. W. Gillingham remained the secretary of the Woods Labour Board - a board that operated for 16 years without a strike or a lock-out being called in the woods operations of the two companies.

#### THE NEWFOUNDLAND FEDERATION OF LABOUR

Although there had been earlier attempts at the formation of a Newfoundland Federation of Labour, the first real foundation of an island-wide central body for the organized workers of Newfoundland was laid in 1937 at Grand Falls, where at a convention of Trade Union Leaders mainly from Grand Falls, Corner Brook, St. John's and Buchans, a constitution for the Newfoundland Trades and Labour Council was adopted, and the first set of officers was elected.

There are conflicting records concerning when exactly the earlier attempts at the foundation of the Newfoundland Federation of Labour (N.F.L.) actually took place - as can be seen from the two quotations below:

Quoting an extract from its December 21, 19<sup>2</sup>5 issue, the St. John's Daily newspaper, the "Daily Telegram" on 20th December 1950 wrote.

A delegation from the miners of Bell Island arrived in the city (St. John's) this afternoon to discuss with the Government, working conditions in the mine and to express their views before the Government reached an agreement with DOSCO. The delegation consists of M. J. O'Neill, President of the Miners' Union; John Kent, Financial Secretary; John

Ryan, Member of Bell Island Council; Messrs. E. C. Highmore; J. Skearns; B. Barron; and J. R. Smallwood, President of the Newfoundland Federation of Labour.

On June 16, 1950, the Fishermen's Advocate reproduced this extract from its January 8, 1926 issue:

Mr. J. R. Smallwood, President of the Newfoundland Federation of Labour announced on Saturday that petitions have been circulated by the Federation calling upon the legislature in the forthcoming session to repeal the present Workmen's Compensation Act. 'This' he declared, 'is one of the earlier demands of the Newfoundland Federation of Labour.' On the night of June 4, when the Federation was established at Grand Falls, I dealt at length with this subject and in subsequent articles prepared for the press describing the aims and objects of the Federation. I placed this matter in the forefront, thus demonstrating the importance in which it is regarded by the Federation.

'The present Act, passed during the last administration of Sir Robert Bond, was a great advance upon the then situation, but is now antiquated and inadequate.' The petition has been circulated among the workers on Bell Island, in Grand Falls, Corner Brook, St. John's and along the railway.

The only thing we are sure of about the earlier attempts is that they never succeeded, or were short-lived. Writing in 1931, J. R. Smallwood said:

Trade Unionism has never seemed to get a firm footing in Newfoundland . . . has not as yet made any great appeal to the workers of Newfoundland. <sup>17</sup>

The real father of the Labour Movement in Newfoundland is undoubtedly Sir A. G. Duggan. <sup>M.B.F.</sup> Sir Duggan was born on September 21, 1884. In 1900, he went to Canada, where he joined the Glace Bay Lodge No. 684

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<sup>17</sup>J. R. Smallwood, "The New Newfoundland", Macmillan Company of Canada Limited, 1931, pp. 21-22.

of the Brotherhood of Railway Truckmen. He returned to Newfoundland in 1909, and in 1912 he became the first President of the Grand Falls International Brotherhood of the Pulp and Sulphite Union Local 63.

As early as March 1934, he conceived the idea of the formation of a Trade and Labour Council for all the organized workers of the island.<sup>18</sup> It was not, however, until October 1936 that he managed to get some trade unionists from Grand Falls, Corner Brook and Buchans together for the purpose of translating his ideas into actuality.<sup>19</sup> He became the first President of the Newfoundland Trade and Labour Council (N.T.L.C.) in 1937. In 1947 he was knighted for his "many years in connection with the Labour Movement in Newfoundland." He is now an Honorary President of the Newfoundland Federation of Labour.

On October 23, 1936, there appeared in the Grand Falls "Advertiser",<sup>20</sup> the following account under the caption: "To Form Trade and Labour Council!"

On the evening of October 15, 1936, a number of delegates representing various Newfoundland labour unions met at Grand Falls for the purpose of considering the formation of a Newfoundland Trade and Labour Council. After some preliminary discussion by the different delegates the following resolution was adopted by the meeting:

Whereas it is expedient that an organization shall be effected for the purpose of promoting legislation in the interest of organized labour in the Dominion of Newfoundland, BE IT RESOLVED that we, the members of

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<sup>18</sup> Letter from A. G. Duggan to Mr. C. W. Strong, then secretary of Newfoundland Federation of Labour, dated July 9, 1950.

<sup>19</sup> In 1935 he had a meeting of trade unionists at Grand Falls, but no officers were elected then.

<sup>20</sup> Grand Falls "Advertiser", Vol. 1, No. 14, October 23, 1936.

Organized Labour, assembled in convention, form ourselves into a body to be known as the Newfoundland Trades and Labour Council, for the purpose above specified.

The delegates present were very enthusiastic and felt that the new organization will be of much benefit to Newfoundland labour. At the present time the plans are being put before all unions of the country for their consideration and adoption.

This meeting was attended by delegates from the Railway Telegraphers, the Paper Makers, the Sulphite and Paper Mill workers in Grand Falls and Corner Brook, the Railway employees and the Buchans Protective Union. Officers for the Council were elected at the meeting, among whom were Mr. A. G. Duggan (President), and Mr. C. Raines (Secretary).<sup>21</sup>

Acting upon the 1936 resolution, the first real foundation of the Newfoundland Trades and Labour Council (N.T.L.C.) was laid in 1937 at Grand Falls, where at a national convention, attended mainly by union leaders of St. John's, Grand Falls, Corner Brook and Buchans, a constitution was adopted and the first officers appointed.<sup>22</sup>

Among the unions represented at the 1937 Convention were the Grand Falls and Corner Brook paper and sulphite international unions, the seven railway international brotherhoods, the Buchans' miners' union, the boots and shoes workers international union, and some local branches of international unions like the boilers, and the iron ship builder and helpers of America, as well as a number of local Newfoundland chartered unions.

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<sup>21</sup>For a complete list of officers elected at this meeting, the unions represented or the delegates, see appendix C.

<sup>22</sup>For details of the constitution, see appendix A.

The first set of officers elected for the N.T.L.C. at this first convention consisted of the following: A. G. Duggan - President; R. J. Fahey; C. Raines; J. S. Bragg; M. F. Armstrong - 1st, 2nd, 3rd and 4th Vice Presidents respectively. The Secretary Treasurer was J. L. Hannaford, and his assistant was F. A. F. Lush. The Convention also decided that District Executive Committees should be set up in St. John's, Corner Brook, Grand Falls and Buchans to organize and educate the workers in their districts on trade unionism.

The period immediately after the 1937 convention was one of an intensive and successful organizing activity by the district committees. In view of the relatively large size of St. John's, with respect to population and industries, it was there that the burden of organization was heaviest, and the result most spectacular. Among the workers successfully organized by the St. John's district executive committee were the shop and office employees, foundry workers, motor mechanics, garage employees, clothing workers, soft-bread workers, telephone workers, biscuit, candy, soft drink, tobacco and cordage workers. Other workers were organized by the Grand Falls and Corner Brook executive committees.<sup>23</sup>

The strength of the newly formed N.T. & L.C. was put to the test in two strikes in 1938 involving the St. John's Bakers and Biscuit trade employees and Telephone employees in St. John's over the demands by the workers for "closed-shop clauses" agreements.

The soft-bread workers won their strike because their product was perishable, but the biscuit and candy workers lost their case,

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<sup>23</sup>For a complete list of Trade Unions in Newfoundland in October 1938, see appendix B.

because their employers found it easy to employ "scabs" (to our knowledge this is the first time the term was used in Newfoundland) to do semi-skilled jobs. That the biscuit and candy and bread makers should go on strike over "closed-shop" clauses is a clear manifestation of how little the trade unions that sprang up in 1938 understood the proper use of the strike weapon. Their trade demanded so few skills that the employers found it easier to replace the strikers. The strike organized by the Telephone workers against the advice of the St. John's district Executive Committee of the N.T. & L.C. also was unsuccessful.

The second annual convention of the N.T. & L.C. was held in St. John's in September 1938. There, the council examined its past activities, and realised the great importance of educating the working classes about trade union doctrines. To be able to do this they needed money. At this convention, therefore, the delegates decided to collect revenue for the N.T. & L.C. through a per capita tax-membership and charter-initiation fees. The per capita fee was fixed at 28¢ per member per year for Local International Unions, and 18¢ for local trade and labour unions. At the same convention, the delegates decided to patronize a Labour newspaper, "The Labour Herald", which unfortunately came out for a short while only. Two motions - one which sought to ask the Newfoundland Government to enact a law that would make the N.T. & L.C. the only body to charter a newly formed local union wishing to operate in Newfoundland, and another that demanded local unions wishing to strike to first obtain the consent of the Council were both defeated.

The Third Annual Convention of the N.T. & L.C. was held in Corner Brook in July 1939. There it was decided to alter the name

of the organization to that of the Newfoundland Federation of Labour (N.F.L.), and to move the headquarters to St. John's.<sup>24</sup> The resolutions adopted at this convention included a wide variety of subjects among which were the regulation of the employment of children; increase of government relief; fair wages in government contracts; increase in workmen's compensation to at least \$5,000; tariff regulations on clothing, boots, shoes and furniture; the establishment of a Department of Labour and a Board of Conciliation; isolation of tubercular patients; the appointment of a government mining inspector (a Newfoundlander, if possible); a minimum wage of \$0.43 per hour for skilled labour; compulsory rates for overtime; the establishment of an eight-hour day in the mines; diversion of the railway line across the island from Topsail to Buchans; the exclusion of Communists, Fascists, and Nazis from the N.F.L.. The convention requested the Commission of Government to take action on their requests or they would send a representation to the Dominion Office, the Labour Party and the House of Commons.

At the same convention also, it was decided to set up District Trades and Labour Councils in St. John's, Grand Falls, and Corner Brook to take the place of the District Executive Committees that had functioned so well in the first two years after the formation of the N.I. & L.C.. These District Councils were to be subservient bodies to the N.F.L. and their main duties were to carry on the organizing, educating and discussing activities in their various districts.

Until the outbreak of the World War II, despite the strong opposition of the employers in Newfoundland towards the formation of

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<sup>24</sup>ibid., p. 51.

unions among workers, the history of the N.F.L. was that of militancy and intensified organization. But it was clear that without the active support of the A.F.L. which had international affiliates and several locals in the island, the N.F.L. would not have achieved the outstanding success it had in its early years.

In 1935 the Wagner Act<sup>25</sup> (an act which favoured unions) had been passed in the U.S. As a result of the newly won recognition given to the unions in the U.S. by the Wagner Act, the A.F.L. soon tried to organize all the workers of North America - an organizing effort, the benefits of which spread to the workers of Newfoundland.

At the outbreak of the War in September 1939, the N.F.L. pledged itself to a no strike policy and an all-out effort to help win the war. While the war was going on, organizational and legislative progress was quietly and steadily being made by the N.F.L. Annual conventions continued to be held and many of the proposals submitted by the N.F.L. to the Commission of Government received sympathetic attention. In January 1940, for example, Mr. Harry Oxford of the International Brotherhood of Paper Makers local in Corner Brook became the seventh vice-president of the whole International Union.

Early in the war years, the Commission of Government enacted legislation enabling the Governor-in-Commission to set up tribunals to make final and binding settlements on all disputes that threatened to interfere with the war efforts. Among the more notable of the tribunals set up were those that arose as a result of the demands for a wage increase and better working conditions made by the following

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<sup>25</sup>The National Labour Relations Act 1935, named after its initiator, Senator Wagner.

unions: The Shop and Office Employees of St. John's; the Buchans Workmens' Protective Union; the Shop Workers' Union, Grand Falls and Windsor; the St. Lawrence Workers Protective Union; and the St. John's Longshoremen's Protective Union. In all the war tribunals set up, great gains were made by the labour unions, and in all cases the rate of wages was fixed on a sliding scale geared to the cost of living index (which happened to be rising rapidly at that time).<sup>26</sup>

With the end of the war came a gradual abrogation of the war-time legislation, including those laws under which the wage tribunals were set up. During this period, many labour organizations secured new working agreements that replaced the award of the tribunals, and the labour-management relations gradually assumed the normal course.

During the later part of the war, and immediately after it there was a very definite trend towards an intensive organization of labour in Newfoundland - on a scale similar to that in 1937/38. Mr. Harry Oxford who in 1941 had succeeded Mr. C. H. Ballam<sup>27</sup> as President of the N.F.L. - and he actually remained as the President until 1945 - had in 1944 attended the Toronto Convention of the Trades and Labour Council of Canada (T.L.C.), the Canadian counterpart of the A.F.L.. At the suggestion of the International Unions in Newfoundland, the A.F.L. was contacted to help in the organization work in Newfoundland.

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<sup>26</sup>Newfoundland Government: Settlement of Trade Dispute Board between the Employers Association and the Longshoremen's Protective Union of St. John's. (King's Printer, St. John's, 1942). Newfoundland Government: Settlement of Trade Dispute Board between the St. Lawrence Corporation of Nfld. Ltd. and the St. Lawrence Workers' Protective Union. (King's Printer, St. John's, 1942). Newfoundland Government: Settlement of Trade Dispute Board between the Newfoundland Protective Association of Shop and Office Employees and Employers in the Wholesale and Retail Trades. (King's Printer, St. John's, 1942).

<sup>27</sup>Mr. C. H. Ballam became the first Labour Minister in the Province of Newfoundland in 1949 and remained in that Office till 1966.

The A.F.L. offered to support by offering a large sum of money each month for organizing purposes. Two months' cheques were received from the A.F.L. by the N.F.L.. However, the N.F.L. returned these cheques because the A.F.L. insisted that the N.F.L. should organize its workers as craft unions.<sup>28</sup>

At the 1945 convention of the N.F.L. during which Mr. W. J. Frampton of the St. John's District Executive was elected the President of the Federation, it was agreed by the delegates present that a majority of the Executive Committee of the N.F.L. should come from St. John's. By this practice, the delegates hoped that there would always be a quorum available at one place, and this, they believed, would enable decisions to be reached quickly and less expensively. By this method also, the delegates attempted to facilitate the work of the Federation in the sense that at St. John's the Executive could easily keep in contact with the provincial government. The practice of electing a majority of the N.F.L. Executive Committee from St. John's persisted till 1950. On the recommendation of the 1945 Convention, the N.F.L. established its headquarters in the Temple Building on Duckworth Street, St. John's.

By the year 1945/46 the N.F.L. was making its influence felt on several aspects of the national life. In the National Convention - the Legislative Assembly for the island - there were three men who were regarded as labour men. They were D. Jackman, F. Fogwill, and P. Fogarty.<sup>29</sup>

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<sup>28</sup>C. W. Strong, A brief history of the N.F.L., a mimeographed address given on July 12, 1951.

<sup>29</sup>Tenth Annual Convention of the N.F.L. Report, p. 12-13.

In 1945, a group of St. John's trade unionists formed the St. John's District Labour Party on the lines of the British Labour Party. Membership in the party was extended to non-union members, and the founders hoped to extend it all over the island. This party had the support of the St. John's District Trade and Labour Council. Even though the three candidates, W. J. Frampton, W. W. Gillies, and J. W. Ashley, whom the St. John's District Labour Party put up in the November 1945 St. John's municipal elections, were all unsuccessful, the Party managed later to get two of its eight candidates - Messrs. F. Fogwill and G. F. Higgins - elected to the National Convention.<sup>30</sup> Among the various government boards that had N.F.L. representatives on them were the Housing Corporations Board, the Newfoundland Industrial Development Board and the Committee that was inquiring into the cost of the Fishery Industry.<sup>31</sup> Together with the Council of Newfoundland Board of Trade, the N.F.L. Executive requested information from the Dominion Office on the future political status of the island and of the economic plans to put the island on a sound footing. Even though the Dominion Office never sent a reply to the request, it (Dominion Office) answered by announcing the election of a National Convention to decide the future of Newfoundland.<sup>32</sup>

As noted earlier, the N.F.L. succeeded in getting some labourmen into the National Convention. The St. John's District Trade and Labour Council was also able to organize these unions in 1945/46 into the N.F.L.: Tobacco Workers, Plumbers and Steam Fitters Protective

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<sup>30</sup>Ibid., p. 13.

<sup>31</sup>Ibid., p. 18.

<sup>32</sup>Ibid., p. 23.

Union; the Painters Protective Union; the Tin and Sheet Metal Workers Protective Union; and the St. John's Protective Union. In all the St. John's District T.&L.C. was able to organize ten separate unions in the city of St. John's alone in the 1945/46. This accomplishment was achieved because of the services of a part-time organizer who was hired for some months.

At the Tenth Annual Convention of the N.F.L. held in August 1946, R. J. Fahey of St. John's Railway Brotherhoods, a founding member of the N.F.L. in 1937 (he led the St. John's delegation to the 1937 Convention and became the first President of the St. John's District Executive Committee in 1937) was elected as the President of the N.F.L. The post of secretary went to Mr. Cyril Strong, a unionist who had held the post of Treasurer in 1945/46. Mr. R. J. Fahey remained the President till 1948, while between 1946 and 1950, Mr. C. W. Strong served variously as secretary, vice-president and treasurer.

The years 1946 to 1948 were testing years for the N.F.L. While the N.F.L. recognized the need for an intensified organizing effort, the whole island was torn apart by the political campaign that was being waged to determine the island's future political status. Between the 1946 and 1947 conventions alone, fifteen unions were chartered and three affiliated to the N.F.L.<sup>33</sup> This brought the number of unions affiliated and chartered by the N.F.L. to fifty-one.<sup>34</sup> That same period saw eight strikes organized in the island.<sup>35</sup> The Argentinia U.S. Base workers, who in the previous year were prohibited by their employers

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<sup>33</sup> Eleventh Annual Convention Report of the N.F.L., p. 22.

<sup>34</sup> *Ibid.*, p. 25. Of the 51 unions, 15 were international affiliates, directly chartered unions. The estimated union membership in the N.F.L. was between 12,000-14,000.

<sup>35</sup> *Ibid.*, p. 26.

from organizing, succeeded in getting recognition. One significant event that occurred in 1948 was the very successful and well organized strike by the nine railway unions, five of which were affiliated to the N.F.L.. For two years, these unions had been negotiating unsuccessfully for wage increases. Early in 1948, all the railway unions formed a Railway Labour Co-operative Board to negotiate with the Government on the wage claim. Upon the failure to reach an agreement with the Government, a strike was declared by the unions on October 11, 1948. This strike lasted five weeks, and ended when the unions secured a 10¢ an hour wage increase and other benefits.<sup>36</sup>

In the political campaign of the 1947 and 1948 concerning the form of government Newfoundland should choose, the President of the N.F.L., Mr. R. J. Fahey was an active supporter of a Responsible Government for the island; the first Vice-President of the N.F.L., Mr. W. J. Frampton, was an active supporter of the Confederates, while other unionists supported a Commission Government.

The effect of this division in the political outlook of the leaders of the N.F.L. was that it tended to divide the ranks of organized labour. In the national referendum, the Confederates won by a small majority. Therefore at the 1948 12th annual convention of the N.F.L. held at Grand Falls, it was resolved that officers of the N.F.L. could not take part in political campaigns unless their action received prior endorsement of the Federation at a convention or by a labour referendum vote. This stern resolution was favoured in place of the moderate motions, tabled by several unions, which would have

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<sup>36</sup>Proceedings of the 13th Annual Convention of the N.F.L., August, 1949, p. 20.

enabled officers to take part in political campaigns provided they stated on the political platform that they did not speak for organized labour. The N.F.L. passed the more strongly worded motion as a safeguard of the achievement of unity among the members.

Between the 1947 and 1948 conventions, the N.F.L. was able to organize and charter three unions. These unions were the St. John's General Maintenance Engineers and Firemen's Union; the St. John's Hospital and Affiliated Workers' Union; and the Buchans Shopworkers' Union. Two new international locals were also affiliated to the N.F.L.. They were the Victory Lodge No. 1138 of the Brotherhood of Steamship and Railway Clerks, Freight Handlers, Express and Station Employees of Argentina; and the Grand Falls Lodge No. 1906 of the International Association of Machinists. In addition, the N.F.L. Executive managed to get the Newfoundland Government to give recognition to the Brotherhood of Postal Telegraph Workers' Union. The union was affiliated to the N.F.L.. The N.F.L. was represented on such government boards such as the Industrial Development Board and the Libraries Board. R. J. Fahey attended the annual convention of the Trades and Labour Congress of Canada.

It is interesting to note also that amid the political turmoil, trade disputes actually fell from 40 in 1946 to 27 in 1947.<sup>37</sup>

The year 1948 was an important one in the history of the Labour Movement in Newfoundland, because this was the year in which the Congress of Industrial Organization - Canadian Congress of Labour (C.I.O. - C.C.L.) alliance, the rival of the A.F.L. - T.L.C. alliance, first entered upon the labour scene in Newfoundland.

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<sup>37</sup> Ibid., pp. 6-7.

As early as 1944, Mr. Villiancourt of the Canadian Brotherhood of Railway Carmen had attended the N.F.L. convention and had urged the N.F.L. to ask the A.F.L. to come in and help in the union organization work so as to prevent the C.I.O. - C.C.L. from entering the province. But, as noted earlier, the N.F.L. did not obtain this help from the A.F.L. because, first of all, in 1944 the N.F.L. executive had rejected the conditions attached to the A.F.L. grants, and secondly, in 1946 the President of the A.F.L. had written to say that his organization could not help. After the 1947 convention, the Gander General Workers' Union, which had as its members all the workers at the Gander Airport except the radio and electrical workers, refused to pay to the N.F.L. their per capita tax because the Gander Union felt the previous increase in the per capita tax was too high. In the Bi-annual meeting of the N.F.L. executive committee in March 1948 therefore, Mr. J. Pond was asked to go to Gander to settle the issue. Unfortunately, however, Mr. Pond did not go to Gander till August 1948. Upon his arrival in Gander, Mr. Pond was informed by the executive of the Gander General Workers' Union as follows:

Pond, we have been expecting you all through the months . . . finally we thought somebody was pulling our legs, and then we contacted the C.I.O..<sup>38</sup>

Some few months earlier the C.I.O. - C.C.L. alliance had managed also to get the Bell Island Miners Union to affiliate with them.<sup>39</sup>

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<sup>38</sup> Ibid., pp. 99-102.

<sup>39</sup> Through the effort of the C.C.L. the workers of the Wabana Iron Mines at Bell Island voted to form a local of the United Steel Workers of America. Before 1948, the miners at Bell Island never had a stable union.

Because of the stir that the appearance of the C.I.O. - C.C.L. in the island created, (an appearance that Sir A. G. Duggan described: "Communism has taken its ground at Gander"), and because the result of the 1948 referendum in Newfoundland showed that the island would become a part of Canada the following year, it was not surprising that the 12th Annual Convention of the N.F.L. held in August 1948 at Grand Falls was well attended by delegates from the A.F.L. and the Trades and Labour Congress of Canada (T.L.C.). Mr. J. W. Buckley, the Secretary-Treasurer of the T.L.C. attended the convention. For the first time the A.F.L. was also represented at the N.F.L. Convention - and by no less a person than Mr. Phillip Cutler, the A.F.L. Regional Director.

In his address, Mr. Cutler said his "mission is to listen fervently and report back to the Federation (A.F.L.) so that the President (of A.F.L.) may be in a better position to assist wherever possible the future progressive lines of the Newfoundland Federation of Labour."<sup>40</sup> He listed three ways by which the A.F.L. would be able to assist the Labour Movement in Newfoundland and at the same time keep out of the C.I.O. - C.C.L. from Newfoundland:<sup>41</sup>

1. To see that every newly organized local union of the A.F.L. and the International Affiliates will become affiliated with the N.F.L. as a condition of maintaining their charter.
2. To help convince those unions in Newfoundland not affiliated with the N.F.L. of the benefits of affiliation with the N.F.L..<sup>42</sup>

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<sup>40</sup> Report of 12th Annual Convention Proceedings of Newfoundland Federation of Labour, p. 12.

<sup>41</sup> Ibid., p. 120.

<sup>42</sup> Among the large Unions in Newfoundland who remained independent of N.F.L. or the International Unions were the Longshoremen's Protective Union (L.S.P.U.), the Newfoundland Lumbermen's Association (N.L.A.), and the Building Crafts Association. Most of the unions who stayed outside the N.F.L. did so because they were not willing to pay the per capita tax.

3. To help in the organization campaign, mainly through education.

The convention agreed to accept help from both the A.F.L. and the T.L.C..

After the convention, the A.F.L. executive met with Mr. P. Cutler the Regional Director of A.F.L. Eastern Canada, and at that meeting Mr. Cutler informed the N.F.L. executive that the A.F.L. had appointed its first full time representative in Newfoundland in the person of Mr. C. W. Strong, the then secretary of the N.F.L.. Again, at the suggestion of Mr. Cutler, the Head Office of the Retail Clerks International Association appointed Mr. Jack Whelan as their full time representative in Newfoundland. Two years later, that is 1950, when the N.F.L. was affiliated to the T.L.C., the T.L.C. also appointed a representative in Newfoundland. Thus by 1950 there were three full time representatives of the International Trade Union Movement resident and active in Newfoundland. The story of the great strides made in the development of the Labour Movement immediately after 1949, a feat that was achieved both as a result of the active help of the International Unions through their representatives in the island, and the encouragement given to the labour movement by the government of Premier Smallwood (who had himself been an active unionist, and whose first Labour Minister, Mr. C. H. Ballam had been a foundation member of the N.F.L. in 1936 and had once been its President), as well as the circumstances that led to the apparent "hostility" between the labour force and the Newfoundland government since 1959 is the subject of Chapter 6.

By October 1948, there existed in Newfoundland 76 trade unions with their affiliation as follows:<sup>43</sup>

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<sup>43</sup>The Labour Gazette, "The Labour Movement in Newfoundland", April 1949, pp. 386-7.

Newfoundland Federation of Labour -	48
A.F.L. -	19
National Unions -	29
Canadian Congress of Labour -	3
Independent National Unions -	21
Other International Unions (Railway Brotherhoods) -	4
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All the unions in Newfoundland fell into one of the groups below:

1. Unions formed on the basis of a skilled trade, for example the railway unions.
2. Unions formed by workers in the stabilized section of the secondary industries, for example the paper makers unions.
3. Unions formed by workers who have common primary and secondary occupations, for instance the Fishermen's Protective Union.

By October 1948, the organization that Sir A. G. Duggan had started in 1936-37 had grown to a gigantic size, and embraced approximately one-third of the estimated working population on the island.<sup>44</sup> It was not surprising, therefore, that at the 1948 convention, Mr. J. Pond, then the acting President of the N.F.L., referred to Sir A. G. Duggan as the "Honorary President and founder of the Newfoundland Federation of Labour."<sup>45</sup>

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<sup>44</sup>Ibid., p. 387.

<sup>45</sup>Report of the 12th Annual Convention Proceedings of the N.F.L., p. 8.

## CHAPTER V

### THE NEWFOUNDLAND LABOUR MOVEMENT 1949-1960

It is extremely difficult to obtain statistical data concerning the growth of the membership of the trade union movement in Newfoundland because, in most cases, records have not been kept. Nevertheless, from the few figures that are available (Table 5 below), we can describe the history of the trade union movement in the island between 1949 and 1960 as one of a "bubble and bust".

TABLE 5

#### TRADE UNION MEMBERSHIP IN NEWFOUNDLAND 1949-1963

Year	No. of Unions	Unions Reporting	Membership Reported
1949	85	61	24,207
1951	94	80	28,100
1955	283	259	35,600
1956	285	264	39,413
1957	247	224	38,365
1958	286	272	48,286
1959	121	104	19,200
1962	109	99	16,700
1963	111	98	20,300

Source: Labour Gazette Vol. IX, No. 8; LXIII No. 3; LXIV No. 1, Labour Organizations in Canada. Ottawa: Department of Labour. Editions 39, 40, 45, 46 and 47.

That a large number of the organized workers in the island were concentrated in St. John's and the two paper towns of Corner Brook and Grand Falls is evidenced by the fact that of the 48,286 total membership of organized labour in 1958, the figures for the three areas were 20,450, 12,900 and 5,600 respectively.

We might, however, wish to state at the outset that the almost sustained increase in the membership of the trade union movement from 1949 till 1958 was the result of the intensive campaign that the labour organizers in the island carried out during the period, and of the great initial assistance and encouragement they received from the provincial government of Premier Smallwood. Two thousand five hundred out of the 10,000 increase in membership reported between 1957 and 1958 is attributed to an increase in membership of the Newfoundland Federation of Fishermen. The Newfoundland Federation of Fishermen has no bargaining rights and so has little or no control over its members, who only turn to the Federation in poor fishing seasons as happened during the 1957/58 period of economic recession in Canada. The sudden fall in union membership in 1959 is explained by the appearance of the bitter International Woodworkers of America dispute on the Newfoundland labour scene, the story of which is related in the next chapter.

When Newfoundland in 1948 voted to join the Dominion of Canada, it became obvious that the N.F.L. would be absorbed into the International Labour Movement on the North American continent. In 1948, Mr. Philip Cutler, the Regional Director of the A.F.L. and Mr. J. W. Buckley of the Trades and Labour Congress of Canada, T.L.C. had attended the N.F.L. convention as special guest speakers. During and after the convention the N.F.L. executive discussed with these two men the constitutional changes that were to take place in the N.F.L. as a result of her

affiliation with the T.L.C. The N.F.L. also asked the A.F.L. to assist her to organize the workers of Newfoundland.

Early in January 1949, therefore, Mr. Philip Cutler returned to Newfoundland to assist the N.F.L. in the organizing campaign. With the help of Mr. C. W. Strong, the newly appointed full time organizer of the A.F.L. in the island, and that of the St. John's District Trade and Labour Council, an intensive campaign was launched at the Pitts Memorial Hall in St. John's. There were immediate results, because soon after the campaign was launched, 12 unions chartered by the N.F.L. decided to affiliate with the A.F.L. either directly or through their appropriate International Unions, while 9 independent unions with a membership of about 2,000 decided to do likewise.<sup>1</sup> Among the first group of unions which affiliated with the A.F.L. were the following:

1. The Buchans Workmen's Protective Union.
2. The Tobacco Workers' Protective Union which became Local 307, Tobacco Worker's International Union.
3. The Newfoundland Protective Association of Shop and Office Employees became Local 1607, Retail Clerks International Association.
4. The Hotel and Restaurant Workers' Union became Local 779, Hotel and Restaurant Employees and Bartenders' International Union.
5. The Paint Manufacturers' and Allied Workers' Protective Union became Local 1678, Brotherhood of Painters, Decorators and Paperhangers' of America.
6. The Gander Radio Workers' Association became a local of the Commercial Telegraphers' Union.

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<sup>1</sup>Proceedings of Thirteenth Annual Convention of the N.F.L. August 1949. (Robinson & Co. Ltd. Printers), p. 19. Between the 1948 and 1949 N.F.L. conventions alone it was estimated that approximately 6,000 new members were brought into the ranks of the Federation, p. 13.

The other unions in the first group that affiliated with the A.F.L. were the bakers, Cordage and Twine and Allied Workers, the Fishermen of Burin East, the Buchans Shipworkers and the Postal workers.

Among the second group of unions, that is, the independent unions that affiliated with the A.F.L. and hence indirectly with the N.F.L. were

1. The St. Lawrence Workers Protective Union which became Federal Labour Union No. 24530 (A.F.L.).
2. The Shop Workers of Bell Island, Conception Bay were organized into a local of the Retail Clerks International Association.

The other workers included in this second group were the Painters Protective Association, which became Local 1679 Brotherhood of Painters, Decorators and Paperhangers of America; the Labourers and General Workers Protective Union which became known as the Transport and Other Workers' Union No. 855, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America; the Bus Drivers and Garage Employees; the Commercial Garagemen of St. John's; the Employees of the various breweries and aerated water works in St. John's; the Employees of the Avalon Telephone Co. Ltd. and the United Towns' Electric Co. Ltd. who formed themselves into a local of the International Brotherhood of Electric Workers; and the Employees of the Newfoundland Light and Power Co. Ltd. who also formed themselves into a local of the International Brotherhood of Electric Workers.<sup>2</sup>

After the departure of Mr. Philip Cutler, Mr. C. W. Strong, Mr. J. J. Whelan, The Retail Clerks International Association full

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<sup>2</sup>Ibid., pp. 17-19. There, a complete list of these newly chartered unions is given.

time organizers in the island, and the St. John's Trades and Labour Council continued to organize the workers in and around St. John's and succeeded in organizing the plasterers and other workers.

At the annual meeting of the St. John's Council held in January 1949, some 13 unions were represented.<sup>3</sup> The Council elected Mr. W. W. Gillies as its president and elected several young members to its executive posts. The first problem which the 1949 St. John's Council Executive had to tackle was one of policy, because the Council Executive felt that with the arrival of the A.F.L. on the local organizing scene, the council would have to redirect its efforts, which had hitherto been mainly that of an organizing nature. When the St. John's Council approached the N.F.L. executive on this matter, it was informed that there was no conflict of interest and that both the Council and the A.F.L. could assist each other to organize the workers in and around St. John's. Thereupon, the St. John's Council laid down an educational and publicity program designed to familiarize the various unions with one another's activities and problems. This program included newspaper articles, radio programs and educational films. The Council maintained a "Labour Page" in the St. John's Daily News and a "Labour Column" in the Evening Telegram.<sup>4</sup> At the "Labour Page" much publicity was given to the A.F.L. organizing campaign, and this helped, in a large measure, towards the success of the campaign referred to above. In the "Labour Column" several unionists contributed articles on the principles of trade unionism, social justice and other subjects.

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<sup>3</sup>Ibid., p. 32.

<sup>4</sup>Ibid., p. 33.

The compiler of the Newspaper articles in the St. John's newspapers was Mr. W. F. Chafe, the secretary of the St. John's District Council. Through the efforts and co-operation between the St. John's Council and J. Pond of Grand Falls, N. Munn of Buchans, B. Fudge and Mr. Rideout of Corner Brook, similar publicity efforts were begun in Grand Falls and Corner Brook. A Trades and Labour Column was run in the Western Star at Corner Brook, while the Grand Falls Advertiser copied the Labour news as it appeared in the St. John's press. Unfortunately, however, pressure of work on the St. John's compiler, Frank Chafe, led to the end of the St. John's publicity, and with it the end of the other publicity campaigns soon afterwards.

At the 1948 N.F.L. Convention, a Legislative Committee made up of C. W. Strong, W. F. Chafe, W. D. Underhay, G. L. French, A. J. Kavanagh and W. J. May was set up and charged with these duties:

The duties of the Committee will be, with professional assistance if necessary, to obtain copies of all Federal and Provincial Labour Laws in effect throughout the Dominion of Canada, and to sift out the best possible provincial legislation and endeavour, through proper governmental channels, to have them made applicable to Newfoundland . . . .<sup>5</sup>

This committee began its work on October 5, 1948. Among the people who assisted the committee in its task were Mr. Philip Cutler, the A.F.L. Regional Director; Mr. W. K. Bryden, Minister of Labour in the Province of Saskatchewan; Mr. J. R. Smallwood, the Premier of Newfoundland, and Mr. A. F. MacArthur, President of the Ontario Federation of Labour.

After the committee had completed drawing up a Trade Union Act, it sought an interview with the Hon. C. A. Ballam, the Newfoundland

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<sup>5</sup>Ibid., p. 27.

Minister of Labour. At this meeting they discussed the whole question of labour legislation (Trade Union Act, Workmen's Compensation Act, Minimum Wage Act, Shops Act, etc.). The Committee was able to meet Premier Smallwood, but the leader of the opposition Progressive Conservative Party in Newfoundland, Hon. G. R. Mews, failed to meet the Committee. Some of the recommendations of this Committee were incorporated into the labour legislation enacted in the province in 1950.

In 1949, Mr. James Pond, the President of the N.F.L., had to resign his position on the N.F.L. Executive when he decided to stand as a Progressive Conservative Party Candidate in the federal elections. This was in accordance with the resolution passed at the 1948 Convention. Upon his resignation, Mr. Norman Munn, the first Vice-President acted as President of the N.F.L. until the 1949 Convention, when he was replaced by Mr. Frank Chafe.

The Thirteenth Annual Convention of the A.F.L. held at Corner Brook between August 8 and 12, 1949 was attended by over 50 delegates. Among the special guest speakers of this convention were Mr. J. A. Whitebone of the T.L.C. and Mr. Russell Harvey of the A.F.L. They both urged the N.F.L. to affiliate with the T.L.C.-A.F.L. Upon the recommendation of the N.F.L. Executive, the delegates decided to affiliate the N.F.L. with the T.L.C. As a result of this decision certain amendments were made in the N.F.L. constitution, the most notable of which was the replacement of the "Dominion of Newfoundland" by the words "Province of Newfoundland."<sup>6</sup> The officers elected for the year 1949/50 were:

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<sup>6</sup>Ibid., pp. 22, 36-38.

Frank Chafe - President  
 N. Munn - First Vice-President  
 B. Fudge - Second Vice-President  
 C. Strong - Third Vice-President  
 N. Pinsent - Fourth Vice-President  
 J. May - Secretary  
 J. Ryan - Treasurer

In September 1949 Mr. C. W. Strong, the third Vice-President of the N.F.L. and the A.F.L. full time organizer in Newfoundland, represented the N.F.L. at the T.L.C. Convention held in Calgary. There, the T.L.C. voted to accept the N.F.L. formally as an affiliated Federation. Back in Newfoundland, C. W. Strong and the three District Trades and Labour Councils of the N.F.L. continued their organizing and educational work among the workers of the island.

On February 13, 1950, C. W. Strong and W. J. May, the N.F.L. Secretary presented a brief to the Royal Commission on the cost of living index.<sup>7</sup> In this brief, the N.F.L. demanded that the Newfoundland cost of living index should be compiled according to the Dominion Bureau of Statistics methods. The brief also suggested that one of the causes for the high cost of living in Newfoundland was too high distribution cost. As a remedy, it urged the Commission to investigate possible ways and means of centralizing the population of the island, scattered over the 1300 settlements. The brief also opposed the sales tax on consumer goods, asked for land development, and commended the Newfoundland Government for its interest in co-operatives and in low

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<sup>7</sup>The Labour Gazette, Vol. L, No. 5, May 1950, p. 647.  
 (Published by the Department of Labour Ottawa).

cost housing scheme.

The N.F.L. again on March 7 met a select committee of the Legislative Assembly of Newfoundland to present a memorandum for legislative reform on the Labour Relations Act, and the Trade Union Act.<sup>8</sup> With regard to the Labour Relations Act, the N.F.L. asked that union-shop agreements should be granted a union if seventy-five per cent of the eligible employees asked for it. Secondly, since the unions found it financially difficult to hire legal counsel in bargaining negotiations or in representations before the Labour Relations Board, the N.F.L. asked that legal counsel should only be allowed if both parties mutually agreed to it. With regard to the Trade Union Act, the N.F.L. asked that those sections that required unions to make available for publication and distribution detailed financial statements should be deleted from the Act, because such requirement was not demanded of employers. The Newfoundland government, however, turned down these demands which it thought would give the unions too much power.

The period between the 1950 and 1951 conventions of the N.F.L. was not an eventful one as far as organizing work was concerned. During that period, most of the newly organized unions were busy bargaining for collective agreements with their various employers. In 1950 also, Mr. Frank Chafe, who was re-elected at the 1950 convention, became the T.L.C. organizer in Newfoundland, thereby increasing the number of full time labour organizers in the island to three.

At the Fifteenth Annual Convention of the N.F.L. held in July 1951, in St. John's, which was addressed by both Hon. J. R. Smallwood

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<sup>8</sup>Ibid., pp. 646-7.

and Hon. C. H. Ballam, the delegates adopted resolutions that urged the Newfoundland Government to enact a Workmen's Compensation Act in the province; take steps to bring the remuneration of members of the jury into line with at least the lost wages; give bargaining rights to the provincial government employees; and set up a minimum wage of \$0.75 an hour. The Convention also urged its members to patronize union-labelled goods; get into close contact with the co-operative movement in Newfoundland - of which Sir A. G. Duggan was President - and take steps to revive the Grand Falls Trades and Labour Council which had been dormant during the previous year. Mr. Frank Chafe was re-elected President of the N.F.L. for the third time.

Unlike the preceding year the period between the 1951 and 1952 conventions was full of activities for the Labour Movement in Newfoundland. It is significant to note that at the 1951 Annual Convention of the Federation, the three full time labour organizers in the island, Mr. C. W. Strong, Mr. J. J. Whelan and Mr. Frank Chafe were elected President, Secretary and Third Vice-President respectively of the Federation. The election of these three full time union organizers to the N.F.L. Executive paid good dividends for the Federation, as can be witnessed from the very intensive and successful organizing campaign they carried out during the period. Among the new unions that were organized during this period were the following:

1. St. John's Journeyment Stone Cutters Union;
2. The Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America Division 1462, St. John's;
3. The United Cement Lime and Gypsum Workers International Union, Local 327, Corner Brook;

4. The Corner Brook Memorial Hospital Employees, Federal Union No. 488, Corner Brook;

5. The Fishermen's Federal Labour Union No. 24684, Isle aux Mortse. Within the same period also the following locals affiliated with the N.F.L.

1. The St. John's Association of Stationery. Firemen, Federal Union No. 438 (T.L.C.);

2. The Civil Service Association of Newfoundland, which had then been recently renamed the Newfoundland Government Employees Association;

3. The United Cement Lime and Gypsum Workers International Union Local 327;

4. Bay Roberts Federal Labour Union No. 24833 (A.F.L.);

5. United Brotherhood of Carpenters and Joiners of America Local 1232;

6. Newfoundland Highroad Workers, Division No. 4, Deer Lake Federal Union No. 446 (T.L.C.);

7. The Bell Island Office Employees International Union, Local 264 affiliated with St. John's Council;

8. The Building Construction Trades Council of St. John's, which had played an important role in the activities of the St. John's Trades and Labour Council, but had become inactive for the past two years was reorganized.

The membership of several already established labour unions expanded during this period also. Better working conditions, higher wages and other successes were scored by organized labour during this same period. So great was the expansion and so firm were the consolidating activities of the various unions in this period that several unions appointed their business agents so as to release the pressure of work on the regular full

time organizers.<sup>9</sup>

The N.F.L., in their annual brief that year, urged the Newfoundland government to grant bargaining and arbitration rights to the St. John's Fire Fighters Association, in view of the fact that this association could not strike. This, they maintained, was the position in the province of Ontario. They asked and obtained a \$12 per day jury fee. The Federation also complained that many employers were using the minimum wage rate as the maximum.

One of the main incidents that occurred on the labour scene in 1952 was the holding of a Regional Conference by the Unions in and around St. John's.<sup>10</sup> This Conference was sponsored by the St. John's Trades and Labour Council and was actively supported by the St. John's officers of the N.F.L. Executive Council, namely C. W. Strong, F. Chafe and J. T. Whelan. The conference which was held on April 21 and 22, and was considered very successful, was attended by forty-two delegates representing twenty-seven unions. Many of the trade unionists met each other for the first time at this Regional Conference, heard the other fellow's problems and discussed mutual problems to everybody's advantage. There, it was recommended that the St. John's Trades and Labour Council change its name to St. John's and District Trades and Labour Council, so as to embrace the unions of St. John's and the outlying areas.

One subject brought before the St. John's Regional Conference

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<sup>9</sup>Reports on the Sixteenth Annual Convention of the N.F.L. held in Corner Brook, July 1952. (Blackmore Printing Co. Ltd.) pp. 21-23. There, a comprehensive record of the organizing and expansion activities of the N.F.L. during this period is given.

<sup>10</sup>Ibid., p. 24. For complete analysis of Conference.

was unique in itself. This was the case of the Bay Roberts Federal Union No. 24833, whose members were said to have been subjected to unfair labour practices by the Bay Roberts Branch of Fishery Products Limited.<sup>11</sup> The Conference recommended that the Federation send out circulars to all its member unions asking them to donate money to a fund with which to pay the litigation fees of Local 24833 in prosecuting Fishery Products Ltd.<sup>12</sup> This idea was approved by the full N.F.L. Executive Council and appropriate circulars were sent out. From the contributions received the Bay Roberts Union was able to win back its rights. The success of the Bay Roberts case so pleased the Labour Movement in Newfoundland that at the 1952 Convention of the N.F.L. it was agreed by all the delegates that a "Litigation Fund" should be set up to aid any member of the Federation who would be subject to unfair labour practices and wished to prosecute the employer in self defense.<sup>13</sup> This fund is maintained even to this day.

In 1951, the Educational Committee of the St. John's Trades and Labour Council succeeded in establishing an annual Scholarship Fund for the children and relatives of union members whose organizations were affiliated to the N.F.L.<sup>14</sup> Even though only a small number of contributions were received from outside St. John's, the Council managed to

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<sup>11</sup>Ibid., pp. 23-24.

<sup>12</sup>Proceedings of the Seventeenth Annual Convention of N.F.L. 1953, p. 33. Actually \$1087.00 were collected for the Bay Roberts Litigation Fund. Of this \$675.00 were paid out in legal fees in the Bay Roberts Union Case.

<sup>13</sup>The resolution on the Litigation Fund was inserted into the N.F.L. constitution as Article XV. Ibid., pp. 30-2.

<sup>14</sup>Reports of the N.F.L. Sixteenth Annual Convention, July 1952. Corner Brook. pp. 32 and 47.

award scholarship to Miss Patricia Mullins and Mr. William English to enter the Memorial University of Newfoundland. These students completed their studies successfully the following year. In 1952, also, the St. John's Council awarded another \$300.00 scholarship to another student to study at Memorial University of Newfoundland, making the total of the awards made \$1100.00. The 1952 N.F.L. Convention praised the St. John's Council for this, and asked all member unions to support the cause. In 1953 the N.F.L. Executive decided to undertake the Scholarship Scheme, but since few contributions were received, this important program became inoperative.

The work stoppages in 1951 arising as a result of abuse of the Newfoundland Labour Relations Act (1950) by the Clarenville Federal Union and the St. John's Union of Municipal Workers were quite significant for two reasons. First, they displayed the immaturity of most of the trade unions in the island; and secondly, they showed the lenient way in which the government of Premier Smallwood treated these (young) labour unions. The strike action taken by the St. John's Union of Municipal Workers was a clear example of the immaturity of the several of the trade unions that sprang up in the island during this period. This union declared a partial work stoppage in protest against an appointment which they felt was a breach of seniority rule of their collective agreement. This work stoppage was clearly in contravention of the provisions of the Labour Relations Act.<sup>15</sup> Yet, no punitive action was taken against the union by the Labour Relations Board. The illegal strike action taken by the St. John's Union of Municipal

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<sup>15</sup>Section 23 of the Labour Relations Act 1950, specifically forbade such a strike.

Workers and a similar one by the Clarendville Federal Labour Union No. 24703 (A.F.L.) forced the N.F.L. Executive Council to issue a strong warning to all its members to refrain from any illegal actions that could have adverse effects upon the Federation's requests for amendments to the Labour Relations Act. This warning had its desired effect, because, thereafter, the locals in the island tried to observe the provisions of the Act.

In the Spring of 1952, the C.I.O.-C.C.L. organizers appeared on the Newfoundland labour scene again. This time, they went to the workers of the U.S. Air Base at Stephenville. There, by offering to charge the 900 workers of the United Brotherhood of Carpenters and Joiners of America (an A.F.L.-T.L.C.-N.F.L. affiliate) only \$3.00 initiation fee as against the \$15.00 charged by the A.F.L.-T.L.C., the C.I.O. organizers were able to lure away the Stephenville union as an affiliate of their own international union, the United Steel Workers of America.<sup>16</sup> All attempts by the A.F.L.-N.F.L. to win back the union, including a reduction of the initiation fee to \$3.00, did not succeed. In their attempts to prevent the C.I.O.-C.C.L. from gaining more power in the province, the N.F.L. officers went round the province asking their affiliates to reject the C.I.O.-C.C.L. Furthermore, at the Sixteenth Annual Convention of the N.F.L. held in Corner Brook in July 1952, among the fraternal delegates who addressed the delegates were James Whitebone, Vice-President of the T.L.C. and Mr. Daniel Healy of the A.F.L. They both spoke of the need to combat communism in the island. This was an indirect reference to the loss

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<sup>16</sup> Reports of the Sixteenth Annual Convention July 1952, Corner Brook, pp. 33-34.

of the Stephenville union to the C.I.O. Mr. Whitebone also warned the N.F.L. against taking sides in any political campaign.

Among the resolutions adopted at the Convention, one sought ways and means to achieve close co-operation between the Labour Movement and the Co-operative Union. A Committee was set up to work out the details. Unfortunately, this Committee failed to come out with any workable plan and the idea died out. Another resolution asked the provincial government to provide a hospital for Bell Island (population 10,000). This request was acceded to by the Newfoundland government. At that Convention also, Mr. Frank Chafe was re-elected as President (for the fourth consecutive time), while N. Munn and C. W. Strong were re-elected as the Vice-President and Secretary of the Federation respectively.

Late in 1952, Hon. C. H. Ballam appointed Mr. William May, a former secretary of the N.F.L., to the Directorship of the Apprenticeship Board of Newfoundland. Two other unionists, A. Rowe and J. Gillingham, were also nominated by the N.F.L. to serve on this Board. This was a big victory for the N.F.L., who took the opportunity to impress on their members the need for training in the various skills. Between 1953 and 1958, of the 1000 young men who had entered into training under the apprenticeship scheme 300 had graduated, 600 were still in training, while 100 had dropped out.<sup>17</sup>

Early 1953 also saw the famous Daly Case. Fire Constable Larry Daly, a very influential unionist and a great labour organizer, was the President of the International Association of Fire Fighters

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<sup>17</sup> Labour Gazette (Department of Labour Ottawa), Vol. LVIII, No. 1958, p. 1256.

of St. John's. Early in 1953, he was suddenly fired from his job by the Smallwood Government. The N.F.L. believed Daly was being unfairly punished for organizing the fire workers. They therefore appealed to Premier Smallwood for his reinstatement. Even though the Premier received the N.F.L. delegation, he would not change his stand on the Daly dismissal. After his dismissal Daly became even more active in union activities. He began to reorganize the transportation workers and soon the St. John's Teamsters Union Local 855 of which he was elected President became affiliated with the N.F.L. In 1958 and 1959, Mr. Larry Daly was elected President of the N.F.L. but soon after his 1959 election he had to resign from his position, when his union, the Brotherhood of Teamsters, was expelled from the C.L.C. and therefore also from the N.F.L.

One activity, started by the St. John's District Trades and Labour Council, that became an annual feature in Newfoundland and helped the growth of the labour movement in the island was that of Labour Schools. On October 29, 1953, at the King George V Memorial Institute in St. John's, the first Labour School in the island was organized.<sup>18</sup> The T.L.C. assisted the St. John's Council in organizing the School by making available to the Council the services of Mr. Max Swerdlow, the Director of Organization and Education, Mr. Frank Chafe, the Local T.L.C. representative in the province and a number of instructors. This school lasted four days, and was attended by sixty-six delegates from the various unions in and around St. John's. Among the courses taught at the school were the provisions of the various

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<sup>18</sup> N.F.L. Eighteenth Annual Convention July 1954. Reports pp. 9-10.

labour laws in the province as well as union administration techniques. Following the success of the St. John's School, Mr. Swerdlow, Mr. Frank Chafe and the instructors left for Corner Brook, where a similar school was held under the auspices of the Humber District Trades and Labour Council.

The following year, all the three Trades and Labour Councils in the island - St. John's, Grand Falls and Corner Brook - organized Labour Schools which were altogether attended by 180 delegates. These three Labour Schools in 1954 were held in the "Labour Education Week" in March. During that week trade union officers in other areas of the island were urged to take part in the educational activities in their communities. Mr. Cyril W. Strong, the N.F.L. President at the time, delivered an address over the air during the Education Week.<sup>19</sup> Ever since then, the N.F.L. has observed Education Week in the island.

The years 1953 and 1954 were full of strikes in the island, notable among which were the following: The Construction Workers on the St. John's Stadium struck because some of the workers had been unjustly dismissed; the Construction Carpenters Union at Corner Brook struck on their demand for the enforcement of closed-shop clauses or contribution of dues by non union members; the Wood Workers of St. John's demanded and obtained pay increase after going on strike; and after a strike action, the St. John's garagemen obtained wage increases. In all these strikes, the three full time organizers in Newfoundland, Frank Chafe, Cyril Strong, J. T. Whelan offered advice to the unions.

The Eighteenth Annual Convention of the N.F.L. held in St.

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<sup>19</sup>Ibid., p. 15.

John's between July 19 and 24, 1954, was attended by sixty-four voting delegates, which at that time was the largest convention the N.F.L. had ever had.<sup>20</sup> For the first time the President of the T.L.C., Percy R. Bengough attended an N.F.L. convention and gave an address in which he stressed the need for unity among the workers of Newfoundland. A number of resolutions were adopted at this convention. One of the resolutions urged the Federal Government to let the civilian workers of the United States military bases in Newfoundland be covered by the Unemployment Insurance Act, since these workers paid income taxes. Other resolutions urged the Newfoundland Government to enact an Equal Pay and Vacation with Pay Act, appoint inspectors to enforce the Minimum Wage Act, publish a Provincial Monthly Gazette. None of these requests was agreed to by the provincial government. The convention also requested the Department of Education to inaugurate a series of socio-economic studies leading to a degree from the Extension Service Department of Memorial University of Newfoundland. Dr. R. Gushue, the President of Memorial University, however, informed the N.F.L. that it would be difficult to arrange an extension course leading to a degree. Nevertheless, in 1955, a department of Commerce was set up at the University, and a course in Labour Relations was included as one of the requirements for a Bachelor of Arts degree in Commerce.<sup>21</sup> At this convention also, Mr. Frank Chafe, who had declined to run for office in the 1953 N.F.L. convention, was elected President of the

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<sup>20</sup>Proceedings of the Eighteenth Annual N.F.L. Convention, 1954, p. 38.

<sup>21</sup>Official Proceedings of the 19th Annual Convention of the N.F.L. 1955. (Guardian Ltd. Printers), pp. 26-27.

Federation for the fifth time.

Throughout the period 1953-1955 large scale organization work was being done especially among the transportation, construction, and service industries of the island. Again the success of this campaign rested on the success of the various labour schools organized by the Trade and Labour Councils and on the organizing abilities of the three full time representatives of the T.L.C. and the A.F.L., namely Messrs. Strong, Chafe and Whelan. Upon the death of Mr. J. T. Whelan in December 8, 1954, W. W. Gillies was appointed as the full time representative in Eastern Canada of the Retail Clerks International Association. Among the other active organizers in the island at this time were Mr. Esau Thoms of the Railway Clerks, Mr. P. Oliver and Mr. A. Kelly of the Carpenters Union and Mr. Larry Daly of the Teamsters Union. Within the space of two years, 1953-1955, more than 20 new unions had been organized and affiliated to the N.F.L.<sup>22</sup> Among the new unions formed at this time were the United Garment Workers of America; the Buchans Miners Union, Harbour Grace General Trades and Labour Union, Garage Workers of Botwood (who later deserted their union), the Laundry Workers of St. John's, the United Brotherhood of Carpenters and Joiners of America Locals in Grand Falls and Donovan's, the Hod Carriers, Building and Common Labourers International Union Locals in Argentia and St. John's, the St. John's Bridge, Structural and Ornamental Iron Workers' International Union, the Conception Bay Rubber Workers' Federal Union, the Teamsters Union, the Corner Brook Hospital Employees Union, and several others.

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<sup>22</sup>Ibid., pp. 27-30 and 37.

It is interesting to note that while new unions were being organized, the N.F.L. also decided to take punitive measures against those unions that did not pay their per capita tax. These unions, in accordance with Article 13 of the N.F.L. constitution, were served with notices to pay their per capita tax, and on failure to do so at the specified time, the following seven unions were suspended from the N.F.L.: the International Brotherhood of Boilermakers of St. John's; the International Brotherhood of Electric Workers of St. John's; the St. John's Association of Stationary Firemen; the Corner Brook International Association of Machinists; the Federal Workers Union of Port aux Basques; the Railway and Steamship Clerks of Port aux Basques; and the Deer Lake Workers Central Protective Union.<sup>23</sup> The effect of these suspensions was very beneficial because thereafter the affiliated unions of the N.F.L. paid their per capita taxes promptly.

The annual brief of the N.F.L. submitted to the Newfoundland Government in 1954 contained a request for legislative reforms of a number of labour laws in the Island.<sup>24</sup> On November 13, 1954 the N.F.L. Executive met with the provincial Labour Minister, Hon. C. H. Ballam to discuss the brief and other matters. The outcome of this discussion was the setting up on February 20, 1955, by the Newfoundland Government, of a three-man Labour Legislation Review Committee. The N.F.L. representative on this committee was Mr. Frank Chafe, the

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<sup>23</sup>Ibid., p. 37.

<sup>24</sup>Ibid., p. 19.

N.F.L. Executive President.<sup>25</sup> The duties of this Committee were to "review existing labour legislation, consider amendments thereto and consider proposed legislation."<sup>26</sup>

Soon after the setting up of this committee, it became clear that several members of the organized labour movement in the island were not happy with the slow progress of the committee in its assignment. It did not come as a surprise to the N.F.L. therefore, when at the 1958 Convention, Hon. C. H. Ballam expressed his great disappointment concerning the failure of the committee to complete the work assigned to it.<sup>27</sup> On this sad note, the N.F.L. lost its last great opportunity to influence the nature of labour legislation in the island, because soon after that convention, there appeared on the labour scene the bitter International Woodworkers of America strike, which marked the end of the "friendly" relationship between the Newfoundland Government and organized labour in the island.

The year 1955 saw the organizing activities of the N.F.L. further intensified. Several representatives of International Unions visited the locals in the island. Among the unionists to visit the island were A. F. MacArthur, the Province of Ontario Federation of Labour President, whose union, the Office Employees International Union, had locals established in Corner Brook, Grand Falls and Bell

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<sup>25</sup>The other members of the Committee were Mr. Kevin Barry, LLB., Chairman, Corner Brook; and Mr. Lloyd E. Bragg, LLB, Grand Falls (nominated by the Newfoundland Board of Trade). Mr. Kevin Barry had been selected in June 1949 as the Chairman of the Labour Advisory Committee that was set up by the Newfoundland Government to advise it on Labour Legislation after the province's union with Canada.

<sup>26</sup>Official Proceedings of the Nineteenth Annual Convention of the N.F.L., Corner Brook, July 1955, p. 19.

<sup>27</sup>Proceedings of the Twenty-Second Convention of the N.F.L., September 1954, p. 4.

Island. The others included Mr. Whitebone, the T.L.C. Vice-President, whose task it was to organize a massive organizing campaign in the four Atlantic Provinces. As an indication of their approval of the good work done by the N.F.L. 1954/55 Executive, the sixty-five voting delegates at the 1955 N.F.L. convention re-elected all the officers of the Federation into office once again.

The year 1956 was a very important one in the history of the Labour Movement on the North American continent. During that year two opposing trade union organizations in the United States of America, the A.F.L. and C.I.O., merged to form the A.F.L.-C.I.O. alliance. In Canada a similar merger was being formed between the corresponding counterparts of these two U.S. labour bodies. The two central labour bodies in Canada in question were the Trades and Labour Congress (T.L.C.), whose U.S. counterpart was the A.F.L., and the Canadian Congress of Labour (C.C.L.) whose U.S. ally was the C.I.O.

On March 8, 1955 a "Unity Committee" set up by the two congresses agreed on a "statement of principle" to govern the merger. Two months later, the complete merger was announced and was ratified by the conventions of both congresses. On April 23, 1956, therefore, a joint T.L.C.-C.C.L. Convention in Toronto announced, officially, the launching of a new central body, the Canadian Labour Congress (C.L.C.).<sup>28</sup> The effect of the T.L.C.-C.C.L. merger was felt in Newfoundland. In Newfoundland both bodies had local affiliates, and the N.F.L. was also affiliated to the T.L.C. At the Twentieth Annual Convention of the

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<sup>28</sup>See Eugene Forsey, "The Movement Towards Labour Unity in Canada: History and Implications." (Canadian Journal of Economics and Political Science. Vol. XXIV No.1 Feb. 1958), for a detailed account of the history of the founding of the C.L.C.

N.F.L. held in St. John's in July 1956, important changes were, therefore, made in the N.F.L. constitution to meet the new demands of the T.L.C.-C.C.L. merger. One important constitutional change made at this convention was that which stipulated that only labour organizations that were affiliated with the C.L.C. would be eligible for affiliation with the N.F.L.<sup>29</sup> This new article in the revised constitution of the N.F.L. left the relationship of the Newfoundland Lumbermen's Association (N.L.A.) with the N.F.L. in doubt since this union was not affiliated with any International Union of the C.L.C. nor was it directly affiliated with the C.L.C. This question, however, was resolved when the N.F.L. convention delegates voted to retain the N.L.A. in the Federation until the N.F.L. convention in September 1956, when the N.L.A. could decide whether it wished to be an independent union or retain its affiliation in the Federation by affiliating directly or through an International Union with the C.L.C.<sup>30</sup> In September 1956, the N.L.A. voted to affiliate with the United Brotherhood of Carpenters and Joiners of America and hence retained its affiliation to the N.F.L.

At the same convention of the N.F.L. in 1956, the per capita taxes of the N.F.L. affiliates were increased to meet the increasing expenses of the Federation. The administrative framework of the Federation was improved by the insertion of the following section into the N.F.L. Constitutions:

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<sup>29</sup>Labour Gazette, Vol. LVI, No. 8, August 1956, pp. 1006-7 and 1021. (Canadian Labour Department).

<sup>30</sup>Ibid., p. 1021

The Executive Council shall have the power to conduct an investigation of any situation in which there is reason to believe that any affiliated organization may be dominated, controlled or substantially influenced in the conduct of its affairs by a corrupt influence or that its policies or activities are contrary to the principles of the Federation. <sup>31</sup>

This new section, Mr. Frank Chafe, the N.F.L. President, stated, was aimed to prevent some racketeers from gaining control of some provincial unions. Mr. Chafe, however, admitted that racketeering was not a serious problem in Newfoundland at that time. The N.F.L. Executive Council was reconstructed to provide for regional representation of Vice-Presidents, while a new combined post of Secretary-Treasurer was created. Mr. Frank Chafe was re-elected for the seventh time as the N.F.L. Executive President. The Vice-Presidents were Mr. Philip Oliver and Cyril Strong for the eastern region, R. Smith for the central region and D. S. Sharpe for the western region. Former secretary A. J. Shapter was elected the Secretary-Treasurer with J. J. Cochrane as his assistant. The N.F.L. convention appointed a special committee to discuss with the Newfoundland Teachers Association<sup>32</sup> and the Newfoundland Federation of Fishermen<sup>33</sup> the desirability of closer

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<sup>31</sup> Ibid., p. 1006.

<sup>32</sup> The Newfoundland Teachers Association (N.T.A.) was formed in 1891 at the Spaniards Bay, with the objective of "protection of teachers and the advancement of the interest of education generally." Today, 1967, the N.T.A. boasts a membership of 5,502. The N.T.A. is not a labour union, because it has no bargaining rights. (The N.T.A. Story-mimeographed Report of the N.T.A. office).

<sup>33</sup> The Newfoundland Federation of Fishermen (N.F.F.) was formed in April 1951 at a government sponsored meeting of the independent fishermen of the island. The objective of the N.F.F. was generally that of improving the interests of the fishermen in the province through dissemination of information, by advising the provincial

(continued on pg. 114...)

co-operation between their various organizations. Unfortunately the two bodies thought they did not have much in common with the N.F.L. so the committee could not achieve any concrete results.

The period between 1956 and 1958 under President Frank Chafe, Ron Smith and D. Sharpe was mainly devoted to strengthening the Federation. The older unions tried to increase their membership, and new locals were established by the various International Unions, whose officials paid frequent visits to the island. During that period about 9,000 new members were added to the Federation.<sup>34</sup> During this same period also, several labour schools were held throughout the province. Attempts to revive the labour weekly, "The Federator", however, did not succeed. Similar attempts to get the Federation members to patronize union-made and labelled goods as well as to get the provincial government to enact certain labour laws including a Vacation with Pay Act were not successful. Nevertheless, the Federation managed to get the provincial government to expand the vocational training facilities in the island.

At the Twenty-Second Annual Convention of the N.F.L. held in September 1958 at Corner Brook, Larry Daly of the Teamsters Union and Steve Neary of the Bell Island Employees International Union were

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33 (continued from p. 113 ..)  
government and through "closed-shop" selling of the fish caught. Mr. Max Lane, a member of the Newfoundland Legislature was the General Secretary of this Federation from its foundation till 1961. In 1952 the Federation boasted of 12,000 membership and 240 locals. But today, 1967, it has only 115 locals and a membership of only 4,000. Like the N.T.A., it has no bargaining rights, and hence is not a trade union in the true sense of the word. (Second Annual Report of the N.F.F. November 1953).

<sup>34</sup>See Table 5, p. 89.

elected President and Secretary-Treasurer of the Federation respectively. The previous year, the Federation had rejected a C.L.C. suggestion that the 1958 N.F.L. convention be called the Third Annual Convention in view of the T.L.C.-C.C.L. merger in 1956. Among the speakers at the 1958 N.F.L. convention were Mr. Claude Jodoin, the C.L.C. President, Mr. C. H. Ballam and Mr. J. R. Smallwood, the Premier of the island. In his address, Mr. Claude Jodoin asserted organized labours' right to participate in the political life of Canada, and informed the delegates about the exploratory arrangements the C.L.C. Executive were making to form a political party in Canada to cater to the "wage earners and kindred groups".<sup>35</sup> Premier Smallwood, in his address, referred to his famous trek across Newfoundland to organize the railway section men and listed the record of his Government in establishing a Department of Labour and enacting very favourable labour laws in the province. He stated that his Government "had a right to expect that the Newfoundland Federation of Labour would advise the Government on labour legislation matters."<sup>36</sup> The irony of the Premier's speech was that hardly did he or anybody at the convention imagine that the bitter International Woodworkers of America (I.W.A.) strike was just four months away, and that this strike would have the effect of severing completely the friendly relationship between the Premier and his government and the N.F.L. It was also unthinkable at the time of the Premier's speech that between then and 1964 not only would the Premier and his government refuse to receive and

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<sup>35</sup>Proceedings of the Twenty-Second Annual Convention of the N.F.L., Corner Brook, p. 8.

<sup>36</sup>ibid., p. 3.

consider the traditional annual brief of the Federation, but also that the government would refuse to meet any of the N.F.L. Executive and would not be represented at any of the annual conventions of the Federation.<sup>37</sup> The story of the I.W.A. dispute was so "unique" and "unprecedented" that the next chapter is devoted solely to it.

Apart from the fact that the N.F.L. lost favour with the provincial government as a result of the appearance of the I.W.A. dispute, the incident had the effect of splitting the rank and file of the Federation. This can easily be seen from the catastrophic fall in the Federation membership from the peak in 1958 to its trough in 1959. (Table 5). In recent years the leaders of the Federation, under President Esau Thoms,<sup>38</sup> have successfully managed to win back some of the union members who left the Federation after the I.W.A. dispute through intensive and better publicity and organizational efforts.<sup>39</sup>

Most important of all the factors that have hampered the growth and effectiveness of the Labour Movement in Newfoundland since 1960 was that the Federation had identified itself with the Canadian New Democratic Party (N.D.P.). The meaning of the above statement becomes important when we remember that since the province became a part of Canada, eighteen years ago, the Liberal Party has at each

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<sup>37</sup>Labour Gazette, Vol. LXII, No. 8, August 1962, p. 910. (Department of Labour Ottawa).

<sup>38</sup>Mr. Esau Thoms has been the President of the Federation since 1960.

<sup>39</sup>In 1960, for example, to improve the administrative and organization work, each member of the N.F.L. Executive Council was given a "portfolio" making him responsible for a specific part of the N.F.L. program. Among the portfolios established were those of Organization, Public Relations, Unemployment, Education and Political Education, and Labour Legislation.

election been returned to power with overwhelming majorities. Not only has this identification with N.D.P. split the ranks of the Federation; it also has had the effect of alienating the Federation from many of the ordinary workers who abhor any opposition to the Liberal Government of Premier Smallwood.<sup>40</sup>

Two important conditions, we believe, must be fulfilled if the N.F.L. wishes to become as effective, numerically and otherwise, in the province as it used to be before 1959. First of all, it needs an intensive and better publicity. To be able to do this more effectively, the Federation needs the active financial and other support from the Canadian Labour Congress. Secondly, and this is very important in Newfoundland, the Federation would be more effective if it could limit to the very minimum its pronouncements on delicate political issues. In that way, the N.F.L. would be able to command the loyalty of its rank and file no matter what their respective political affiliations.

We shall now turn our attention to the story of the I.W.A. dispute in 1958/59, which is considered by many to be the main reason behind the decline in the popularity of the N.F.L. among many Newfoundland workers.

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<sup>40</sup> See Proceedings of the Twenty-Fifth Annual Convention of the N.F.L. August 1961, Grand Falls, especially pp. 43-46. There (p. 46) we learn about the formation of Ed. Finn's Newfoundland Democratic Party in 1960, from which it is claimed, the New Democratic Party (N.D.P.) got its name. As early as 1961, about 12 locals in the island had decided formally to affiliate with the N.D.P. (p. 46). So great had been the attention paid to politics by the Federation that at the 1961 convention, Steve Neary, now a member of the Newfoundland Legislature, complained that he had come to attend a labour and not a political convention. (p. 24).

## CHAPTER VI

### THE INTERNATIONAL WOODWORKERS OF AMERICA (I.W.A.) DISPUTE 1958/59

Until the year 1958, there appeared to be considerable harmony between the Government of Premier Smallwood and organized labour in Newfoundland. Unfortunately this friendly relationship came to an end in 1959 as a result of a bitter dispute, which has since come to be referred to as the International Woodworkers' of America (I.W.A.) strike. The way the Newfoundland legislature handled this dispute was so "unprecedented" in Canadian Labour Relations that Premier Smallwood and Newfoundland made headline news all over Canada and among labour unions in the United States and abroad.

As pointed out by Eugene Forsey in his article, "The Newfoundland Labour Acts (The Trade Union Emergency Provision Act) and the Labour Relations (Amendment Act) of 1959 are unique. Both raise fundamental issues for both deny a basic freedom, the right to a fair hearing."<sup>1</sup> In support of the legislative action taken by the Newfoundland legislature, and in contrast to the views expressed by Dr. Forsey, Mr. Gordon Goundrey wrote in the same journal: "It would be a poor government which didn't override a so-called 'natural right' if this (intervention) was a matter of social interest."<sup>2</sup> Which one of the above views one may be inclined to support, the fact remains that the two Acts

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<sup>1</sup>Eugene Forsey, "Newfoundland Labour Legislation" Canadian Forum. May 1959, pp. 35-37.

<sup>2</sup>Gordon Goundrey, "Smallwood and the I.W.A." in Canadian Forum. January 1959, pp. 1, 23-24.

referred to above dealt a fatal blow to trade unionism in the province, from which it is just beginning to recover.

Before we discuss the provisions of the two Acts and their implications, it must be necessary to relate in brief the circumstances immediately leading to the I.W.A. strike. The first labour union in the woods industry in Newfoundland, the Newfoundland Lumbermen's Association (N.L.A.) was formed in April 11, 1936. Two years later, three other independent unions, the Newfoundland Labourers' Union, the Workers Central Protective Union and the Fishermen's Union, were formed in addition to the N.L.A. in the woods industry. In 1939 representatives of the four unions and the two pulp and paper companies, the Anglo-Newfoundland Development Company<sup>3</sup> of Grand Falls and the Bowater Pulp and Paper Mills Limited, met under government aegis and formed a tripartite Woods Labour Board<sup>4</sup> to look after wage negotiations, working conditions and to settle grievances between the unions and the management in the industry. For seventeen years the Board operated without a strike being called. This period of industrial peace is used by some to demonstrate the effectiveness of the Woods Labour Board but is considered by others as having prevailed because management had great influence over the union leaders.

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<sup>3</sup>Throughout the essay the abbreviations N.L.A., and A.N.D. and Bowaters will be used to designate the Newfoundland Lumbermen's Association, the Anglo-Newfoundland Development Company and the Bowaters Pulp and Paper Mills Limited respectively.

<sup>4</sup>R. Gushue, The Newfoundland Woods Labour Board - an address to the St. John's Rotary Club, May 19, 1955. (This Board has been referred to as "an unusual example of Voluntary Collective agreement" page 8 of the above address). For full account on the Woods Labour Board, see pp. 68-71 above.

On October 15, 1956, Mr. H. Landon Ladd, the boss of the I.W.A. and Mr. A. Cooper of the United Carpenters' and Joiners' of America, both from the U.S., addressed a convention of the N.L.A. at Grand Falls. In their address, they offered the N.L.A. the opportunity to affiliate with their respective international unions. Even though the N.L.A. rejected these offers because the members considered themselves to be doing well in their present unions, the I.W.A. set up an office in Grand Falls on December 6, 1956.

On December 15, 1956, the A.N.D. refused the I.W.A. permission to solicit A.N.D. loggers for membership of the union. Nevertheless, the I.W.A. persisted and launched a massive and very effective campaign and by March the following year it had succeeded in getting 90% of the loggers of the A.N.D. to sign up as members of the I.W.A. An application by the I.W.A. on March 6, 1957 for certification as a bargaining agent for the A.N.D. loggers was, however, rejected by the Labour Relations Board (L.R.B.) in June 1957 on the grounds that the I.W.A. had no local in the province.

The Bowater's Pulp and Paper Mills Ltd. also foiled the I.W.A. attempt to get its loggers certified because the company contended that the employees were indirectly employed through separate contractors and that certification therefore was needed for each separate contractor.

On October 8, 1957, the I.W.A. reapplied to the Newfoundland Labour Relations Board (L.R.B.) for certification for the A.N.D. loggers. However, since the two paper companies and the four woods unions in Newfoundland opposed the certification of the I.W.A. locals, the L.R.B. in November 1957 ordered a vote to be taken among them. This vote taken in April 1958 showed that 3,197 of the eligible 4,062 voters supported the I.W.A. Having complied with all the regulations of the Labour

Relations Act, certification could not be refused to the I.W.A. On May 1, 1958, therefore, certification was granted to local 2-254 of the I.W.A. in Grand Falls (A.N.D. loggers) and to 2-255 in Deer Lake to bargain for the loggers of the 24 independent contractors of the Bowater's Woods Division.

In June 1958, representatives of the I.W.A. and the A.N.D. company met to consider I.W.A. proposals concerning the conclusion of a wage and working conditions agreement. Among the various demands made by the I.W.A. were a 10% wage increase and a reduction of the work-week from 60 to 54 hours.<sup>5</sup> The company, which at that time was experiencing setbacks in its operation, naturally did not wish to agree to any measure that would add to its expenses.<sup>6</sup>

Several meetings held between the I.W.A. local 2-254 and the A.N.D. between June and September 1958 failed to produce an agreement. Under this situation, the I.W.A. in October 1958, in compliance with the Labour Relations Act, applied to the Minister of Labour for a conciliatory action on the 16 items in dispute. Thereupon, a tripartite conciliation board made up of Mr. Brian White, an independent chairman; Mr. Lundrigan, representing employers and Mr. W. Frank Chafe, representing labour, was set up and began hearings on November 1958. On December 5, the board issued a unanimous report recommending what in effect would have amounted to a 16% wage increase or an additional

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<sup>5</sup>At the time the loggers worked 60 hours a week at the rate of \$1.05 an hour, their demands included a 54 hour and an hourly wage rate of \$1.22.

<sup>6</sup>Gordon Goundrey, *op. cit.*, p. 1, informs us that at the time of the strike the A.N.D. was experiencing industrial setbacks, and that between a quarter and half of the companies' profit came from the interest the company had in the rich Buchans Copper Mining Company in Newfoundland's interior.

\$1.2 million in wage bill for a two-year period, and a reduction of the work-week from 60 to 54 hours.<sup>7</sup> The union accepted, though reluctantly, the recommendations, but the A.N.D. management rejected it. (The chairman of the conciliation board on December 24, wrote the Minister of Labour saying that it was not the intention of the board to levy an additional \$1.2 million cost on the company).<sup>8</sup>

Under these circumstances the only course open to the union was to call a strike vote which resulted in two-thirds of the 1200 loggers favouring such action. On December 31, 1958, therefore, the local 2-254 of the I.W.A. legally went on strike. On January 17, 1959, the loggers of the Bowater's Company also went out on an illegal strike since they failed to follow the rules laid down in the Labour Relations Act to be followed before a strike is being called.

The strike continued for several weeks, but the A.N.D. which claimed not to have given the I.W.A. union security (which was itself illegal to do under the L.R. Act Section 12) counteracted by hiring independent contractors and workers to carry wood to the mills. As expected, the result was clashes between the picketeers and these "new" workers. The Attorney General, therefore, had to call in the R.C.M.P. to restore law and order and several loggers were charged and convicted in the court for unlawful acts committed in supporting the strike.

At this juncture the Newfoundland Federation of Labour asked for government mediation to settle the dispute. Little did they think

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<sup>7</sup>Section 10 of the Report of the Conciliation Board dated December 24, 1958, St. John's, Newfoundland.

<sup>8</sup>Letter from Board Chairman to the Minister of Labour dated December 24, 1958, St. John's, Newfoundland.

that the corrective action of the Premier and his government, which hitherto had been friendly to the union, was far from what the Newfoundland Federation of Labour had anticipated. Little did they suspect also that the corrective action (in the form of personal pronouncements from Premier Smallwood and in the form of two Acts) was to sever the favourable links between organized labour in the province and the government - a breach which exists even to this day.

The Premier in a province-wide address on February 12, 1959 charged the I.W.A. officers with maliciously trying to break up the economy of the province and promised to dislodge the union from the province.<sup>9</sup> On February 24, 1959, officials of the A.N.D. and the Bowater's Company jointly stated their desire not to deal with the I.W.A. and their intentions to shut down their operations in the province.<sup>10</sup> Thereupon, the Premier organized a rival union on February 28, at Grand Falls, called the Newfoundland Brotherhood of Wood Workers (N.B.W.W.), which claimed a membership of 1500 on the first day, and 8,000 a month later.<sup>11</sup>

March 6, 1959 saw the enactment in the Newfoundland Legislature of the Trade Union (Emergency Provision) Act, and the Labour Relations (Amendment) Act. The provisions of these Acts, which were so unprecedented in Canadian Labour Legislation, are the subject of discussion in

<sup>9</sup>"Daily News" St. John's, February 13, 1959. Vol. 66, No. 36. pp. 1 and 12.

<sup>10</sup>Joint statement by A.N.D. and Bowaters released in St. John's, Newfoundland. February 20, 1959.

<sup>11</sup>"Daily News" St. John's, February 28, 1959. Vol. 66 No. 48, p. 1. "The Daily News" St. John's, March 2, 1959, Vol. 66 No. 49, p. 1.

the next section. In the meantime with the unfortunate death of R.C.M.P. constable Moss on March 11, 1959, the strike came to an end. Thereafter the A.N.D. concluded an agreement with the N.B.W.W. officers, who by then had been certified as the bargaining agent for the loggers.

The Trade Union (Emergency Provision) Act, March 6, 1959

The preamble to this Act<sup>12</sup> listed the following reasons for the enactment of this piece of legislation.

1. Many loggers have been convicted of offences against the Criminal Code arising out of the strike and have been fined or sent to prison;
2. Lawlessness exists in connection with the strike and many loggers who are willing and anxious to resume employment in the forests with companies engaged in the pulp and paper industry are reluctant to do so;
3. Because of these things a state of emergency exists in the pulp and paper industry of the province and the economy of the province is in jeopardy;
4. Because of these circumstances, it is necessary to take extraordinary steps in an endeavour to bring an end to the emergency.

By Section 3 and 4 and an attached schedule, the Act specifically decertified locals 2-254 and 2-255 of the I.W.A. It made void any agreements they might have entered into with the woods companies and forbade their recertification by the Labour Relations Board, except by permission of the Lieutenant-Governor in Council.

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<sup>12</sup>The Trade Union (Emergency Provision) Act 1959, March 6, 1959, St. John's, Newfoundland: Queen's Printer.

The Labour Relations (Amendment) Act 1959

This Act,<sup>13</sup> which was passed on the same day as the Trade Union (Emergency Provision) Act, added three new Sections 6A, 43A and 52A to the Labour Relations Act of 1952. It repealed Section 11 of the Act and replaced it with a new provision. What were the provisions of this Amendment which together with the Trade Union (Emergency Provision) Act made headline news across Canada and abroad?

Section 6A empowered the Lieutenant-Governor in Council to dissolve any trade union in the province that is a branch of an international union if it appeared to him that a substantial number of the superior officers and agents outside the province had been convicted of heinous crimes, such as trafficking in narcotics, manslaughter, extortion and embezzlement or perjury. The Act provided severe penalties against a union and its officers if it continued to function after it had been dissolved under this provision. Where a union was so dissolved, no collective agreement it had concluded was binding on the employer.

The new Section 11 dealt with the question of decertification of a trade union. Under the 1952 Act, the only time a union could lose its certification was when it lost its majority support. It was the L.R.B. who could decertify a union, and even then that union could apply under Section 7 for recertification. The new Section 11 changed all this. By its provision, the L.R.B. could revoke the certification of any trade union if the union no longer enjoyed the support of a majority of its members; if an officer, agent or representative of the certified union had been convicted under the criminal code in connection with a

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<sup>13</sup>The Labour Relations (Amendment) Act, 1959, March 6, 1959.  
St. John's, Newfoundland: Queen's Printer.

trade dispute or of an offence against the Act, and continued as an officer, agent or representative of the union; if an injunction other than an interim injunction had been granted against a certified trade union or any of its officers, members or agent in connection with a trade dispute; or if a judgement had been entered against a certified trade union, any of its officers, members, agents or representatives in respect of any tortious act committed by or on behalf of the union in connection with a trade dispute.

As if the above provisions were not enough to cripple the effectiveness of trade unions, sub-section 2 of Section 11, empowered the Lieutenant-Governor "after due inquiry" to revoke the certification of a certified trade union even when the Labour Relations Board had the matter under consideration. And if the Lieutenant-Governor did revoke the certification of a trade union under sub-section 2, the L.R.B. could not, without his consent, receive, consider or determine an application or grant certification to that union. Any trade union that lost its certification lost its bargaining rights, and any agreement concluded by it became invalid. The effect of the new section 43A was to outlaw secondary boycotts and sympathy strikes in the province. Finally Section 52A made the unions legal entities so that they could be sued or sue in court. No longer were they exempted from court action for tortious acts committed by or on behalf of them as it was under the 1952 Act.

Let us consider the pros and cons of these two pieces of legislation passed in 1959. First, let us consider the Trade Union (Emergency Provision) Act. It must be stated at the outset that both bills were available to the public for only two days before they received royal assent - a fact which explained how hurriedly they were rushed through Parliament without assessing public feeling about them. It must be

remembered that local 2-254 of the I.W.A. had followed all the procedures laid down by the Labour Relations Act 1952 before it struck. It had bargained with the A.N.D.; after the failure of the bargaining process, it had initiated conciliatory action; it had accepted the unanimous report of the conciliation board, while the A.N.D. had rejected it; and it had waited more than the prescribed period before it struck legally on December 31, 1958. What then was the reason for its decertification? On the other hand local 2-255 of the I.W.A., that is the Bowater Loggers, without following the provisions of the Act, had illegally joined the strike on January 17, 1959, and was not prosecuted under Section 42 of the Act. All that had happened was that both locals received the same punishment - decertification. In the preamble to the Act, we learn that many loggers, not just the two locals, were convicted for offences under the criminal code. If these individual culprits had been punished according to the criminal code, why punish the unions too? Was that not double punishment?

Again, according to Section 11 of the 1952 L.R.A., the only time certification of a union could be revoked, and even then this could only be done by the Labour Relations Board, was when it no longer enjoyed the support of the majority of its members. In this case, however, without ascertaining the support which the unions enjoyed of their members, the government just passed the Act to decertify them, and, contrary to Section 7 of the Act, prohibited their recertification without the consent of the government. As one writer pointed out at the time the Trade Union (Emergency Provision) Act was "legislative lawlessness". It is legally equivalent to an Act declaring that a particular company shall henceforth cease to be a limited company under

the Companies Act, and its contracts shall be void."<sup>14</sup>

Now let us consider the four new provisions added to the Labour Relations Act.

The new Section 6A, which dealt with the dissolution of a trade union, had the effect of placing every trade union in Newfoundland, except those that came under federal jurisdiction, completely at the mercy of the Newfoundland Cabinet (the Lieutenant-Governor in Council). All that was required before the Lieutenant-Governor in Council could dissolve a union that was a branch of or local of an international union was that the Lieutenant-Governor in Council should be "convinced" that a "substantial number of the superior officers and agents of the union outside the province" had been convicted of some heinous crime. In effect, a bar or ceiling was placed on the formation in Newfoundland of locals of international unions.

This provision which was without precedent in Canadian Labour Relations history was objectionable indeed in a democratic society. First of all, it had international implications in that it sought to punish local affiliates of international unions for crimes committed outside the province without taking into consideration the type of laws and social systems of the country under which those officers or agents were convicted. It was even possible that those officers had successfully appealed against their conviction without the knowledge of the Newfoundland government.

Again, was this provision not amounting to a denial to the people of Newfoundland of their right to associate freely with people of their choice? How could this denial be reconciled with the freedom of association allowed by the 'unfair' labour practices' section of the Labour Relations Act? If the crime committed by these extra-

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<sup>14</sup>Eugene Forsey, op. cit., p. 35.

provincial union officers was not of an international nature, then denying them the right to associate with the willing workers of Newfoundland appeared undemocratic. If people with criminal records were not to be allowed to associate with trade unions, should they be allowed, asked the N.F.L., to associate with business corporations and other public bodies? Any association, union or people who committed a crime was expected to be dealt with by the courts as provided for by the criminal code, and not by the Lieutenant-Governor in Council as the new Section 6A of the L.R.A. provided. Thus, in effect, the Lieutenant-Governor was usurping the powers of the law courts.

As pointed out by the Ottawa Journal: "Newfoundland has police courts and judges to handle violence and law breakers."<sup>15</sup> If this were so, why then should the Lieutenant-Governor in Council be empowered to perform these duties? This provision therefore was uncalled for in a democratic state.

As if the provisions of Section 6A were not enough, a new Section 11 replaced the old one. This was concerned with decertification of a trade union. By this new section, not only could the union lose its certification after losing its majority support but in addition, the L.R.B. could - after the ordinary law had taken its course, and imposed penalties on officers, agents, representatives, or even members who were convicted of offences under the criminal code in connection with a trade dispute - also decertify that union. Thus the union could lose its certification for acts committed by its members who may have acted without the authority of the union. The Lieutenant-Governor in Council

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<sup>15</sup>Ottawa Journal, March 10, 1959.

could also "after due inquiry" revoke the certification of a certified union, whether or not the L.R.B. had the matter under consideration, and when the Lieutenant-Governor so decertified the union, the L.R.B. could not consider an application for recertification without his consent. Both Sections 6A and 11 clearly show us how eager the Newfoundland government were to break up the influence of trade unions. Even though they did succeed in "keeping the trade unions quiet", the fact remained that these two provisions were the "first" in Canadian Labour Relations, and that they were objectionable in a province that claimed to be built on "British Justice."

A third provision of the 1959 Labour Relations (Amendment) Act was that contained in the new Section 43A which had the effect of outlawing secondary boycotts and sympathy strikes. No one will deny the fact that trade unions have at times "corruptly" employed the use of secondary boycotts and sympathy strikes to inconvenience some "innocent" employers and the public. The effect of a secondary boycott is that an employer who has no quarrel with his own union may find his own operations impaired and disrupted because the product which he handles comes from some company or division of the same company which is engaged in a trade dispute. Through the use of secondary boycotts, trade unions can compel employers to recognize and bargain with unions which have not been able to win bargaining rights through the legal channels, and unions which have not been able to win excessive demands made on the employers.

In 1947 the use of secondary boycotts had been abused so often in the United States that by Section 14B of the Taft-Hartley Act, they were outlawed. However, in Canada, the situation was different, for all the provinces except Newfoundland did not put restrictions on

secondary boycotts. In view of the great damage that secondary boycotts can bring, we are inclined to think that the introduction of Section 43A on the statute was very desirable. It is unfortunate that it was repealed in 1963.

The fourth provision of the 1959 Act dealt with the legal status of trade unions. We have already related how the 1952 Trade Union Act specifically exempted trade unions from suits for tortious acts committed by or on behalf of them in connection with a trade dispute. Trade unions, whether they were registered with the Minister or not, had no legal identity.<sup>16</sup> By Section 52A of the 1959 Act, trade unions became legal entities so that they could sue and be sued for actions committed against them or by them or on their behalf in connection with trade dispute. We feel this provision was also desirable in the sense that it sought to prevent unions from using their wealth and power unscrupulously. Unions which intended to act in a legal and responsible manner had nothing to fear from this provision. Of course, Newfoundland was not the only province to give legal status to trade unions. Other provinces like Prince Edward Island, British Columbia and Manitoba had similar provisions on their statute books.<sup>17</sup>

At this stage, it is necessary to find some reasons to justify the action the Newfoundland government took in handling the dispute,

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<sup>16</sup> Registration was voluntary. Justice, Sir Brian Dunfield had ruled in the Newfoundland Supreme Court that unregistered trade unions had no legal identity and therefore not sueable. In the early days of the development of trade unions in Newfoundland, it was necessary to allow them some privilege to facilitate their growth or development. Hence the desirability of the 1952 Act which exempted trade unions from tort. By 1959 the unions were now fairly mature and well established that the removal of these privileges were in order.

<sup>17</sup> In fact, today, all the provinces have given legal status to trade unions, so that they can sue and be sued.

namely, the two acts it passed and the part it played in forming the new woods union, the N.B.W.W. We have already explained above why we favour those provisions dealing with secondary boycotts, and the legal status of trade unions. In fact, these two provisions of the 1959 Acts were hardly opposed by the N.F.L. or the C.L.C. What brought enmity between organized labour and the Newfoundland government and stunned the whole of Canada were the provisions contained in the Trade Union (Emergency Provision) Act, and the provisions of Section 6A and 11 of the Labour Relations (Amendment) Act, that is those provisions that dealt with the dissolution and decertification of a trade union respectively.

In order to understand the way the Newfoundland government acted, it would be necessary to consider the importance of the wood industry in the Newfoundland economy, its economic situation at the time of the dispute, and the nature of the Labour-management relations in the industry before the I.W.A. entered the scene. We have already related how in 1938 the Woods Labour Board had been formed and how for 17 years this Board had operated without a strike action or a lockout being called.<sup>18</sup>

Secondly, it is said that at the time of the I.W.A. strike, the A.N.D. and Bowaters were not making profits from their newsprints operations. In this case the levy of an additional \$1.2 million as contained in the report of the Conciliation Board would have been too much for the A.N.D.

Thirdly, the wages of the loggers in Newfoundland were higher

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<sup>18</sup>See pp. 68-71.

compared to the general wage level in Newfoundland,<sup>19</sup> and, in fact, woodworkers on the island had wages comparable to their counterparts in eastern Canada. Under these circumstances, the wage demands of the I.W.A. appeared to be excessive.

Fourthly, and most important, was the great role the forest industry played in the island's economy. The Royal Commission on Forestry in 1951 estimated that about one-third of the income of the people of Newfoundland came from the forest industries.<sup>20</sup> Fishing had a low yield value, and was even impossible in the winter months because of ice, so that some of the fishermen entered the woods industry during the off-fishing seasons to make a living. Newfoundland, with the exception of its minerals and fishing, had to depend on its forest resources for its development and economic growth. Against this background, therefore, it can be realised that any action that affected the woods industry adversely affected the economy of the island too, and had to receive the careful and prompt attention of the government. It was this consideration, namely that the action of the I.W.A. was wrecking the economy of Newfoundland, (and therefore deserved to be considered anti-social) that led the government of Premier Smallwood to turn its

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<sup>19</sup>In Newfoundland, as in the other provinces, wages are naturally higher in the organized areas of the economy, namely, in the woods, mining, transportation, etc., industries. In these areas wages are commensurate with those of other parts of Canada, and usually higher than their corresponding workers in the Maritimes. The non-organized labour normally receive low wages - often based on the minimum wage orders which at this time was \$0.50 per hour per man. According to the D.B.S. statistics in 1958, the weekly wages in some parts of Canada among loggers were:

<u>Newfoundland</u>	<u>Nova Scotia</u>	<u>New Brunswick</u>	<u>Quebec</u>	<u>Ontario</u>
\$60.00	\$54.6	\$52.6	\$57.00	\$48.6

<sup>20</sup>Joint statement by A.N.D. and Bowaters. February 20, 1959, St. John's, Nfld. In this statement the two companies claimed that they were the greatest source of earning power in the province. They put down the number of their employees as 30,000.

back on organized labour and the principle of protection of "natural rights."

In passing the two Acts, the Newfoundland government claimed that it was doing so to protect the economy of the province as well as preserving peace. But surely, there is no doubt at all that the Acts also interfered with the natural rights of citizens in a free democratic society.

Another reason offered, mainly by the political opponents of Premier Smallwood and his Liberal Party, was that the Newfoundland government acted the way it did because it feared political rivalry from the trade unions. These people stated that the I.W.A. was a powerful union with political ties and its rejection in Newfoundland halted the other strong international unions from gaining a political foothold in the island. In fact, these men have gone further to state that Section 6A was inserted into the Labour Relations (Amendment) Act to bar strong union leaders like Jimmy Hoffa and his Teamsters Union from the island.<sup>21</sup> They substantiate their claim by pointing out that in a speech in March 1961, Premier Smallwood specifically advised the union to sever all links with the Canadian Labour Congress and with political parties.<sup>22</sup> And since the N.F.L. had identified itself with the New Democratic Party, it could be considered as the "enemy of the Liberal Government of Newfoundland."<sup>23</sup>

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<sup>21</sup> Jimmy Hoffa is the president of the strong Teamsters International Union. He is now serving a jail sentence for fraud.

<sup>22</sup> Lloyd B. Noseworthy, "The I.W.A. Strike" (an unpublished Commerce dissertation, Memorial University of Newfoundland). p. 25.

<sup>23</sup> Proceedings of the Twenty-fifth Annual Convention of the N.F.L., August 1961, pp. 45-46.

As a result of several personal interviews we have had with key political figures in Newfoundland, we are inclined to attach little value to this charge, even though we would not throw it overboard completely. There was no doubt that the large majority of the people of Newfoundland were strongly behind the government's action. They were definitely alarmed by the violence that occurred as a result of the strike, and they believed the Prime Minister when he charged that the I.W.A. was plunging the economy of the province into chaos. Several loggers who belonged to the I.W.A. in the late days of the strike wanted to return to work - to earn their livelihood.

Mr. Pearson, the leader of the Liberal Party in Canada, admitted that he could not agree with "certain of the procedures that have been followed, or with specific provisions of the new laws, or with the steps taken."<sup>24</sup> But that was as far as he could go. Mr. Diefenbaker, the Canadian Prime Minister, stated that the Newfoundland government had "aggravated the situation by intervening in a labour dispute in a way which apparently goes beyond the usual role of government."<sup>25</sup> But he refused to intervene. When a memorandum<sup>26</sup> was submitted to him by the Canadian Labour Congress to disallow the Acts, he did not, despite the fact that in introducing his Bill of Rights in 1947, he had commented that the Bill would "strengthen the hand of the Minister of Justice in the matter of disallowance of any statute which would deny freedom

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<sup>24</sup>Eugene Forsey, op. cit., p. 37.

<sup>25</sup>Ibid., p. 37.

<sup>26</sup>Petition of the Canadian Labour Congress to the Governor-General in Council for Disallowance of the Newfoundland Trade Union (Emergency Provisions) Act, 1959. Mimeographed, March 10, 1959. On page 6 of the petition, they cited several cases in which several "discriminatory" acts were disallowed by the Governor-General in Council.

anywhere in our country.<sup>27</sup>

That the government sponsored N.B.W.W., which replaced the I.W.A. and which got off to a good start, never received the wholehearted approval of the loggers of Newfoundland is evidenced by its short life.

On February 25, 1959, Premier Smallwood announced that "the first part of his plan for the organization of a bigger loggers' union to replace the I.W.A." would be a meeting at the Grand Falls Town Hall on February 28, 1959. He added: "By the end of next week, I expect the new union will be negotiating with the A.N.D. Company."<sup>28</sup> On Saturday, 28th February 1959, at this meeting, the Newfoundland Brotherhood of Wood Workers (N.B.W.W.) was formed. Mr. C. Max Lane, the Liberal Member of the Newfoundland Legislature for White Bay North, was named as the President for the N.B.W.W. Mr. Max Lane helped to organize the Newfoundland Federation of Fishermen in 1951, and was at this time their General Secretary. Within twenty-four hours of the formation of the new union, it claimed a paid-up membership strength of 1800 loggers. On Monday, March 2, it boasted of a 2400 membership.<sup>29</sup> By the end of March 1959, Mr. Sterling Thomas, the organizer-treasurer of the N.B.W.W. announced that the union's membership was in excess of 7,000. But it was quite clear that he was exaggerating, because in the same announcement, he admitted that only 1200-1300 loggers were then working.<sup>30</sup> Mr. S. Thomas had been the Vice-President for the Grand Falls District

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<sup>27</sup> Eugene Forsey, *op. cit.*, p. 37.

<sup>28</sup> Daily News, St. John's. Vol. 66, No. 46, February 26, 1959, p.3.

<sup>29</sup> *Ibid.*, Vol. 66, No. 49, March 2, 1959, p. 3.

<sup>30</sup> *Ibid.*, March 31, 1959, p. 3.

Trades and Labour Council as well as a Vice-President of the N.F.L. for 1957/58. But late in February 1959, he was expelled from his post by the C.L.C.-N.F.L. for his opposition to the I.W.A. cause and for his open support to the Premier. Another influential unionist who was expelled along with S. Thomas was Mr. Doyle Sharpe, who had been the N.F.L. Executive President in 1957/58, and until his expulsion, was the President of the United Steel Workers of America Local 1607. Like S. Thomas, Mr. Sharpe joined the new union and became one of its organizers.<sup>31</sup> On March 12, 1959, the N.B.W.W. signed a collective agreement with the A.N.D. which increased the wage rate by five cents an hour (as against the seventeen cents demanded by the I.W.A.). Thereafter, the contractors of the Bowaters Company signed similar agreements with their loggers on May 21, 1959.<sup>32</sup>

Perhaps the N.B.W.W. really did stand for "Newfoundland's Bewildered and Worried Workers", as some people chose to interpret the abbreviated name of the union. The fact that Mr. Max Lane was defeated in the next provincial election led to the speculation that Newfoundlanders were not content to have a union forcibly expelled and replaced by a government sponsored one. Because of lack of interest and support among the loggers, the N.B.W.W. ceased to exist in 1961, and the bargaining rights for the loggers were taken over by the United Brotherhood of Carpenters and Joiners of America. Since this union is a craft union rather than an industrial union, many people feel that it cannot adequately represent the loggers at the bargaining table and that the loggers'

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<sup>31</sup>Ibid., Vol. 66, No. 49, March 2, 1959, p. 3.

<sup>32</sup>Ibid., March 14, 1959, p. 3, and May 22, 1959, p. 3.

interest are not presently receiving proper attention.<sup>33</sup>

One question that easily comes to mind anytime the I.W.A. dispute is discussed is whether or not the Newfoundland government was justified in decertifying the I.W.A. locals, and amending the R.L.A. in the manner it did, especially by introducing Section 6A and 11. As stated earlier, this question is subject to debate and the answer depends upon the way one looks at the whole issue. We believe that the government could have adopted a more "acceptable" approach to the problem. It could have amended the L.R.A. so as to give the L.R.B. (which was set up to consider problems of the nature of the I.W.A. dispute) power to decertify unions which used violence to attain their collective bargaining goals. In this way the legislature would not have taken on the judicial role for which it was not designed, that is, the way the legislature sought to punish the unions (through Section 6A and 11). Acting in the manner it did, the Newfoundland government arbitrarily exercised its authority, and, thereby, was in a large measure, responsible for the relative ineffectiveness of the labour movement in the province today.

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<sup>33</sup>At the 1961 Convention of the N.F.L. the delegates passed a resolution condemning the officials of the Carpenters and Joiners of America for having "intruded upon the hard-won jurisdiction of the I.W.A. in an effort to take over the loggers against their will." (Proceedings of the Twenty-fifth N.F.L. Convention, August 1961, pp. 23-24).

## APPENDIX A

### THE OBJECTIVES AND CONSTITUTION OF THE NEWFOUNDLAND TRADES AND LABOUR COUNCIL 1937

#### Objectives

1. To encourage and form such organization of workers as conform to its rules and regulations;
2. To establish and maintain a Council with a suitable headquarters in Grand Falls and subsidiary committee in each district of Newfoundland for the purpose of assisting each other;
3. To aid and encourage the sale of union labelled goods;
4. To influence public opinion by peaceful and legal methods in favour of organized labour and to secure legislation in the interest of the working people;
5. To further the spirit of international trade unionism;
6. In general for such purpose as may best advance the interests of the working people.

#### The Constitution Provided:

Section 2: Any international union holding a Charter from the American Federation of Labour (A.F.L.) shall be entitled to affiliate its entire Newfoundland membership, and any local union in Newfoundland of an international union, chartered by the A.F.L., shall be entitled to affiliate its entire Newfoundland

membership, and any local unit in Newfoundland of an international union, chartered by the A.F.L. which is not so affiliated shall be entitled to direct membership in the Council.

**Section 3:** Charters bearing the signature of the President and Secretary of the Council and its seal, may be granted by the Executive Committee of the Council to any body of the workers in Newfoundland who are not members of a recognised international or national union, provided, however, that in no case shall any organization be admitted to membership whose jurisdiction conflict with that of an international or national union already affiliated to this Council.

**Section 4:** The Council shall form and charter Trades and Labour Unions, composed of such organizations as are entitled to membership in this Council.

**Section 7:** The Executive Council shall have power to utilize the funds of the Trades and Labour Council for legislation and organizing work in Newfoundland. They may act in conjunction with members of any other affiliated or chartered organization to that end and do all in their power to further legislation in the interest of the wage earners.

APPENDIX B

A LIST OF TRADE UNIONS IN NEWFOUNDLAND OCTOBER 1938

Name of Union	Number of Members	Date of Inauguration	Remarks
Fishermen's Protective Union of Newfoundland	20,000	1908	National, Nfld.
Lumbermen's Association of Newfoundland	7,800	1936	"
<u>Longshoremen's Union</u>			
St. John's	2,200	1903	Local St. John's
Botwood	500		" Botwood
Bay Roberts		1939	"
<u>Paper Makers</u>			
International Brotherhood of Paper Makers (Grand Falls)	125	1910	International
International Brotherhood of Paper Makers (Corner Brook)	104	1925	"
International Brotherhood of Pulp and Sulphite Mill Workers (Grand Falls)	876	1912	"
International Brotherhood of Pulp and Sulphite Mill Workers (Corner Brook)	900	1931	"
<u>Railway</u>			
Brotherhood of Firemen and Enginemen	37	1928	International
Brotherhood of Locomotive Firemen and Enginemen	51	1920	" St. John's
Brotherhood of Maintenance of Way Employees	200	1935	International
Brotherhood of Railroad Trainmen	95	1919	"

(continued .....

## APPENDIX B (continued)

Name of Union	Number of Members	Date of Inauguration	Remarks
Brotherhood of Railway Carmen of America	292	1936	International St. John's
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees	303	1899	" "
Order of Railroad Tele- graphers (Division 85)	101	1920	International
<u>Mining</u>			
Buchans Workmen's Protective Union	630	1934	National, Nfld.
<u>General</u>			
Shop and Office Employees, Newfoundland Protective Association of	1,659	1938	Local St. John's
Labourers' Union, Newfound- land (Corner Brook)	1,500	1937	National, Nfld.
Workers' Association, Newfoundland	760	1938	"
Workers' Central Protective Union (Deer Lake)	505	1938	"
Aerated Waters, Brewery, Butterine, Confectionery and Tobacco	452	1938	Local, St. John's
Carpenters' Protective Association of Newfoundland	365	1938	"
Garment Workers' Protective Union of Newfoundland	356	1938	National, Nfld.
Municipal Workers' Union of	245	1938	Local, St. John's
Bakery Workers' Protective Union	195	1938	"
Machinists International Association of (Cabot Lodge No. 1239)	180	1935	International St. John's
Shop Workers' Union, Local No. 1 (Grand Falls)	164	1937	National, Nfld.

(continued .....

## APPENDIX B (continued)

Name of Union	Number of Members	Date of Inauguration	Remarks
Shop Workers' Union, Local No. 2 (Corner Brook)	39	1938	National, Nfld.
Shop Workers' Union, Local No. 4 (Botwood)	33	1938	"
Post Office Workers' Newfoundland Union of	200	1938	"
Coopers' Union, St. John's Journeymen	160	1892	Local, St. John's
Electric, Telephone and Allied Workers Protective Assoc.	156	1938	"
Boot and Shoe Workers' Union	94	1912	International St. John's
Nail, Foundry and Associated Workers' Union	92	1938	Local, St. John's
Printing and Allied Trades Protective Union of Newfoundland	85	1938	National
Engineers' Association, Marine	70	1910	" Newfoundland
Cordage, Twine, and Allied Workers' Protective Union	65	1938	" "
Painters' Protective Union, Journeymen and Apprentice	61	1938	" "
Bricklayers' and Masons' Union St. John's	41	1934	Local, St. John's
Plumbers and Pipe Fitters Protective Association of St. John's	40	1938	"
Screen Workers' Guild, St. John's	36	1938	National, Nfld.
Seal-Skinners' Association, St. John's	20	1854	Local, St. John's
Scalers' Protective Association, Nfld.	9	1938	National, Nfld.
	<u>41,796</u>		

## APPENDIX C

### PAST OFFICERS OF THE NEWFOUNDLAND FEDERATION OF LABOUR

#### Representation at the 1936 Meeting of the N.F.L.

The Railway Telegraphers Union	- P. J. Connors
The Paper Makers	- E. King, J. Mackenzie, M. Baird, E. May
The Sulphite and Paper Workers (Local 63 Grand Falls)	- D. Harvey, T. Noel, J. Bragg, - G. Allen, A. Way, E. Kelly, A. G. Duggan,
(Local 64 Corner Brook)	- C. H. Ballam, C. Raines
Railway Employees	- J. Drover
Buchans Protective Union	- M. G. Thoms

The Officers elected in 1936 were as follows:

President	- A. G. Duggan
1st Vice-President	- J. Bragg
2nd	" - D. Harvey
3rd	" - E. King
4th	" - C. H. Ballam
5th	" - M. G. Thoms
Secretary	- C. Raines
Treasurer	- T. Sanger
Trustees	- H. Noel, T. Ryan, A. Way

(continued ....)

## APPENDIX C (continued)

The 1937-38 District Executive Committees

<u>St. John's</u>	<u>Corner Brook</u>	<u>Buchans</u>	<u>Grand Falls</u>
R. J. Fahey	C. Raines	M. F. Armstrong	J. S. Bragg
F. A. Lush	J. Edgecombe	B. Byrnilson	T. W. Sanger
I. Fogwill	C. H. Ballam	A. Reid	D. Harvey
E. Davis	A. Noseworthy	J. Head	E. King
A. Piercey	D. LeDrew	T. A. King	B. Scott
F. Fogwill	R. Oxford	R. Lane	
W. S. Sparkes	F. Noftell	C. Byrne	
	C. Rendell		
	H. Oxford		
	N. Patrick		

Past Presidents of the N.F.L.

A. G. Duggan	1937-1939
James Stove	1939-1940
C. H. Ballam	1940-1941
Harry Oxford	1941-1945
W. J. Frampton	1945-1946
R. J. Fahey	1946-1948
James Pond	1948-1949
Norman Bunn	1949 - acted as President when J. Pond resigned to enter politics
W. Frank Chafe	1949-1953
C. W. Strong	1953-1954

(continued .....

## APPENDIX C (continued)

W. Frank Chafe	1954-1957
Doyle F. Sharpe	1957-1958
Ron Smith	1957-1958
Larry Dally	1958-1960
Esau Thoms	1960-

Past Secretaries of the N.F.L.

J. R. Hannaford	1937-1938 (R.A.F. Lush was Ass. Sec.)
A. G. Duggan	1938-1939 (President-Secretary)
F. A. F. Lush	1939-1946
C. W. Strong	1946-1949
J. May	1949
C. W. Strong	1949-1953
Llewellyn Jones	1953-1957

Past Treasurers of the N.F.L.

J. R. Hannaford	1937-1938
T. W. Sanger	1938-1945
F. A. F. Lush	1945- (acted on death of T. W. Sanger)
C. W. Strong	1945-1946
J. Ryan	1946-1951 (declined to run in 1951)
Stephen Constantine	1951-1952
A. J. Shapter	1952-1956

Past Secretary-Treasurers

Alex Bannister	1957-1958
Steve Neazy	1958-1960
W. Gillis	1960-

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