INDUSTRIAL DISPUTES AND THE CANADIAN ACT

FACTS ABOUT NINE YEARS' EXPERIENCE WITH COMPULSORY INVESTIGATION IN CANADA

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INDUSTRIAL DISPUTES AND THE CANADIAN ACT

COMMENT in the United States on the Canadian industrial disputes investigation act within the last six months has been at once abundant and diverse. "The wisest and most successful labor legislation anywhere adopted," Charles W. Eliot wrote of it. "A false step, reactionary, un-American," is the verdict of Samuel Gompers on its application to this country. These two remarks typify the discussion that has been going on since President Wilson first recommended to Congress that it pass an act similar in principle to the Canadian law.

The administration bill, modeled on the Canadian law was outlined by John A. Fitch in the SURVEY for January 27.* The object of this inquiry is to analyze the Canadian law and examine the claim made for it and the facts about its operation. The material is based on a study of official reports, and interviews with labor men, employers, public officials and interested citizens in eastern Canada.

Under the law in question, which was enacted in 1907, it is illegal to declare a strike or lockout in mines or other public utilities until a full investigation into the merits of the dispute has been completed. Thirty days' notice must be given of any intention on the part of either employer or workers to secure a change in wages or working conditions. If at the end of this period no agreement has been reached, application must be made for a board of investigation and conciliation. The minister of labor then arranges for the creation of such a board, one member of which is nominated by the employers, one by the employes and a third by joint recommendation of the other two members.

This board considers the facts of the case in dispute and makes its report to the minister of labor. After that employers and employes are free to accept or reject the recommendations and to resort to strike or lockout. Penalties are provided, ranging from $10 to $50 a day for each man, if employes strike, and from $100 to $1000 a day if employers lock out their workers, without asking for a board or without waiting for its decision.

For nine years this law has been operating in Canada. What is thought of it there is more significant, therefore, than what

*Involuntary Servitude and the Right to Strike, by John A. Fitch. THE SURVEY, January 27, 1917.

people say about it in the United States. Does the law force men into "compulsory servitude"? Has it established industrial peace?

Canadian Opinion

In the Dominion, as in the United States, opinion is divided. As in this country, public officials and employers are lined up in favor of the act; but, contrary to the status of opinion in this country, organized labor is not unanimous in condemning it; nor do those groups of workers in Canada who criticize the act, follow the same line of argument as their fellow workers in this country.

Interested citizens with hardly any exception approve the law. "The act has not been a panacea," said an editor of a large Canadian newspaper, "but it is a pretty good thing. It postpones the occurrence of a strike and gives sober-minded people a chance to exert moral influence in bringing the two parties to an amicable settlement." "The act is based on the principle of arbitration," declared a prominent prelate, "and, therefore, is a very fine thing. It tries to do away with the strike altogether, because it brings the employer and employe together and in this way helps toward an understanding between them before a strike may occur."

The degree of public approval accorded the act can be measured effectively by the attitude of political parties. The Liberal Party is responsible for its existence, but the Conservative Party, now in power, has declared through the minister of labor that it will not repeal the law in spite of some objection from organized labor. It intends, rather, to amend and perfect it in order to insure more equitable and effective operation.

Executives of public utility companies reinforce the general argument of public men with their own first-hand experiences. "The act is all right," declared a representative of the Shipping Federation of Canada, "because it prevents hasty action," and he went on to explain how it has helped to maintain a peaceful relationship between longshoremen and shippers in Montreal.

"Now, suppose two or three labor leaders come in here," said an executive of a large railroad, illustrating the benefits of the act, "and they have a thousand men behind them. They put certain demands up to us and say: 'Here, you, give these to us or we'll strike by such and such a time.' Well, we can

say to them: 'There is a disputes act on the statutes; you'll have to apply for a board or violate the law,' and thus they are prevented from taking precipitate action against us.

"We had a recent case," he continued by way of concrete illustration. "The men demanded certain increases in their wages, and we informed them that we could not grant the rates desired. They then applied for a board and the report of the board was in their favor. For a time we hesitated to accept the report. But after considering everything—the condition of the labor market, etc., we decided to accept the award, because we knew that if the men struck, they would win. That's the beauty of the act. It gives us a chance to think over and consider all these things."

Mining operators, on the other hand, while commending its principle, complain that the act does not work equitably for them, because the penal clauses cannot be enforced against their employes when the latter violate the law.

So far as labor is concerned, the Canadian Federation of Labour has gone definitely on record as not only approving the law but favoring an extension of its provisions. At its last convention a resolution was adopted favoring compulsory awards. This body is, however, a small organization; its membership consists of about 7,000. The international unions, on the other hand—those affiliated with labor organizations in the United States—number over 100,000 wage-earners. We must look to the body representing these unions, the Trades and Labour Congress, which is affiliated with and corresponds to the American Federation of Labor and to the railway unions, for a more representative body of opinion.

The maintenance-of-way employes and railroad telegraphers, who both singly and jointly have had the greatest experience with the act, are most enthusiastic proponents of it. So much are they in favor of it that in 1912 they severed their affiliation with the Trades and Labour Congress because in 1911 the latter went on record as desiring its repeal.

"As one who has had possibly the greatest experience with the act . . .," A. B. Low, the former president of the Order of Maintenance-of-Way Men wrote in 1914, "I do not think it would be right for me to let an opportunity go by of saying a good word for the act. . . . We have invoked [it] in nine cases . . . in which, when conferences between the officials and the representative of the employes failed to reach an agreement, a board was applied for and an award made and ac-

cepted. . . . That our organization on both sides of the line knows by practical experience the benefit of the act may be judged by the fact that, at the Atlanta convention of the American Federation of Labor, our delegates introduced a resolution asking that similar legislation be advocated . . . and passed upon by the Senate and Congress of the United States; and that, I am sure, is the opinion of our membership still."

A prominent Canadian official of the Order of Railroad Telegraphers spoke in the same vein:

"I feel that the act has been of distinct advantage to our organization. We have always secured favorable results by reference of disputes to boards. It has been especially helpful in case of small railroads. Last year, I negotiated twenty trade agreements. The existence of the act with its threat of publicity was a great help to me in getting these agreements. In not one case did I have to take a strike vote, while officials of my organization in the states had to take many strike votes in their efforts to get similar agreements."

The Brotherhood of Locomotive Firemen and Enginemen in Canada is friendly to the principle of the act, but desires some changes in it.

"Certainly in the case of public utilities," a prominent official of the Dominion Legislative Board of this union explained, "the public interest is so vital that there ought to be an investigation before a strike or lockout shall occur and the public ought to have an opportunity to acquaint itself with the facts. I am absolutely opposed to compulsory arbitration. That robs the workers of all their strength. But compulsory investigation is different. . . . It may be that the disputes act has injured the interest of the workers. But that has nothing to do with the principle of the act. If there has been unfairness in its operation, the law ought to be amended."

The Brotherhood of Locomotive Engineers on the other hand, is a most bitter opponent of the act. Its legislative board expressed itself in no unmistakable language last November in this resolution: "That this board do all in its power to have the industrial disputes investigation act wiped off the statute books."

"The opinion against it was practically unanimous," an official of this board explained. "While some of the men spoke of some minor advantages, yet all of them thought that there were no real benefits from the operation of the act. It simply caused a lot of delay and expense. Many times, when an adjustment committee would go to the railroad manager and say that they wanted to negotiate a new agreement, the man-

ager would simply say: 'Go and apply for a conciliation board under the disputes act.'"

The Trades and Labour Congress, which includes within its membership the other craftsmen coming within the scope of the act, such as miners, machinists and others employed on railways, street-car employes and longshoremen, also adopted an unfavorable resolution at its convention last November: "That we go on record as opposing the Lemieux [disputes] act in its entirety." This is a change from the original attitude of this body. When the act was first introduced in Parliament, it had the endorsement of the president of the congress, who was a member of Parliament, and in the convention of that year the principle of the bill was endorsed by a vote of eighty-one to nineteen. In every year following 1907 until 1911 amendments were asked for to improve the administration of the law. In 1911, for the first time, the organization went on record as desiring its repeal, by adopting the following resolution unanimously:

Repeal Asked for by Labor

"While this congress still believes in the principle of investigation and conciliation and while recognizing that benefits have accrued at times to bodies of workmen under the operation of the Lemieux [disputes] act, yet in view of decisions and rulings and delays of the Department of Labour in connection with the administration of the act, and in consequence of judicial decisions like that of Judge Townsend, in the province of Nova Scotia, determining that feeding a starving man on strike [i.e., giving strike benefits] contrary to the act, is an offence under the act: Be it resolved, that this congress ask for the repeal of the act."

In 1912 the resolution adopted in the previous year was repeated by the labor congress. In 1913, 1914 and 1915, the congress modified its position and went on record as desiring amendments, but in 1916, after long and heated discussion they asked again for the repeal of the law.

"The principle of the act is all right," one prominent union official remarked in explaining the last action of this body, "but you can boil it all down to a question of administration. The minister of labour has refused to establish boards in one or two cases and that has made the men feel that he is not administering the law in their favor."

"The delegates were so worked up over their grievances," writes a prominent representative of organized labor, also referring to the resolution, "that they were in no mood to dis-

tinguish between the principle of the act and its administration."

The extent to which this is true can be inferred from the fact that the delegates rejected, without calm consideration or criticism, the measure drafted by their own solicitor as a substitute for the present one, in order to meet the objections previously raised by them.

Representatives of this organization, together with members of the railway labor unions, complain about the difficulty of securing a report favorable to labor.

"The very personnel of the boards are against the interests of the workers," said an official of the Machinists' Union. "The chairman casts the deciding vote on these boards. In ninety-nine out of one hundred cases, the two members appointed by the employer and the men cannot agree upon a mutually suitable person. The minister of labour has to choose him, and he usually selects a judge or some professional man whose point of view is capitalistic and who has no sympathy for the working class. As a result, from the very beginning the chances are against getting a favorable decision for the workers. The chairman almost invariably lines up with the representative of the employer."

It is interesting and significant that hardly any of the Canadian trade unionists advance the argument heard in this country against President Wilson's measure—that such a law means compulsory servitude for the wage-earners. On the contrary, most of them approve of the principle of the law, and direct their criticism purely against administrative defects. Their objections are chiefly that the minister of labor has refused to appoint a board on one or two occasions upon the application of a local union; that delays have often characterized the appointment and the hearings of the boards; and that it is difficult for them to secure a favorable decision.

Procedure Under the Act—Conciliation

To understand the objections of organized labor in Canada, we ought to know the nature of the procedure under the act. Contrary to the common conception in this country, the disputes act has operated not as a "compulsory investigation," but as a "conciliation" measure. That is, the machinery of the law is used to bring together the opposing parties under public auspices and to adjust their difficulties. The compulsory features of the act which impose a penalty for violation and the definite rules of procedure have not been emphasized in its

administration. For this reason, the use of stenographers at the hearings held in the presence of the boards has always been discouraged.

"Experience in the administration of the act," says the registrar of the boards appointed under the act, in one of his reports, "has appeared to show that it is more effectively operated when freed, so far as possible, from the formal procedure suggestive of the ordinary judicial court. The taking of sworn evidence with stenographer's report has been particularly discouraged as having proved far from conducive to an amicable adjustment of difficulties. . . . The most obvious virtue of the act lies . . . in bringing the parties together before three fellow-citizens of standing and repute . . . where a free and frank discussion of the differences may take place and the dispute may be threshed out. . . . Granting that such discussion and investigation take place before a strike or lockout has been declared and that the board acts with proper discretion and tact, the chances are believed to be largely in favor of an amicable adjustment. . . ."

The minister of labor prefers to have the law operate as a flexible, conciliation measure. He has taken the position that he will not establish a board when the cause of the dispute is the desire for recognition of a union on the part of the employes. He will not grant one when the workers of several employing companies apply for one, and when these companies will not agree upon a joint representative; and in cases where two unions may be organized and struggling for supremacy, if one of these organizations objects to such procedure.

The conciliatory spirit and flexible manner in which the act has been administered has probably been responsible for the delays of which organized labor complains. The official reports of the Canadian Department of Labour indicate that at times long periods have elapsed between the application for boards, their constitution and the rendering of their reports.

Ninety per cent of the boards established have been applied for by employes, whose usual custom is to recommend their representative in the application.* Under the law, five days are given to the employers for the nomination of their representative. Five additional days are allowed the two members so appointed to select a chairman. The board should be completely established within fifteen days after receipt of application. The minister of labor has discretionary power to extend the length of these periods and generally does so.

* See table 1, p. 30.

Thus of the 161 boards that have been constituted in the last nine years, only sixty were established within the fifteen days. It took between sixteen and thirty-one days for sixty-six and between thirty-one and forty-six days for twenty-one boards to be constituted. For six boards, between forty-six and sixty-one days, and for eight boards, more than sixty-one days elapsed.*

The workers think their cause suffers also from long periods elapsing between the application for boards and the filing of their reports. For only twelve, or about 8 per cent of the disputes, was this period less than thirty-one days; for forty it was thirty-one to forty-six days; for thirty-six, between forty-six and sixty-one days; for eighteen, between sixty-one and seventy-six days. For an additional twenty-two, between seventy-six and ninety-one days; and for thirty, or about 19 per cent of the cases, more than ninety-one days, or three months, were consumed between the application for a board and the rendering of the final report. For three cases this information is not available.†

In reply to the complaints of organized labor with reference to these delays, officials of the Department of Labour maintain that, considering the vast distances over which they have to operate, the boards are appointed quite promptly. If delays do occur, they are in accordance with the conciliatory spirit in which the act is administered.

Files in the department show that employers very frequently delay the procedure by asking for extensions of time. "But we don't want to ride rough-shod over a company," explained a prominent official of the department. "If they say that they will not appoint a representative, we tell them they must do so, and we try to reason with them that they should comply with the law. If they ask for an extension of time, we grant it to them and try to hurry the proceedings on as fast as possible."

How far these delays constitute a real grievance should be indicated to some extent by the character of the reports, when they are finally rendered. They should also show whether, as many trade union officials contend, it is difficult for labor to secure a favorable report because of the bias of the chairman, who, according to them, is chosen almost always by the minister of labor.

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* See table 4, p. 33.
† See table 5, p. 33.

For the nine-year period ending March 31, 1916, there were altogether 161 fully established boards which conducted hearings.* In ninety-two of these disputes, or over one-half, the reports were unanimous. In only thirty-five cases did the employes' representative dissent from the majority report, and in twenty, the employers' representative dissented. In three cases both dissented from certain features of the reports, and in the remaining eleven either no decision was rendered or the nature of the report is not clearly indicated.†

This record seems to show that the unions need to revise their claim that it has been difficult for them to secure favorable decisions.

In only twenty cases did strikes occur or continue after the dispute had come within the scope of the act.‡ In some instances, moreover, a basis of collective bargaining has been established between employers and their men, leading to the signing of long-term agreements.

Nor is it correct to say that the representatives of employers and employes usually fail to agree on the third person to be nominated as chairman, thus leaving the choice to the minister of labor. In nearly one-half, or seventy-five, of the 161 boards which were fully established, the appointment was made on the recommendations of the two other members of the board.§ Although the proportion of failures to agree on the nomination of chairmen seems large, the facts do not seem to bear out the contention that the administration of the act has injured organized labor in Canada to any great extent.

So far, however, we have been considering the success of the act on the sole basis of those disputes which have been referred to it. It is here that the greatest danger of error lies. Most comments in this country on the operation of the act are based on the reports of the registrar of the boards. But these documents contain an account mainly of those disputes which have been referred for adjustment under the act; they do not give the complete facts about the frequency and the importance of all the strikes which have occurred in those industries coming within its scope. For this information we must go to the

* The total number of applications for boards has been 191. In twenty-two cases no boards were established; in eight they were partially established. See table 2, p. 31.

† See table 6, p. 34.

‡ See table 10, p. 38.

§ See table 3, p. 32.

special report on strikes and lockouts (covering the years 1901-12) and the subsequent annual reports issued by the Department of Labour.

This department was established in 1900 and has kept a record of industrial disputes which have occurred from January 1, 1901 to March 31, 1916. Because of war conditions there have been few strikes in Canada in the last two years, (i.e., to March 31, 1916) and none of them has been serious. The disputes act became a law on March 22, 1907, and it is, therefore, possible to compare the importance of strikes in fairly equal periods before and after its operation.

One difficulty must necessarily be encountered in using the comparative figures of the period before and after the act was passed as a measure of its success. It is all but impossible to say whether there would have been more or fewer strikes in the last nine years on public utilities were the act not in existence. Would those trade unions which have applied for boards have declared strikes more frequently, or would the usual methods of collective bargaining have averted the occurrence of industrial disputes? Or might not more strikes have been called by these organizations if the act did not provide a simple machinery for the adjustment of difficulties? These questions must be borne in mind in judging the degree to which this law has helped to establish industrial peace in Canada.

The particular problem for which the act was devised was industrial unrest in coal mines. In 1906 a prolonged strike occurred in the western coal fields threatening a fuel famine just when the usually severe winter was approaching. In the province of Saskatchewan the coal supply had been almost exhausted and the settlers scattered in the small towns and large prairies were facing the danger of freezing to death. The local authorities could do nothing to end the dispute and finally appealed for federal intervention. W. L. Mackenzie King, then deputy-minister of labor, was sent by the government and succeeded in bringing about a settlement. So much was he impressed with the suffering that a prolonged strike in this region might cause that he recommended the enactment of a law by means of which "all questions in dispute might be referred to a board empowered to conduct an investigation under oath, with the additional feature, perhaps, that such reference should not be optional, but obligatory, and pending the investigation and until the board has issued its finding the parties be restrained, on pain of penalty, from declaring a lockout or strike."

The act was thus devised with particular reference to strikes in coal mines. A very important test of its efficacy is, therefore, its success in diminishing the social cost of industrial disturbances in this industry.

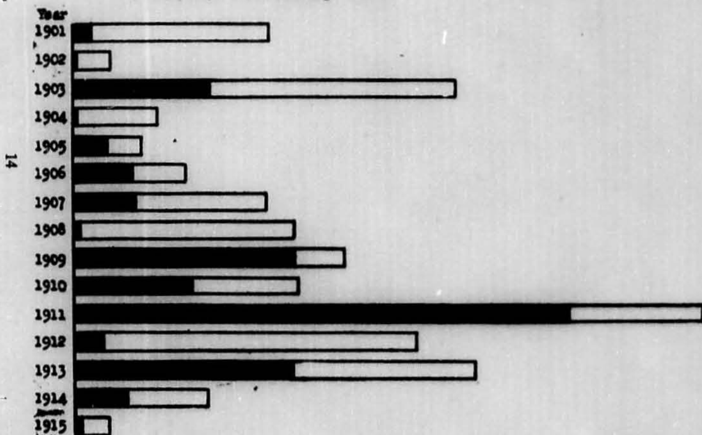
The period during which the act has been in operation has been practically simultaneous with the one in which the United Mine Workers have attempted to extend their organization in the important coal fields of Canada. These coal areas are the Crowsnest Pass region, which embraces the southwestern portion of Alberta and the eastern portion of British Columbia; Vancouver Island, on the extreme western end of British Columbia; and Nova Scotia, the extreme eastern portion of the Dominion. From the point of view of production the eastern and western coal fields are almost of equal importance, but from the point of view of consumption a strike in the western coal fields causes much greater suffering than does one in Nova Scotia. The winters are much colder and the per capita consumption of coal higher in the western provinces. The transcontinental railroads are largely dependent on these western mines for their fuel; without them, it would be almost impossible to move the large wheat crops, the chief asset of the Dominion.

Serious Strikes in the West

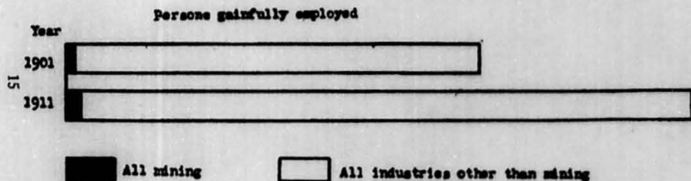
It is in this western district, the Crowsnest Pass region, that the most serious coal strikes have taken place, both before and after the act was passed. The United Mine Workers of America entered Canada in 1902 and began organizing the miners in this region. In 1906 the first strike, under their auspices, the one which resulted in the passage of the disputes act, was called.

The agreement which brought this strike to an end expired on April 1, 1907. On April 9, these western miners applied for a board, and on April 16, while it was being constituted, they struck, this being the first violation to be charged against them. The board could do very little, but the deputy minister was again instrumental in bringing about a settlement. An important coal-mining strike also occurred in Nova Scotia —not under the auspices, however, of the United Mine Workers—over rates of pay. The total time losses for strikes in coal mines for the year, the first after the act was passed,

Working Days Lost Through Strikes and Persons Gainfully Occupied in Mining and in All Other Industries, Canada, 1901-1915
(Canadian Disputes Act in Effect March 22, 1907)



Working days lost in mining	
Number (in thousands of days)	As a per cent of days lost in all industries
56	9
10	8
440	36
10	4
114	53
188	52
203	33
16	2
711	82
377	53
1,593	79
89	8
703	55
169	39
17	16



Persons employed in mining	
Number (in thousands)	As a per cent of persons in all industries
37	2.1
64	2.4

amounted to 188,360 days or 30.3 per cent of the total days lost in all strikes in Canada for the year.*

An agreement was signed in the Crowsnest Pass region for two years, but when it expired in March, 1909, a strike was again called "over the renewal of the working agreement in which were involved certain fine points of recognition relating to collection of union dues"—the check-off, in other words. Here the use of the act was not invoked until the strike had been on more than a month, and for the second time the miners violated the act. Neither party accepted the report of the board, but after being out on strike for three months, the men returned to work and an agreement extending to March 31, 1911, was signed.

In this same year, 1909, the United Mine Workers entered into a struggle to gain recognition in Nova Scotia. In this province there had been for a long time a local organization of miners known as the Provincial Workmen's Association, and it appears that the strike resulted in a fight for supremacy between the two unions, with the operators favoring the local rather than the international organization.

The strike was centered in three places, Glace Bay, Springhill and Inverness. In the first two places the men applied for boards before they ceased working, but in Inverness the act was completely ignored. In the latter place the strike lasted for some months, at Glace Bay from July, 1909, to April, 1910, and at Springhill from August, 1909, to May, 1911, a period of almost two years. In all three of these places riots occurred and "troops were stationed for a considerable time at each point." The United Mine Workers were defeated in this fight for recognition, but these serious strikes conducted by them were mainly responsible in 1909 for over four-fifths, and in 1910 for over one-half, of the total time losses of each year.

On March 31, 1911, the agreement signed in 1909 between the United Mine Workers and the operators of the Crowsnest Pass region expired, and 7,000 miners went out on strike again without applying for a board until the strike had been on for some time. "The crucial point, as in 1909, was the

* It is the number of men involved and the time wasted that make a strike costly. The Canadian Department of Labour has reached a composite and most satisfactory measurement by multiplying the number of days in which the particular industry was idle by the number of men on strike, and has thus worked out what might be called "men-days" or, as they are termed in the Canadian reports, "working days" lost. For data given in this and succeeding paragraphs dealing with strikes in coal mines see table 9, p. 37.

'check-off.'" This strike, together with the one that was prolonged from 1909 in Springhill, N. S., and a few minor ones, made the total time losses in 1911 for strikes in coal mines 1,592,800 working days, or 78.9 per cent of all the working days lost in all strikes occurring during the year.

On September 16, 1912, the disputes act was completely ignored and a struggle began between the United Mine Workers and the mine operators of Vancouver Island. The chief demand was "recognition." This strike was not called off until August 19, 1914, nearly two years later. As in Nova Scotia, the United Mine Workers appear to have been defeated, but mainly because of this strike over half a million working days were lost in 1913, or 45.7 per cent of all the working days lost in all of the strikes occurring during the year.

Thus the act does not seem to have an effective hold on the coal-mining industry of Canada. During 1916 some half-dozen strikes occurred in mines distributed over practically all of the coal fields of Canada. In only one case was the dispute referred to a board for adjustment. In the Crowsnest Pass region, in spite of the fact that the agreement signed between the miners and operators did not expire until March, 1917, they struck twice last year, in complete defiance of the act, for a "war bonus" because of the abnormal rise in the cost of living.

In all for the six-year period before the act was passed thirty-eight strikes are recorded in coal mines, involving an average loss per year of 121,332 days or 26.4 per cent of all the working days lost in all strikes. In the nine-year period subsequent to the passing of the act, coal miners struck thirty-seven times, involving an average loss per year of 419,224 days, or 46.9 per cent of all the working days lost in all strikes. Thus in the latter period, in spite of the act, the average loss per year of working days in coal-mining strikes is about three and one-half times as great as before the law was passed, and the proportion of that total to all working days lost in all strikes almost doubled.

The Act a Failure in Coal-Mining

If we consider only the coal-mining industry, the conditions of which gave rise to the act, it has clearly failed to accomplish its purpose of averting strikes.

What proportion, it will be asked in criticism, do the miners constitute of the workers of Canada? If it is large,

it should not be surprising that the mining industry is responsible for about one-half of the social cost of strikes. Unfortunately, the Canadian census does not give us this proportion each year. But it does give it for the years 1901 and 1911, and the facts show very clearly how serious the problem of industrial unrest has been in the coal mines of Canada. In 1901, 2.1 per cent and in 1911, 2.4 per cent of the total gainfully occupied population were engaged in mining (both coal and metal). In other words, while the miners have constituted only about one-fiftieth to one-fortieth of the gainfully occupied population, and while this proportion has been nearly constant, they have been responsible for more than one-fourth of the working days lost in industrial disputes during the period 1901 to 1907, and for nearly one-half of the working days lost during the period 1907 to 1916.

The facts show that there have been strikes, and that there have been serious strikes in the coal industry in the period during which the act has been in operation. Although the act was intended primarily to prevent strikes in coal mines, it appears that it has failed to remove this sore spot from the industrial organism of Canada. But before reaching a definite conclusion on the basis of these facts, the difficulty of measuring the results of such a piece of legislation should be borne in mind. Might there not have been more strikes and more serious ones but for the act? As a partial answer there is the fact that Nova Scotia, where as much coal is mined as in the western coal area, has been comparatively free from serious strikes with the exception of the period during which the United Mine Workers were active in that province. It should also be recalled that this union conducted an extensive campaign of organization in Canada during the years 1903 to 1914. There is the additional fact that the Provincial Workmen's Association, which has about 5,000 miners in its membership, has observed the law and has worked under agreements, adopted as a result of the sitting of boards, in disputes between them and the coal operators. There is, however, also the fact that this organization always discouraged strikes even before the act was passed, and for this reason many of its members left it in 1909 to join the ranks of the United Mine Workers.

Railroads and Other Public Utilities

In Canada, as in this country, there have been few serious strikes on railroads. Only one may be charged to the railroad

brotherhoods during the last sixteen years, and that was called in 1910, three years after the act was passed, when the trainmen and conductors on the Grand Trunk rejected the majority report signed by their own representative. The railroad telegraphers have not struck once during this period, and the maintenance-of-way employes conducted one serious strike in 1901, six years before the statute was passed.

So unimportant has been the problem of railway disputes in Canada that, when the first draft of the act was introduced in Parliament, it did not include the railroads within its scope. Since the passage of the act, it is true that there have been seventy-five applications for boards in railway disputes, and in only six of these cases have strikes occurred. The question naturally arises, would the brotherhoods have called strikes more frequently had not boards helped to adjust the difficulties ensuing between them and their employers? This is not an easy question to answer, and yet it is fundamental. It is true also that the applicants must make a statement, when asking for a board, that if the dispute is not referred to a board or adjusted by it, a strike or lockout will, to the best of their knowledge, take place. Does this mean that sixty-nine railway strikes have been averted?

It is conceivable, in the first place, that employers reluctant to grant the demands of their men would refer them to the act, without going through the complete process of collective bargaining with them. In fact this is, as we have seen, one of the chief complaints of the strong unions. In the second place, few strikes occurred in the railroads prior to the enactment of the law. Finally, there is the fact that freight handlers and other unskilled and more or less unorganized workers employed by the Canadian railways have struck in violation of the act. Thus we find that during the last nine years (i. e., 1907 to 1916) freight handlers have called sixteen strikes. In only three instances did they apply for boards and that was after they had struck.

Most of the representatives of the railroad employes interviewed thought that it was not the act which was responsible for the maintenance of industrial peace on the railroads of Canada, but rather the reluctance of the brotherhoods to strike. "I know that in the annual reports," remarked a representative of the locomotive engineers, "the Department of Labour says that so many disputes have been referred to boards and strikes averted, but that gives a wrong impression. As a mat-

ter of fact, as far as I can remember, since I have been in our organization, it never had a strike, even before the act was passed. It can't be said that there would be strikes if the statute did not exist. The railroad brotherhoods will go to any limits before calling a strike. We are constantly securing new agreements without applying for boards."

Similarly most of them contended that negotiations between them and the railroad companies would result in the securing of agreements did no legislation exist. The act for them has merely offered the machinery of collective bargaining different in form, but similar in spirit, to their usual practice before it was passed.

Street-car strikes show a decrease from ten for the period 1901 to 1907 to four for the period 1907 to 1916. As there have been twenty-one disputes referred to boards from this industry, and in only two instances did strikes follow, it does seem that the act has been successful in averting this serious and disastrous type of dispute. Longshoremen called twelve strikes during the first period and fourteen during the second.

The reports of the Department of Labour show for the first period—that is, before the act was passed—that 60, or 8.4 per cent of all disputes in all industries during that time occurred in the industries grouped under the heading "general transport" (including railway employes, freight handlers, longshoremen, coal handlers, teamsters and others commonly employed in transportation). These involved an average loss of 68,684 working days per year, or 15 per cent of all the working days lost in all strikes. For the period after the act was passed, these reports give for the same industries 74 disputes, or 9.6 per cent of all occurring during the last nine years, involving an average loss of 87,776 working days, or 9.8 per cent of all working days lost in all disputes. If we should include strikes in railway construction work (a class of work to which the act has not yet been applied, but which is nevertheless a public utility) the proportion of working days lost, while remaining the same for the first period, rises in the second to 15.7 per cent of the total time losses in all strikes. Considering the fact that the proportion of Canadian workers engaged in transportation increased from 4.8 to 9 per cent between 1901 and 1911, we find that the proportion of days lost from strikes, after the act was passed, actually decreased.*

* See table 7, p. 35, and table 8, p. 36.

Results Among Public Utilities

To summarize for all public utilities, 108, or 15.1 per cent of the 716 disputes recorded between January 1, 1901, and March 22, 1907, the period before the act was passed, occurred in those industries coming within its definition. Between 1907 and 1916, the period during which the statute has been in operation, 127, or 16.5 per cent of the total of 768 disputes occurred in these industries. Not only was there a slight increase in the proportionate number of disputes, but working days lost, the best measurement of the price the public pays for strikes, show a much greater increase. For the first period the average loss of working days per year due to strikes on public utilities was 201,502, or 43.9 per cent of the total time losses in all industrial disputes. For the second period the average loss of working days was 581,936 (including railway construction), or 65.1 per cent of the total time losses in all disputes.*

Thus even when allowance is made for an increase in the proportion of workers employed, the social cost of strikes on public utilities has not been materially reduced. The analysis of these figures shows that there has been a marked increase in loss of time through strikes on coal mines. Transportation before 1907 and since that time has been comparatively free from industrial disturbances.

Violations of the Act

As a voluntary conciliation measure, the act has been very successful, but the most serious indictment against it as a "compulsory investigation" act has been the failure to impose penalties for violations. As we have already seen, strikes were not averted or ended in twenty or about one-tenth of the total 191 applications made for boards, but the most serious and important strikes occurring in the coal industry have been illegal; that is, cessation of work took place either before applying for boards or during proceedings or without invoking the act.

The Canadian act is a compulsory one mainly because penalties are provided for the calling of such illegal strikes, and the essential test of any compulsory law is the extent to which it is enforced. Yet it is in this very important aspect that the act has failed as a compulsory measure. The railway labor organizations are the only ones who have strictly observed the law. In their efforts to organize the coal miners of Can-

* See table 7, p. 35, and table 8, p. 36.

ada, the United Mine Workers have conducted their most serious and costly strikes in violation of it. Freight handlers and other unskilled workers have frequently ignored it. Altogether, approximately eighty-four strikes on public utilities may be charged up as illegal, distributed approximately as follows: coal mines thirty-four; metal mines fourteen; railroads four; freight handlers sixteen; street cars two; longshoremen fourteen.* This may not be an accurate estimate, since the reports do not list strikes as illegal and the facts can only be inferred from the data in two separate documents. That the violations of the law have not been unimportant can best be seen by the fact that the legal disputes in coal mines—the industry for which the act was primarily intended—involved, on the average, about 866 employes, while the illegal strikes involved, on the average, about 890 miners.

"If either an employe or an employer violates the law by causing a strike or lockout before an investigation has been held," commented Victor S. Clark in 1910, after having made a personal inquiry into the operation of the act, "he is practically immune from prosecution unless the other party to the dispute brings action in the court to punish him. In the districts where the law has been violated or evaded in these respects, there is a demand by the party that has suffered . . . that the government assume their prosecution. . . .

"This situation . . . raises an important question. . . . If the men can strike with impunity in disregard of the law, what is the value of the latter in preventing or postponing strikes? Will the act not fall in abeyance except in those minor and less acute disputes where there is least call for . . . intervention? Has a law any force at all that operates only by the tolerance of law-breakers? It should be recognized that expediency must constantly be consulted in administering such an act, but it would seem that the latter, though it may retain some residuary value as providing convenient machinery for public mediation, must lose its distinctive character and its interest as experimental legislation unless some way is discovered to secure the observance of the clauses deferring strikes and lockouts until an investigation is made. Unless these clauses are enforced, the law becomes an ordinary conciliation act, burdened by the discredit of its unenforced provisions."

The Department of Labour has taken the position that it will not prosecute for violation of the law. The registrar states the official position of the government in the Canadian Law Times for March, 1916:

* See table 10, p. 38.

"There has been also, in industries coming under the act, a considerable number of strikes in disputes which have not gone before a board for investigation. Work ceased in these cases without regard to the act. Many of the serious coal-mining strikes in western Canada during recent years have occurred in this way.

"What, it may be asked, becomes of the penalties prescribed for these apparent infringements of the statute? The reply must be that such cases have seldom gone to the courts. It has not been the policy of the successive ministers under whose authority the statute has been administered to undertake the enforcement of these provisions. The parties concerned, or the local authorities, have laid information occasionally, and there have been in all eight or ten judicial decisions. The mining industry has been the chief delinquent in the matter of infringements, and there have been occasional derelictions on the part of the lower grades of transport or shipping labour; in the higher grades of railway labour the act has been well observed."

Several prominent Canadians were asked why the United Mine Workers, who have been responsible for the most serious violations of the act, have not been prosecuted. One of them, referring to the situation in the Crowsnest Pass region, gave a typical reply.

"In a case of this kind," he said, "the act is powerless; what can you do? Here are about 6,000 men, most of them foreigners. They don't understand the act. They don't care for it. What are you going to do? Fine them? Well, they won't pay. Put them in jail—if you could? The coal won't be mined. As far as I can see, any legislation in the world wouldn't prevent a strike from occurring under these circumstances."

A former minister of labor, on the other hand, when asked concerning the government's policy in this particular, replied that violations of the law could have been dealt with by one of two methods. "One method," he wrote, "would have been to declare illegal any organization which wilfully committed crimes against the public; the other, to allow the offenders to see the folly of a wrongful method of procedure in the hope that by a process of education they would be led to see the lack of wisdom of taking the unlawful course, and of voluntarily coming to adopt a right one. We preferred to follow the second method, and I think we have been justified in so doing by the results. The strikes that were brought on illegally for the sake of forcing recognition were, I believe, with-

out exception, all failures; all were lost at great cost to the men, the organization and the industry. This fact once it becomes appreciated by labor is likely to be more salutary in preventing a repetition of trouble from such a cause than an enforcement of penalty clauses."

The records of the Department of Labour show, up to March 12, 1915, only eight prosecutions. These have been relatively unimportant ones. Three were against employes of metal mines, an industry in which a strike, under ordinary circumstances, does not cause much suffering. Two were against operators of small coal mines for illegally declaring a lockout. One case, in which three coal miners were charged with aiding in calling an illegal strike, was dismissed. In another, at Inverness, N. S., a union official was convicted for giving strike benefits to the men who had ceased working without applying for a board. In one case, four miners employed by a small coal company were each fined $40 and costs or thirty days in jail.

Penalties Not Enforced

The evidence does not seem to show that an extensive attempt has been made to force those responsible for the calling of the important, illegal strikes to pay the penalties provided by the act.

"The government has never laid particular stress upon the penalty end of it," W. L. Mackenzie King, the author of the law, explained in 1914 to the United States Commission on Industrial Relations, "the penalty part . . . has always been treated in much the same light as penalty for trespass. If the party affected wishes to enter an action to recover damages they may do so. . . ."

The analogy between the penalties provided in this statute and those placed in a trespass law does not appear to be sound. A trespass law is framed to protect the individual against any infringements that may be made on his property rights. The disputes act was intended to protect, not an individual party, but the public against the suffering caused by strikes on public utilities. A violation of this law is a crime against the public. The person guilty of such a violation should be prosecuted at the instigation of the public authority charged with the administration of the act, in this case, the Department of Labour.

"In speaking of the Canadian act as a failure as a 'compulsory investigation' act," a former Canadian official writes

on this aspect of its operation, "the alleged failure in compulsion is put down to the non-enforcement of *penalties,* whereas it was with a view to *compelling investigation* where labor wished investigation as a means of securing a redress of wrong, and not to compelling penalties, that the act was framed. Let me explain the circumstances that led to the enactment of the compulsory investigation features of the measure. In the dispute in Alberta referred to in the report [i.e., the one leading to the adoption of the act], we spent nearly a week trying to get the parties together. We spent nearly another week finding out from each what they were prepared to do. Meanwhile, settlers and others were freezing in their homes. We had no powers other than that of a voluntary conciliator to fall back upon. Had we had legislation providing powers of *compulsory investigation,* we could have effected in two days what took nearly two weeks. It was this experience, and similar experiences in other strikes which made us seek to get from Parliament powers of *compulsory investigation,* which meant *to labor, power at the expense of the State,* and with the machinery of the State back of it, to choose its own investigator, to summon witnesses, to compel the production of documents, to take evidence under oath, and to give to the public the fullest possible kind of a view of its case, including any injustices under which it might be suffering. This is *the really important compulsory investigation feature* of the act, not the penalties which relate to strikes and lockouts. Never from the time the act was passed when I had to do with it as registrar or as minister was there a *single instance,* that I can now recall, in which when this *compulsory investigation* feature was invoked on behalf of labor, that it was not enforceable and applied. As a compulsory investigation act—that is to say, investigation of a dispute under compulsion at the request of either of the parties, labor or capital—never once during the Liberal administration did its provisions in this particular fail, and where investigation took place, the results were for the most part not only beneficial to the parties but very greatly so to the public as well. I think the same has been true under the present administration."

Lessons for the United States

In this country the common conception has been that the Canadian legislation has been rigidly enforced. In addition the effectiveness of the act has been appraised on the basis of the registrar's reports only and thus opinion has been based on incomplete data regarding the prevalence of strikes in Canada. And, finally, it has not been tested with reference to the particular problem for which it was devised.

The facts, on the other hand, indicate that the act has operated as a voluntary conciliation measure. If it has prevented the occurrence of strikes it has, therefore, done so not because it restrained workers from striking, but because the machinery afforded by it enabled men with personality and tact to bring employers and their men together and adjust their difficulties. In addition, serious strikes have occurred in public utilities since the act was passed. As to the test of whether it has met the particular situation for which it was intended, strikes in coal mines have apparently been more prolonged and more serious in the last nine years than they were in the six-year period before the act was in operation.

It is largely on the basis of Canadian experience that the strike prevention measure of President Wilson is feared so much by organized labor and endorsed so heartily by most public men. But the Canadian act has not operated in the manner imagined by them, and, therefore, does not throw much light either on the fears of the former or the hopes of the latter. It certainly has not meant compulsory servitude for the workers of Canada. There the workers do not object to the principle of the act. They criticize the manner in which it has been administered; and this criticism appears to be by no means unanimous or entirely justified by the facts covering the general operations of the law.

As for our editorial writers, public officials and employers, Canadian experience hardly justifies their enthusiasm for the essential feature of the proposed measure—that no strike or lockout shall legally take place before an investigation is completed. In Canada this compulsory feature has been a dead letter so far as the miners and unskilled workers are concerned. As for the railroad brotherhoods, it is very doubtful whether it is necessary to restrain them from striking before the completion of an investigation. Most of the railroad employes stated that they observed the law not because they were afraid of being prosecuted, fined, or imprisoned but because they did not wish to appear as law breakers in the eyes of the community and thus antagonize public opinion. "The railroad brotherhoods like to have the reputation of being law-abiding, intelligent citizens and it is for this reason that we have observed the law," declared a representative of the locomotive firemen and enginemen. In other words, they are not opposed to public investigation but they are not greatly influenced by the compulsory features of the law.

Professor Adam Shortt was chairman of eleven boards in the first two years after the act was passed. In every one of these disputes a settlement was effected and he has the reputation of having been the most successful chairman appointed under the act. In his opinion, the clauses which restrain the men from striking pending investigation are practically unnecessary.

"The only value they have," he said in substance, "is that they make the union reluctant to fly in the face of public opinion. It doesn't make them afraid to violate the law because they know that it cannot be enforced. But the same thing could be gained if you simply provided the machinery for investigation. Those unions which respect public opinion would not strike in the face of this established machinery. Another thing," he continued in substance, "if it has been found difficult to enforce the law in Canada, it means that it will be much more difficult to enforce a similar law in the United States. For in this country [Canada], under the cabinet system of government, fewer laws are passed, the whole government is held responsible for them, and they are taken much more seriously than in your country. We don't speak of laws as being 'dead letters' as you do."

Certainly the public interest in the continuous operation of the nation's railroads is so vital that the facts ought to be known before a strike or lockout occurs. Canadian experience does not show just how effective public opinion can be in preventing an interruption of services. No attempt has been made in Canada to build up a body of continuous facts regarding labor disputes on public utilities, and the data on wages, cost of living, hours of work, rates and dividends available in the different government departments have not been collected and placed at the disposal of the boards. Each one has made its report on the facts presented by the parties involved in the particular dispute which was before it for adjustment.

The Community Ought to Have the Facts

Our recently threatened railway strike has awakened the public to the critical situation in which it might at any time be placed. The feeling is growing that the community ought to become a more powerful factor in preventing a tie-up of a public service industry. The public, on the other hand, cannot exert a very strong influence unless it has all the facts necessary to an intelligent opinion. Heretofore it has had

them only as they were furnished to the press by the two partisans involved in labor disputes. They should be furnished by an impartial government tribunal on which both employers and workers may have representation.

But this does not necessarily mean that we should restrict the railway employes' right to strike. It does mean, however, that the government ought to establish the machinery both for the continuous collection of all the facts available on the various aspects of labor controversies and for an inquiry into the merits of particular disputes that arise from time to time. With a background of information previously collected, the facts about a particular dispute become more illuminating. Thus a fully enlightened public could exert a more intelligent influence.

The nation was helpless last fall because no such machinery was available. Present legislation provides only for mediation and voluntary arbitration. The first method had failed; past experiences made the brotherhoods unwilling to submit their case to a body of arbitrators whose award would be binding. But had there been an investigating body in existence, whose duty would have been to recommend an adjustment on the basis of the facts collected by it, it is safe to say that the brotherhoods would not have struck until inquiry had been completed. Such an act on the part of any group of public service employes, unless the investigation were unfairly or unnecessarily delayed, would in itself cause loss of public confidence and respect. A strike so called would in all probability be foredoomed to defeat even before its inception.

APPENDIX A

TABLES PRESENTING DATA REGARDING DISPUTES WHICH HAVE BEEN REFERRED FOR ADJUSTMENT UNDER THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT AND REGARDING STRIKES AND LOCKOUTS OCCURING IN CANADA DURING THE YEARS 1901-1915

Tables 1-6 are based on the data given in the Ninth Report of the Registrar of Boards of Conciliation and Investigation of Proceedings under the Industrial Disputes Investigation Act for the fiscal year ending March 31, 1916. Tables 7-9 are derived from the Report on Strikes and Lockouts in Canada from 1901 to 1912 and from the annual reports of the Department of Labour for fiscal years ending March 31, 1914, 1915 and 1916. Table 10 is based on a comparison of data appearing both in the reports just mentioned and in the registrar's report for the fiscal year ending March 31, 1916. See Appendix B.

TABLE 1.—APPLICATIONS FOR BOARDS UNDER THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT, BY INDUSTRY. MARCH 22, 1907 TO MARCH 31, 1916

Industry	Applications for boards by			All applications for boards
	Employers	Employes	Employers and employes	
Public utilities				
Coal mining	7	35	1	43
Other mining	1	12	..	13
Railroads	2	73	..	75[a]
Street railways	1	20	..	21
Shipping	2	8	1	11[b]
All other	1	15	..	16[c]
Total	14	163	2	179
Industries other than public utilities[d]	..	11	1	12
Grand total	14	174	3	191

a—One application from teamsters and two from freight handlers are included.

b—Seven of these applications were from longshoremen.

c—Includes municipal work, 9; light and power, 3; telephone, 2; telegraph, 2.

d—These are industries to which the compulsory features of the act do not apply.

TABLE 2.—BOARDS CONSTITUTED UNDER THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT, BY INDUSTRY. MARCH 22, 1907 TO MARCH 31, 1916

Industry	Boards constituted	Boards partially constituted			Boards not constituted			
		Strike on at time of application	Difference adjusted or application withdrawn	Total	Strike on at time of application	Lockout on at time of application	Difference adjusted or application withdrawn	Total
Public utilities								
Coal mining	37	..	..	..	1	1	4	6
Other mining	13	..	..	..	..	..	..	..
Railroads	58	..	3	3	1	..	13	14
Street railways	17	..	3	3	..	..	1	1
Shipping	10	1	1[a]	1[a]	..	..	..	..
All other	14	..	1	1	1	..	..	1
Total	149	1	8	8[a]	3	1	18	22
Industries other than public utilities[b]	12	..	..	..	..	..	..	..
Grand total	161	1	8	8	3	1	18	22

a—In the one case in the shipping trade in which a board was partially constituted, a strike was in progress at time of application and the dispute was adjusted before the board was fully constituted.

b—These are industries to which the compulsory features of the act do not apply.

TABLE 3.—METHOD OF APPOINTING CHAIRMEN[a] OF BOARDS ESTABLISHED UNDER THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT, BY INDUSTRY. MARCH 22, 1907 TO MARCH 31, 1916

Industry	Boards for which chairman was appointed		All boards
	On recommendation of other two members	By minister of labor in absence of recommendation	
Public utilities			
Coal mining	15	22	37
Other mining	3	9	12
Railroads	25	33	58
Street railways	8	9	17
Shipping	7	3	10
All other	10	4	14
Total	68	80	148
Industries other than public utilities[b]	7	5	12
Grand total	75	85	160[c]

a—Employers and employes each nominate their representative. These two nominate the chairman. When they cannot agree upon a mutually acceptable person, the chairman is chosen by the minister of labor.

b—These are industries to which the compulsory features of the act do not apply.

c—Information as to the appointment of the chairman of one of the 161 boards established under the act is not clearly reported.

TABLE 4.—TIME ELAPSING BETWEEN APPLICATION FOR BOARDS UNDER THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT AND THE CONSTITUTION OF THE BOARDS, BY INDUSTRY. MARCH 22, 1907 TO MARCH 31, 1916

Industry	Cases in which period between application and constitution was					All boards
	Less than 16 days	16 days and less than 31	31 days and less than 46	46 days and less than 61	61 days or more	
Public utilities						
Coal mining..........	17	9	7	3	1	37
Other mining..........	6	4	3	..	..	13
Railroads..........	12	31	9	1	5	58
Street railways..........	8	7	1	1	..	17
Shipping..........	5	4	..	1	..	10
All other..........	4	8	1	..	1	14
Total..........	52	63	21	6	7	149
Industries other than public utilities[a]..........	8	3	..	..	1	12
Grand total..........	60	66	21	6	8	161

a—These are industries to which the compulsory features of the act do not apply.

TABLE 5.—TIME ELAPSING BETWEEN APPLICATION FOR BOARDS ESTABLISHED UNDER THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT AND THE REPORT OF THE BOARDS, BY INDUSTRY. MARCH 22, 1907 TO MARCH 31, 1916

Industry	Cases in which period between application and report was						All boards
	Less than 31 days	31 days and less than 46	46 days and less than 61	61 days and less than 76	76 days and less than 91	91 days or more	
Public utilities							
Coal mining....	3	7	12	6	6	3	37
Other mining...	..	3	6	1	2	1	13
Railroads......	2	12	10	6	7	19	56
Street railways.	..	6	4	2	2	2	16
Shipping.......	2	5	1	..	1	1	10
All other.......	..	5	2	2	3	2	14
Total........	7	38	35	17	21	28	146
Industries other than public utilities[a]..........	5	2	1	1	1	2	12
Grand total..	12	40	36	18	22	30	158[b]

a—These are industries to which the compulsory features of the act do not apply.
b—Information on this point was not available for 3 of the 161 boards established under the act.

TABLE 6.—NATURE OF REPORTS OF BOARDS ESTABLISHED UNDER THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT, BY INDUSTRY. MARCH 22, 1907 TO MARCH 31, 1916

Industry	Cases in which board reported							Cases in which board did not report	All cases
	Decision unanimous	Employes' representative dissenting	Employers' representative dissenting	Representatives of both parties dissenting	No decision given	Nature of report not clear	Total		
Public utilities									
Coal mining......	22	8	1	1	1	3	36	1	37
Other mining.....	5	6	1	1	..	..	13	..	13
Railroads........	30	13	12	..	..	1	56	2[a]	58
Street railways...	10	5	1	..	..	..	16	1[b]	17
Shipping.........	9	..	1	..	..	..	10	..	10
All other.........	6	1	4	1	..	1	13	1	14
Total..........	82	33	20	3	1	5	144	5	149
Industries other than public utilities[c]...	10	2	..	..	..	..	12	..	12
Grand total....	92	35[d]	20[e]	3[f]	1	5	156	5	161

a—In one case an agreement was reached without convening the board, and in one the proceedings were unfinished.
b—In this case a court injunction restrained proceedings.
c—These are industries to which the compulsory features of the act do not apply.
d—In four cases the employes' representative dissented on only slight particulars.
e—In two cases the employers' representative dissented on only slight particulars.
f—In two cases representatives of both sides dissented on only slight particulars.

TABLE 7.—STRIKES AND LOCKOUTS IN MINING AND IN GENERAL TRANSPORTATION COMPARED WITH STRIKES AND LOCKOUTS IN ALL INDUSTRIES. CANADA, 1901-1915

Year	Strikes and lockouts in						
	All industries	Mining[a]		Transportation		Mining and transportation	
		Number	As a per cent of strikes and lockouts in all industries	Number	As a per cent of strikes and lockouts in all industries	Number	As a per cent of strikes and lockouts in all industries
1901	104	4	3.8	11	10.6	15	14.4
1902	121	3	2.5	10	8.3	13	10.8
1903	146	8	5.5	15	10.3	23	15.8
1904	99	6	6.1	2	2.0	8	8.1
1905	88	11	12.5	5	5.7	16	18.2
1906	141	14	9.9	16	11.3	30	21.2
1907[b]	144	11	7.6	17	11.8	28	19.4
1908	65	8	12.3	7	10.8	15	23.1
1909	68	10	14.7	7	10.3	17	25.0
1910	81	2	2.5	7	8.6	9	11.1
1911	95	6	6.3	12	12.6	18	18.9
1912	148	6	4.1	13	8.8	19	12.9
1913	106	4	3.8	7	6.6	11	10.4
1914	40	2	5.0	1	2.5	3	7.5
1915	38	6	15.8	4	10.5	10	26.3
Total							
Before act	716	48	6.7	60	8.4	108	15.1
After act	768	53	6.9	74	9.6	127	16.5
Yearly average							
Before act	114.6	7.7	6.7	9.6	8.4	17.3	15.1
After act	87.8	6.1	6.9	8.5	9.6	14.5	16.5

a—Quarrying and stonecutting, sometimes grouped with mining in the Canadian reports, have been excluded from all of the tables.

b—The disputes act went into effect March 22, 1907. Between Jan. 1 and March 22, 1907, 17 strikes occurred in all industries, 1 in transportation and 2 in mining. In the totals and in computing the yearly averages, these figures were grouped with those for strikes occurring before the act was passed.

TABLE 8.—TIME LOST IN WORKING DAYS THROUGH STRIKES AND LOCKOUTS IN MINING AND IN TRANSPORTATION COMPARED WITH TIME LOST THROUGH STRIKES AND LOCKOUTS IN ALL INDUSTRIES. CANADA, 1901-1915

Year	Working days lost through strikes and lockouts in						
	All industries	Mining[a]		Transportation		Mining and transportation	
		Number	As a per cent of days lost in all industries	Number	As a per cent of days lost in all industries	Number	As a per cent of days lost in all industries
1901	632,311	55,870	8.8	315,804	49.9	371,674	58.7
1902	120,940	9,720	8.0	10,120	8.4	19,840	16.4
1903	1,226,500	440,455	35.9	69,341	5.7	509,796	41.6
1904	265,004	10,166	3.8	9,540	3.6	19,706	7.4
1905	217,244	114,191	52.6	6,973	3.2	121,164	55.8
1906	359,797	187,780	52.2	16,697	4.6	204,477	56.8
1907[b]	621,962	203,260	32.7	40,212	6.5	243,472	39.2
1908	708,285	16,071	2.3	425,572	60.1	441,643	62.4
1909	871,845	711,207	81.6	10,000	1.1	721,207	82.7
1910	718,635	377,076	52.5	80,915	11.3	457,991	63.8
1911	2,018,740	1,592,800	78.9	85,493	4.2	1,678,293	83.1
1912	1,099,208	89,168	8.1	82,998	7.6	172,166	15.7
1913	1,287,678	702,726	54.6	23,988	1.9	726,714	56.5
1914	430,054	169,200	39.3	300	.1	169,500	39.4
1915	106,149	16,794	15.8	19,360	18.2	36,154	34.0
Total							
Before act	2,867,536	829,582	28.9	429,275	15.0	1,258,857	43.9
After act	7,816,816	3,866,902	49.5	768,038	9.8	4,634,940	59.3
Yearly average							
Before act	458,806	132,733	28.9	68,684	15.0	201,417	43.9
After act	893,350	441,932	49.5	87,776	9.8[c]	529,707	59.3

a—Quarrying and stonecutting, sometimes grouped with mining in the Canadian reports, have been excluded from all of the tables.

b—The disputes act went into effect on March 22, 1907. Working days lost between January 1, 1907 and March 22, 1907 were 45,740 in all industries, 11,400 in mining, and 800 in transportation. In the totals and in computing yearly averages these figures were grouped with those for strikes occurring before the act was passed.

c—Although obviously coming within the definition of a public utility, railway construction work has as yet not been included within the scope of the disputes act. Strikes in this industry, however, were responsible for 530 and 457,008 working days lost, respectively, in the periods before and after the act was passed. These included, the proportion that time losses in transportation are of all losses in all industrial disputes still remains 15.0 per cent for the first period, but rises to 15.7 per cent for the second period. The time losses for mining and transportation then become 65.1 per cent of all time losses incurred in all strikes and lockouts during the second period.

TABLE 9.—EMPLOYES AFFECTED AND WORKING DAYS LOST THROUGH STRIKES AND LOCKOUTS IN COAL MINING AND IN ALL INDUSTRIES. CANADA, 1901-1915

Year	Coal mining			All industries			Days lost in coal mining as a per cent of days lost in all industries
	Strikes and lockouts	Employes affected	Working days lost	Strikes and lockouts	Employes affected	Working days lost	
1901	2	2,560	5,740	104	28,086	632,311	.9
1902	1	150	1,200	121	12,264	120,940	1.0
1903	7	11,612	436,585	146	50,041	1,226,500	35.6
1904	5	2,311	4,766	99	16,482	265,004	1.8
1905	9	8,164	113,758	88	16,223	217,244	52.4
1906	12	6,080	184,875	141	26,050	359,797	51.4
1907[a]	9	10,131	188,360	144	36,624	621,962	30.3
1908	6	2,861	15,283	65	25,293	708,285	2.2
1909	9	8,655	710,087	68	17,332	871,845	81.4
1910	1	1,934	367,956	81	21,280	718,635	51.2
1911	5	9,734	1,592,800	95	30,099	2,018,740	78.9
1912	2	3,060	37,740	148	40,511	1,099,208	3.4
1913	1	3,537	589,036	106	39,536	1,287,678	45.7
1914	1	1,900	169,050	40	8,678	430,054	39.3
1915	5	1,832	9,294	38	9,140	106,149	8.8
Total							
Before act	38	32,777	758,324	716[c]	152,344	2,867,536	26.4
After act	37[b]	34,544	3,668,206	768[d]	211,372	7,816,816	46.9
Yearly average							
Before act	6.1	5,244[e]	121,332	114.6	24,440[e]	458,806	26.4
After act	4.2	4,771[e]	419,224	87.8	25,701[e]	893,350	46.9

a—The disputes act went into effect on March 22, 1907. Between January 1, 1907 and March 22, 1907, 2 strikes occurred in coal mining affecting 1,900 employes and causing the loss of 11,400 working days. In the same period 17 strikes occurred in all industries affecting 3,217 employes and causing the loss of 45,740 working days. In computing the yearly average these figures were grouped with those for strikes occurring before the act was passed.

b—Two disputes prolonged through more than one calendar year are each counted but once.

c—Six disputes continued into second calendar year are each counted but once.

d—Thirty disputes continued into second calendar year are each counted but once.

e—In computing these averages, all the employes involved each year were included, even when strikes continued through more than one year. But these duplications were excluded in determining the total number of employes involved for the entire period.

TABLE 10.—DISPUTES REFERRED TO BOARDS, STRIKES NOT AVERTED OR ENDED, AND STRIKES IN VIOLATION OF THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT, FOR PUBLIC UTILITIES, BY INDUSTRY. MARCH 22, 1907 TO MARCH 31, 1916

Industry	All disputes referred to boards	Strikes not averted or ended	Strikes in violation of act[a]
Coal mining	43	6	34
Other mining	13	5	14
Railroads	75	6	4
Street railways	21	2	2
Shipping	11	..	30
All other	16	1	..
Total	179[b]	20[c]	84[d]

a—This includes strikes occurring before or during proceedings of a board as well as those occurring in disputes which were never referred under the act.

b—Twelve disputes were referred to boards from industries other than public utilities. The compulsory features of the act did not therefore apply to them. They were all amicably adjusted.

c—Four of these strikes were illegal because they occurred before the report of the board was submitted

d—These violations are for the period March 22, 1907 to January 1, 1916.

APPENDIX B

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