

Railing Against the Company Union: The State, Union Substitution, and the Montréal Tramways Strike of 1943

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DURING THE PIVOTAL WORLD WAR II period, massive nationwide labour militancy helped to force a reluctant federal government to adopt compulsory collective bargaining legislation (PC 1003). Scholarship on wartime strike activity has primarily focused on disputes related to union recognition, working conditions, and wages. An overlooked cause of wartime strikes is inter-union conflict in multi-union workplaces. Similarly, the state's role in resolving these types of industrial strikes has received little attention.¹ Influenced by personal experiences and ideological leanings, government-appointed conciliators could implicitly favour one union over another in settling jurisdictional disputes involving multiple unions. Although theoretically neutral with limited roles, in practice conciliators often took an active role in dispute settlement.

This paper focuses on a representational strike by Montreal Tramways Company [MTC] workers in March 1943.² In the early 1940s, union organizing of tramway workers was carried out simultaneously by affiliates of the Canadian and Catholic Confédération of Labour [CCCL], the Canadian Congress of Labour [CCL],

¹Jeremy Webber notes that nearly all federal Department of Labour files related to wartime conciliation prior to 1944 were destroyed. See Jeremy Webber, "The Malaise of Compulsory Conciliation: Strike Prevention in Canada during World War II," *Labour/Le Travail*, 15 (Spring 1985), 57-88, esp. 69 n. 33.

²The only published account of the 1943 tramways strike is found in Evelyn Dumas, *Dans le Sommeil de Nos Os. Quelques Grèves au Québec de 1934 à 1944* (Ottawa 1971). Dumas relies on a limited number of sources and is restricted to the significant publicized strike-related events, and thus neglects important behind-the-scenes developments and analysis within present historiography on this watershed period in Canadian labour history.

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and the Trades and Labour Congress [TLC]. With Montréal the largest wartime industrial centre in the country, the two-day walkout by over 3,000 bus and tram workers, the majority of whom were French Canadian, temporarily paralyzed the city. Because most factory workers were unable to commute to suburban war plants, the strike interrupted important munitions and armament production.

The transit dispute presented Ottawa with a dangerous set of circumstances amid the record number of strikes across the country and, in Montréal, divisions between English and French language groups. The situation in Montréal was critical for the federal Liberal government for several reasons: the internment of the city's populist French Canadian mayor, Camillien Houde, in 1940 over his public denunciation of proposed conscription policies; the social divide caused by the bitterly contested nation-wide plebiscite on conscription in 1942; maintenance of wage disparities by federally controlled labour tribunals; and finally, softening voter support for the federal Liberal Party.³

Into this unsettled context Carl Goldenberg, already well known and liked by Prime Minister Mackenzie King, and native of Montréal, was appointed to conciliate the tramway strike. The strike was Goldenberg's first high profile conciliation appointment, and served to elevate his reputation as a labour relations expert. From the 1940s to the 1980s, Goldenberg helped settle major strikes in the rail, post, and construction industries, among others. He was respected by employers, unions, and politicians, receiving accolades such as "Canada's number one trouble-shooter" and "mediator extraordinary."⁴ Early in his career, Goldenberg gained particular notice for effectively mediating inter-union disputes. In 1956, when leaders of the newly established Canadian Labour Congress [CLC] searched for an arbitrator for jurisdictional disputes between former TLC- and CCL-affiliated unions, they turned to Goldenberg because of "the prestige of [his] name ... and past accomplishments."⁵

The Montréal tramways strike illustrated the need for appropriate legal provisions to deal with inter-union disputes. It occurred almost concurrently with the first concrete steps toward Federal labour law reform, a prime goal of which was to institutionalize all forms of wartime industrial conflict, including inter-union disputes. The new system of industrial legality introduced by PC 1003 increased state regulation of industrial relations. It included, among other changes, provisions to allow for union substitution. The timing and procedures for union substitution un-

³In August 1943, Fred Rose became the first Communist Member of Parliament (officially the Labour-Progressive Party) following his narrow win in a by-election in the Montréal riding of Cartier.

⁴Carl Goldenberg, *Senator Carl Goldenberg: His Memoirs (in interviews with Peter Stursberg)* (Ottawa 1979), 243, 249.

⁵Goldenberg held the CLC position until the late 1980s. Queen's University Archives [QUA], Carl Goldenberg Papers [CGP], 5021.4, "TLC and CCL," Aaron Mosher and Claude Jodoin to Goldenberg, 14 February 1956.

der PC 1003 limited unionized workers' freedom to choose alternative representation. We argue that this deprived workers of the ability to unseat a company union expeditiously.

The introduction of union substitution provisions was particularly important in wartime Québec where religious-ideological and union rivalry were often one and the same. Some Catholic unions in Québec came into conflict with more radical unions, notably the Communist and social democratic unions, because the Catholic Church, which dominated its unions, opposed these viewpoints.

The Québec Context: A "Solitude" unto its Own

Like most other aspects of the province's history, unionization in Québec took on a tenor that sharply diverged from the English-speaking regions of Canada.⁶ With this said, Québec industry, as in other parts of the country, did play a major role in wartime production. The province was home to five of Canada's main shipyards, three of its largest aircraft plants, its only two tank factories, and two of its four most important artillery manufacturers. Montréal was thus the largest centre of industrial production in the country.⁷

During the early war years, the Federal government assumed jurisdiction over labour relations in war-related production. Unions in Québec fought, like those elsewhere in Canada, for union recognition, higher wages, better working conditions, and increased membership in the trade union movement. Some unionists also fought for what they called "industrial democracy," namely worker control of the shopfloor. Unions were in a good position to obtain these advances given that the government needed workers for war industries.

Many workers were patriotic, although this was rather less the case in Québec where public support for conscription was very weak. Francophones, as in World War I, saw the war in Europe as "Britain's War." Similarly, many Francophone Quebecers, in a tradition dating back to Henri Bourassa and before, were anti-imperialist and saw World War II as being in this tradition. Because of their antipathy to the British and imperialism, a majority of Francophone Quebecers opposed conscription.

Ethnic tensions, ever-present in any discussion of Québec history, went together with wage issues: the average industrial wage for Francophone males in 1940 was roughly \$22.50 per week, in contrast to \$24.00 for male workers in the rest of Canada.⁸ The wages of tram operators in Toronto were 5 to 45 per cent higher

⁶See Jacques Rouillard, *Le Syndicalisme Québécois: deux siècles d'histoire* (Boréal 2004).

⁷The Education Committee of the Confederation des Syndicats Nationaux [CSN] and Centrale de L'Enseignement du Québec [CEQ], *The History of the Labour Movement in Quebec*, translated by Arnold Bennett (Montréal 1987), 109-110, 122-123.

⁸On wartime wages see Jacques Rouillard, *Histoire de la CSN, 1921-1981* (Boréal 1981), 96; Bernard Dionne, "Les Unions Internationales et Le Conseil des Métiers et du Travail de Montréal, de 1938 à 1958," PhD thesis, L'Université du Québec à Montréal, 1988, 143-145.

than those in Montréal.⁹ There was serious antagonism for the federal government's wartime wage control policies. One union leader described the Québec wage control board, which was established by the Federal government, as a "graveyard for the legitimate aspirations" of workers because its rulings effectively maintained lower wages compared to those in other provinces.¹⁰ Hence, Québec's Francophone workers had particular reason to feel aggrieved; and they did not stand idly by while business and the state restricted their economic well-being. Between 1941 and 1945, the annual number of walkouts in Québec increased by almost four times over those of the 1930s. These statistics clearly show that Québec workers were certainly not passive recipients of oppression.¹¹

To an extent unknown elsewhere in Canada, religion played a key role in Québec's labour politics. A separate Catholic labour movement, established in Québec in 1921, subscribed to the ideology of corporatism: the notion that all people, estates, and classes in society were interconnected, like the different joints of the human body. Hence, the goal of the Church and the labour movement was to unify the different, and sometimes warring, elements of society — notably business and labour — behind a strong state. In the years before and after World War I, the Catholic Church used its power to try to marginalize unions which did not subscribe to Catholic social doctrine; similarly, it did not permit non-Catholics to join Catholic unions until the 1930s. The Catholic-Corporatist version of unionism inserted itself into some labour struggles, particularly when international unions were represented.¹² The Catholic Church pushed Catholic workers and its trade unionists into accommodation with, and not opposition to, the dominant capitalist system, as the corporatist ideology stressed harmony and conformity and not challenge and struggle. In this sense, the Québec situation was unique in Canada since in no other region of the country did religion-based unions hold such power and prestige.¹³

In the early 1940s, the union movement in Montréal avoided, but was not immune to, internal conflicts. Unionists in the TLC-linked Conseil des Métiers et du

⁹Canada, Department of Labour, *Wage Rates and Hours of Labour in Canada 1944*, Report No. 27 (Ottawa 1946), 83-84.

¹⁰Excerpt from statement read by Elphège Beaudoin in Canada, National War Labour Board [hereafter NWLB], Proceedings of National War Labour Board Public Inquiry into Labour Relations and Wage Conditions (Ottawa 1943), 9.

¹¹See Rouillard, *Histoire de la CSN*; Education Committee of the CSN, *The History of the Labour Movement in Quebec*.

¹²For example, see inter-union conflict related to organizing garment workers in Montréal, Judy Fudge and Eric Tucker, *Labour Before the Law: The Regulation of Workers' Collective Action in Canada, 1900-1948* (Toronto 2001), 202-203. Similar conflicts went on between Catholic and left-led unions in the US. See Bert Cochran, *Labor and Communism: The Conflict that Shaped American Unions* (Princeton, NJ 1977), 267-271; Harvey A. Levenstein, *Communism, Anticommunism, and the CIO* (Westport, CT 1981), 233-294.

¹³Rouillard, *Histoire de la CSN*.

Travail de Montréal [CMTM] frequently put aside their differences with Canadian nationalists, social democrats, and even Communist-influenced unions in the Congress of Industrial Organizations [CIO] (and later, CCL) to work for better conditions for workers during the war. This was particularly the case after June 1941, when Nazi Germany invaded the Soviet Union, ensuring that Communists would become allies. During the war unions with ties to the Trades and Labour Congress-American Federation of Labor [TLC-AFL] conducted virtually all new organizing activity in the city.¹⁴ By 1943, almost 70,000 TLC-AFL members were concentrated in Montréal, compared to approximately 13,000 members for each of the CCCL and CCL.¹⁵ At the end of the war, TLC and CCL affiliates represented the majority of Québec's union members, with Catholic unions retaining support of about 25 per cent of the province's workers.¹⁶

Inter-union Rivalry and the Montreal Tramways Company

The politico-religious background in Québec was a significant factor in labour conflicts with the MTC. In 1918, a majority of MTC workers joined a newly chartered local union (Local 790) of the Amalgamated Association of Street and Electric Railway Employees of America (TLC-AFL, or the "international union").¹⁷ Religious-based differences amongst employees led to the establishment of a confessional tramways union, the Syndicat des Employés de Tramways de Montréal (the "Catholic union") three years later. This union attacked the international for transferring union dues to the United States and of being a conduit of American immorality in Québec.¹⁸ In 1934, the Catholic union alleged communist control of its international union rival in an attempt to capitalize on growing public fear in Québec of the spread of communism and atheism. Other methods, such as targeted appeals towards Protestant tramway workers, failed to attract new members.¹⁹

Despite being the object of harsh criticism, the international union maintained command over labour relations with the MTC. Collective bargaining was conducted on behalf of both union and non-union workers by an elected three-person negotiat-

¹⁴Terry Copp, "The Rise of Industrial Unions in Montreal 1935-1945," *Relations Industrielles*, 37 (1982), 843-875, esp. 846.

¹⁵Dionne, "Les Unions Internationales et Le Conseil," 276.

¹⁶On these points see Rouillard, *Histoire de la CSN*, 112-118, 150; Education Committee of the CSN, *The History of the Labour Movement in Quebec*, 144-146; Carla Lipsig-Mumme, *Wars of Position: Fragmentation and Realignment in the Quebec Labour Movement* (Kingston 1991), 5-11.

¹⁷For accounts of earlier union activity at the MTC see *Labour Gazette*, 2 (March 1903), 706-707; *Labour Gazette*, 2 (June 1903), 1029-1031; Dionne, "Les Unions Internationales et Le Conseil," 450.

¹⁸*Le Tramway*, August 1928.

¹⁹*Le Tramway*, November 1932.

ing committee, which was dominated by leaders of the international union.²⁰ Due to its smaller membership, the Catholic union was never able to marshal enough support to elect one of its own to the committee; hence, its influence remained outside of the formal collective bargaining process. Leaders of the international union not only controlled the negotiating committee, but also played a prominent role in the Québec labour movement.²¹

Dissatisfaction among a large segment of bus drivers with inadequate representation on the negotiating committee led to the entrance of a third union in 1939. Paul-Emile Marquette, a bus driver and representative of the Catholic union, switched allegiances to the CCL-affiliated Canadian Brotherhood of Railway Employees [henceforth the “Brotherhood union”].²² He successfully enrolled the majority of bus drivers in early 1940. At the time other MTC workers, including streetcar operators and maintenance workers, seemed content with their international union. In 1940, approximately 1,800 workers were members of the international union, 900 affiliated with the Catholic union, 300 with the Brotherhood union, and 600 reported no union affiliation.²³

Company officials denied requests by Marquette to negotiate a separate collective agreement for bus drivers prior to the negotiation of a new collective agreement for all workers in May 1940.²⁴ In July an agreement was ratified by a strong majority of all workers (including Brotherhood members), but to the exclusion of the

²⁰NWLB, *Proceedings of National War Labour Board*, 289.

²¹During the late 1930s and 1940s several important Québec labour leaders were employed by the MTC. Raoul Trepanier was president of the powerful Montreal Trades and Labour Council [MTLC] and, in 1937, president of the Québec Provincial Federation of Labour [QPFL], the representative body for members of international unions. In 1943, Elphège Beaudoin replaced Trepanier as leader of the QPFL. Both men led the tramway’s international union. Paul-Emile Marquette, an MTC bus driver, was director of CCL organizing in Québec and leader in the Montreal Labour Council [CCL]. Gérard Picard, long-time MTC employee, was president of the Catholic tramway union, and later president of the CCCL, from 1946 to 1958. Under Picard the CCCL adopted more militant tactics. See Education Committee of the CSN, *The History of the Labour Movement in Quebec*, 124-125, 128, 162, 168.

²²In 1939, the Canadian Brotherhood of Railway Employees declared it would organize “other transport workers,” and thus became known as the CBRE & OTW. *The Canadian Brotherhood of Railway Employees and Other Transport Workers, 1908-1948. Forty Years of Progress* (Ottawa 1948), 24; *Le Tramway*, December 1937.

²³National Archives of Canada [hereafter NAC], Canadian Labour Congress [hereafter CLC], MG28 I215, Vol. 88, Tramways employees Montreal Conciliation board 1940-41, Majority Report, 4.

²⁴NAC, Jacob (J.L.) Cohen Papers [hereafter JCP], MG30 A 94, Vol. 22, Canada Brotherhood of Railway Employees Dispute 1940-4, Marquette to D.E. Blair, 13 February 1940; Simonneau, Maheu, and Marquette to Blair, 18 April 1940; Simonneau, Maheu, and Marquette to Blair, 28 May 1940.

Brotherhood. The contract was to expire either at the end of three years or at the end of the war, whichever would come later. A key provision stipulated that if “gross receipts for any such period shall exceed the sum of \$15 million the Company will set aside 25% of such excess as a fund to be paid as additional remuneration” to eligible employees.²⁵ Company officials initially chose not to register the new contract under the Québec Collective Agreement Extension Act due to concerns that it might lead to the backdoor recognition of the Brotherhood union.²⁶

Aaron Mosher, president of the Brotherhood and of the CCL, appealed the MTC’s anti-union actions to the federal Department of Labour. In September 1940, a conciliation board, including Canada’s leading labour lawyer, J.L. Cohen, was established to examine the matter. In a letter to Mosher, Cohen characterized the situation as one in which the MTC “virtually have attempted to decide who should represent this group of workers.”²⁷ Following a vote that revealed a large majority of bus drivers favoured representation by the Brotherhood union, company officials changed tactics and formally applied to have the collective agreement registered under provincial legislation.²⁸ Later the federal board announced that it would abstain from ruling on the matter given that the agreement might soon come under provincial jurisdiction. Cohen informed Mosher that the decision cleared the way for either an appeal to the Québec Department of Labour or “industrial action.”²⁹ In a surprise move the company withdrew its application to Québec City and the federal board reconvened. In response, Marquette pressed for a wildcat strike, but Mosher refused to lend financial support. Subsequently, a majority of the conciliation board (with the exception of Cohen) ruled in favour of maintaining a single bargaining unit. The decision provided the company with legal justification for shutting out the Brotherhood.³⁰

Wartime gasoline rationing made Montréalers increasingly dependent on buses and trams, increasing both employee workloads and MTC revenues. This triggered the bonus plan negotiated in 1940. In the early years of the war a series of fed-

²⁵*Labour Gazette*, 43 (June 1943), 751.

²⁶QUA, CGP, 5021.4, Box 1, Correspondence, Goldenberg to Claxton, 24 May 1943. The “Act Respecting the Legal Extension of Collective Agreements” afforded certain groups of non-union workers minimum working conditions and wages gained by unionized workers in the same industry.

²⁷NAC, JCP, MG30 A94, Vol. 22, Canada Brotherhood of Railway Employees Dispute 1940-4, File 2820, Cohen to Mosher, 3 October 1940.

²⁸NAC, JCP, MG28 I215, Vol. 88, file Tramways employees Montreal Conciliation board 1940-41, Memorandum “A” Department of Labour, Deputy Minister’s Office.

²⁹NAC, JCP, MG30 A94, Vol. 22, Canada Brotherhood of Railway Employees Dispute 1940-1, File 2820, Maclean to Cohen, 29 January 1941; NAC, JCP, MG30 A94, Vol. 22, Canada Brotherhood of Railway Employees Dispute 1940-4, File 2820, Cohen to Maclean, 30 January 1941.

³⁰NAC, JCP, MG28 I215, Vol. 88, Tramways employees Montreal Conciliation board 1940-41, Mosher to Marquette, 17 March 1941; Majority Report.

eral anti-inflation wage control measures were imposed on workers, each one more restrictive in terms of allowable forms of wage increases.³¹ In November 1941, MTC officials arbitrarily announced suspension of the bonus agreement, citing a new wage control policy (PC 8253) as the reason. The workers were convinced that this arbitrary decision, which would deprive them of the most important benefit under their collective agreement, was motivated more by the Company's profit-oriented self-interest than by any perceived requirement to abide by the government's wartime wage policy. Workers were aware of the growing gap between their wages and those of Toronto transit operators whose average pay was 20 per cent higher.³² Fighting for the bonus plan was one way of rectifying this inequality and ensuring that company officials respected conditions of the collective agreement.³³

With the tacit support of the Catholic and Brotherhood unions, the international union appealed the suspension of the bonus plan to the Québec wage control board. In June 1942 the quasi-judicial board ruled that the plan was in effect. The sense of victory was short-lived, however, when the company successfully appealed the decision to the parent to the provincial board, the National War Labour Board [NWLB].³⁴

To a growing number of workers the international union-dominated negotiating committee was seen as not being forceful enough in pressing for the bonus. One authoritative source noted that the company "had an easy time playing off one feeble union against the other — the AFL affiliate and the Syndicat affiliate."³⁵ Another described the negotiating committee as a "self-perpetuating group" because "officers replaced themselves by others whom they alone chose."³⁶ Further aggravating the situation was increased work demands caused by gas rationing and the boom in local war manufacturing. Growing worker discontent created another opportunity for Marquette, and, by mid-1942, two new Brotherhood locals (214 and 219) were founded for tram operators and maintenance workers respectively. The presence of three unions and continued attempts by company officials to maintain what was in effect a company union relationship with one of them, the international, intensified

³¹For a concise summary of the effects of wartime wage regulations see Fudge and Tucker, *Labour Before the Law*, 232-260.

³²Canada, Department of Labour, *Wage Rates and Hours of Labour in Canada 1944*, Report No. 27 (October 1946), 83-84.

³³In response to the company's actions the Catholic union collected over 2,000 worker signatures to petition the federal Department of Labour to intervene. Marquette tried but failed to gain Mosher's support for a worker petition authorizing the Brotherhood "to take on all affairs of general interest for tramway employees." NAC, JCP, MG28 I215, Vol. 88, Tramways employees Montreal Conciliation Board 1940-41, Mosher to Marquette, 26 August 1941.

³⁴*Labour Gazette*, 43 (June 1943), 751.

³⁵*The Canadian Register, Province of Québec Edition*, 10 April 1943.

³⁶Goldenberg, *Senator Carl Goldenberg*, 167.

inter-union rivalry and tension amongst the rank-and-file. However, the Brotherhood union had momentum and emerged as the favoured choice of workers.

By January 1943, 85 per cent of employees had united behind the Brotherhood union. Marquette informed MTC officials that workers were “extremely dissatisfied with certain working conditions and with certain other matters of general interest.” However, his requests to discuss recognition of his union and new grievance and “consultation” committees were refused. Weeks later over 1,500 tramway workers attended a mass meeting where a vote of non-confidence in the negotiating committee was passed. Despite strong collective support and threats by Marquette to appeal to Ottawa to formally intervene, MTC officials continued to block any course of action that potentially led to union substitution.³⁷ Provision for union substitution was of course notably absent under wartime labour legislation.

Realizing the gravity of the situation, Aaron Mosher became directly involved. On 24 February 1943, he unsuccessfully appealed the MTC’s suspension of the bonus plan to the NWLB. One week later he applied to the Department of Labour for a board of conciliation, indicating that strike action was likely without immediate intervention.³⁸ The demand was backed up by a majority of tramway workers who voted to strike.³⁹ On 16 March the government finally acted, appointing Bernard Rose, a Montréal lawyer, to investigate the situation.⁴⁰ A proposal by Mosher to organize a referendum of all workers to determine support for the existing negotiating committee and Brotherhood union was rejected by the two other unions and the company.⁴¹ A confidential internal memo written by the president of the MTC revealed his attitude towards the newest tramway union,

In view of the fact that, undoubtedly, they now have a large number of our employees enlisted in their Union, it does seem harsh to deny them the rights of [representation under the collective agreement], but the serious question to be considered is, if they were given these rights, what would be the next step.⁴²

Clearly, from the perspective of company executives, the core issue was their ability to continue to deny workers the benefit of the bonus plan.

On 26 March, the same day that Rose submitted his conciliation report to Ottawa, the NWLB announced it would hear appeals of wage control board decisions.

³⁷Canada, Department of Labour, Strike File 43-91, MTC pamphlet, 5, 10.

³⁸Archives de la Société de transport de Montréal [hereafter STM], S5/5,4.3,1, Application for establishment of a board of conciliation and investigation, 4.

³⁹*Montreal Gazette*, 11 March 1943.

⁴⁰The reluctance to expeditiously appoint a conciliator was typical of the federal wartime conciliation system. See Webber, “The Malaise of Compulsory Conciliation,” 57-88.

⁴¹STM, S5/5,4.3,1, Correspondance relative à la grève de 1943, Mosher to Rose, 18 March 1943.

⁴²STM, S5/5,4.3,1, Correspondance relative à la grève de 1943, Watts (MTC president) to G.W. MacDougall and Lucien Gendron, 19 March 1943.

Until this point unions in most industrial sections had been subject to decisions made by provincial boards. The next day the tramway negotiating committee obtained company permission to conduct a referendum to appeal the bonus issue to the NWLB. The ballot read:

The National War Labour Board has just been changed. This change gives the negotiating committee the opportunity to make new attempts with regard to wages. Are you in favour of according the negotiating committee all the support it will need to undertake these attempts on your behalf?⁴³

The referendum was a veiled attempt by the company and international union to maintain the status quo arrangement that served both parties so well. Angered by the manoeuvre, Mosher stated that the MTC and the international union had conspired to use a “trick ballot” that placed workers “in an untenable position no matter which way they voted” because a “yes” vote supported members of the unpopular negotiating committee.⁴⁴

Scheduled for 29 March, the controversial referendum rapidly escalated tensions between the members of the different unions. In telegrams to union leaders and company officials, Federal Minister of Labour Humphrey Mitchell requested that the vote and proposed strike be postponed pending further investigation.⁴⁵ MTC officials abdicated responsibility for the conflict, while the leader of the international union privately stated that his union “was exhausted of making sacrifices” to accommodate the Brotherhood.⁴⁶ His international union and company officials risked provoking a strike if leaders of the Brotherhood union were portrayed as the perpetrators, which seemed likely given the latent hostility towards the Brotherhood union which the conservative press, business groups, and some federal politicians assumed had direct ties to the more militant US-based CIO.⁴⁷

With no change in the situation Brotherhood members went on strike the evening of 28 March. The tramways walkout represented another in a long list of failures for federal labour policies, in this instance because a union with majority worker support was denied legal recognition. Mitchell called the walkout a “jurisdictional dispute,” adding, there was “less justification for it than for any other strike” since the beginning of the war.⁴⁸ For their part the international union

⁴³Debates of the House of Commons [hereafter *Debates*], Vol. 30 (Ottawa 1943), 1669.

⁴⁴*The Canadian Railway Employees' Monthly*, 107; *Montreal Gazette*, 31 March 1943.

⁴⁵*Debates*, Vol. 30, 1943, 1669.

⁴⁶Canada, Department of Labour Strike File 43-91, Industrial Relations Branch, Progress Report, 31 March 1943.

⁴⁷For views on the CIO see Irving Abella, *Nationalism, Communism, and Canadian Labour: The CIO, the Communist Party, and the Canadian Congress of Labour, 1935-1956* (Toronto 1973).

⁴⁸*Debates*, Vol. 30, 1943, 1629.

claimed that a raid had been instigated by a “pirate organization” with the support of “two strike experts” from the US.⁴⁹



“Picketers: Enemies of Canada.” Source: *Montreal Daily Star*, 30 March 1943, 10.

While there was inconvenience to the general public, the most serious aspect of the strike was the potential impact on war production. Workers in munitions and armaments factories were dependent on public transportation to get to suburban plants. English-language newspapers condemned the motives of the presumed instigator, the CIO, and questioned both the legality of the strike and patriotism of strikers. The *Globe and Mail* stated that the “primitive” and “ruthless CIO” was behind the tramway strike, while the *Montreal Gazette* called the strike “a hold-up” by “one of the local affiliates of Canada’s CIO partner.”⁵⁰ With the exception of *Le Devoir*, other main French-language papers *La Presse* and *Le Soleil* took a hard line against strikers.⁵¹ *Le Devoir* placed full blame on MTC officials, stating,

la grève d’aujourd’hui est la conséquence directe de la politique que la compagnie aurait suivie depuis nombre d’années. On blâme même certains membres en autorité de la

⁴⁹NWLB, *Proceedings of National War Labour Board*, 15; *Montreal Gazette*, 9 April 1943.

⁵⁰*Globe and Mail*, 30 March 1943; *Montreal Gazette*, 1 April 1943.

⁵¹*Le Soleil* referred to striking workers as “d’un groupe d’employés privilégiés,” 30 March 1943.

compagnie, d'être responsables de la grève, ayant trop souvent dans le passé abusé de la bonne foi des employés qu'on aurait grossièrement trompés. A ce propos il y a tout un débat, sans issue possible immédiate.⁵²

During the strike there were reports of isolated incidents of property damage and picket-line violence. Striking workers cut the electrical power to a car garage and jammed switches and control levers to disable tracks after members of the international union had attempted to operate trams by driving them through pickets.⁵³ A second-hand story claimed "C.I.O. boys and gangs of men" had forced members of the international union to sign "C.I.O. memberships" and to remain at Atwater market, where Brotherhood members gathered.⁵⁴ The *Montreal Daily Star*, which had referred to strikers as "disloyal citizens," had several windows at its headquarters smashed by militant workers.⁵⁵

Requests by MTC and international union officials for police escorts for trams operated by members of the international union were refused. The evidence shows that both front-line constables and their superiors were generally sympathetic to picketers. There are two explanations for this stance. First, senior officers did not consider the strike illegal, even though Mitchell had wired the Montréal Director of Police that the dispute was illegal. An unnamed "high official" in the police department informed the press that the telegram was "a veiled buck passing move" by Ottawa.⁵⁶ Later, Federal Labour Minister Mitchell acknowledged that "the first responsibility for the maintenance of law and order [in the tramways strike] rests upon the civil government of the city of Montreal."⁵⁷ The second reason for police limiting their role to observing picketing relates to shared ethnicity and common class concerns between officers and workers. As one paper noted,

Il est inutile d'exposer la vie des policiers et de tourner la police municipale en ridicule, lorsque les grévistes sont plus nombreux que les policiers et les armes don't ils disposent — la résistance passive et le piquetage — sont plus efficaces que les garcettes.⁵⁸

⁵² *Le Devoir*, 30 March 1943.

⁵³ *Montreal Daily Star*, 29 March 1943.

⁵⁴ NAC, Brook Claxton Papers [hereafter BCP], MG32 B5, Vol. 44, H.E. Kidd to Claxton, 1 April 1943.

⁵⁵ *Montreal Daily Star*, 30 March 1943; Dumas, *Dans le Sommeil de Nos Os*, 91.

⁵⁶ *Montreal Gazette*, 31 March 1943.

⁵⁷ *Debates*, Vol. 30, 1943, 1781.

⁵⁸ *Le Devoir*, 29 March 1943. A related explanation for police indifference was that a contingent of officers held a favourable view of the CCL-affiliated Brotherhood union. Weeks after the tramways strike a group of officers made discreet inquiries to Marquette about organizing. Eventually police unionized under the CCL banner and, in December 1943, staged a successful strike to win improvements in wages and working conditions. NAC, CLC, MG28, I103, Vol. 153, Correspondence, Part V, 1942-45, Marquette to Dowd, 12 May 1943; Dumas, *Dans le Sommeil de Nos Os*, 101-127.

An RCMP report noted that neither “communitistic” nor “subversive influence” was present in the tramways strike.⁵⁹ In the early 1940s the MTC employed known Communist members Napoléon Brizard, Jean Collon, Brenne, Moreau, and others.⁶⁰ During the strike the Montréal Communist organization, Workers Total War Committee, encouraged labour unity and urged tramway workers to “resume their important war job of carrying the workers employed in various plants to produce the tools of victory.”⁶¹ While it is possible that Communists may have been partially responsible for increasing rank-and-file militancy, reactionary newspaper editors would have certainly exaggerated any links — real or imaginary — among the CIO, Brotherhood, and Communists.

Evidence from newspapers, personal correspondence and other sources suggest that local public opinion towards the strike was generally split along linguistic lines, with the majority of French-speaking citizens, and some municipal leaders, supportive of strikers. As one city councillor stated, “I hope that Ottawa will show these employees, on strike in Québec, the same sympathy and consideration which they displayed toward the coal and steel strikes in the English-speaking provinces.”⁶² Indeed, federal politicians took care to respond in a way that would not aggravate strained relations between the Dominion government and French Canadian workers.

On the first full day of the tramways strike, Mitchell appointed Carl Goldenberg as Industrial Disputes Inquiry Commissioner, stating that Goldenberg’s “chief objective” was to get the trams running again. Privately, Mitchell assured colleagues that he would “take action” if Goldenberg was unsuccessful, though he did not say what action he was contemplating.⁶³ Although Goldenberg was as yet untested in a high profile role, he was viewed as a qualified candidate for the job. Mitchell stated he was a native of Montréal, bilingual, and “an important officer of the Department of Munitions and Supply, which ... is vitally interested in this dispute.”⁶⁴ As one newspaper editorialist noted, “for the first time in his brief career” Goldenberg had “a big job to do in his old home town.”⁶⁵

⁵⁹Canada, Department of Labour, Strike File 43-91, Royal Canadian Mounted Police “C” Division, 29 March 1943.

⁶⁰Henri Gagnon, *Les militants socialistes du Québec, d’une époque à l’autre* (Saint-Lambert 1985), 89.

⁶¹*Canadian Tribune*, 3 April 1943.

⁶²*Montreal Herald*, 29 March 1943. See also Laurel Sefton MacDowell, “The 1943 Steel Strike Against Wartime Wage Controls,” *Labour/Le Travailleur*, 10 (Fall 1982), 65-85.

⁶³*Debates*, Vol. 30, 1943, 1840. NAC, BCP, MG32 B5, Vol. 44, 500 King, Vol. 1, Claxton to King, 30 March 1943, 2.

⁶⁴*Debates*, Vol. 30, 1943, 1670.

⁶⁵*Montreal Daily Star*, 30 March 1943.

Carl Goldenberg

Carl Goldenberg had close ties to then prime minister Mackenzie King and was aware of King's views on the role of state intervention in industrial disputes. He already had sufficient experience in labour relations to have a perspective on the labour situation in Québec and an important part of his responsibilities in the Department of Munitions and Supply was as labour advisor to the Minister (C.D. Howe).

Goldenberg was the product of a particular background and early experiences. As part of the Jewish minority residing in a poor section of east Montréal, his family faced social and economic hardship early in his life. Influenced by his father, who was "liberal in his approach," he remained a loyal supporter of the Liberal Party throughout his lifetime, though he was not an outspoken partisan. The socializing influence of family and community made a lasting impression. Later in his career when Goldenberg was asked why he seemed equally comfortable with the union and management representatives, and could understand the position of the workers, Goldenberg mused, "It pays to have been born poor."⁶⁶

From 1924 to 1931, Goldenberg studied economics, and then law, at McGill University. In 1926 he met King by chance during a visit to Ottawa. The prime minister was so impressed by the 18-year-old Goldenberg that he invited him to dinner at Laurier House, where the two discussed a variety of topics including King's book *Industry and Humanity*. The prime minister wrote in his diary, "I shall be surprised if [Goldenberg] does not rise to a very high place in the future life of the country."⁶⁷ In his memoirs Goldenberg noted that on occasion King "discussed some important public matters" with him, and came to treat him "like a protégé."⁶⁸

The issue of inter-union rivalry in Québec was not new to Goldenberg when he undertook to conciliate the MTC dispute. In early 1937 the Montreal Dress Manufacturers Guild solicited him to provide a written opinion on the escalating conflict between a Catholic Sydicat and an affiliate of the International Ladies Garment Workers Union [ILGWU-CIO]. Both organizations were vying to organize female needle workers in the highly competitive garment industry. His advice to the Guild reflected the importance he placed on union responsibility. While he recommended that members of the Guild show impartiality between the two unions, he noted, "for the economic welfare of industry" it is necessary "that a trade union be well man-

⁶⁶Shirley Goldenberg, Interview, 12 March 2002.

⁶⁷NAC, King Papers, WLMK diary, 26 May 1926. Years later, King affirmed his initial impression of Goldenberg, writing that he had "a real future before him." When opportunities for legal advocacy were scarce in the 1930s, King wrote, "my colleagues ... all know of my desire to have your abilities availed of in connection with special governmental enquires." NAC, King Papers, WLMK diary, 14 December 1934, 2. QUA, CGP, 5021.4, Box 1, Correspondence, Mackenzie King to Goldenberg, 14 August 1936, 3.

⁶⁸Goldenberg, *Senator Carl Goldenberg*, 73, 135.

aged and led by people of experience, and who have a sense of responsibility.”⁶⁹ This advice conformed to the dominant view articulated by King that both “responsible” unions and union leaders represented the “legitimate interests” of the majority of workers, operated along constitutional lines, and most importantly, avoided strikes.⁷⁰

During the late 1930s, Goldenberg, like other members of the Montréal Jewish community, was alarmed by the sharp rise of fascism and anti-semitic propaganda, and the apparent public tolerance for these movements. In his brief to members of the Guild, the majority of whom were Jewish, he warned that they risked becoming victims of persecution. To make his point about the danger associated with recognizing the Catholic union which had anti-semitic elements, he used a blunt analogy: it would be “like trying to ‘buy off’ a mad dog which is threatening to bite you. It would be merely putting your heads in a noose and preparing your own destruction.”⁷¹ After several subsequent strikes, the Guild eventually negotiated an exclusive agreement with the ILGWU.⁷²

In personal correspondence Goldenberg revealed where he stood on the politics of industrial relations policy. Following events related to the famous strike by Oshawa General Motors workers in 1937, he offered his moral support to David Croll, the Ontario Minister of Labour, who had earlier campaigned on a pro-labour platform, but was forced to resign because of the hard line taken by Premier Hepburn towards the CIO during the Oshawa dispute.⁷³ Later Goldenberg wrote, “Please accept my heartiest congratulations on your stand on trade unionism. As a liberal, I have been amazed at the turn of events in Ontario. I admire your attitude and your adherence to principles.”⁷⁴ In another letter Goldenberg lamented the broader political consequences of Hepburn’s actions, stating that the Tory premier

⁶⁹QUA, CGP, 5021.4, Box 37, Goldenberg to Montreal Dress Manufacturers Guild, 4 February 1937, 2.

⁷⁰See Paul Craven, *“An Impartial Umpire”*: *Industrial Relations and the Canadian State 1900-1911* (Toronto 1980), 68, 233-235. Later, Goldenberg paid tribute to the American-born organizer for the ILGWU, Bernard Shane, one of many non-communist CIO figures who fit the description of “responsible,” by referring to him as “one of the real labour statesmen in Quebec” (Goldenberg, *Senator Carl Goldenberg*, 289). For an account of the divisions between Communists and ILGWU leaders in Montréal, see Mercedes Steedman, “The Promise: Communist Organizing in the Needle Trades, the Dressmakers’ Campaign, 1928-1937,” *Labour/Le Travail*, 34 (Fall 1994), 37-73, esp. 61-69.

⁷¹QUA, CGP, 5021.4, Box 37, Goldenberg to Montreal Dress Manufacturers Guild, 4 February 1937, 5.

⁷²Rouillard, *Le Syndicalisme Québécois*, 86-88.

⁷³See Irving Abella, *On Strike: Six Key Labour Struggles in Canada 1919-1949* (Toronto 1974).

⁷⁴QUA, CGP, 5021.4, Box 1, Correspondence, Goldenberg to Croll, 14 April 1937.

had “made the error of taking a stand in a dispute where *the Government must be impartial*” [emphasis added].⁷⁵

This evidence suggests that Goldenberg, unlike King, was committed to the need for reform in industrial relations policy. The two men formulated their understanding and approach to industrial organizing and state intervention in very different political and social contexts. Goldenberg was part of a group of younger, well-educated new liberals, who emerged in the 1930s favouring an expanded role for the welfare state and policy solutions to social issues.⁷⁶ With respect to industrial relations, Goldenberg supported genuinely neutral state intervention in labour disputes, certain core union rights, and the maintenance of industrial order. In contrast to King, he was not blindly opposed to union recognition strikes, nor was he alarmed by the more militant CIO making inroads in Canada in the era of industrial organizing, provided that affiliated unions were led by responsible persons and adhered to democratic principles. He believed that the rights of workers to be represented by a union and union leader of their choosing were too important to overlook. In contrast, King associated responsible labour with adhering to labour law, and he remained somewhat suspicious of non-Canadian-born union leaders and the activities of the Canadian branch of the CIO, and later, CCL. Further, it was evident, in 1937, that Goldenberg understood the intricate and dynamic nature of labour relations in Canada, and the need for governments to respect the workers’ right to organize. From this view, right-wing populists like Hepburn harmed workers, business, and the public interest.

Further experience prior to the Montréal tramways strike illustrates Goldenberg’s commitment to the betterment of labour-management relations. In April 1940, he was appointed arbitrator by the newly elected Liberal government in Québec to apply the Collective Agreements Extension Act to a recent contract between an international union and Montréal dressmaker. The Minister of Labour confided in Goldenberg his hope that improved working conditions and wages would “succeed to bring peace and harmony to this industry which has known class warfare, trouble, and inhuman competition for several years.”⁷⁷ The establishment of joint union-management committees was a key feature of Goldenberg’s decision in this case. Later, under his influence, union-management committees were established in major wartime industries. Such committees became symbolic of post-war settlements’ emphasis on cooperation.⁷⁸ Goldenberg believed this forum could foster cooperation without co-opting worker interests or acting as a substitute for an in-

⁷⁵QUA, CGP, 5021.4, Box 1, Correspondence, Goldenberg to Vincent Massey, 21 April 1937, 1.

⁷⁶Doug Owsram, *The Government Generation: Canadian Intellectuals and the State 1900-1945* (Toronto 1980), 192-220, 254-284.

⁷⁷QUA, CGP, 5021.4, Box 1, Correspondence, Rochette to Goldenberg, 29 August 1940.

⁷⁸See Peter McInnis, *Harnessing Labour Confrontation: Shaping the Postwar Settlement in Canada, 1943-1950* (Toronto 2002), ch. 4.

dependent union. In the past King had supported worker-employer consultation committees as substitutes for bona fide unions, whereas Goldenberg saw them as a “supplement to collective bargaining.”⁷⁹

It is unfortunate, given references to the prominence of class tensions during this period, that Goldenberg does not provide a clear opinion on the matter. He was aware of the class view of society from his own observations of the growing frustration among working people during the Depression and the rise of the Co-operative Commonwealth Federation [CCF]. Among his personal friends were J.S. Woodsworth and David Lewis, two prominent CCFers. His views on class would be very interesting given that his work in labour relations required him to find and implement solutions to ‘labour problems’.

In 1940, Goldenberg was appointed Director-General of Economics and Statistics in the Department of Munitions and Supply. During the war he held several other senior posts in the public service and advised the Minister of Munitions and Supply, Clarence Decatur (C.D.) Howe, on important labour matters.⁸⁰ In December 1942, Howe appointed Goldenberg to act as liaison with the Department of Labour to scuttle attempts by some of his senior officials to intervene in labour relations. Howe wrote, “Goldenberg is ... thoroughly familiar with the labour policies of the Government. Please see that no Crown Company agreements are signed without his concurrence in their contents.”⁸¹ The memorandum speaks to the scope of influence Goldenberg had over wartime industrial relations.

It is not clear before the Montréal tramways strike how Goldenberg’s reformist views on industrial relations, practical experience, and King’s early influence would guide his actions as a government-appointed conciliator. Clearly he understood that expeditiously negotiating labour peace was a top priority, especially when important war industries were affected.⁸² Further, because the international tramway union was affiliated with TLC, which had committed to a “no-strike” pledge, its actions conformed closely to government priorities. Interestingly, a condition of Goldenberg’s acceptance to conciliate the tramways strike was that the Brotherhood and CCL president, Aaron Mosher, accompany him to Montréal. Goldenberg recollected, “I knew Mosher well but Mosher’s man in Montréal who was organizing this raid on the [international] union was someone in whom I didn’t

⁷⁹Goldenberg, *Senator Carl Goldenberg*, 128. See also Fudge and Tucker, *Labour Before the Law*, 59, 122, 141, 164, 251; Craven, “*An Impartial Umpire*,” 235; Laurel Sefton MacDowell, “Company Unionism in Canada 1915-1948,” in Bruce E. Kaufman and Daphne Gottlieb Taras, eds., *Nonunion Employee Representation: History, Contemporary Practice, and Policy* (New York 2000), 96-119.

⁸⁰Other positions included chairman of both the Manpower Committee and Industrial Production Co-operation Board, as well as membership on both the Production Board and Selective Service Advisory Board.

⁸¹QUA, CFP, 5021.4, Box 1, Correspondence, Howe to Goldenberg, 24 December 1942, 2.

⁸²See Webber’s discussion of the priorities of wartime conciliation, “The Malaise of Compulsory Conciliation,” 58-59.

have confidence.”⁸³ The organizer he referred to is likely Marquette, earlier linked to the Catholic tramway union before aligning with the Brotherhood.

Upon arrival in Montréal, Goldenberg conferred separately with representatives of each of the three unions and the company. The leader of the international union later claimed that Goldenberg admitted to him that the Brotherhood union was acting “entirely unfair,” but that “he had a mission to get the streetcars running at all costs.”⁸⁴ Early in the evening on 30 March, workers rejected a six-point proposed settlement drafted by Goldenberg because it contained no provisions making the Brotherhood the sole bargaining agent or granting a closed shop.⁸⁵ Later, in the absence of leaders of the Catholic and international unions, Goldenberg was able to convince MTC officials to recognize the Brotherhood union, whose support, he emphasized, was demonstrated by the large assembly of workers at Atwater Market.⁸⁶ In the early hours of 31 March a tentative agreement was struck; Marquette and Mosher subsequently negotiated worker acceptance.

The settlement, which substituted the Brotherhood union for the international union, contained four points. First, the Brotherhood union was permitted to appoint three members to the negotiating committee. The MTC agreed to recognize this group as the sole bargaining agent for the employees. Second, members to the negotiating committee would henceforth be elected by an annual secret ballot. Third, no additional work stoppages were permitted for the duration of the war. Finally, the parties agreed to use federal conciliation machinery to resolve any future disputes.⁸⁷

The Aftermath of the Settlement

French- and English-language newspapers denounced the pact arranged by Goldenberg. *Le Monde Ouvrier* asked, “S’il faut que la violence obtienne ce que la légalité et la justice n’ont pu obtenir, à quoi servira-t-il [sic] d’observer la loi?”⁸⁸ An editorial in *Le Soleil* stated, “Une fois de plus, par le retard inexplicable des autorités du département du Travail, il semble que le gouvernement s’en soit laissé imposer par les éléments du désordre.”⁸⁹ English-language newspapers were equally critical of the federal government’s handling of the walkout. The *Montreal Gazette* branded Goldenberg as one of the city’s “home-grown appeasers at

⁸³ Goldenberg, *Senator Carl Goldenberg*, 167.

⁸⁴ *Montreal Daily Star*, 2 April 1943. Years later, Goldenberg admitted that “there was no question ... that the strike was illegal.” QUA, CGP, 5021.4, Box 1, Correspondence, Goldenberg to Chief Justice Gordon, 7 May 1954.

⁸⁵ *Montreal Daily Star*, 31 March 1943.

⁸⁶ Goldenberg, *Senator Carl Goldenberg*, 167.

⁸⁷ *Labour Gazette*, 43 (June 1943), 748-749.

⁸⁸ *Le Monde Ouvrier*, 3 April 1943.

⁸⁹ *Le Soleil*, 31 March 1943.

Ottawa.”⁹⁰ Another paper alleged that the government’s actions had made “a laughing-stock of legality.”⁹¹ The short-term economic consequences of the strike, however, were deliberately overstated in some reporting in order to sharpen attacks towards the Brotherhood and federal government labour policy. Newspaper reports noted that war plants operated with 40 to 90 per cent of staff the second day of the walkout.⁹²

In Ottawa, the Minister of Labour publicly congratulated Goldenberg and provided this familiar, but hollow sounding defence of the federal industrial relations system,

We have the kind of machinery that is talked about in the United States, machinery which provides for a waiting period. No one needs to resort to the strike weapon in order to obtain justice.⁹³

The statement confirmed that the government was committed to the status quo at the peak of wartime industrial unrest. Indeed, at this time, the King cabinet was deeply divided over labour issues, and incapable of bold action. The agreement arranged by Goldenberg neither resolved the question of the bonus clause nor did it mitigate public attacks toward federal labour policy.

In an attempt to rally public support for responsible labour, the president of the international union stated that he would not take the settlement “sitting down or it will spread all over Canada.”⁹⁴ Denouncing the strike as “the most shameless piece of open sabotage” during the war, he demanded that the government overturn the settlement or face the risk of violence among tramway workers affiliated with the different unions.⁹⁵ Adding to the pressure the executive of the Montréal Trades and Labour Council [MTLC] considered mobilizing a general strike of about 100,000 TLC-affiliated workers in Montréal. The press speculated that a massive protest would lead to a declaration of martial law and the presence of troops in the city.⁹⁶

⁹⁰*Montreal Gazette*, 22 April 1943; *Globe and Mail*, 1 April 1943.

⁹¹*Winnipeg Tribune*, 31 March 1943; see also *Globe and Mail*, 2 April 1943; *Ottawa Journal*, 2 April 1943.

⁹²*Ottawa Evening Citizen*, 30 March 1943.

⁹³*Debates*, 31 March 1943, 1723-1724.

⁹⁴*Toronto Star*, 31 March 1943. Amid the strike post-mortems was an allegation of “Brown Shirt tactics of the CIO union.” The charge that fascist elements were involved in the strike stems from a speech delivered by Marc Carrière to strikers. Carrière was a known fascist who had previously been arrested by the RCMP for illegal political activities. The MTLC placed large six-column advertisements in both the *Montreal Gazette* and *Montreal Daily Star* to protest the settlement and bring publicity to Carrière’s speech. *Montreal Daily Star*, 2 April 1943.

⁹⁵*Montreal Gazette*, 3 April 1943; *Debates*, Letter from Beaudoin to Jean-François Pouliot (MP), Vol. 30, 1943, 1781.

⁹⁶*Montreal Daily Star*, 31 March 1943; *Le Devoir*, 31 March 1943.

Although the labour council backed down from its threat, it demanded the resignations of Mitchell and the Director of Industrial Relations, noting that their actions “est un défi à notre mouvement ouvrier.”⁹⁷ To avoid being seen as opposing the popular will of tramway workers, leaders of the international union adopted a new tactic. They challenged the legality of the Goldenberg settlement.

Mosher continued to play a prominent role in the aftermath of the tramways strike. When MTC officials refused to discuss his proposals to settle the bonus plan, he quickly appealed the issue to the NWLB.⁹⁸ His direct involvement in the tramway dispute enabled him to assert central control over a large group of workers involved in a potentially explosive situation, while preserving the reputation of the Brotherhood as a strong, but responsible labour organization.

Back in Ottawa Goldenberg received a copy of a scathing front-page editorial entitled “Truth and the Tramways Strike” from Murray Ballantyne, editor for the Province of Québec edition of the *Canadian Register*. The article charged that the *Montreal Star* was so “allergic to the CIO” that it had “deliberately suppressed and distorted the truth.” Goldenberg wrote that the piece “presented the principal considerations in their true relationship to the facts of the case.” In a reply that appears to have gone unanswered, Ballantyne accused the large dailies in Montréal for “building for themselves the very class hatred and disunity which they so much fear” in their biased reporting on the strike.⁹⁹

Like other major strikes, the tramway strike raised serious questions about the short-term survival of the Federal government’s system of industrial legality. Five days after the stoppage, Justice C.P. McTague and J.L. Cohen, recently appointed NWLB chairman and labour representative respectively, spoke to separate audiences in Montréal. Cohen reiterated his well-known views on the urgent need for collective bargaining legislation, while McTague spoke of the pressing need for greater cooperation between labour and capital. The chairman went further, indirectly criticizing tactics used by Mosher’s Brotherhood during the recent transit strike. McTague bluntly predicted violence if the law continued to be defied,

[The] government will have to take drastic action if more of these events occur. When that time comes — and it must come if we have not changed the moral code and made the illegal the legal — people will be hurt, and seriously hurt. Blood has run before in this country in strikes.¹⁰⁰

⁹⁷*Le Monde Ouvrier*, 3 April 1943.

⁹⁸STM, S5/5,4.3,1, Correspondance relative à la grève de 1943, Mosher to Blair, 1 April 1943.

⁹⁹*The Canadian Register, Province of Québec Edition*, 10 April 1943; QUA, CGP, 5021.4, Box 1, Correspondence, Ballantyne to Goldenberg, 9 April 1943; Goldenberg to Ballantyne, 12 April 1943; Ballantyne to Goldenberg, 13 April 1943.

¹⁰⁰*Debates*, Vol. 30, 1943, 1889.

The speech renewed debate in Ottawa over the handling of the tramway strike. Angus MacInnis and Clarence Gillis, two vocal CCF MPs, said that the speech should never have been made. To Gillis the Montréal dispute was simply another example of how government conciliation machinery was “cluttered up.” Mitchell defiantly shot back that unions should no longer be permitted to “challenge the state and get away with it.” C.D. Howe boldly proclaimed, “if labour attempts to short-cut local boards or the central board and tries to force the issue by an illegal strike, the weight of the government will be definitely in support of law and order.”¹⁰¹

The internal and external pressure on King to show leadership on the national labour crisis continued to mount in the wake of the tramways strike. The *Gazette* reminded the Dominion government that some TLC-affiliated unions had reneged on their no-strike promise since terms of the settlement were made public. It concluded, “The road to appeasement has reached its bitter end. The time has come for a stand, a test of wills.”¹⁰² Similarly, the pro-business *Financial Post* declared,

[The] law-abiding men and women of Canada deserve to hear from Prime Minister King himself where he stands in this whole matter. Does he agree with the Goldenberg Tramway settlement or with ... his appointee to the chairmanship of the National War Labour Board, Mr. McTague.¹⁰³

Despite these invitations, the prime minister offered no public comment on either the tramways dispute or the future of federal labour policy. In early 1943, King linked increased industrial strife to overly “legalistic” application of federal wage control policies, but not to the policies themselves. Based on the available evidence there were no signs that he intended to abandon industrial voluntarism for either state coercion or a liberal new deal. His ideological beliefs limited state intervention in industrial relations, and King remained steadfast in his commitment to “even-handedness,” which meant that few substantive protections were offered to trade unions. King probably viewed the Wagner Act, which established compulsory collective bargaining legislation in the United States in 1935, as “class legislation” because he believed that it unfairly benefited unions.¹⁰⁴ During the era of CIO-CCL organizing he maintained blind commitment to his time-tested theoretical ideal of “community,” an abstract corporatist form of industrial democracy in

¹⁰¹*Debates*, Vol. 30, 1943, 1889. At the same time Liberal MP Brooke Claxton, whose constituency was home to the MTC, warned King that the tramway settlement “may open the door to a train of difficulties across Canada.” NAC, BCP, MG32 B5, Vol. 44, 500 King, Vol. 1, Claxton to King, 30 March 1943.

¹⁰²*Montreal Gazette*, 8 April 1943.

¹⁰³*The Financial Post*, 17 April 1943.

¹⁰⁴Taylor Hollander, “Making Reform Happen: The Passage of Canada’s Collective-Bargaining Policy, 1943-1944,” *The Journal of Policy History*, 13 (2001), 299-328, esp. 307.

which the common interests of all social groups were pursued. Despite the storm of protest created by strikes, state intervention continued to be *ad hoc*, pragmatic, and heavily influenced by a political calculus which took into account public support for strikers, critical wartime production, and, in Québec, concerns about national unity.

The paralysis at the federal level was broken when, on 9 April 1943, members of the NWLB announced immediate public hearings into the causes of labour unrest. The inquiry would prove to be instrumental in the process leading to the adoption of compulsory collective bargaining legislation one year later.¹⁰⁵ Due to his desire to maintain public trust in the board at a critical point in its development, McTague tried to reassure critics of his earlier remarks in Montréal,

There is another thing that is evidently bothering a great many people coming on the heels of the Montreal Tram strike and the address which I made. There have been misgivings that labor is being brought to the bar as an accused body. I would emphasize that is not the attitude taken by the board at all. The board contemplates an investigation into all causes of unrest regardless of the cause.¹⁰⁶

The atmosphere of the impending NWLB public inquiry was potentially threatened by events related to the aftermath of the tramways strike. In the days following the strike settlement Conservative Party MPs pressed Mitchell to explain why no legal action was being pursued against the parties involved in the “illegal” tramways strike. Unbeknownst to the Opposition, Minister of Justice, Louis St. Laurent, and likely with the support of others in Cabinet, was contemplating criminal charges against all parties. The plan called for prosecuting officials of the MTC and international union for disrupting “peace, order and good government” for refusing to call off the controversial vote to appeal to the NWLB when instructed to do so by the Minister of Labour. Brotherhood leaders, the primary targets of legal action, would be charged with leading the illegal strike.¹⁰⁷ Prosecution was an inherently risky strategy, but thought to be an effective response to growing criticism of the government’s shaky commitment to maintain industrial order.

The Deputy Minister of Labour, Arthur MacNamara, discussed the situation with Goldenberg, whom he felt could help thwart legal action, which would have serious implications for Dominion-Provincial relations and public opinion in Québec. During the war, Goldenberg regarded St. Laurent as conservative in his attitude towards trade union activities, and perhaps agreed with others who doubted that the Justice Minister was a “real liberal.”¹⁰⁸

¹⁰⁵Hollander, “Making Reform Happen,” 299-328.

¹⁰⁶*Montreal Gazette*, 10 April 1943.

¹⁰⁷*Debates*, Vol. 30, 1943, 1840-1841; QUA, CGP, 5021.4, Box 37, Montreal Tramway Strike, Mitchell to King, 10 April 1943.

¹⁰⁸Goldenberg, *Senator Carl Goldenberg*, 169. Jack Pickersgill, long-time senior federal Liberal party worker and assistant to both King and St. Laurent, wrote that when St. Laurent

On 9 April, Goldenberg addressed a three-page letter to MacNamara, which he had written with different audiences in mind, the foremost being King. The prime minister received a copy and a separate memorandum from Goldenberg the same day. Goldenberg stated that he was “very strongly opposed” to prosecution because it would “entail very serious consequences” that King would want to “exert all efforts to avert.” These consequences included a resumption of the tramway strike and rapid escalation of tensions between French- and English-speaking citizens of Montréal that might possibly lead to civil unrest. Symbolically, however, his first point related to the NWLB inquiry, announced the previous day. Goldenberg noted, “New policies regulating labour relations, and likely to arouse bitter antagonisms, should therefore not be introduced” pending the outcome of the public hearings. At the end of the letter he reiterated that legal action would be counterproductive to the board’s important undertaking, which he sensed was a significant development.¹⁰⁹

That Goldenberg had given thought to impending changes in labour relations policy is evident in some of his correspondence. Days before Goldenberg had written to his friend Stuart Garson, premier of Manitoba, that compulsory collective bargaining legislation proposed in Ontario, “will undoubtedly be followed by demands for similar legislation in all other provinces, and I recommend that you prepare yourself accordingly.”¹¹⁰ Although Goldenberg was attuned to the nationwide trend in labour law reform, he remained circumspect as to the possible outcome of the NWLB inquiry.

The letter to King elaborated on the political issues that were of primary importance to the prime minister in 1943, including French-English relations and restoring labour cooperation for the war effort. With respect to the potential political gain that might be realized from prosecution, the prime minister was warned,

The mere publicity which will result will be a one or two days’ wonder. But publicity will not solve your problem.... If it convicts merely the strikers and acquites [sic] the company, as is quite possible, the danger of grave industrial unrest is very real.¹¹¹

King was advised not to use the tramways strike “to set an example” to appease the influential English-speaking establishment that was demanding government action. Goldenberg cautioned,

later became prime minister he had not arrived at a “satisfactory Liberal attitude to labour relations” (*My Years with Louis St. Laurent: A Political Memoir* [Toronto 1975], 20, 127).

¹⁰⁹QUA, CGP, 5021.4, Box 37, Montreal Tramway Strike, Goldenberg to King, 9 April 1943.

¹¹⁰QUA, CFP, 5021.4, Box 1, Correspondence, Goldenberg to Garson, 3 April 1943.

¹¹¹QUA, CGP, 5021.4, Box 37, Montreal Tramway Strike, Goldenberg to King, 9 April 1943.

prosecutions will be understood as being instigated by a minority pressure group which is considered already to be all-powerful, and which, whether justified or not, is not popular with a large proportion of the citizens of Montreal, or of the Province. You well know that the newspapers who are bringing pressure to bear do not represent the population of Montreal.¹¹²

In the wake of criminal charges Goldenberg predicted a resumption of the strike that would compel the Dominion government to take drastic measures to restore law and order. He noted that “further arrests” would have little effect, adding, “You may find yourself obligated to call out troops — probably from other provinces [to break up sympathy strikes]. You know what that means. *In a liberal-democratic state, machine guns don’t solve labour problems under any circumstances*” [emphasis added].¹¹³ While the probability of a US Ludlow-like massacre in Montréal was extremely low, Goldenberg knew that King would never endorse actions that might rapidly escalate the situation out of control. Reflecting on his letter to King nearly four decades later, Goldenberg recalled, “You know Mackenzie King had been very active in labour relations, after all he was the first Deputy Minister. *And I knew King*” [emphasis added].¹¹⁴

In a separate letter Mitchell reiterated to King that prosecution might impress the “St. James Street crowd,” though, he concluded, it would be “politically unwise” and “not be beneficial to the success” of the NWLB inquiry. He added that informal discussions between officials in the departments of Labour and Justice concluded that Ottawa may have lacked the constitutional authority to intervene. St. Laurent, who had been included in the distribution of Goldenberg’s letter, eventually agreed that prosecution was not desirable.¹¹⁵

Goldenberg’s efforts to avert criminal prosecution were successful. Later, he was informed that King agreed that there should be “no proceedings” in the matter and, furthermore, that the prime minister “wished he had more advisors like him.”¹¹⁶ Not surprisingly, King trusted officials who were able to carefully discern important political, legal, and social factors in the aftermath of high profile industrial disputes. Goldenberg deliberately appealed to King’s long-standing commitment to even-handedness and unwillingness to create conditions that would lead to calls for the use of state force. Given the fragile political climate in Montréal, the prime minister strongly opposed any action that might lead to a confrontation with

¹¹²QUA, CGP, 5021.4, Box 37, Montreal Tramway Strike, Goldenberg to King, 9 April 1943.

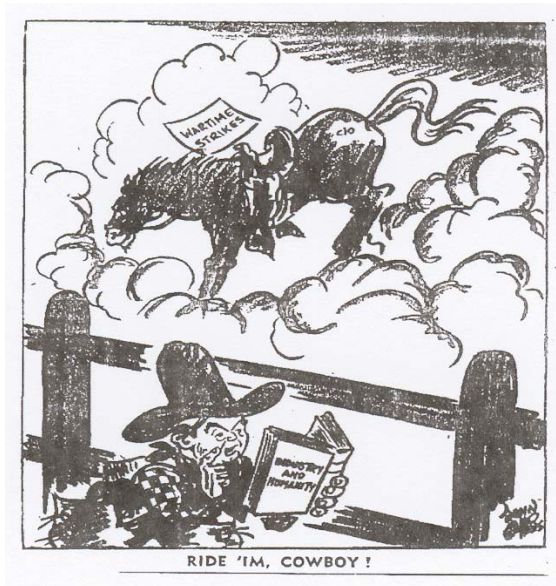
¹¹³QUA, CGP, 5021.4, Box 37, Montreal Tramway Strike, Goldenberg to King, 9 April 1943.

¹¹⁴Goldenberg, *Senator Carl Goldenberg*, 169.

¹¹⁵QUA, CGP, 5021.4, Box 37, Montreal Tramway Strike, Mitchell to King, 10 April 1943; F.P. Varcoe, Deputy Minister of Justice, to MacNamara, 12 April 1943; St. Laurent to Goldenberg, 10 April 1943; Goldenberg to Howe, 12 April 1943.

¹¹⁶Goldenberg, *Senator Carl Goldenberg*, 169.

French Canadian workers to contain a situation to which his policies and the Minister of Labour had contributed. The internment of the populist Montréal mayor in 1940 and national plebiscite on conscription in 1942 had revealed that citizens were deeply divided along class and linguistic lines. In this context, the use of state coercion would be both politically reckless and incongruent with his ideology. Under these circumstances important political considerations took precedence over strict legal approaches to producing labour peace.



King's methods fail to contain CCL-CIO wartime strikes. Source: *Montreal Gazette*, 19 May 1943, 8.

After weeks of delay, the NWLB heard the appeal of the MTC worker bonus plan. The international union raised a preliminary objection to the Brotherhood being the sole appellant, arguing that only the negotiating committee elected in 1940 was entitled to initiate legal action. Mosher countered that his union represented tramway workers as per the agreement arranged by Goldenberg. The Board ruled not only had Goldenberg no authority to settle the strike under the Industrial Disputes Investigation Act [IDIA], but also that substitution of members of the negotiation committee had not been “made in a manner free of any element of error, fraud or coercion.”¹¹⁷ Leave for appeal was granted until such time that Mitchell was able to

¹¹⁷*Labour Gazette*, 43 (June 1943), 750. The NWLB ruling seems inconsistent with Webber's assessment of wartime application of the IDIA, which he notes, “was a flexible in-

ascertain which negotiation committee or union represented tramway workers. The decision made it clear that wartime legislation was grossly inadequate to deal with the issue of union substitution. Goldenberg had, in effect, been operating in a legal vacuum.

To resolve the politically awkward situation Mitchell accepted a proposal from Goldenberg to conduct a vote to determine worker support for each union. The referendum was later cancelled when the international union, sensing defeat, withdrew its earlier objection, in exchange for its own inclusion, along with the Catholic union, as supplementary appellants.¹¹⁸ On 17 June 1943 the board issued a final decision on the status of the bonus plan amid reports of an imminent strike by workers frustrated by the slowness of the appeal process.¹¹⁹ It found that the revenue-sharing plan had legal effect. The total amount of the bonus accrued between 1 January and 30 June 1943 was \$1,794,000. The prolonged battle with the MTC resulted in eligible employees receiving between \$400 and \$640 — an amount equivalent to approximately 35 per cent of their annual salary.¹²⁰

In the tradition of King's brand of active mediation, Carl Goldenberg had demonstrated that he was able to work quickly to settle a politically charged wartime strike. The diverse positions taken by Howe, Mitchell, and Goldenberg on the tramways strike reflect divisions among high-ranking state actors over how to restore industrial order in the vacuum created by the prime minister's inadequate leadership on the issue. Despite being widely criticized in the press for his handling of the jurisdictional strike, Goldenberg's approach to conciliation strengthened his reputation as a reliable labour specialist. He had been proactive on the ground in

strument, adaptable to diverse circumstances, and [permitted] considerable latitude in the choice of method used to procure a settlement"; see "The Malaise of Compulsory Conciliation," 60.

¹¹⁸Goldenberg, *Senator Carl Goldenberg*, 168; *Montreal Gazette*, 25 May 1943; STM, S5/5,4.3,1, Correspondance relative à la grève de 1943, Blair to Wilson, Wilson to Blair, 20 May 1943.

¹¹⁹*Montreal Gazette*, 18 June 1943.

¹²⁰STM, S5/5,4.3,1, Correspondance relative à la grève de 1943, Watts to Claude Choquette, 2 September 1943. Most employees earned between \$17 and \$34 per week; however, Dumas notes that some workers received a weekly salary of only \$10. The average bonus awarded to employees calculated by dividing total bonus by 4,000 employees. Inter-union rivalry continued after resolution of the bonus. Less than one year later, a group of workers staged a wildcat strike to protest the company's suspension of Brotherhood members who had refused to operate trams with members of the international union. In early August 1944 a majority of tramway workers struck again over demands for a closed shop and union dues check-off. On the ninth day of the walkout the federal government assumed control of MTC operations and made it an offence for the strike to continue. Finally, in February 1945, amid renewed threats of strike action, the Brotherhood union was made exclusive bargaining agent. *Montreal Gazette*, 4 March 1944; *Labour Gazette*, 44 (August 1944), 971-972; *Labour Gazette*, 45 (July 1945), 987.

acting on worker demands and, as his letter to King attests, capable of clearly making sense of and articulating serious threats to the state. While the development of his approach to conciliation requires critical investigation across different contexts and times, the argument that Goldenberg made some of King's ideas relevant in the era of the CCL-CIO is reflected in both his insistence that Mosher, a responsible union leader, accompany him to Montréal, and in King's praise of his approach.

PC 1003 and Union Substitution

The NWLB public inquiry released majority and minority reports in September 1943. In their influential majority report, the chairman and employer representative recommended compulsory collective bargaining for the purpose of industrial stability, over labour representative J.L. Cohen's worker-centred proposals, contained in his minority report, which aimed at facilitating shop floor industrial democracy.¹²¹ Although rare during the war, union raiding, the majority report judged, was cause for concern. Such activity was said to be carried out by "unscrupulous," "conscienceless," and "irresponsible" organizers who were selfishly motivated to "obtain numerical results" at any cost.¹²² In comparison, the problem of company unionism was only mildly denounced in the majority report, and surprisingly there was no acknowledgement of the link between company unionism and worker-driven change in union representation. The strong condemnation of all union raiding activity supported the report's "balanced" conclusion that "a [new] code of labour relations must take cognizance of unnecessary and undesirable tactics on the part of labour organizers as well as of industry."¹²³

Recommendations contained in the majority report formed the basis for the Wartime Labour Relations Regulations Act (PC 1003), adopted in February 1944. The new labour law compelled employers to enter into collective bargaining with recognized unions, prohibited employers and unions from engaging in unfair labour practices, prohibited company unions and required parties to use conciliation machinery in the case of interest disputes and grievance arbitration to resolve rights disputes.¹²⁴ The legislation also restricted the election of new bargaining representatives to a period ten or more months following the expiration of a collective agree-

¹²¹King dismissed the controversial labour appointee at the Chairman's request, in September 1943, for pre-empting official public release of details of the reports. For a detailed account of interpersonal relations among members of the board see Laurel Sefton MacDowell, *Renegade Lawyer: The Life of J.L. Cohen* (Toronto 2001), ch. 4.

¹²²*Labour Gazette*, 45 (1945), 3. Ministry of Labour statistics show that inter-union conflict was rarely the cause of wartime strikes. Between 1943 and 1945, when this data was reported, less than 2 per cent of total strikes and lockouts were due to "inter-union disputes"; see *Labour Gazette*, 44-46 (1944-1946).

¹²³*Labour Gazette*, 45 (1945), 3-4.

¹²⁴These provisions were later incorporated into the Industrial Relations Investigations Act (1948).

ment.¹²⁵ Previously, the Industrial Disputes Investigation Act made no distinction among “interest, grievance, recognition, and jurisdictional disputes.”¹²⁶ Thus, while the new comprehensive labour code differentiated among sources of industrial conflict, its primary purpose was to ensure industrial stability.

In the case of inter-union jurisdictional disputes, PC 1003 followed policy established by the US National Labour Relations Board [NLRB], which by the mid-1940s required a vote to resolve disputes related to conflict over union representation. However, earlier NLRB boards had pursued a more flexible and democratic approach to union substitution that was more responsive to changes in worker interests. The “doctrine of union substitution,” notes Christopher Tomlins, allowed “unrestricted choice of representatives” at any time during a collective agreement, and permitted new union representatives to continue with an existing collective agreement, bargain to modify it, or terminate an agreement.¹²⁷ However, by 1941 there was growing pressure on the NLRB to delay union substitution in order to prevent strikes. Subsequently the rules of substitution were tightened, creating conditions that could lead to entrenchment of unpopular incumbent unions. In essence, the change subjugated worker free choice and collective self-determination to the goals of capital and the state.¹²⁸ With similar macro labour policy objectives (industrial stability) during the war, Canadian officials adopted a system for union substitution similar to the Americans.

While generally beneficial to workers, PC 1003 necessitated far-reaching compromises by Canadian workers. In exchange for guaranteed collective bargaining and state protection against employer anti-union tactics, workers and their unions found themselves governed by an industrial relations system designed to restrict direct action by the rank-and-file.¹²⁹ In cases where workers lost confidence in their union, they were prevented from substituting another bargaining agent except within the narrow period prescribed by the legislation. In this way PC 1003 could limit collective self-determination and potentially support company unionism, which undermined working-class interests.

Similarly, the state and business carved out a strong victory for their conception of “liberalism,” emphasizing liberty and individual rights, as well as respect for property. The point regarding property was especially pertinent in this context, as such measures as PC 1003 emphasized that workers needed to respect the private property of capitalists and factory owners. Workers were being brought into the post-war project as individuals or union members who could support business and the state; however, they were certainly seen as junior partners in this project and the

¹²⁵The Wartime Labour Relations Regulations, PC 1003, Section 9 (17 February 1944).

¹²⁶Webber, “The Malaise of Compulsory Conciliation,” 60 n. 7.

¹²⁷Christopher Tomlins, *The State and the Unions: Labor Relations, Law, and the Organized Labor Movement in America, 1880-1960* (New York 1985), 232.

¹²⁸Tomlins, *The State and the Unions*, 233, 238-243.

¹²⁹See McInnis, *Harnessing Labour Confrontation*, 185-186.

“group rights” of workers were less respected. In this way, the state subsumed class interests under the banner of individual rights and liberalism. “Equality” to King and his ilk meant political and not economic equality.¹³⁰

Whether worker-initiated change in union representation (with or without the assistance of an outside union) is beneficial or harmful to the working-class is debated in the union movement. On the one hand, worker-endorsed union substitution is an expression of collective self-determination and a safeguard against company unionism. However, at a time when basic worker rights are increasingly under threat globally and union density is stagnant or falling, many in today’s labour movement strongly oppose union raiding on grounds that it undermines working-class solidarity.¹³¹ Accounts of inter-union jurisdictional conflict leading to strikes, though relatively few in labour history, do not offer definitive evidence on whether union substitution is ultimately good or bad for workers.¹³² In the case of the Montréal tramways strike of 1943, the actions of both workers and the Brotherhood union appear to be justified because they helped unseat a company union in favour of a union that enjoyed majority support.

Much has been written about the important role that wartime working-class action played in winning a ‘New Deal’ among Canadian workers, the state, and capital. The institutional structures and processes set out in PC 1003 established important contours of the post-war settlement and, thus were thought to achieve lasting industrial peace.¹³³ This paper shows how wartime jurisdictional disputes were a target of federal regulation and how, under some conditions, the new labour law could infringe on worker freedom to collectively organize behind representatives of their choosing.

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¹³⁰On liberalism see Ian McKay, *Rebels, Reds, Radicals: Rethinking Canada’s Left History* (Toronto 2005), 48-80, esp. 59.

¹³¹See Charlotte Yates, “Women are Key to Union Renewal: Lessons from the Canadian Labour Movement,” and Pradeep Kumar and Christopher Schenk, “Union Renewal and Organization Change: A Review of the Literature,” in Pradeep Kumar and Christopher Schenk, eds., *Paths to Union Renewal: Canadian Experiences* (Peterborough 2006), 45-46, 111; William Kashtan, *Stop Union Raiding* (Toronto 1962).

¹³²For examples of union raiding see, Abella, *Nationalism, Communism, and Canadian Labour*, passim; Jerry Lembcke and William Tattam, *One Union in Wood: A Political History of the International Woodworkers of America* (Vancouver 1984). A recent investigation of union raiding activity in Ontario between 1975 and 2003 concluded that levels of such activity were “quite modest”: Timothy J. Bartkiw and Felice Martinello, “Union Raiding and Organizing in Ontario,” *Relations Industrielles*, 60 (Spring 2005), 273-295, esp. 273.

¹³³See McInnis, *Harnessing Labour Confrontation*.

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