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Compulsory Arbitration in British Columbia : Bill 33
L'arbitrage obligatoire en Colombie Britannique : le Bill 33

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Aller au sommaire du numéro

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Résumé de l'article

La loi sur l'arbitrage obligatoire en Colombie Britannique date de 1968. On a dit de cette législation qu'elle était la première du genre en Amérique du Nord s'appliquant au secteur privé. Cette législation portait deux noms : le Bill 33 et le *Médiation Commission Act*. Cette loi confie à une commission de médiation le soin d'enquêter lors des conflits du travail. La Commission, tant dans ses actes que dans ses réunions, se conduit comme un Tribunal, mais elle a la qualité d'être plus flexible qu'un Tribunal du travail dans l'audition des témoignages, dans l'assignation des témoins et dans la procédure. L'article 18 de cette loi donne au Cabinet le pouvoir d'imposer un règlement aux parties pour une période de deux ans lorsque l'intérêt public le demande, à la suite d'une décision de la Commission de médiation. N'importe laquelle des deux parties impliquées dans le conflit, ou le Ministre du travail lui-même, peuvent exiger la tenue d'une enquête. La décision peut être rendue exécutoire avant la tenue de l'enquête si les deux parties y ont consenti d'avance.

Mais en fait, cette législation sur l'arbitrage obligatoire n'est pas la première du genre en Amérique du Nord. Le Manitoba et un certain nombre d'États américains ont passé des législations semblables au cours de la première guerre mondiale. Cependant c'est la première fois au Canada que l'arbitrage obligatoire, tel que défini dans la loi, est appliqué aux industries du secteur privé autres que les utilités publiques en temps de paix.

C'est pendant une période où le public était de plus en plus mécontent de la montée grandissante de longues grèves qu'on a décidé de présenter cette loi. En 1966, l'incidence des grèves au Canada était beaucoup plus forte qu'aux Etats-Unis comme l'indiquent les mesures principales, c'est-à-dire le pourcentage des journées de travail perdues, le pourcentage de syndiqués impliqués, la fréquence relative et la durée moyenne. En 1968, le Canada arrivait bon premier parmi les pays occidentaux pour le nombre de jours-hommes perdus par mille personnes employées ; d'où la réaction que les syndicats étaient trop forts en Colombie Britannique. En 1969, 40.9% des salariés de cette province étaient syndiqués. C'est le plus haut pourcentage au pays. La province tenait le première place au chapitre du niveau général des salaires. Même si le nombre de grèves et le nombre de travailleurs impliqués dans ces grèves étaient plus petit en Colombie Britannique que dans le pays en général, lorsque l'on base la distribution sur la population, cette province a connu des durées de grèves 70% plus élevées que la moyenne nationale pour la dernière décade. Prenant en considération la tendance pro-patronale de la législature, la loi sur la Commission de médiation était inévitable.

Cependant, cette législation n'a pas réussi à réduire ni la fréquence ni la durée des grèves. Cette faillite peut en partie être attribuée au manque de bonne volonté de la part du gouvernement qui se traduit par son absence de recours à l'article 18 de la loi. Une autre explication réside dans la séparation des pouvoirs en matière de conflits du travail entre les gouvernements provincial et fédéral ainsi qu'à l'insuccès de la part de la Commission à inspirer confiance aux chefs du mouvement syndical. Souventes fois, le gouvernement a permis l'intervention de médiateurs ou d'arbitres privés au lieu de référer les conflits importants à la Commission de médiation. Ceci n'a fait que nuire au statut de cette Commission. Cette dernière n'a jamais pu se relever de la perte de prestige qu'elle a subie lorsqu'elle fut mise de côté à l'occasion du règlement du conflit dans l'industrie de la forêt, l'industrie la plus importante de la Colombie Britannique. Alors le gouvernement n'as pas supporté l'ordre donné aux travailleurs de la construction de retourner au travail, ordre donné sous l'article de la loi. Très peu de gens sont convaincus que le gouvernement est prêt à faire face au mouvement syndical lorsque ce mouvement est uni dans ses décisions et est prêt à défier le gouvernement. Les longs et sévères conflits qui suivirent dans les industries du débardage et des remorqueurs relevaient de la juridiction fédérale. Il en résultat que la loi de la Commission de la médiation était sans aucun pouvoir. Finalement, le président de la Commission a été constamment attaqué par le mouvement syndical : ceci a créé des difficultés supplémentaires lorsque le gouvernement a décidé de se servir de l'article 18. Tous ces facteurs ont contribué à rendre la loi sur la Commission de médiation relativement inefficace.

Pendant une durée de 28 mois, la Commission n'a rendu que 11 décisions dont 2 révisions. Quatre des neuf décisions concernaient des conflits dans le secteur privé. Parmi celles-ci, deux ont été rendues exécutoires par le Cabinet provincial. Parmi les deux autres, une n'était pas exécutoire alors que l'autre l'était suite à l'accord mutuel des parties impliquées. Parmi les cinq décisions touchant des conflits dans le secteur public, le syndicat en accepta quatre et en refusa une. Ces conflits affectèrent moins de 5% des conflits du travail en Colombie Britannique et même moins en termes de nombre de travailleurs concernés. Leur effet sur l'économie provinciale était négligeable. La réalisation majeure de cette loi a été de fournir des opinions légales sérieuses concernant les conflits, opinions qui furent souvent ignorées, et de compléter des recherches originales par ordinateur sur les caractéristiques des conventions collectives dans cette province.

Sans aucun doute, la loi sur la Commission de médiation en Colombie Britannique n'a pas réussi à faire éviter les longs et pénibles conflits industriels. Considérant le climat des relations du travail dans cette province à l'heure actuelle, il est très improbable de prévoir une utilisation plus efficace de l'article 18 dans le futur. Ce dont on a d'abord besoin dans cette province, c'est d'un esprit de coopération entre les syndicats, la direction et le gouvernement. La révocation de l'article 18 de cette loi pourrait entraîner la création d'un tel esprit. Le climat de cette province nous amène à conclure qu'il ne serait pas surprenant de voir cet article 18 abrogé dans un avenir très proche.

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DROIT AU TRAVAIL

Compulsory Arbitration in Bristish Columbia: Bill 33

Peter Z. W. Tsong

The author presents the reasons for the introduction of Bill 33 in British Columbia, examines the disputes which were settled under it, evaluates its impact on the frequency and the duration of work stoppages, and its role in the future of labour management relations in this province.

One of the most controversial pieces of labour legislation in the history of the Canadian labour movement has now been in effect for over two years. It is time for an objective assessment of the reasons for the introduction of such legislation, the disputes which were settled under it, its impact on the frequency and the duration of work stoppages, and its role in the future of labour management relations in the province of British Columbia.

PROVISIONS OF THE ACT

Bill 33, or The Mediation Commission Act, widely hailed as the first compulsory arbitration legislation in peace-time North America covering the private sector, was passed on December 2, 1968 ; it is probably one of the most sophisticated labour laws ever adopted to institutionalize conflits regarding interest-disputes and to provide government assistance and/or compulsion in the resolution of conflicts [1]. It

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** For other comments on B.C. Bill 33, of HALL, N.A., « Contemporary Public Policy Issues in Industrial Relations » *Relations industrielles,* vol. 24, no 1, 1969, pp. 19-31.

provides a mediation commission to conduct inquiries and hearings on labour disputes [2]. The Commission acts and conducts its hearings in a manner not unlike a court proceeding but it has greater flexibility than a labour court in taking evidence and compelling the attendance of witnesses, nor is it bound by the technical rules of legal evidence. The controversial part of the Bill is that which provides that the decision of the Commission after a hearing can be made binding upon the parties for two years by the order of the Provincial Cabinet if this is deemed necessary in the interest and welfare of the public. The hearing may be requested by either or both parties involved in the dispute or directed by the Minister of Labour at his own discretion. The decision to be rendered can be made binding prior to the hearing if both parties agree in advance.

LABOUR AND EMPLOYER ATTITUDES

Labour fought long and hard against Bill 33. Almost every major labour leader in British Columbia spoke out against it. The President and the Secretary-Treasurer of the B. C. Federation of Labour, the Regional President of the IWA, the President of the CUPE, the President of the ILWU joined in unison in their opposition to the Bill. They organized protest demonstrations, created a « Beat Bill 33 » fund, and engaged in an active campaign against the Bill. There were a few labour leaders who supported the Bill, but their voice was the voice of the minority. This was not the first time that labour had fought against new labour legislation. The labour movement had fought the introduction of the Labour Relations Act, which is very similar to the Federal Labour Relations and Disputes Investigation Act [3]. It also fought the revision of the Trade Unions Act in 1959 [4]. Like all previous labour legislation introduced by the present government, Bill 33 was a partisan bill. The Bill was by a vote of 22-28, with all the NDPs and Liberals of the opposition against the party in power, the Social Credit MLAs [5]. Employers were overwhelmingly in favour of the Bill. Not a single employer's voice was raised against it. Newspapers generally supported the Bill, and urged the labour movement to give the Bill a chance.

1 Harry W. ARTHURS, *Labor Disputes in Essential Industries,* Task Force on Labour Relations, Study No. 8, Privy Council Office, Ottawa, Queen's Printer, 1970, p. 52.

2 The Mediation Commission consists of a Chairman, a member from the rank of management and a member from the rank of labour. The current Commission was appointed by the Lieutenant-Governor in Council with a seven-year tenure, beginning June 1, 1968.

3 Paul PHILLIPS, « No Greater Power – A Century of Labour in B.C. » *B.C. Federation of Labour,* 1967, p. 146.

4 *Id.,* p. 156.

5 NDP stands for National Democratic Party, and MLA stands for Member of the Legislative Assembly of the province.

WAS THE BILL NECESSARY ?

Was it true that this was the first compulsory arbitration act ever passed in North America covering the private sector in peace-time ? Were labour disputes in British Columbia much worse than in other provinces ? Was Bill 33 an employers' bill ? These are pertinent questions.

It was quite obvious at the beginning of this study that it would not be possible to obtain unreserved cooperation from any of the parties who had an interest in making the legislation work, or in its demolition. In British Columbia, probably more than in some of the other provinces, every word uttered in public concerning labour-management relations is carefully weighted and calculated to achieve the maximum political effect. Therefore, in order to accommodate the political nature inherent in the problem under investigation, personal interviews were ruled out as a means of acquiring information. What follows is, hopefully, an objective account of why the Bill was introduced.

It appears that from a careful investigation of the labour legislation of other provinces in Canada that the sensational claim that Bill 33 was the first compulsory arbitration bill ever introduced in North America covering the private sector in peace-time is not completely justified. The prairie province of Manitoba, for example, has permitted its provincial government, since 1954, to impose a ban on any work stoppages which threaten to interfere with

> « ... operation of (a) business or functions ... essential to health and well-being of the people of the province or some of them ». [6]

Broadly interpreted, almost any business or function covered by the section might be considered as « essential ... to the well-being of the people » [7]. This implies that a ban on strike action can be applied to the private sector as well as to the public sector. The Cabinet has the power to confirm or vary, and make binding, the award of a mediator in all disputes affecting industry [8]. According to this interpretation, Bill 33 was certainly not the first labour legislation in Canada to provide binding arbitration that covers the private sector as well as the public sector. However, the Manitoba Labour Relations Act has only been applied to employees traditionally prohibited from striking, such as police, public utility employees, public employees and teachers, with the exception of Liquor Control Commission employees. This means that the interpretation of the Manitoba Labour Relations Act was much narrower in scope, and was applied only to workers engaged in the so-called « essential ser-

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[6] *Labour Relations Act,* R.S.M., 1970, c. 110, s. 78, as amended, S.M. 1958. c. 29.

[7] Harry W. ARTHURS, *op. cit.,* supra, note 1, p. 54.

[8] *Id.,* p. 72.

vices ». If Bill 33 were actually applied to disputes in the private sector, which it was, it would not make Bill 33 the first compulsory arbitration legislation in North America covering the private sector in peace-time, but it would mark the province as the first in Canada, though not in North America, to apply compulsory arbitration by the order of the Cabinet to the private sector in peace-time [9].

Was the Bill necessary at the time when it was introduced ? Was it an employers' bill ? Labor experts in British Columbia believe that the Bill was badly needed. Hall believed that the collective bargaining process in the province was in a shocking state of disrepair [10]. Jamieson pointed out that, in 1966, the incidence of strikes in Canada exceeded that of the United States as measured by all major indices ; i.e., percentage

TABLE I

Working days lost per striker

International Comparison

	Canada	U.S.	Australia	U.K.	France
1960	15.0	14.5	1.2	3.7	1.0
1961	13.6	11.2	2.0	3.9	1.0
1962	19.1	15.1	1.4	1.3	1.3
1963	11.0	17.1	1.4	3.0	2.3
1964	15.7	14.0	1.7	7.6	1.0
1965	13.7	15.0	1.7	3.3	0.8
1966	12.3	13.0	1.9	4.4	0.8
1967	15.8	14.7	1.5	3.8	1.5
1968	22.7	18.5	n.a.	2.1	n.a.
1969	25.3	17.3	n.a.	4.1	n.a.

Notes : (1) Canadian data covers disputes lasting 10 days or more.
(2) U.S. data excludes disputes involving less than 6 workers or those lasting less than a full day or shift.
(3) Sources of data : (a) *Report of Woods Task Force on Industrial Relations,* Privy Council, Queens Printer, Table 17, p. 126.
(b) *Circulation,* Employers' Council of B.C. August, 1970.

9 Herbert R. NORTHRUP, « Experience with Compulsory Arbitration », (ed.) *Readings in Labour Economics and Labour Relations,* Richard L. ROWAN and Herbert R. NORTHRUP, Richard D. Irwin, Inc., 1968, p. 391.

10 Noel A. HALL, « Contemporary Public Policy Issues in Industrial Relations » in Relations Industrielles / Industrial Relations, Québec, Laval Univ., vol. 24, no. 1, January, 1969, p. 19.

of days' employment lost, percentage of union members involved, and relative frequency, as well as average duration [11]. In 1968, Canada led most of the western countries in the number of man-days lost per 1,000 persons employed [12].

TABLE *II*

International Strike Records

	Average for 10 years (1959-1968)		1968	
	Man-days/1,000 employees	Rank	Man-days/1,000 employees	Rank
U.S.A.	1,114	1	1,590	2
Italy	1,088	2	930	4
Ireland	828	3	920	5
Canada	784	4	1,670	1
India	697	5	1,080	3
Denmark	404	6	20	12
Australia	345	7	450	6
Finland	314	8	250	9
France	312	9	n.a.	n.a.
Japan	282	10	160	11

Source : The U.K. Department of Employment and Productivity, « Employment and Productivity Gazette », November, 1969, p. 1024.

Most employers were delighted at the introduction of the Bill. The British Columbia Chamber of Commerce, the Pulp and Paper Industrial Relations Bureau, the British Columbia section of the Canadian Manufacturing Association, and The Amalgamated Construction Association all came out in support of the Bill. The Chairman of the Board of Directors of MacMillan Bloedel Ltd., J. V. Clyne, was alleged by the NDP to be the author of the Bill [13]. It was not clear whether the employers had participated in the draft of the Bill, but it was quite clear that labour was *not* consulted. The Provincial Government's Labour Management Commitee was not informed of the Bill before it was introduced [14]. From this

11 Stuart JAMIESON, « The Third Wave Labour Unrest and Industrial Conflict in Canada ; 1900-1967 », in Relations industrielles / Industrial Relations, Québec, Laval University, vol 25, no. 1, January 1970, p. 24.

12 UK Department of Employment and Productivity, November, 1969, Employment and Productivity Gazette, p. 1024. Also Circulation, Employers, Council of B.C., August 1970.

13 *Vancouver Sun,* March 28, 1968, p. 1-2.

14 *Vancouver Sun,* March 19, 1968, p. 41.

evidence, one may call the Bill « the employers' Bill », one may also say that the Bill was timely and necessary : a review of some of the historical characteristics or union organization and industrial disputes would further support the second half of this statement.

In relation to the rest of Canada, and perhaps to North America as well, British Columbia is a highly unionized province. In 1959, 53.9% of the paid workers in the province were organized. Even in 1969, when the percentage of paid workers who were organized had declined to 40.9%, as show in Table III, British Columbia still had the highest percentage of organized labour in Canada [15]. If one accepts the postulate that a decline in the percentage of paid workers organized is an indication of a relative decline in power of the trade unions in the province, the timing of the Bill seems puzzling. If labour influence had declined, it was hardly necessary to introduce strong anti-labour legislation at such a time. However, if one postulates that the impact of the trade unions can be measured by the absolute size of the union membership, then the influence of the trade unions in British Columbia actually had increased steadily over time. If the latter postulate is accepted, one can conclude that the introduction of the Bill was designed to curb the power of the unions. However, this explanation lacks objectivity. There must be a more satisfactory explanation of the timing of the Bill.

TABLE III

Degree of union organization in British Columbia

Series I

	Number of union members in B.C.	Percentage of non-agricultural labour force organized
1911	22,597	12.4
1915	10,757	5.9
1919	40,070	21.8
1920	19,000	10.1
1925	28,175	13.1
1934	19,017	7.2
1940	47,598	17.5
1946	99,466	28.9
1955	166,550 *	35.3

Source : *Labour Organization in Canada* 1911-1955, Census of Canada 1911-1961.
* *Cf.* p. 768.

15 B.C. Department of Labour, *Labour Organization in Canada 1911-55, Census of Canada 1911-61 ;* Annual Report, Queen's Printer, Victoria, 1966, p. 100, and Canada Department of Labour, *Industrial and Geographic Distribution of Union Membership in Canada in 1967-69,* Economic Research Branch.

Series II

	Number of union members in B.C.	Percentage of total paid workers organized
1955	186,951 *	47.9
1958	233,972	53.9
1960	215,437	48.1
1966	256,241	42.7
1969	261,134	40.9

Source : British Columbia, Department of Labour, *Annual Report,* Queen's Printer, Victoria, 1966, p. 100, and Economic Research Branch, Canada Department of Labour, Industrial and Geographic Distribution of Union Membership in Canada in 1967-1969.

* The difference is attributable to the independent reporting practice of these two government agencis.

WORK STOPPAGES IN B.C. : COMPARATIVE FIGURES

Could it be that labour in British Columbia was more strike-prone than their fellow workers in the rest of Canada ? If there were more work stoppages in British Columbia than in other provinces before Bill 33 was introduced, then the frequency of strikes and lockouts would have provided the necessary catalyst for the introduction of a strong anti-labour bill.

In 1967, British Columbia had 9.91% of the labour force in Canada, or 762,000 workers as shown in Table IV. If strikes and lockouts are proportional to the size of the labour force, then, on the average, British Columbia should have approximately 9.91% of the total number of labour disputes in Canada. However, despite the high rate of unionization, British Columbia had less than its share of labour disputes from 1960-1969, with the exception of 1962 and 1969. Figures in Table V show that in 1967 British Columbia had only 8.24% of the total number of work stoppages in the nation [16]. Therefore, the hypothesis or postulate that British Columbia had more than its share of strikes and lockouts as a reason for the introduction of the Bill must be rejected. However, Table IV also shows that the general trend of its share of labour disputes was on the rise from 1960-1969, with the exception of 1962-1963 and 1964-1966. This might be an important clue. If the frequency of labour disputes increased, conceivably this could have led to greater public support for a strong anti-labour bill. But since British Columbia had less than its share of labour disputes in most periods before 1968, the fact that its share of labour disputes was on the rise does not appear to be a strong reason for the introduction of the Bill.

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[16] More statistics are available in the following sources : *Labour Gazette,* 1901-1951, *Strikes and Lockouts in Canada,* 1952-1965 ; *Annual Report,* B. C. Department of Labour, 1920-1969, *Strikes and Lockouts in Canada,* 1966-1968, Economics and Researche Branch, Canada Department of Labour, 1966-68, *Labour Gazette,* December 1970, p. 900.

TABLE IV

Comparison of Work Stoppages A

British Columbia and Canada

	B.C.	Canada	Number of workers involved in work stoppages B.C.	Number of workers involved in work stoppages Canada	BCLF % / CLF %	B.C. workers involved in work stoppages % / Canada workers involved in work stoppages %
1960	564,000	6,411,000	999	49,408	2.02	8.78
1961	576,000	6,521,000	1,638	97,959	1.68	8.85
1962	590,000	6,615.000	1,982	74,332	2.67	8.80
1963	610,000	6,748,000	824	83,428	0.98	9.05
1964	639,000	6,933,000	9,503	100,535	0.95	9.21
1965	667,000	7,141,000	6,755	171,870	3.94	9.35
1966	710,000	7,420,000	21,183	411,459	5.14	9.57
1967	762,000	7,694,000	12,030	262,027	4.78	9.91
1968	816,000	7,919,000	16,523	223,562	7.38	10.30
1969	826,000 [1]	8,162,000 [2]	18,117	306,799	5.89	10.10

Source : *Canada Year Book,* 1968, p. 760, p. 763.
[1] B.C. Department of Labour, *Annual Report,* 1969, p. J 20
[2] D.B.S. *Annual Supplement to the Canadian Statistical Review,* 1969.
BCLF : B. C. Labour Force
CLF : Canadian Labour Force

The foregoing analysis overlooks one factor ; the number of work stoppages or the share of work stoppages is not the only measure of labour unrest. If the bargaining unit involved in the disputes were large, then even though the number of disputes were below the Canadian average, the number of workers involved may be relatively large. This leads one to hypothesize that the more workers are involved in labour disputes, the more likely it is that stronger anti-labour legislation will be introduced. If British Columbia had more than its share of workers involved in work stoppages before the introduction of the Bill, one would suspect it might have contributed to the public sentiment in favour of the Bill. However, the record shows again that this could not be the reason for the introduction of Bill 33. In 1966, only 5.14% of the total number of workers involved in the work stoppages resided in British Columbia, and, in 1967, only 4.78% of them resided in British Columbia, as shown in Table IV. For 1960-1969, British Columbia is shown to have had less than its share of workers involved in work stoppages than many of the other provinces. However, the trend of the percentage of workers stoppages in British Columbia was generally on the increase which may have

TABLE V

Comparison of Work Stoppages B

British Columbia and Canada

	B. C. Number of Work Stoppages	Canada Number of Work Stoppages	No. of Disputes in B. C. No. of Disputes in Canada %
1960	12	274	4.38
1961	17	287	5.92
1962	29	311	9.35
1963	18	332	5.43
1964	27	343	7.86
1965	39	501	7.79
1966	39	617	6.32
1967	43	522	8.24
1968	57	582	9.80
1969	85	595	14.30

Source : *Labour Gazette,* 1901-1951, *Strikes and Lockouts in Canada,* 1952-1965. B. C. Department of Labour, *Annual Report,* 1920-1966. Economics & Research Branch, Canada Department of Labour, *Strikes and Lockouts in Canada,* 1966-1968. *Labour Gazette,* December 1970, p. 900. Department of Labour B. C., *Annual Report,* Queen's Printer, 1969, p. 558.

contributed to public sentiment in favour of the Bill for reasons similar to the ones already given.

So far, no truly compelling reason has been found for the introduction of the Bill. But it is unlikely that it was simply the whim of the politicians who wished to curb the power of the labour movement and to strengthen the alliance between the employers and the government. In a democratic society, politicians promote a bill only when they perceive the likelihood of public support. The crucial question is what factor led the politicians of British Columbia to believe that the public was ready for such a bill. The hypothesis that the lenght of strikes may be the determining factor is worthy of exploration. There is plenty of evidence showing that strikes and lockouts were unusually long and acrimonious in British Columbia in the last ten years, especially in 1967 and 1968, when the Bill was conceived and introduced. Statistics in Table VI show that during 70% of the years 1960-1969, man-days lost per striker were higher in British Columbia than the Canadian average [17]. In 1967, man-days lost per striker were 29.7 in British Columbia, versus 15.8 for Canada as a whole. In 1968, it was 29.4 man-days for British Columbia, and 22.7 days for Canada.

[17] *Ibid.*

TABLE VI

Comparison of Work Stoppages C

British Columbia and Canada

	B. C. Employees involved	B. C. Man-days lost	B. C. Man-days lost/striker	Canada Man-days lost/striker
1960	999	35,800	35.8	15.0
1961	1,638	34,700	21.2	13.6
1962	1,982	33,000	16.0	19.1
1963	824	24,100	29.2	11.0
1964	9,503	181,800	19.1	15.7
1965	6,755	104,400	15.4	13.7
1966	21,183	240,230	11.5	12.3
1967	12,030	350,730	29.7	15.8
1968	16,523	486,400	29.4	22.7
1969	17,916	406,645	22.7	25.3

Source : *Labour Gazette,* 1901-1951, *Strikes and Lockouts in Canada,* 1952-1965. B. C. Department of Labour, *Annual Report,* 1920-1966.*Strikes and Lockouts in Canada,* 1966-1968, Canada Department of Labour, Economics & Research Branch, *Labour Gazette,* December 1970, p. 900. Department of Labour, *Annual Report,* B. C., Queen's Printer, 1969, p. 558.

It is a well-known fact that long and bitter work stoppages tend to attract more attention than short ones. Therefore, in spite of the better-than-average record of work stoppages in British Columbia, its long-drawn-out work stoppages may have made the people less tolerant of such inconvenience and nuisance. This was the most compelling reason that the author was able to find for the introduction of Bill 33 at that time in the province.

The political climate of the province was an influential factor also. The Social Credit party was traditionally identified with political conservatism and financial orthodoxy. Its philosophy underlay the study of Swedish labour laws and practices by Nemetz, which were often cited as the reason for the introduction of Bill 33 [18]. It has been suggested that important labour legislation is often introduced after a sudden burst of work stoppages. There were over a million man-days lost in 1946, 1952

[18] Nathaniel Theodore NEMETZ, *Report of Swedish Labour Laws and Practices,* Queen's Printer, B. C. 1968.

and 1959. The Industrial Conciliation and Arbitration Act was introduced in 1947. The Labour Relations Act was introduced in 1954, and the Trade Unions Act was revised in 1959. Since the total man-days lost in 1966 and 1967 was not exceptionally large, the previous explanation of the influence of long work stoppages is still the best reason one can find for the introduction of the Bill.

THE EFFECT OF BILL 33 ON LABOUR-MANAGEMENT RELATIONS IN BRITISH COLUMBIA

What has the Bill had accomplished in the span of slightly over two years studied here ? Perhaps it would be more reasonable to ask what the Mediation Commission has accomplished in the last two years ? Has it resolved many difficult disputes ? Has it gained the confidence of labour and management ? Has it provided the urgently needed research in the field of collective bargaining ? Has it changed the attitudes of labour and management with respect to each other and toward the government ? It is not easy to formulate a complete and definitive answer to any one of these questions.

From the degree of opposition by the labour movement, and the cautious approach by the government with regard to compulsory sections of the Act, one would expect the Act or the Commission to be used rather sparingly with the exception of the mediation service, which is a continuation of the mediation service provided by the provincial Department of Labour before the Act was passed. Altogether, in slightly over two years, only eleven decisions were rendered by the Commission after a formal hearing, as summarized in Table VII. Among the eleven decisions, two were reconsiderations of decisions made earlier. In other words, only nine disputes in the past two years engaged the complete service of the Commission.

Among the nine disputes, only five were disputes in the private sector. Let us see what was the degree of compulsion involved in the four disputes in the private sector. Among these four decisions, one was not binding, in one it was agreed by both parties prior to the decision that they would be bound by it, and two were ordered binding on the parties by the Minister of Labour, involving the compulsory section of the Act. In short, Section 18 was invoked only two times without any equivocation [19]. It was also invoked against the construction labour dispute in the summer of 1970, but the order was later suspended and by-passed by a facesaving scheme. Therefore, it could not be regarded as a full test of the Bill. The five decisions rendered on the disputes in the public sector were accepted by the parties to the disputes.

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19 Section 18 of the Bill permits the Cabinet to order the decision of the Commission binding on the parties.

TABLE VII

Summary of Hearings of the Mediation Commission as of April 15, 1971

Date [1]	Employer	Union	Sector	Type of Hearing	Decision	Major Issues	Acceptance
Nov. 14, 1968	Civil Service Commission	Psychiatric Nurses Association	Public	Directed [2]	Non-binding	Parity with R.N.	Yes
June 18, 1969	The Board of Police Commissioners, The City of Vancouver	Vancouver Policemen's Union	Public	Voluntary [3]	Binding	Wage increases	Yes
June 18, 1969	City of Vancouver	Vancouver Firefighters' Union	Public	Voluntary	Non-binding	Parity with Vancouver Police	Acceptance under protest
Aug. 22, 1969	The Board of Police Commissioners, the City of Victoria	Victoria City Policemen's Union	Public	Voluntary	Non-binding	Parity with Vancouver Police	Asked for reconsideration
Oct. 3, 1969	Six oil companies	OCAW	Private	Directed	Non-binding	Wage increases	No (strike continues)
Oct. 7, 1969	The Board of Police Commissioners, The City of Victoria	Victoria City Policemen's Union	Public	Directed Reconsideration	Non-binding	Parity with Vancouver Police	Acceptance under protest
Sept. 16, 1970	Lafarge Concrete Ltd. Metro Cement Ltd. Ocean Cement Ltd.	Teamsters'	Private	Directed	Binding	Wage increase	Mediation Com. mission suggested reconsideration
Sept. 23, 1970	Alberni Pulp and Paper Ltd.	IBEW	Private	Procedured [4]	Binding	Extra benefits	Ordered back to work
Oct. 30, 1970	Lafarge Concrete Ltd. Metro Cement Ltd.	Teamsters'	Private	Directed Reconsideration	Binding	Wage increase	Acceptance under protest
Jan. 15, 1971	B. C. Hydro and Power Authority	The Amalgamated Transit Union	Public	Procedural	Non-binding	Wage increase	No (Strike)
March 29, 1971	Automotive Transport Labour Relations Assoc.	Teamsters'	Private	Directed	Binding	Struck good clause	Yes

[1] The date on which the Decision was rendered by the Commission.

[2] Directed means the hearing was directed by the Minister of Labour under Section 14 or 39.

[3] Voluntary means either party had made a request for a hearing, and the other party had agreed to the hearing.

[4] Procedural means the parties appear before the Commission as a procedural matter after the appointment of the mediation officer. The Mediation Commission can order a hearing without a formal request from either party.

In 1969, there were 85 work stoppages in the province, and four of the Commission's original decisions were rendered in the same year. This gave the Commission a record of complete involvement in 5.7% of the disputes involving work stoppages. However, three of the four decisions were rendered on disputes which did not result in a work stoppage, and the one decision which involved work stoppage was not binding on the parties, therefore the effect of the decisions by the Commission in the reduction of work stoppage was close to nil. The disputes which did not involve a work stoppage were disputes between the municipalities and the police and firemen, which would have been arbitrated under the coverage of the Municipal Act had the Mediation Commission not been introduced.

In 1970, only two non-reconsidered decisions were rendered by the Commission. The total number of work stoppages was greater than in 1969. Therefore, the showing of the Mediation Commission was even less impressive than the year before. Both decisions were made on disputes in the private sector. One dicision was binding due to an order of the government as well as to prior agreement between the cement industry and the Teamsters. The other decision was ordered to be binding on 55 electric workers of the IBEW by the Minister of Labour. The number of man-days which was probably saved as a result of these decisions was relatively small compared to the total number of man-days lost during the entire year.

In 1971, two decisions were rendered. The decision on the dispute between the B.C. Hydro and Power Authority and The Amalgamated Transit Union was not binding on the parties. It was rejected by the union, which never attended the hearing, and a strike resulted. With the exception of some older people, the strike had relatively little effect on the general public. The decision on the dispute between the Teamsters and the Automotive Transport Labour Relations Association was binding and was accepted by both parties. Since approximately 75% of the industry was affected by the seven-day strike and lockout, a lengthy strike could have caused substantial damage to the B.C. economy. One is inclined to credit the use of section 18, in this instance, as an effective protection of public interest.

Finally, a word should be said about the hearing on a dispute involving psychiatric nurses in 1968 which was held before the Mediation Commission Act was proclaimed. The decision was accepted by both parties.

IMPORTANT RECENT DISPUTES

It would be misleading to think that the entire history of the Mediation Commission Act can be summarized in the number of decisions made by the Commission. The important labour disputes which were dealt with outside of the commissions are at least as important to our evaluation of the effectiveness of the Commission as the decisions themselves. Some of the events should shed light on the effectiveness of the Mediation Commission.

After five hearings by the Mediation Commission, and after a year had elapsed since the Act was passed in the Legislature, the controversial Section 18 of the Mediation Commission still had not been tested. When the operating engineers struck the Vancouver schools, resulting in cancellation of classes for 70,000 students, it was expected that the government would intervene in the form of compulsory arbitration. A mediation officer had been appointed in December of the previous year to assist the parties to reach a settlement. Following the report of a mediation officer, and subsequent action on January 23, the Mediation Commission held a preliminary inquiry, which led to a hearing on January 28, 1970. The hearing was not ordered under Section 18 of the Act. The operating engineers, however, refused to appear before the Commission. Under the Mediation Commission Act, the Commission has the power to compel the attendance of witnesses, but this power was not used. The union and the Vancouver School Board had agreed in private to submit their dispute to a private independent arbitrator, and there was to be no work stoppage when the arbitration was in progress. As a result of this agreement, the hearing ended. This marked the first time that a party attempted, and succeeded, to avoid the hearing of the Mediation Commission.

Other long and bitter disputes which would have provided ideal testing grounds for the Mediation Commission, took place in 1970. However, several were beyond the jurisdiction of the Mediation Commission. One such dispute was the long-drawn-out dispute between the West Coast Long-shoremen and the Maritime Employers' Association. It lasted from September 25, 1969 to November 8, 1969. The strike ended when a truce was called. The strike resumed on February 5, 1970 until February 12, 1970. As a result of the first strike 101,510 man-days were lost ; 19,380 man-days were lost in the second strike. The total number of workers involved in the dispute was 3,230 [20].

The longshore industry is covered by the Industrial Labour Relations and Disputes Investigation Act, which is federal legislation. The secondary effect of the longshore dispute on the economy of British Columbia was substantial. It affected the export of primary products such as lumber, pulp and paper, mineral ores, which are the major export products of the province. There was nothing that the Mediation Commission could do to resolve the longshore dispute. An unfair burden is put on the Mediation Commission when gross statistics are cited to measure its effectiveness.

Another important dispute was that between the Printers' Union and the Pacific Press, which publishes two of the largest newspaper in the province, the Sun and the Province. A lockout resulted when Pacific Press accused employees of practising slowdowns. The lockout began on February 16, and ended on May 10, 1970. It involved only 1,200 employees, the union started publishing a newspaper named the Vancouver Express during the lockout. The public was not unduly inconvenienced. However, the negative publicity generated due to the absence of regular newspapers

[20] *The Labour Gazette,* February and May, 1970, p. 175 and p. 390.

gave the people of the province a feeling of frustration which probably heightened their expectation of what the Mediation Commission should accomplish.

THE CONSTRUCTION DISPUTE

The largest work stoppage of the year took place in the construction industry. Nine unions were locked out by the Construction Labour Relations Association of British Columbia from April 14, 1970. It was estimated that 80% of construction work in British Columbia areas halted [21]. The dispute was expected to be long-drawn-out as a result of the certification of the Construction Labour Relations Association as a bargaining agent for the majority of the large construction firms in the province. In the month of July, the government of the province decided that it could no longer tolerate the protracted work stoppage. The Minister of Labour requested the employers to lift the lockout and the union members to return to work. CLRA complied with the request, but the unions refused to take heed of the request. A back-to-work order was issued on July 18, 1970 under Sections 18 and 21 of the Mediation Commission Act. Under Section 21, workers must return to work within 24 hours after the order is issued. All the unions which did not reach agreement with the CLRA, except the Teamsters, defied the order of the government. The Mediation Commission began preliminary hearings. All the unions affiliated with the BCFL boycotted the hearings ; only the Teamsters showed up [22]. The Premier of the province intervened personally and ordered the men back to work. A compromise was reached, in that the Deputy Minister of Labour was named as mediator, and the unions recommended to their members that they return to work no later than July 27, 1970. The proceedings before the Mediation Commission were postponed indefinitely [23]. Neither the unions nor the union members were prosecuted by the government for violation of the back-to-work order. The work stoppage lasted over three months. The Mediation Commission was successfully by-passed by labour with the cooperation of the government. This marked the second time that a major dispute was mediated outside the Mediation Commission [24].

OTHER DISPUTES NOT MEDIATED BY THE COMMISSION

At the time of the construction work stoppage, another major event of consequence took place. The International Woodworkers of America,

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[21] Industrial Relations Bulletin, Employers' Council of B. C. May 15, 1970, p. 2.

[22] BCFL stands for the British Columbia Federation of Labour.

[23] Employers' Council of B. C., *Industrial Relations Bulletin,* Vol, 2, No. 29, July 24, 1970, p. 5. Deputy Minister of Labour, Bill Sands, was named mediator after the parties could not agree on an independent mediator.

[24] The first major dispute which by-passed the Commission was the appoitment of Mr. Nemetz to mediate the forestry dispute as explained in the succeeding paragraph.

the Forest Industrial Relations Limited, and the Minister of Labour had agreed to the appointment of Mr. Justice Nathan Nemetz of the British Columbia Court of Appeal to assist the parties in their dispute on July 6, 1970. The parties had agreed not to conduct any lockout or strike during the judge's study of the dispute. The appointment of the judge was made under Section 34 of the Mediation Commission Act which provides that « experts and persons having special or technical knowledge » can be called upon to help the Commission carry out its duties. Despite the fact that Section 34 was not intended to shunt the mediation process to an outsider, it was invoked in order to avoid a showdown between the government and organized labour. This was the first time that a major dispute, which involved 28,000 workers, was mediated by a person outside the Mediation Commission. These two events had greatly undermined the status and importance of the Mediation Commission.

In between the periods of these two concessions made by the government to organized labour, the well-publicized towboat strike took place : between May 3 and June 15, 1970. By May 20, 14,000 of the employees in the forest industry were laid off as a result of illegal secondary boycotts by the towboat employees. Nearly 5,000 of the 10,000 employees of the pulp and paper industry were also laid off because of illegal picketing. On May 15, the Merchant Service Guild had to answer 28 writs and 11 anti-picketing injunctions since the strike began [25]. Again, the Mediation Commission did not have jurisdiction over the dispute, as in the case of the longshore strike. The towboat dispute was covered under federal jurisdiction. However, the long and bitter dispute could not help but give the Mediation Commission an unfavourable image in the eyes of the general public, which was unaware of the fine distinction between provincial jurisdiction and federal jurisdiction [26].

THE COMMISSION'S EFFECTIVENESS

In light of the foregoing analysis, one can see that the actual impact of the Mediation Commission on the economy of British Columbia was small. In the disputes which did or could seriously affect the economy of British Columbia, such as the construction industry dispute and the IWA dispute, the Commission was by-passed by the government in its attempt to pacify organized labour.

The only decision which appears to have benefited the B.C. economy was that in the dispute between the Teamsters and the Automative Transport Labour Relations Association which took place in February of 1971. However, the legality of the « struck good » issue was evidently in question. It was doubtful whether the strike would have caused substantial

[25] Employers' Council of B. C., *A case study of a labour dispute in the B. C. towboat industry, 1969-1970,* November 1970, p. 14.

[26] Those industries which engage in interprovincial commerce such as transportation, communication, banking and other financier institutions are within federal jurisdiction.

damage to the economy over any issue of which the immediate benefit to the members was not apparent [27]. The causes for a lengthy strike were conspicuously absent. It would be a short strike without government intervention.

In other disputes which seriously affected the B.C. economy, such as the longshore dispute and the towboat dispute, the Commission did not have jurisdiction. However, the Commission had served a function, which was ignored by the press, in protecting employees and employers who were not parties to the dispute from encroachment on their rights by the disputing parties.

The Mediation Commission is not necessarily powerless and defunct. Reading the decisions of the Commission, one cannot help but be impressed by the fact that the Commission has performed a function which has not been given the attention it deserves. Its purpose is not only to hand down a decision which the parties agree to, but also to protect the employees and employers, who are not parties to the dispute ; freedom from encroachment on their rights is protected by the laws of the land [28]. The Mediation Commission also has contributed substantially to much needed research on the nature and characteristics of collective agreements in British Columbia. It has collected over 3 thousand collective agreements and has placed contract information on the computer, thus providing the most comprehensive analysis of collective agreements in North America. However, the Commission has not succeeded in changing the attitudes of any parties in the labour-management-government relationship. Perhaps due to the lack of sensitivity to the feelings of the labour movement in general, the Commission appears to have actually aggravated the already poor relationship between the labour movement and the government. The remark made by the Chairman of the Mediation Commission that public employees should not have the right to strike led many to question his qualification to act as an impartial Chairman of a neutral body [29]. The luxurious office of the Commission has also unnecessarily aroused the negative feelings of labour.

CONCLUSIONS

Without a doubt, the Mediation Commission has so far failed to alter the trend of increasingly lengthy and bitter labour disputes in the province. Some blame the controversial Section 18 of the Mediation Commission

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27 The Teamsters wanted the right to refuse to handle trucks which are driven across the picket line by non-union personnel. Also cf. *Mediation Commission Decision,* March 29, 1971, pp. 4-9.

28 Decisions of the Mediation Commission, 1968-1971, *Trade Union Act of British Columbia,* Sec. 3 ; *Canadian Labour Laws Cases,* Vol. 4, 1967-1969, CCH Canadian Limited, paragraphs 14, 216 ; 14, 142 and etc.

29 Public employees in the federal government in Canada have the right to strike. Also see the *Public Service Staff Relations Act,* 1967.

Act as the major obstacle to the operational effectiveness of the Mediation Commission. Some have suggested that the failure of the Commission was mainly the fault of the present chairman and that a better qualified, more highly respected chairman would have done a better job. Obviously, without Section 18, the Mediation Commission would not have commanded such attention or criticism. It would be no different from hundreds of other such mediation and conciliation bodies. To suggest that labour would be more cooperative if a more acceptable chairman of the Commission were appointed is to ignore the political reality of the province. It is quite unlikely that the differences between government and labour could be patched up by changing the chairman of the Mediation Commission.

What is likely to happen now ? Bill 33 is not working. To remove Section 18 is to castrate the Bill. To change the chairman of the Commission is not likely to lead to any better results. What can be done to improve the industrial relations system in the province ?

It seems clear that compulsion has never been successful in reducing the number of industrial disputes. Australia has « no-work-stoppage » legislation since 1904, yet, in the last ten years, she has had more work stoppages than Canada with a smaller population [30]. During the Second legislation since 1904, yet, in the last ten years, she has had more work World War, the United States had about the same average number of work stoppages as either before or after the War. Without a doubt, the spirit of cooperation between labour and management was higher during the War than during any other time-period. Work stoppages were made illegal in the war industries, yet they took place. Many of the current wave of strikes such as the postal strike, the railway strikes, teachers' strikes and nurses' strikes in the United States are illegal under either federal or state labour legislation, yet they occur. Time and again, the government has had to refrain from prosecution of workers who have openly flaunted government orders, for sheer lack of resources to make such prosecutions. One is forced to conclude that labour cannot be forced to work when it decides to contest the power of the government.

Obviously, repeal of Section 18 of Bill 33, or a return of the power of ordering compulsory arbitration to legislature, will please labour [31]. If the government were willing to make such a concession, it might persuade labour to be more cooperative, thus perhaps reducing the tension in industrial disputes. This would enable the Mediation Commission to function in a less emotional atmosphere. The Commission would then be no different from many other such bodies, but it could at least provide urgently needed research and impartial opinions, which are necessary for a rational approach to labour disputes. This is not a solution to the problem, but it might provide a step in the right direction.

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30 Herbert R. NORTHRUP, *op. cit., supra note* 9, p. 393 and Employers' Council of B. C., *International Comparisons in Strikes and Lockouts,* August 1970, p. 3.

This study concludes that the Mediation Commission has been given an essentially impossible task ; that Section 18 of Bill 33 should be repealed ; and that the power to order binding arbitration should be returned to the legislature.

L'arbitrage obligatoire en Colombie Britannique : le Bill 33

La loi sur l'arbitrage obligatoire en Colombie Britannique date de 1968. On a dit de cette législation qu'elle était la première du genre en Amérique du Nord s'appliquant au secteur privé. Cette législation portait deux noms : le Bill 33 et le *Mediation Commission Act.* Cette loi confie à une commission de médiation le soin d'enquêter lors des conflits du travail. La Commission, tant dans ses actes que dans ses réunions, se conduit comme un Tribunal, mais elle a la qualité d'être plus flexible qu'un Tribunal du travail dans l'audition des témoignages, dans l'assignation des témoins et dans la procédure. L'article 18 de cette loi donne au Cabinet le pouvoir d'imposer un règlement aux parties pour une période de deux ans lorsque l'intérêt public le demande, à la suite d'une décision de la Commission de médiation. N'importe laquelle des deux parties impliquées dans le conflit, ou le Ministre du travail lui-même, peuvent exiger la tenue d'une enquête. La décision peut être rendue exécutoire avant la tenue de l'enquête si les deux parties y ont consenti d'avance.

Mais en fait, cette législation sur l'arbitrage obligatoire n'est pas la première du genre en Amérique du Nord. Le Manitoba et un certain nombre d'États américains ont passé des législations semblables au cours de la première guerre mondiale. Cependant c'est la première fois au Canada que l'arbitrage obligatoire, tel que défini dans la loi, est appliqué aux industries du secteur privé autres que les utilités publiques en temps de paix.

C'est pendant une période où le public était de plus en plus mécontent de la montée grandissante de longues grèves qu'on a décidé de présenter cette loi. En 1966, l'incidence des grèves au Canada était beaucoup plus forte qu'aux États-Unis comme l'indiquent les mesures principales, c'est-à-dire le pourcentage des journées de travail perdues, le pourcentage de syndiqués impliqués, la fréquence relative et la durée moyenne. En 1968, le Canada arrivait bon premier parmi les pays occidentaux pour le nombre de jours-hommes perdus par mille personnes employées ; d'où la réaction que les syndicats étaient trop forts en Colombie Britannique. En 1969, 40.9% des salariés de cette province étaient syndiqués. C'est le plus haut pourcentage au pays. La province tenait le première place au chapitre du niveau général des salaires. Même si le nombre de grèves et le nombre de travailleurs impliqués dans ces grèves étaient plus petit en Colombie Britanunique que dans le pays en général, lorsque l'on base la distribution sur la population, cette province a connu des durées

[31] Recently the back to work order was issued to the Teamsters in their dispute with the ATLRA only after the debate in the legislature. ATLRA was also ordered to lift the lockout.

de grèves 70% plus élevées que la moyenne nationale pour la dernière décade. Prenant en considération la tendance pro-patronale de la législature, la loi sur la Commission de médiation était inévitable.

Cependant, cette législation n'a pas réussi à réduire ni la fréquence ni la durée des grèves. Cette faillite peut en partie être attribuée au manque de bonne volonté de la part du gouvernement qui se traduit par son absence de recours à l'article 18 de la loi. Une autre explication réside dans la séparation des pouvoirs en matière de conflits du travail entre les gouvernements provincial et fédéral ainsi qu'à l'insuccès de la part de la Commission à inspirer confiance aux chefs du mouvement syndical. Souventes fois, le gouvernement a permis l'intervention de médiateurs ou d'arbitres privés au lieu de référer les conflits importants à la Commission de médiation. Ceci n'a fait que nuire au statut de cette Commission. Cette dernière n'a jamais pu se relever de la perte de prestige qu'elle a subie lorsqu'elle fut mise de côté à l'occasion du règlement du conflit dans l'industrie de la forêt, l'industrie la plus importante de la Colombie Britannique. Alors le gouvernement n'as pas supporté l'ordre donné aux travailleurs de la construction de retourner au travail, ordre donné sous l'article de la loi. Très peu de gens sont convaincus que le gouvernement est prêt à faire face au mouvement syndical lorsque ce mouvement est uni dans ses décisions et est prêt à défier le gouvernement. Les longs et sévères conflits qui suivirent dans les industries du débardage et des remorqueurs relevaient de la juridiction fédérale. Il en résultat que la loi de la Commission de la médiation était sans aucun pouvoir. Finalement, le président de la Commission a été constamment attaqué par le mouvement syndical : ceci a créé des difficultés supplémentaires lorsque le gouvernement a décidé de se servir de l'article 18. Tous ces facteurs ont contribué à rendre la loi sur la Commission de médiation relativement inefficace.

Pendant une durée de 28 mois, la Commission n'a rendu que 11 décisions dont 2 révisions. Quatre des neuf décisions concernaient des conflits dans le secteur privé. Parmi celles-ci, deux ont été rendues exécutoires par le Cabinet provincial. Parmi les deux autres, une n'était pas exécutoire alors que l'autre l'était suite à l'accord mutuel des parties impliquées. Parmi les cinq décisions touchant des conflits dans le secteur public, le syndicat en accepta quatre et en refusa une. Ces conflits affectèrent moins de 5% des conflits du travail en Colombie Britannique et même moins en termes de nombre de travailleurs concernés. Leur effet sur l'économie provinciale était négligeable. La réalisation majeure de cette loi a été de fournir des opinions légales sérieuses concernant les conflits, opinions qui furent souvent ignorées, et de compléter des recherches originales par ordinatur sur les caractéristiques des conventions collectives dans cette province.

Sans aucun doute, la loi sur la Commission de médiation en Colombie Britannique n'a pas réussi à faire éviter les longs et pénibles conflits industriels. Considérant le climat des relations du travail dans cette province à l'heure actuelle, il est très improbable de prévoir une utilisation plus efficace de l'article 18 dans le futur. Ce dont on a d'abord besoin dans cette province, c'est d'un esprit de coopération entre les syndicats, la direction et le gouvernement. La révocation de l'article 18 de cette loi pourrait entraîner la création d'un tel esprit. Le climat de cette province nous amène à conclure qu'il ne serait pas surprenant de voir cet article 18 abrogé dans un avenir très proche.