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LAW AND LABOR RELATIONS
A STUDY OF THE INDUSTRIAL DISPUTES
INVESTIGATION ACT OF CANADA

BY
B. M. SELEKMAN



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BY

B. M. SELEKMAN, Ph.D.

LECTURER IN URBAN INDUSTRIAL PROBLEMS



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Figures for all the tables presented in this study have been compiled from the *Annual Reports* of the Department of Labour and the reports of "Recent Proceedings under the Industrial Disputes Investigation Act" and of "Strikes and Lockouts in Canada" published in the monthly issues of *The Labour Gazette* for the period of operation of the Disputes Act.

B. M. SELEKMAN

March, 1936

said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee of the employees and the employer, or that it has been impossible to secure conference or to enter into negotiations, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further effort or negotiations". (15-16 George V, 1925, Chap. 14.)

3. The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

16. The application and the declaration accompanying it—

- (1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;
- (2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership, firm or association;
- (3) if made by employees, members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;

[Paragraph (3) was amended in 1910 by adding the following:]

"or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes

between employers and employees, and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee". (9-10 Edward VII, 1910, Chap. 29.)

- (4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

[Section 16 was repealed in 1920 and the following substituted therefor:]

"16. (1) The application and the declaration accompanying it shall be signed, if made—

- "(a) by an employer who is an individual, by the employer himself;
- "(b) by an employer which is a partnership, firm or association, by a majority of the partners or members;
- "(c) by an employer which is an incorporated company or corporation, by some one of its duly authorized managers or by one or more of the principal executive officers;
- "(d) by employees who are members of a trade union, by two of its officers authorized in writing by a majority of the union members affected. If such authorization is obtained by a vote taken in whole or in part at a meeting, such meeting shall be called on not less than three days' notice and the vote shall be by ballot. Where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee;
- "(e) by employees some or all of whom are not members of a trade union, by two of their number authorized in writing by a majority of such employees. If such authorization is obtained in whole or in part by a vote at a meeting, such meeting shall be called on not less than three days' notice and the vote shall be by ballot.

"(2) If more than one employer, or more than one trade union, or the employees of more than one employer, is or are interested, then and in such case the application and declaration shall be signed in the