

where did our  
**RIGHTS**  
come from?

*The Rand Formula and the struggle for union security*

78



Proceedings of hearings held before Honourable I. C. Rand, appointed as Arbitrator under Order in Council P.C. 7151, of November 28, 1945, to settle points of difference between the Ford Motor Company of Canada Limited and Local 200, United Automobile, Aircraft and Agricultural Implement Workers of America (CIO). Hearings held in the offices of the Ford Motor Company of Canada Limited, Toronto, Ontario, commencing January

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# where did our RIGHTS come from?

## The Rand Formula and the struggle for union security

*"To be hopeful in bad times is not just foolishly romantic. It is based on the fact that human history is a history not only of cruelty, but also of compassion, sacrifice, courage, kindness....What we choose to emphasize in this complex history will determine our lives. If we see only the worst, it destroys our capacity to do something. If we remember those times and places—and there are so many—where people have behaved magnificently, this gives us the energy to act."*

*Howard Zinn (labour and civil rights historian)*

Today our basic rights to freedom of association, democratic representation in the workplace, and free collective bargaining may be easy to take for granted as having always been with us. But these rights didn't just happen, or arise as gifts from enlightened employers or kindly governments.

Like so many other advances in human rights, each and every step on the path to social progress came through hard-won struggle. The basic labour rights that all Canadians enjoy today were fought for by the generations of working men and women who came before us.

Many have heard about the watershed 1946 decision of Justice Ivan Rand, who was appointed arbitrator to end a 99-day strike at Ford Motor Company in Windsor, Ontario. His decision to address basic union security – including a crucial requirement that everyone who was covered by a collective agreement had to pay union dues – was eventually extended across Canada and became known as the "Rand Formula." But the struggle for union security in Canada started long before 1946 – and it didn't end that year either.

At a time when powerful corporations and their friends in government are now trying to roll back the clock on workers' rights, we have much to learn from the inspiring, and often untold, stories of the workers and activists who came before us, and from learning how our rights were won.

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UAW Local 195 members from Motor Products Company picket Ford of Canada in support of Local 200, 1945





## ESTABLISHING UNIONS IN CANADA: A LONG, DIFFICULT ROAD

*"We paid the price to get here. We'll pay the price to stay."  
Eddie Fitzpatrick (local union President)*

Today, workers in Canada can come together, organize among themselves, democratically determine if there is majority support to form a union, and negotiate and vote on an enforceable collective agreement. And if we think about it at all, we see that every step in the process is backed up by the law. But this wasn't always the case.

Canada has a rich history of workers organizing to raise living standards and advance social conditions for all. But from the beginning, one of the most elusive goals was to create sustainable organizations that could grow and strengthen over time. The early history of Canada's labour movement is filled with heroic efforts to organize from the ground up, efforts that were only to be largely undone whenever an economic downturn hit, or in the aftermath of a battle with an employer. The goal has always been to organize – but also to organize to stay.

The journey to establish our labour rights stretches back a long way in our history: to the earliest craft unions, to efforts to build mass workers' organizations in the 1880s, to the fight for industrial unionism that began early in the 20<sup>th</sup> century, through to the renewed organizing efforts that began during the Great Depression and into World War II. And even after the war, and the watershed 1946 Rand decision, workers in Canada still struggled to achieve further union security protections in law, right into the late 1970s and early 1980s.

Along this long road, unions have moved from illegality, to facing laws aimed solely at containing workers' militancy, to eventually winning protections for the right to organize, collectively bargain and gain union security.

**EMPLOYERS AND GOVERNMENTS LEARNED THE HARD WAY THAT  
WORKERS WOULD NOT BE PUSHED BACKWARDS AT WAR'S END.**



## CONTROLLING THE CRAFT: WINNING THE RIGHT TO EXIST

Workers in Canada have been organizing for centuries. The earliest forms of unions were brought over by European artisans and craft workers when they first came to these shores. These highly skilled workers advanced their interests by keeping control over their craft and guarding access to their skills. The first formal record of organized workers in Canada dates to 1798, among carpenters in Halifax, and by the early 1800s there were unions across the country among several crafts, including printers, tailors, mechanics, shoemakers, and others<sup>1</sup>.

Yet even among workers who were not employed in formal crafts or trades, the tradition of collective action stretches back more than three centuries to the first documented job action, in the Quebec City shipyards in 1671, when workers successfully engaged in a slowdown to win better wages and working conditions<sup>2</sup>. Early Canadian history is filled with countless incidents of unorganized workers responding collectively to back up demands, or defend their conditions, through strikes and demonstrations. These were typically one-time events, however, and did not result in the creation of lasting organizations.

The few organized unions that had been established in those early days remained relatively small and largely isolated from one another. It was not until the late 1800s that one of the first watershed efforts to unite the disparate elements of Canada's early labour movement arose. In the spring of 1872, the demands of the nine-hour-day movement to shorten working hours were backed up by a series of coordinated strikes. Originating in Hamilton, Ontario among organized printers, the movement's parades, protests, and strikes quickly spread to other communities across Southern Ontario and into Quebec.

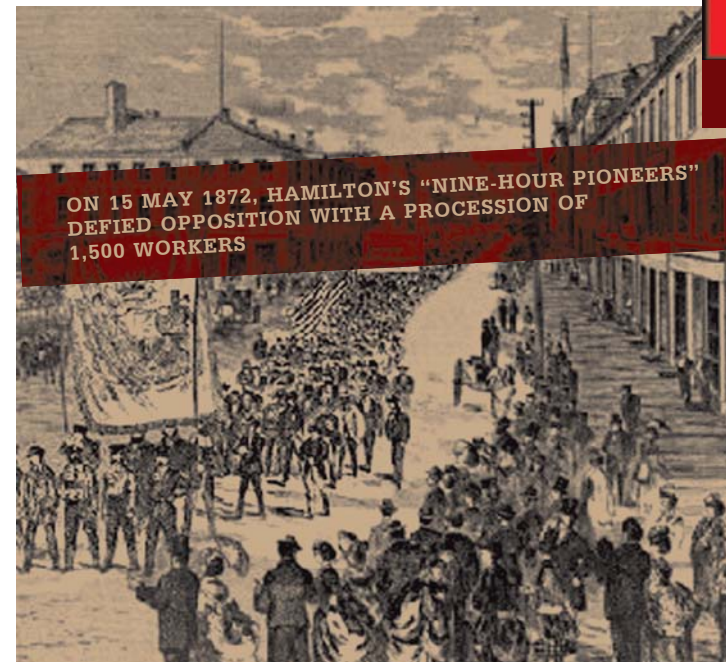
Twenty-four of the movement's leaders were eventually brought to court under charges of conspiracy and illegally "combining" their labour, sparking a rally of 10,000 in Toronto demanding their release. In a move that would come to mark the pattern of how labour rights have been advanced in Canada, the federal government responded to the militancy of the nine-hour movement by enacting the first legislation governing unions, the 1872 *Trade Union Act*. This first piece of labour legislation afforded very few rights as we would understand them today, but removed the criminality of "combining" labour and guaranteed the right for workers to form unions.

## MASS ORGANIZING: FRAGILE FIRST ATTEMPTS

By the 1880s, skilled workers in Canada had more than a century of union organizing behind them. The workplace was changing rapidly, however, as the Industrial Revolution advanced and began breaking down the power of artisanal and craft production. Sometimes, members of these first unions jealously guarded their craft against unskilled labour; at other times, however, they enthusiastically joined efforts to broaden the union movement. Soon, far-reaching movements arose that sought to extend the benefits of organization beyond skilled workers, to the many unskilled labourers employed in larger workplaces. And it was through these efforts to bring unions to the masses that the struggle for recognition and



Great Seal of the Knights of Labor, 1878:  
"An Injury to One is the Concern of us All"



union security took on a new urgency and would become a central focus for the labour movement for the next 60 years.

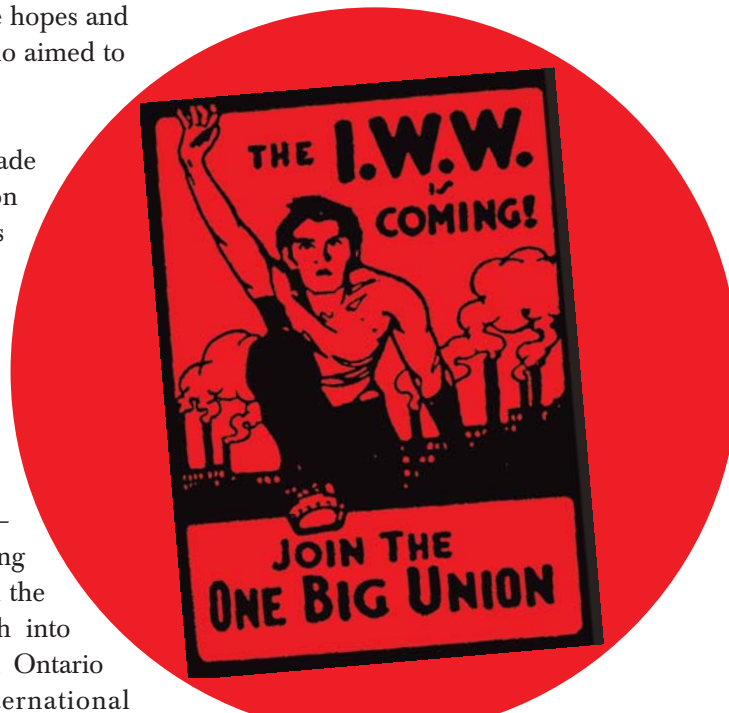
The earliest attempts to build mass unions in Canada offered both inspiration and important lessons for future generations. In the Nova Scotia coal industry, for example, the Provincial Workman's Association (PWA) started organizing in 1879, bringing together skilled and unskilled workers under one

umbrella to push for improved conditions<sup>3</sup>. And throughout the 1880s, the Knights of Labor, which originated in the United States, made great advances in organizing all workers, including women and people of all racial backgrounds, on a platform of broad social reform, making considerable inroads with more than 200 local assemblies, and a peak Canadian membership above 14,000 workers<sup>4</sup>. Both the PWA and the Knights of Labor were short-lived organizations, however. The recession of 1893, changes in industrialization and self-limiting strategies spelled the end of mass unionization movements until well into the next century. While permanency would elude these first efforts at building mass organizations, they demonstrated not only the capacity and hunger of workers to organize, but also the fragility of workers' organizations.

### EARLY INDUSTRIAL UNIONISM: FIERCELY OPPOSED

At the dawn of the 20<sup>th</sup> century, the idea of industrial unionism began to take hold, building on earlier efforts at mass organizing and arising largely from the hopes and efforts of socialists and communists who aimed to unite workers across all boundaries.

Canada's earliest industrial unions made great strides extending unionization beyond skilled and craft workers during the decade before World War I. In British Columbia and Alberta, the Western Federation of Miners (WFM) and the United Mine Workers of America (UMW) organized workers in the mines and coal fields. The Industrial Workers of the World (IWW) – the “Wobblies” – made inroads into the nation's logging camps and among railway builders. In the east, the UMW extended their reach into Nova Scotia, while textile workers in Ontario and Quebec began joining the International Ladies' Garment Workers' Union (ILGWU) and



Organizing Poster of the Industrial Workers of the World, circa 1910

the Federation of Textile Workers of Canada. As well, emerging industrial unions would take a foothold and expand their presence across the leading technological industries of the time, including the railways (United Brotherhood of Railway Workers), and telegraphers (Commercial Telegraphers Union of America), among others. These early industrial unions engaged in countless, and often epic, strikes and other forms of struggle to advance the union movement.

Yet in an environment with virtually no legal protections for unions, employers used every means available to intimidate workers, from forcing employees to sign “yellow dog” contracts vowing that they would not join a union as a condition of employment, to refusing to recognize the union where it was organized, to engaging in lock-outs and forcing strikes, to bringing in scab labour and trying to starve out workers. And, more often than not, the governments of the day promptly sent in police and the military to actively intervene on behalf of employers.



Vehicle window placard permitting movement across Winnipeg, June 1919

Early in the century the federal government moved to contain a rising tide of militancy, particularly following a violent strike in the Lethbridge, Alberta, coalfields in 1906, by introducing new legislation the following year. The 1907 *Industrial Disputes Investigation Act*

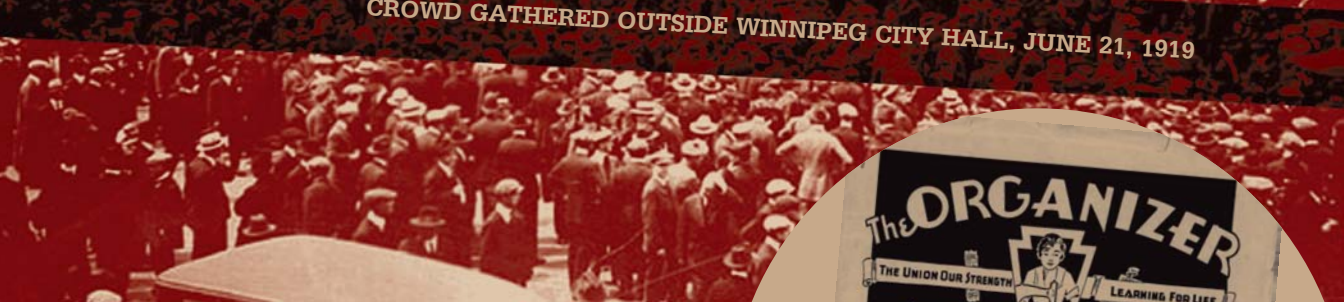
required a conciliation and investigation period before strike action. But the legislation afforded no protections for organizers, however, or any requirement for employers to recognize the union. Rather, it put the state in a position of actively mediating conflicts rather than simply suppressing them, and brought the first, albeit limited and grudging, legislative legitimacy to collective bargaining.

In the years leading up to World War I, these fledgling organizations advanced and then retreated, winning key victories and suffering crushing defeats. Their leadership also suffered increasing government crackdowns through “red scares” and efforts to rid Canada of the influences of “foreign radicals.” But in the aftermath of the carnage of the war,





CROWD GATHERED OUTSIDE WINNIPEG CITY HALL, JUNE 21, 1919



returning soldiers and other workers joined a rising tide of internationalism, at times inspired by the revolutionary events taking place in Russia and throughout much of Europe. In the first two years after the war, for example, Canadian workers joined unions in droves, doubling overall membership to 378,000 by 1919, the year of the historic Winnipeg General Strike – an event in which the struggle over union recognition provided one of the initial sparks<sup>5</sup>.

In 1919, seeking higher wages to combat rising inflation, and looking for improved working conditions, Winnipeg’s metal and building trades workers brought their demands to employers. Yet, in a tactic all too familiar to unions of the time, the employers simply refused to recognize the unions, and refused to bargain. The workers struck to back up their demands, appealed to the rest of the labour movement, and were soon followed by



Newsletter of Montreal Cloak and Dressmakers Joint Council, circa 1935

30,000 other workers, both organized and unorganized, who held out in an epic six-week general strike. The Winnipeg strikers demonstrated remarkable leadership, creativity, and discipline in maintaining the strike and keeping the basic functions of the city running under their control.

The strike raised hopes and inspired workers across the country, and struck fear in the hearts of Canada’s ruling classes. It was eventually broken up by a force of 1,800 “special police,” in the aftermath of the June 21 “Bloody Saturday” attack on gathering strikers that saw two killed and 30 wounded, and resulted in mass arrests. The rising wave of militancy was not limited to Winnipeg though: sympathy strikes and other actions took place across the country, and the summer of 1919 saw more than 115,000 workers out in 210 strikes<sup>6</sup>.

But with the Winnipeg General Strike broken, and facing heightened crack-downs by government, labour was once again on the retreat. The effects of a devastating recession in 1921, and in the face of rising corporate power in the 1920s, union membership fell by a third in the five years after 1919, and once again the goal of permanency for unions in Canada remained elusive.



OSHAWA UAW LOCAL 222 MEETING DURING 1937 STRIKE



## BATTLING THE DEPRESSION AND WAR: LABOUR'S PUSH FOR PERMANENCY

More than a decade would pass before Canada's next upsurge in union organizing began. In the wake of the spectacular financial crash of 1929 that ushered in the Great Depression, unions were dealt a serious blow. Yet many would join in efforts to organize among the unemployed, finding greater relevance and newfound strength that culminated in the mass marches of the "On to Ottawa Trek" in 1935.

In the U.S., voters looked to President Roosevelt and his "New Deal" policies to end the Depression through economic relief efforts, employment programs, and wide-ranging public works projects. And, for the U.S. labour movement, the 1935 *Wagner Act* brought the first formal recognition of workers' rights to organize, a requirement for employers to recognize unions, and the explicit right to collective bargaining.

Seizing on this new opening to pursue the long-held dream of mass industrial organizing, four months after the *Wagner Act* was signed into law, John L. Lewis of the United Mine Workers of America split with the leadership of the craft-oriented American Federation of Labor to found the Committee for Industrial Organization (CIO). The new CIO unions would set out to organize among mass production manufacturing industries that had begun to dominate the economy: auto, rubber, steel, and paper, among others.

Similar legislative rights would not be enjoyed by Canadian workers, however, until the closing days of World War II. But increasing economic integration with the U.S., and links between existing unions in both countries, meant that Canadians joined the surge to build the new CIO, and other existing industrial unions. 1937 saw several breakthrough struggles in Canada to win union recognition, including the strike among autoworkers in Oshawa, Ontario; a series of job actions and other tactics among Sydney, Nova Scotia steelworkers which additionally won dues check-off; and the "dressmakers" strike by 5,000 women textile and apparel workers in Montreal. In a recovering economy, and the build-up for war, union membership doubled between 1939 and 1945, reaching 725,000<sup>7</sup>.

In the early years of World War II, government appeals for stability came hand-in-hand with tight wage controls and a toothless plea for employers to negotiate with workers. Despite this, organizing efforts remained fiercely opposed, as employers routinely refused to recognize unions. In Kirkland Lake, Ontario, for example, the miners' strike,



which began in late 1941, highlighted how union recognition was viciously opposed through the employer's use of scab labour and the deployment of police forces against workers.

Chafing under wage controls and the hardships of the war economy, and frustrated by employers' continued unwillingness to recognize unions, Canada witnessed a massive wave of strikes in 1942–43. There were 760 strikes during this period, involving one in three union members and resulting in more than one million strike days in 1943 alone. Once again, advances in workers' rights would only come as government stepped-in to contain the disruptions and militancy, by enacting *Privy Council Order 1003* in 1944. This new directive essentially brought the *Wagner Act* to Canada, with the requirements that employers recognize and negotiate with unions – but only for the duration of the war.

Beyond the clear desire for improved wages and working conditions, this wave of wartime strikes also sought to establish the legitimacy and permanency of unions as the collective voice of workers. Working people had witnessed the cycle of boom and bust repeat itself over and over since the 1880s, and sought not only to win formal recognition, but also to put their unions on a solid financial footing.



Early experiences of CIO unions in large industrial workplaces showed that they remained vulnerable to the volatility of the marketplace and employer interference on the shop floor. And while hand-to-hand dues collection necessitated a large and active steward body, it also created organizational instability – a serious challenge to permanency for these rapidly growing unions at time when it was needed the most.

By this time unions had been able to win a variety of forms of union security, including “closed shop” workplaces, where only union members could be employed; the “union shop,” where everyone must become and maintain membership; and the “agency shop,” where everyone covered by the agreement pays dues. Regardless of the form of union security, the rapidly growing industrial unions sought to extend the practice of “check-off” to union dues. This wasn’t an entirely new idea, rather it picked-up on the practice established by early unions where deductions for various benevolent, burial and other union-managed social aid programs were “checked-off” from workers’ paycheques.

The struggle to win dues check-off began well before the famous 1945 Ford strike, in fact, unions on both sides of the border began pressing for it in the late 1930s.

Greater control over labour relations in Canada during the war had been assumed by the Wartime Labour Relations Board (WLRB). The WLRB’s proceedings show just how much the question of dues check-off had become front and centre. Among 39 major strikes over union security that occurred in 1944-45, in 23 cases the WLRB recommended awarding dues check-off in the settlement<sup>8</sup>.

And a major battle for dues check-off also lay at the heart of the 1944 strike in the Halifax shipyards by 3,000 workers, where the right to dues check-off was eventually established by a ruling of the Nova Scotia Supreme Court – a precedent-setting achievement<sup>9</sup>.

## POST-WAR: CONSOLIDATION AND COMPROMISE

The post-war period saw significant change and consolidation in the union movement. A wave of strikes that occurred in the immediate post-war period was an expression of workers’ desire to hold onto and advance the gains they had fought so hard to win over the previous decade. Key strikes in this period – the 99-day strike by 11,000 workers and blockade at Ford Motor Co. in Windsor, in 1945 [see page 21 to learn more about the Ford strike], and the 86-day strike in 1946 by 2,000 workers at Stelco, in Hamilton – still resonate today for the gains, and, more importantly, the union security and permanency, they helped workers win.

The Ford strike, of course, led to the key arbitration decision giving us the “Rand Formula,” that solidified the agency shop and dues check-off, but also went hand-in-hand with a union pledge to control and discipline wildcat strikes and other job action during the term of the collective agreement [see page 27 to learn more about the Rand decision]. But the struggle for union security certainly did not end with the Rand decision and union security and dues check-off did not suddenly materialize for all workers – there was no change in law that required it. Rather union security and the Rand Formula had to be won inch-by-inch through negotiations, backed up by the largest strike wave the country had ever seen.





In 1946-47, strikes for improved conditions, union recognition and dues check-off shut entire industries, including auto, steel, rubber, electrical, forestry, textiles, newspapers, among others as labour pushed to solidify wartime gains. More than 120,000 workers hit the picket lines across the country in this period, resulting in over 7 million strike days<sup>10</sup>. Employers and governments learned the hard way that workers would not be pushed backwards at war's end.

By the 1950s, provincial governments had adopted basic labour relations legislation modeled on wartime rules. And the Rand Formula had become the established pattern among major industries and in large workplaces. And yet, while unions routinely negotiated the Rand Formula during bargaining, there was still no requirement to do so in law. Many employers would routinely reject the demand – especially in newly organized workplaces – in attempt to break the union.

## THE 1960S AND BEYOND: RAND FORMULA BECOMES LAW

A rising wave of labour militancy and strikes during the mid-1960s led the federal government to establish a *Task Force on Labour Relations*, under the chairmanship of H.D. Woods, Dean, Faculty of Arts and Science, McGill University. The “Woods Task Force,” as it became known, identified the struggle over union security as being at the heart of several strikes of the era, and among its many suggestions for improving Canadian labour relations recommended that the Rand Formula become law across the country. Only Manitoba would heed that recommendation, however, becoming, in 1972, the first jurisdiction to require that mandatory dues check-off be part of all collective agreements<sup>11</sup>.

It would only be on the heels of major upheavals and strikes that the legal protection for the Rand Formula would be extended beyond Manitoba's borders. In Quebec it took a bitter 20-month strike that began in 1974 at United Aircraft in Longueuil to spur changes to the Quebec Labour Code in 1977, making dues check-off mandatory *[see page 31 to learn more about the 1974 United Aircraft strike]*.

And in Ontario, a small band of 80 women at the newly organized Fleck auto parts plant in Centralia stared-down hundreds of police in an epic 163-day strike in 1978 that paved the way for legal protections of the Rand Formula coming into force in 1980. *[see page 35 to learn more about the 1978 Fleck strike]*. Legal protections for the Rand Formula were extended to the federal jurisdiction in 1984, and eventually to other jurisdictions in the ensuing years.



## DEFENDING OUR GAINS: FACING EFFORTS TO ELIMINATE OUR RIGHTS

Today, most Canadian jurisdictions require mandatory dues check-off to be part of all collective agreements, or require that employers accept the demand if sought by the union (Manitoba, Quebec, Ontario, Saskatchewan, British Columbia, Newfoundland and Labrador and the federal jurisdiction). And in all other provinces, workers are free to negotiate the Rand Formula. The legal protections that exist have been important for stabilizing and extending unionization, but it is vital to underscore that efforts by some corporate lobby groups and governments to bring so-called “right-to-work” laws to Canada are not merely about removing these existing protections, but rather, they aim to make it *illegal* to even negotiate the Rand Formula.

From a historical perspective, prohibiting this basic form of union security, and reaching so deeply into the right to collectively bargain would clearly mark a return to the 1930s, if not earlier. In some respects, making it illegal for workers to negotiate dues-check off, and ultimately making it illegal to back up their demands with strike action, brings us back

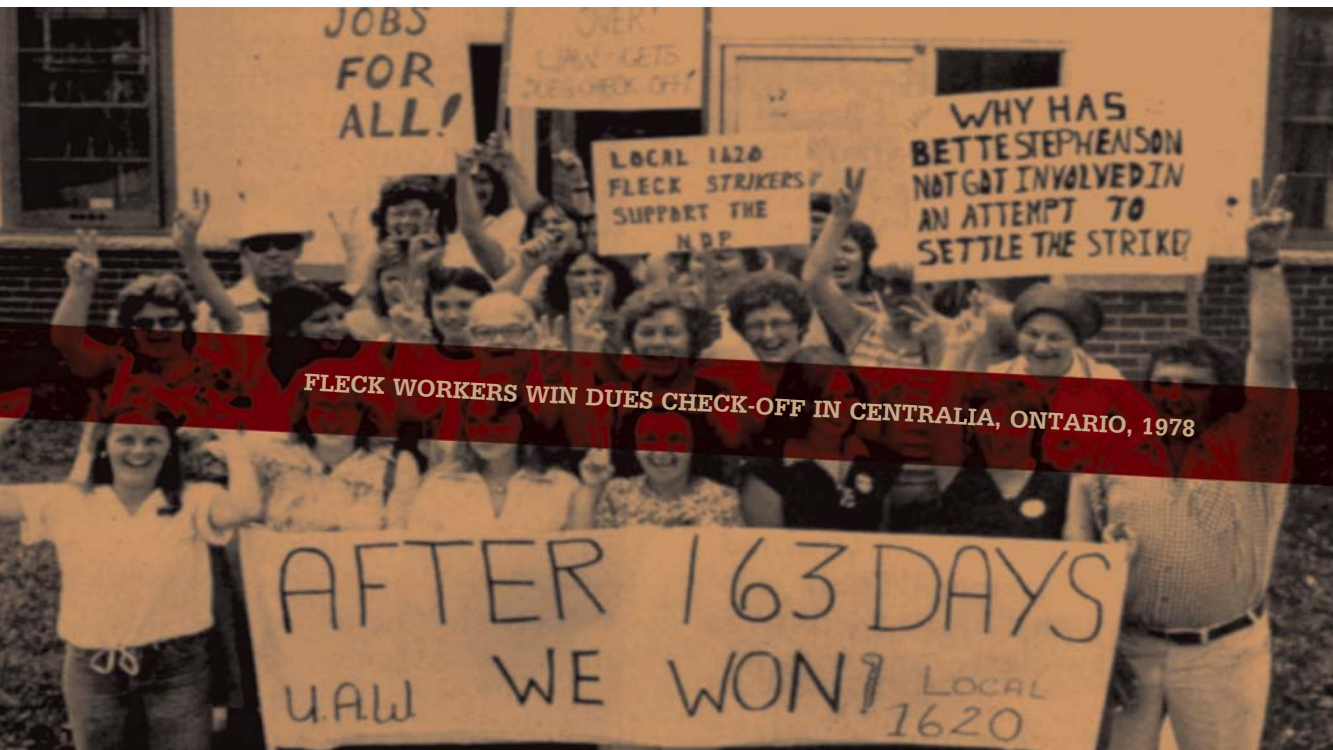


to the 1870s when workers could be charged for conspiracy and illegally “combining” their labour. Today, there are some in Canada looking to roll back a century-and-a-half of social progress.

What lessons are we to draw from this history? It’s clear that each and every advance in the rights of workers came after a wave of militancy and struggle: from the nine-hour movement, to the enactment of the 1872 *Trade Union Act*, to the 1907 *Industrial Disputes Investigations Act*, to the Winnipeg General Strike and the On-to-Ottawa Trek, to wartime strikes and the key labour relations legislation that arose during and after World War II, to the many militant actions of the 1960s and beyond.

We won what we won only by pushing and struggling and building a movement collectively. Our rights were not given or granted to us by anyone. They were won.

Today, all Canadians enjoy the rights and benefits won by those who came before us. And if they were with us now, would they allow progress to be undone? Will you?



FLECK WORKERS WIN DUES CHECK-OFF IN CENTRALIA, ONTARIO, 1978



WE WON WHAT WE WON ONLY BY PUSHING AND STRUGGLING AND BUILDING A MOVEMENT COLLECTIVELY. OUR RIGHTS WERE NOT GIVEN OR GRANTED TO US BY ANYONE. THEY WERE WON.





THE STRIKE WAS A SUCCESS NOT JUST IN WINNING THE STRUGGLE FOR UNION SECURITY,  
BUT ALSO IN ESTABLISHING THE LEGITIMACY OF UNIONS IN CANADA.



# THE FORD WINDSOR STRIKE 1945



Women marching in the picket line on Charles Street, Windsor

In 1945, UAW Local 200 at Ford’s Windsor plant made “union security” a key demand.

Many employers wished to use the end of the war as an excuse to return to conditions as they were prior to the war when workers were unable to form unions. In order to ensure that this did not happen, Local 200 demanded that the company agree to a union shop as well as automatic dues check-off. Ford had agreed to these terms with its workers at Ford’s River Rouge plant in Detroit in 1941. Union security was needed to allow the union to effectively represent its members. During the war, the UAW had to collect dues directly from its members on a monthly basis. With thousands of members, this became a full-time activity and made it difficult for the union to function.

Negotiations stalled and on September 12, 1945, 11,000 Ford workers went on strike and stayed out for 99 days. The 1945 Windsor Ford strike was historic. It not only established the principle of union security, but it also ensured that the gains labour won during the full employment years of the war would not be reversed. Unions could take their place as a legitimate part of Canadian society. As the strike started, World War II was just coming to an end. Thousands of soldiers were returning to Canada and re-entering the work force.





Picket Line at Plant 1, blocking the Sandwich Street company gates, went up on September 12, 1945

On November 5, as tensions mounted, 8,000 workers from 25 plants organized by Local 195 walked off the job in solidarity with the Ford workers. They stayed out for one month with no strike pay. The next day, the union, anxious to avoid bloodshed, formed a blockade of cars and trucks stretching 20 blocks around the giant Ford plant.

Below is how UAW Canadian Director George Burt described the Windsor blockade:

*"We were not well enough off in those days to have the thousands of people with cars they had in the United States, but most of the workers with cars did respond, and they established a barricade so that when public cars came down Riverside Drive they unwittingly were trapped in the congestion and reinforced our park in-siege.*

*The city buses were organised, and I don't know whether they acted with aforethought, but they drove into the jam and tangled into this great clot of cars. We did make one mistake. There was a fellow with a load of fish, and at our invitation he left his truck in the middle of the demonstration. It stayed there for days and when a spot of warm weather came along we very much regretted we had extended our hospitality to the fish monger."*

***Where Was George Burt?, UAW Pamphlet***

Corporations were looking to return to the pre-war years when they had greater control over workers. In taking on the largest company in the country, Ford workers led the way in establishing a mood of confidence that Canadian workers could continue to fight to make gains.

## THE BLOCKADE

During the strike, the strikers closed the company's powerhouse down, shutting off the heating system for the plant. As winter approached, pressure built to reopen the powerhouse. The local Police Commission proposed using the police, over-ruling the Mayor of Windsor, Art Reaume, who supported the strike. At the same time, the province sent in hundreds of OPP and RCMP officers. Roy England, President of UAW Local 200, expressed his outrage at the growing threat of police aggression:

*"The proposals of members of the Police Commission to use police to break through picket lines to escort watchmen in the powerhouse is nothing less than an attempt at strike-breaking. This is not what our returning veterans and the production workers fought for during the war in which they so gloriously upheld Canada's part in victory."*

***Mary E. Baruth-Walsh & G. Mark Walsh, Strike: 99 Days On The Line***



Royal Canadian Mounted Police officers flown in from Ottawa disembark from chartered plane, November 5, 1945



Three days later, the blockade was removed. It had been a success. The police and the RCMP did not intervene. On November 23, following the resumption of negotiations, the powerhouse was reopened with the permission of Local 200.

The strike received strong support from the Windsor community. Soldiers back from the front lines marched in solidarity rallies. Church groups and local businesses pitched in to help the strikers and their families. The Women's Auxiliary fed 11,000 picketers. Financial support came from unions across the country.

Here is an excerpt from a letter from the Ford Strike Committee in 1945 to Toronto unions appealing for financial assistance:

*"No strike in the history of Canada has caught the imagination and the sympathy of the Canadian workers like the present Ford strike...they have put up an epic and heroic struggle not only for union security but also for increased vacations with pay and an insurance plan, for increased wages, an annual living wage and other points so essential for workers in order*



*to gain economic security. We urge upon you and your membership to make your contributions to the Ford strikers at this time, because the outcome of the Ford Strike will determine labour conditions throughout Canada for years to come."*

**Mary E. Baruth-Walsh, G. Mark Walsh, Strike: 99 Days On The Line**

## THE STRIKE ENDS

On November 29, the Federal Government tabled a proposal to end the strike. The proposal included binding arbitration on the union shop and dues check-off issues. On December 16, after 99 days on strike, the membership voted to accept the terms and allow the issue of union security to go to third party arbitration on the condition that the arbitrator be someone who was sympathetic to the union. The decision of the arbitrator, Justice Ivan Rand, provided for the dues check-off, but not for the union shop.

The strike was a success not just in winning the struggle for union security, but also in establishing the legitimacy of unions in Canada. This gave the Canadian labour movement the confidence to fight for post-war gains. George Burt summed up the view of the union in his report to UAW Canadian Council following the strike:

*"It is our belief that we have won the strike and we have confidence that the weight of this strike has had the effect of shaking the government into a greater realization of the problems of organized labour and has awakened the Canadian people to the realization that the success of post-war rehabilitation depends a great deal upon the labour movement. We feel the strike will have an effect of softening the manufacturers when our demands for wage increases are made public."*

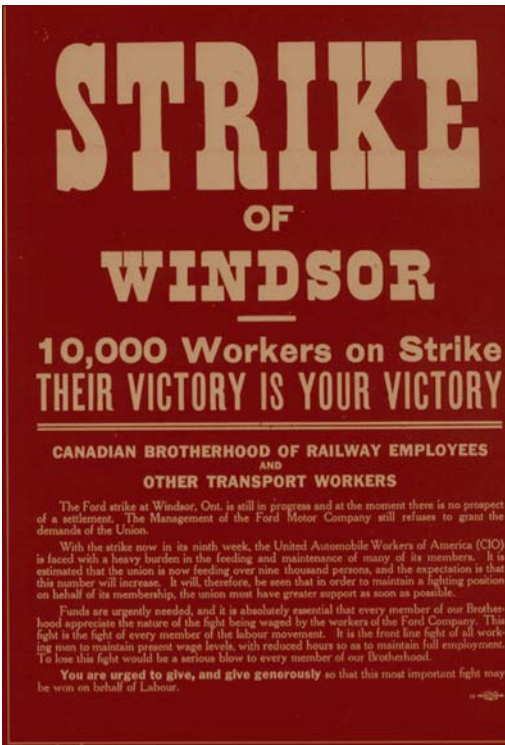
**Report to Canadian Council, January 19 and 20, 1946.**

Local 200 was also looking for medical benefits, two weeks paid vacation and seniority rights for veterans. In a "union shop" everyone working in a plant would automatically be members of the union. With "dues check-off" the company would deduct union dues from the members' pay cheques and hand the dues over to the union.

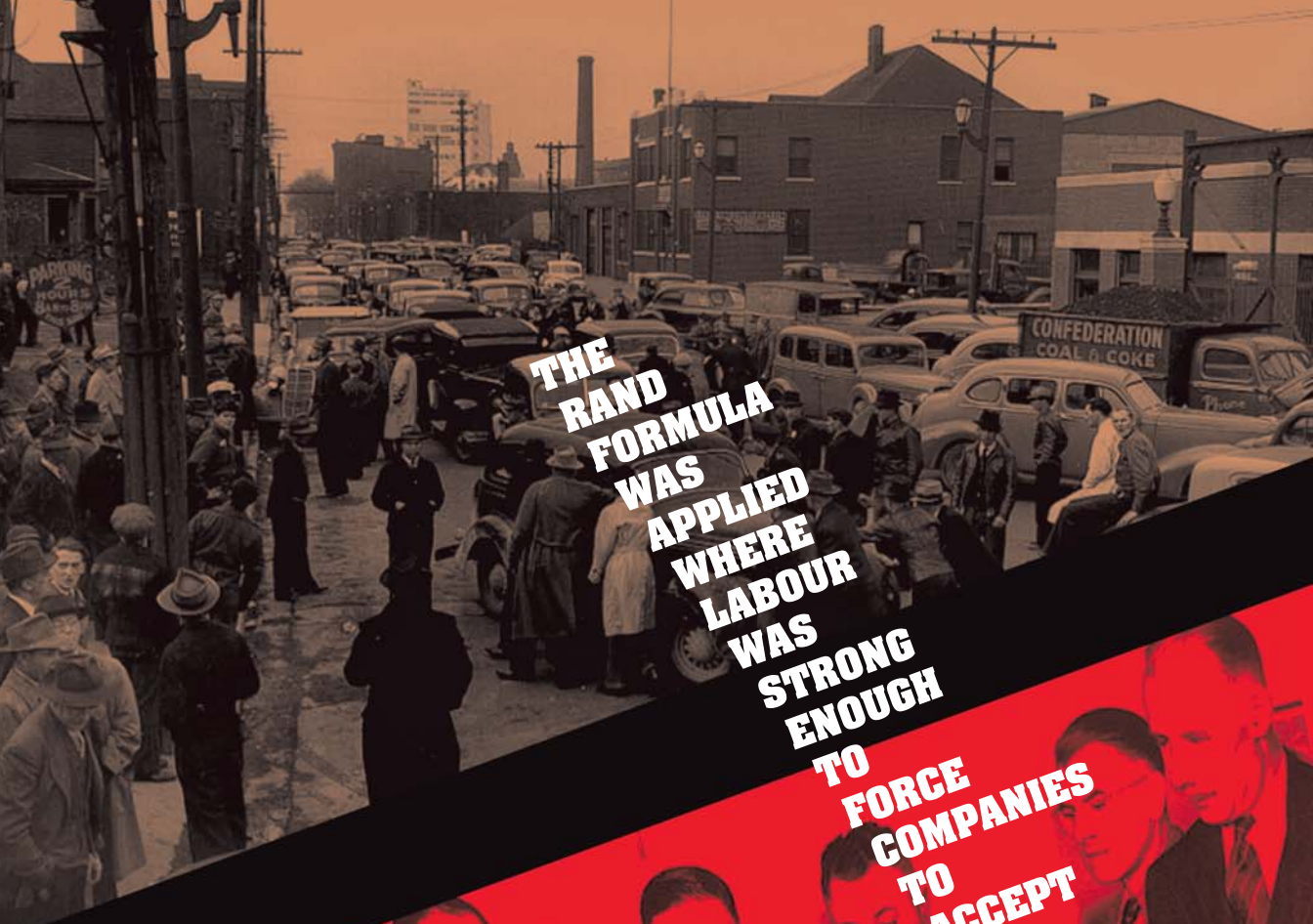
A blockade had been used to great effect by the UAW at Ford in Detroit in 1941.



Henry Howarth in the strike-supporter "sound-car", November 2, 1945



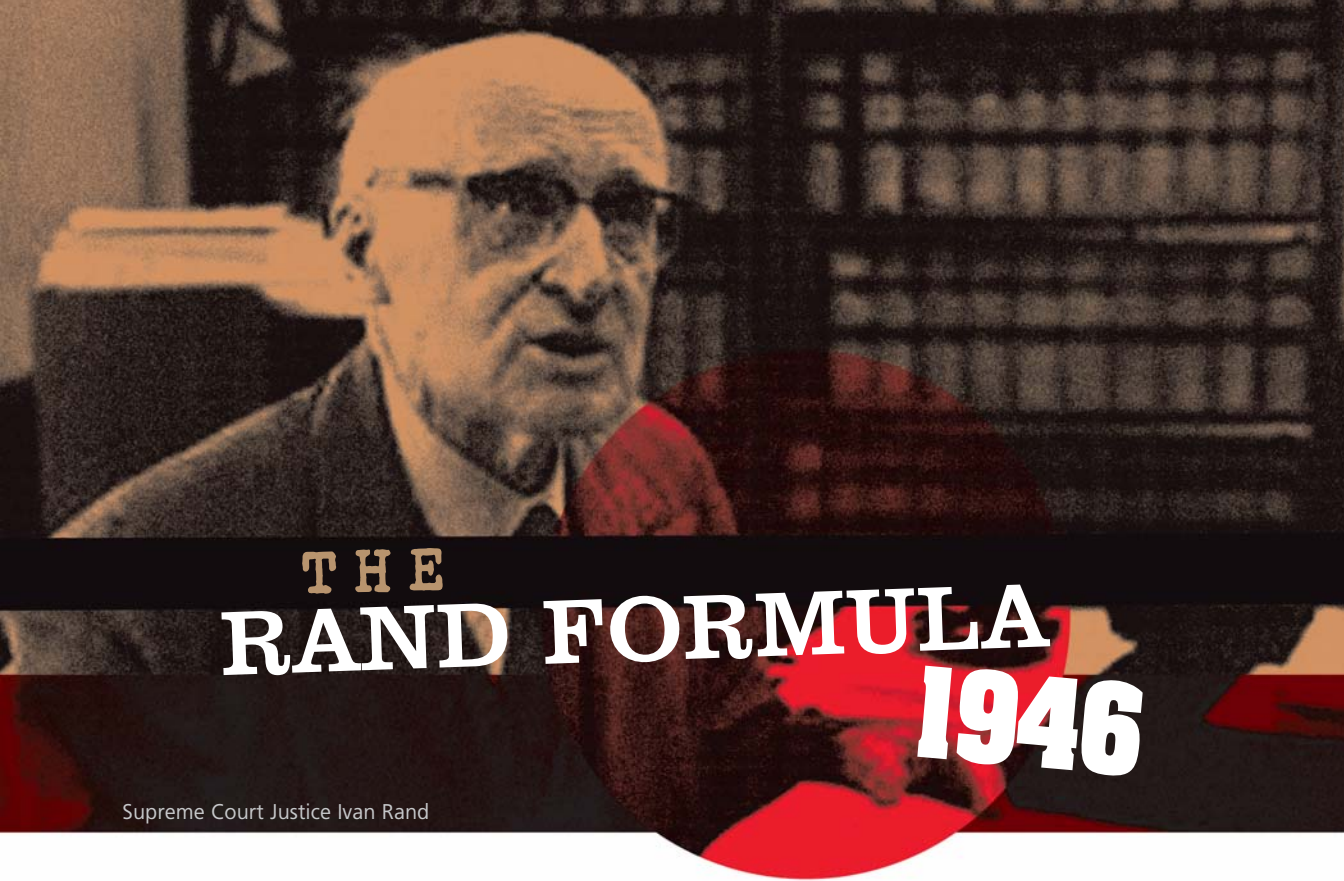




**THE RAND FORMULA WAS APPLIED WHERE LABOUR WAS STRONG ENOUGH TO FORCE COMPANIES TO ACCEPT IT**



Signing of agreement between Local 200 and Ford of Canada, January 1946



# THE RAND FORMULA 1946

Supreme Court Justice Ivan Rand

The Ford strike was settled in December, 1945, on the condition that the key issues, the union shop and the dues check-off, be sent to arbitration. On January 29, 1946, Justice Ivan Rand, the arbitrator, handed down a report that has come to be known as the “Rand Formula.” Rand’s decision did not provide for a union shop, but it awarded complete dues check-off.

The Rand decision put forward the basic principle that all who benefited from a union, whether they wished to be a member or not, must pay dues. This was to be enforced by a compulsory dues check-off. He wrote in his decision:

*“I consider it entirely equitable then that all employees should be required to shoulder their portion of the burden of expense for administering the law of their employment, the union contract; that they must take the burden along with the benefit.”*

**Justice Rand, January 29, 1946.**



With Justice Rand's decision, union security was established, and the Rand Formula rapidly became a pattern for union security in collective bargaining, not only in UAW plants, but for unions throughout the country.

The Rand Formula was applied where labour was strong enough to force companies to accept it. It quickly passed from the Ford agreement to other agreements in industries across the country. By 1949, the UAW had 40 plants in Canada covered by the Rand Formula.

### SOMETHING GAINED AND SOMETHING LOST

Rand's decision was a compromise and not everyone was happy with the outcome. Before the Rand Formula, there was an extensive steward and sub-steward system within the plant. The monthly collection of dues created a close association between the stewards and the membership. The Rand Formula freed stewards from this task. This meant that

members would have less direct contact with their stewards. Hence, stewards could become more independent of the members and members could become less active in union decision making. On the other hand, the union had more resources and time to build the union and to work on the members' behalf.

The decision also outlined the union's obligation to maintain discipline among the membership and responsibility for preventing wildcat strikes. It established penalties for the union if wildcats occurred.

Rand was reinforcing the Canadian wartime regulations that outlawed wildcat strikes. This was one way that Canadian labour legislation differed from U.S. labour legislation. In the US, as a result of the 1935 Wagner Act, workers have the right to strike during the life of an agreement over unresolved issues such as health and safety or production standards. Wildcats are illegal for Canadian workers under any conditions.

It took until the late 1970s for the Rand Formula to become law in Ontario and Quebec.



Supreme Court of Canada





# THE RAND FORMULA RAPIDLY BECAME A PATTERN FOR UNION SECURITY IN COLLECTIVE BARGAINING



## UNITED AIRCRAFT STRIKE 1974

The lengthy and bitter strike by 2,000 United Aircraft workers (later called Pratt and Whitney) in Quebec, members of Local 510 of the UAW, began on January 7, 1974 and continued for 20 months. It was one of the longest and most violent strikes in Canadian history. The strike focused initially on wages and benefits but became a strike about union recognition and the Rand Formula. It was a key confrontation of the 1970s:

- It established the UAW in Quebec as a militant union that supported Quebec national rights and that was not afraid to take on the toughest battles of the workers' movement;
- The United Aircraft strike created tensions between the Canadian UAW and the International leadership that led to growing Canadian nationalism and to Quebec's demand for autonomy within the union;
- The brutal police repression against the UAW workers turned many people against the Liberal government and contributed to the election of the Parti Québécois (PQ) in 1976;
- The strike helped pressure the PQ government to bring in the Rand Formula (dues check-off) for all unionized Quebec workers in 1977.



For many Quebecers:

*The strike came to symbolize the refusal of Quebecers to be treated like colonials by a foreign based multi-national which refused to accept standards that had become common in neighbouring Ontario.*  
**Sam Gindin, The Canadian Auto Workers, 1995**

Because of the anti-French sentiments expressed by the company (headquartered in Connecticut), the strike quickly became a cause for the UAW and the Canadian and Quebec labour movements. The UAW poured money into the strike and the International Executive Board of the UAW voted to contribute extra funds. However, Emil Mazey, Secretary Treasurer of the UAW, was opposed to this move to support the strike. He wanted the strike terminated and, while Canadian Director Dennis McDermott was out of the country, sent letters to the strikers and to all Canadian locals accusing the local union of fraud in obtaining extra benefits. This letter was misleading as the funds were being channeled into emergency relief for the strikers. Mazey's action threatened to undermine the union's position in the United Aircraft dispute.

At the next Canadian Council meeting, a furious McDermott put forward and received support for a resolution condemning Mazey's actions. This was the first time a Canadian Director had demanded a reversal on a major policy issue:

*In a strange twist of events, sensitivity to Quebec nationalism had led to a crucial expression of Canadian sovereignty and nationalism.*  
**Sam Gindin, The Canadian Auto Workers, 1995**

The company operated the plant with scabs. Following a failed attempt at mediation in May, 1975, a group of strikers occupied the plant and demanded a settlement to the strike. The Quebec Federation of Labour (FTQ) staged a massive rally outside the plant with 100,000 supporters.

With the arrival of provincial riot police, the strikers attempted to surrender peacefully. Strikers bearing white flags of surrender were beaten by police and many were severely injured. Thirty-four faced trial and three were jailed for almost four months.

Finally, with the strike entering its twentieth month, Quebec Premier Robert Bourassa came up with a settlement that both the company and the UAW agreed to recommend. On August 26, 1975, the membership of Local 510 voted to accept the agreement.

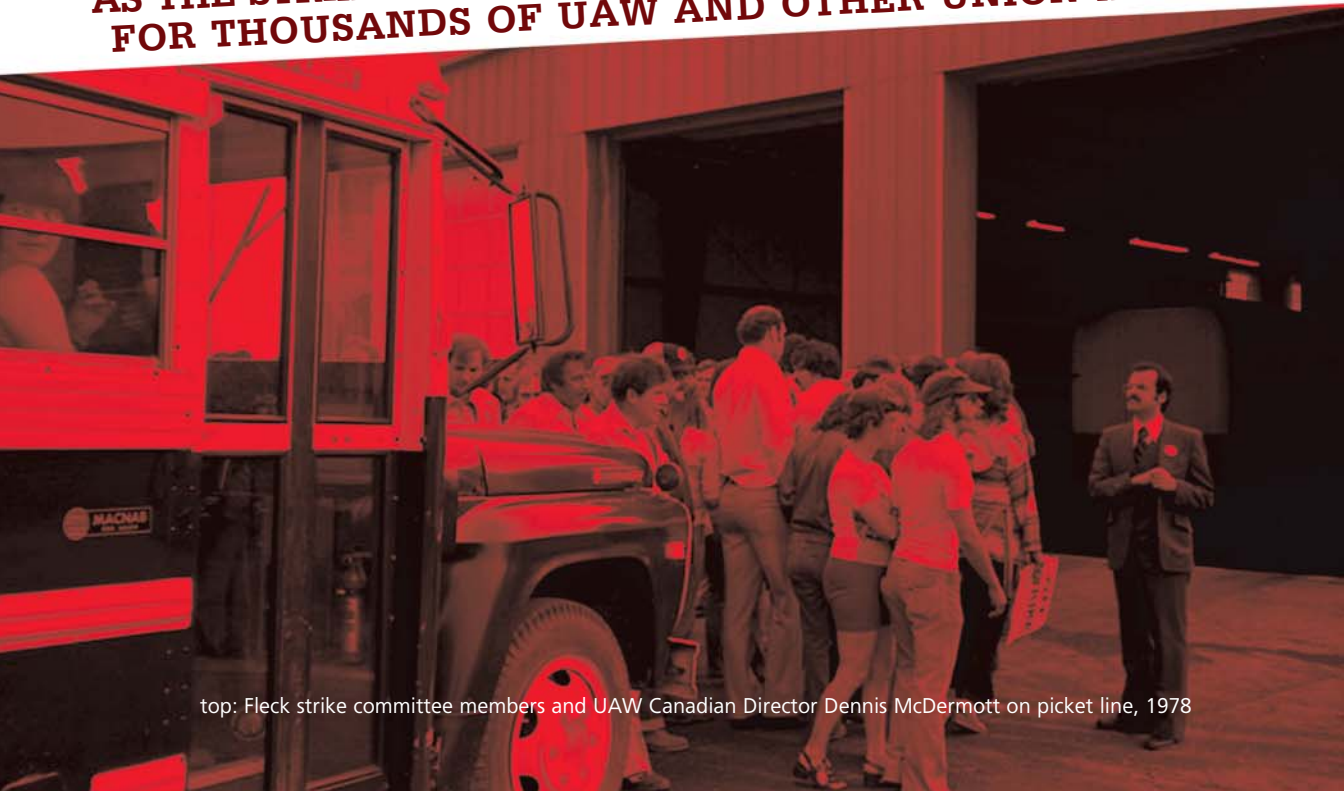
While the union won many of its demands including voluntary overtime, it failed to win the Rand Formula. In 1977, the newly elected Parti Québécois government brought in major reforms to the Labour Code including the Rand Formula and anti-scab legislation.







AS THE STRIKE DRAGGED ON IT BECAME A RALLYING POINT FOR THOUSANDS OF UAW AND OTHER UNION MEMBERS



top: Fleck strike committee members and UAW Canadian Director Dennis McDermott on picket line, 1978



## FLECK STRIKE 1978

Ford workers won the Rand Formula in the historic 1945 strike. In 1977, there was still no legislation making the Rand Formula a right for all unionized workers.

*"In the beginning Fleck looked like a routine, first-contract bargaining situation. It was a small auto-parts plant with 140 employees, mostly women. Conditions in that place were simply terrible. It was infested with rats and mice. The safety precautions were negligible, the machinery was dangerous and there were only four toilets. To make a bad situation worse, a good many of the women were being sexually harassed by men in senior levels of management."*

**Bob White, *Hard Bargains*, 1987**

Workers at Fleck, an auto-parts plant in Centralia, Ontario, produced wire harnesses and earned slightly more than minimum wage. In the fall of 1977, the UAW signed up the majority of the workers and certified Local 1620. By March the following year, a first contract was still not settled. The company refused to agree to the UAW demand for union security and the dues check-off. According to management at Fleck: "Employees should be free to be members of a union or free not to be."



The union stood its ground, vowing: “We are not about to turn the clock back 30 years and throw out the Rand Formula.”

The ensuing strike lasted 163 days. Strikers had to face an astounding show of police force. By the second month, 500 OPP officers in full riot gear were lined up against the 80 striking women (average age 21) and their supporters. Police used extreme force, frequently hitting strikers. Eventually, it came out that the plant was part-owned by James Fleck, then Ontario Deputy Minister of Industry and Tourism.

As the strike dragged on it became a rallying point for thousands of UAW and other union members, as well as the women’s movement, the NDP, and the cultural community. The Fleck women showed great courage and solidarity, with some touring the province to raise funds for the strike.

Five and a half months after the strike began, a settlement was reached and workers won a modest raise. They also won a Labour Relations Board order for compulsory payment of union dues. The Fleck women had won union security. Their struggle led to amendments in the Ontario Relations Act in 1980. Unionized workers now had a legislated right to have the Rand Formula in their agreements.

Below, you can read Bob White’s 1978 letter to Ontario Premier Bill Davis demanding that the Rand Formula be legislated.

August 17, 1978.

Dear Mr Davis:

I am writing this letter shortly after my return from Centralia, Ontario, where, as you are no doubt aware, a settlement has been achieved in that long and bitter Fleck strike.

Almost every Ontarian and many outside Ontario know the history of this strike. A history which shows a gallant group of women workers who did everything they legally could to have a union, but unfortunately were working for an employer who was determined they would not succeed, and adopted a posture in collective bargaining designed to ensure that position prevailed.

The Fleck strike terminated with the workers winning their right to have a union, but the cost to those workers financially, physically, and mentally was great. I want to assure you, Mr. Premier, that as one labour leader in this province, I am not prepared to say the end of the Fleck strike settles the issue and we should forget about what happened during the struggle.

Never again in Ontario should workers have to do what Fleck workers did “strike for a Rand Formula check-off”. Never again in Ontario should massive use of police be used to support an employer trying to break a strike and deny the workers their right to have a union. It is time for action by your government on this issue. The compulsory dues check-off should be automatic by legislation, once a union is certified by the Ontario Labour Relations Board.

I am urging you to consult with The Honourable Bette Stephenson, Minister of Labour, and bring forth legislation immediately on this issue other provinces in this country have already done so.

I suggest to you such legislation would do a great deal to avoid a repeat of the “Fleck” strike.

Yours truly,

Robert White  
Director for Canada and  
International Vice-President





## ENDNOTES

- <sup>1</sup> Palmer, Bryan. *Working-Class Experience: The Rise and Reconstitution of Canadian Labour, 1800-1980* (Toronto: Butterworth 1983), p.30
- <sup>2</sup> Palmer, p. 300
- <sup>3</sup> Palmer, p. 105
- <sup>4</sup> Heron, Craig. *The Canadian Labour Movement: A Short History* (Toronto: James Lormier 1989), p. 26
- <sup>5</sup> Palmer, p. 148
- <sup>6</sup> Heron, p.59
- <sup>7</sup> Palmer, p.237
- <sup>8</sup> White, Jay. "Pulling Teeth: Striking for the Check-Off in the Halifax Shipyards in 1944," *Acadiensis* (Fredericton: Autumn 1989) p. 120
- <sup>9</sup> White, pp. 115-141
- <sup>10</sup> Palmer, p. 243
- <sup>11</sup> Lascelles, Michael. *Legislative Provision for the Compulsory check-off of Union Dues and Agency Fees: A Review of Issues*, (Ottawa: Labour Canada 1980)

## CREDITS

### TEXT

Strike Sections (Ford Windsor, Rand Formula, United Aircraft, Fleck) excerpted from No Power Greater, CD-ROM, McMaster University Labour Studies Programme and CAW-Canada, 2003.

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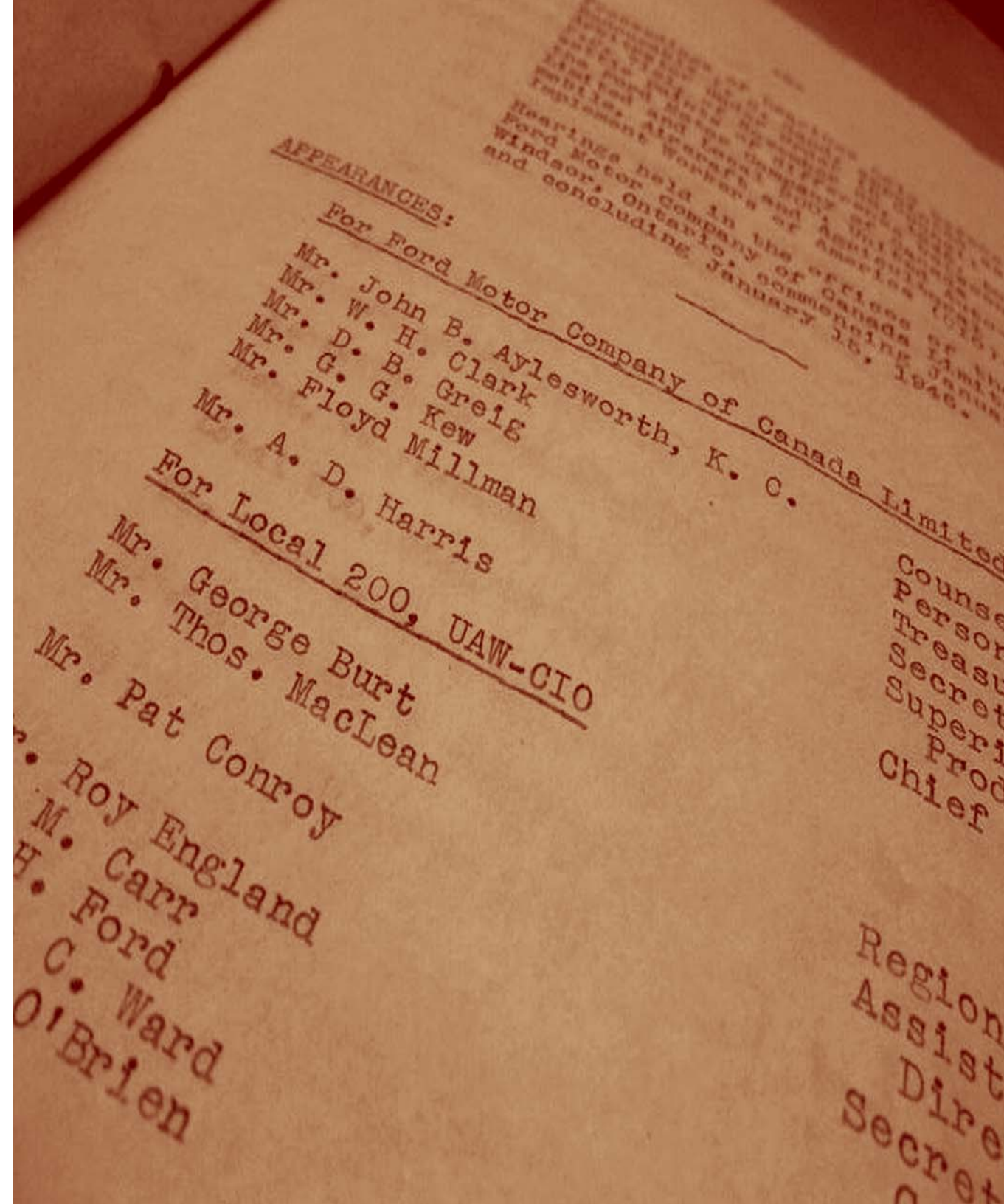
*Fleck women*, Schuster Gindin



## EXPLORE CANADA'S RICH LABOUR HISTORY

There are many books and articles exploring specific events, regions, unions and people in labour history. As a start, here are a number of comprehensive books that will hopefully open the door to further exploration:

- **Abella, Irving, ed.** *On Strike: Six Key Labour Struggles in Canada, 1919-1949* (Toronto: James Lorimer 1974).
- **Abella, Irving, and David Millar, eds.** *The Canadian Worker in the Twentieth Century* (Toronto: Oxford University Press 1978).
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