



International
**LONGSHORE & WAREHOUSE
UNION**

August 12, 2008

LOCAL 500 BULLETIN



PRESIDENTS LEAVING PRISON

Back row - left to right:

Les Copan (501 Vancouver), Laing Mackie (503 Port Alberni), Roy Smith (Canadian Area) Bill Foster (507 Grain liners), Vince Shannon (510 First Aid).

Middle kneeling:

Bill Laurillars (506 Marine Checkers).

Front row - left to right:

Ed Pilford (505 Prince Rupert), Don Garcia (502 New Westminster), Stan Ball (504 Victoria), Dave Mason, (508 Chemainus).

THE PRESIDENTS GO TO JAIL

In 1965, the federal government adopted the Canada Labour Standards Code governing hours of work, vacations, statutory holidays and other conditions of employment relating to industries under federal jurisdiction.

Of special interest to longshoremen was the provision granting eight paid general holidays per year. From time immemorial, employers in the industry had resisted statutory holiday provisions, arguing that they were impracticable in longshoring. They were not now about to grant the holidays merely to comply with the law.

The first test came on Good Friday 1966, when employers ordered longshoremen to work. The men, however, refused to do so and no work was done. In May, in preparation for Victoria Day, Ed Strang (General Manager of the employers' association) asked the ILWU for assurance that there would be "no withholding of labour on the May 23rd holiday." When the union refused to give such assurance, the employers applied for a Supreme Court injunction.

The court, in the person of Mr. Justice Ruttan, obliged the employers with an order forbidding any stoppage of work or picketing on Victoria Day, and requiring sixteen union officers to sign a notice complying with the injunction and post it on all union notice boards. The court, in other words, assisted the employers in defying the new legislation.

No officer of the ILWU complied with the outrageous order. To do so would have been to acknowledge the right of employers to use injunctions as a means of circumventing the law and of judges to issue such injunctions. Once again, therefore, no work was performed on the holiday.

The reaction of the employers was to cite Roy Smith, Canadian Area president and nine local presidents for contempt of court, that is, for disobeying the injunction. The local presidents were Les Copan, Don Garcia, Laing Mackie, Stan Ball, Ed Pilfold, William Foster, Bill Laurillard, Dave Mason and Vince Shannon. Mr. Justice Verchere fined Roy Smith \$500 and each of the others \$400, with the alternative of three months in prison.

All ten presidents elected to serve jail terms rather than pay the fines. Their reason for doing so was set out in a press release as follows:

"We chose to go to jail on June 17th because we felt that to pay our fines would be an encouragement to the employers' tactics of seeking injunctions and fines as a means of harassing our union and draining its financial resources."

One effect of the jailing of the leaders was to interrupt the negotiations for the 1966 collective agreement, since those jailed were the leading members of the negotiating committee. Since the collective agreement expired July 31st and the jail sentences ran to September 17th, one result of the hard-nosed action by the employers was to create the virtual certainty of a strike, with attendant disruption of shipping, and interruption of grain shipments which were of critical importance to the national economy. This inevitably brought the federal Department of Labour into the picture.

Labour Minister Nicholson reacted by announcing that his department would take steps to assure that the provisions of the labour code applied to longshoremen. He stated that he would amend the legislation if necessary. Following that announcement, the B.C. Federation of Labour took the initiative to pay the fines and procure the release of the imprisoned presidents after only three weeks of their sentences had been served.

The courageous actions of the union leaders in this matter had a number of important consequences. First, it taught the BCMEA and its hard-nosed arrogant manager, Ed Strang, that the ILWU could not be intimidated by the unfair use of injunctions. The employers gained a new respect for the union, which contributed in no small measure to improved industrial relations in the industry. An immediate result was the winning of statutory holiday rights for longshoremen.

Beyond that, this episode led to a new determination on the part of the B.C. Federation of Labour and the CLC to fight to curb the use of the courts as an employers' weapon in collective bargaining. Their campaign bore fruit a few years later when the NDP government took the power to issue injunctions in labour cases out of the hands of the courts and made them the responsibility of the Labour Relations Board.

Al Staley, President of the B.C. Federation of Labour, paid tribute to the action of the longshoremen in the following words:

"We owe a great tribute to the courage of these brothers, who have gone to prison for a great principle – the freedom of choice. In this type of skullduggery by government, employers and the courts, we must stand up like the longshoremen. The impact of these unjust laws upon labour must be stopped."

Thus, once again, the ILWU, in standing firmly on principle, won important gains, not only for its own members, but also for the whole labour movement.

LOCAL 500 EDUCATION COMMITTEE