

PC. 2525

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Ottawa October 11th. 1918. 191

TO HIS EXCELLENCY THE
GOVERNOR GENERAL IN COUNCIL.

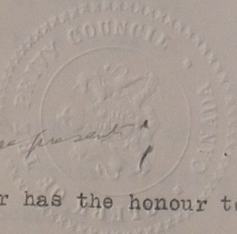
Whereas the M. of Labour is pleased

The Minister of Labour has the honour to represent *That* under the provisions of the Industrial Disputes Investigation Act and amendments thereto, provision is made for the establishment of conciliation boards for the adjustment of disputes between employers and employees in the manner in said Act and amendments thereto provided;

THAT by Order in Council P.C. 1743 of the 12th July 1918, provision is made for a Board of Appeal to which resort may be had when any party interested feels aggrieved by the decision of such Board of Conciliation;

THAT there has been constituted by the Canadian Railway War Board, with the assent of representatives of the organized bodies of Railway employees, a Board of Adjusters for the settlement of disputes that may arise between the employees engaged in Railway work and their employers;

THAT by these different dispositions full and adequate provision is made for the just and equitable settlement and adjustment of all matters of dispute that may arise between the employers and employees in the different industries affected by the Industrial Disputes Investigation Act and its amendments or between employers and employees in connection with the carrying on of the operations of Railways in Canada



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but no provision is made for enforcement of obedience to and compliance with the orders or decisions of such boards, nor is there any prohibition of strikes or lockouts, after report has been made by a Board of Conciliation.

THAT in view of the provisions so made and of the injurious and detrimental effects resulting from the occurrence of strikes and lockouts in the different industries affected by the Industrial Disputes Investigation Act and in connection with the operation of the Railways, which strikes or lockouts are of a nature to seriously interfere with the carrying on of said industries and the operation of the said Railways, both of which are essential to the *efficient* performance of Canada's duty in aiding in the effective prosecution of the present war, it is necessary and advisable that under the powers conferred upon the Governor in Council by the War Measures Act of 1914, such strikes and lockouts in connection with such industries or Railway operations should be absolutely prohibited during the continuance of the present war;

The Minister, therefore recommends that the following regulations be made and enacted:-

REGULATIONS.

1. In the present regulations, the word "person" wherever used, shall, save where the context otherwise requires, include every Company, firm, *partnership* or other association of persons incorporated or unincorporated;

2. Any person who during the continuance of the present war shall incite, order or participate in a lockout or strike as defined in the said Industrial Disputes Investigation Act and amendments thereto, in any

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industry mentioned therein or to which the said Act is applicable either in virtue of its terms, or of any Act of Parliament or Order in Council amending the same, or in or in connection with the operation of any Railway in Canada, before, during or after an investigation by a Board of Conciliation established under the said Act or amendments, or by a Board of Appeal or the Board of Adjusters above mentioned, shall be guilty of an offence punishable as hereinafter provided.

3. Any employer of labour shall be guilty of an offence and liable to the penalties hereinafter provided who during the continuance of the present war shall discharge or refuse to employ workers (other than those holding positions or employment which shall be by judgment of the Board of Appeal or the Board of Adjusters above mentioned, determined to be incompatible with membership in a union) merely by reason of membership in trade unions or for legitimate trade union activities outside of working hours.

4. Every worker shall be guilty of an offence and liable to the penalties hereinafter prescribed who in the exercise of his right to organize uses either coercion or intimidation of any kind to influence any person to join his organization.

5. (a) Every decision or order of any Board of Conciliation ^{or} of the Board of Appeal or Board of Adjusters above mentioned, shall be binding upon all persons affected thereby and any person who during the continuance of the present war fails or refuses to comply with any ^{such} order or decision of any Board of Conciliation or of the Board of Appeal or Board of Adjusters above mentioned shall be guilty of an offence and liable to the penalties hereinafter prescribed.

shall, if unappealed from within thirty days after it is rendered or made, and every decision or order

~~(b) It shall not be a defence to a charge of~~

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~~violation of the present section that appeal has been taken from any order or decision of a Board of Conciliation which order or decision shall be binding and obeyed pending such appeal.~~

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6. Any person violating any of the foregoing regulations shall be liable upon summary conviction to a penalty not exceeding One Thousand Dollars (\$1000.00) or to imprisonment for a period not exceeding six (6) months or to both fine and imprisonment.

7 (a) Any male person, employer or employee, of military age as defined by the Military Service Act, who violates any of the hereinabove enacted regulations and any director of such military age of any Company who acquiesces in the violation by the said Company of any of said regulations, shall ipso facto be deemed to be a soldier enlisted in the military forces of Canada and subject to military law for the duration of the present war and of demobilization thereafter and shall forfeit any exemption granted to him and any right to apply for ~~or~~ obtain any exemption from military service under the Military Service Act.

(b) In any prosecution for acquiescence on the part of a director of any Company in any violation by the said Company of any of the present regulations, it shall be upon the party charged to prove non-acquiescence by him in such violation.

Humbly submitted,

Minister of Labour.

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