

TRANSCRIPT OF TAPE OF MEETING BETWEEN AUCE PROVINCIAL
AFFILIATION COMMITTEE AND JACK NICHOL, PRESIDENT, UNITED
FISHERMEN AND ALLIED WORKERS' UNION, MARCH 15, 1980

AUCE: One of the reasons that we've asked you to come here is that we are researching affiliation to the CLC. We had originally applied to the CLC for admission intact as AUCE -- in other words, as we are -- and the response that we received from the CLC was that we couldn't come in as we are--we would be welcome to merge with one of their three affiliates that have a similar jurisdiction. However, we are aware that the Fishermen were involved in a similar situation, and had to lobby for a number of years for admission, or re-admission, to the CLC intact as their own organization. So we were wondering if you could give us a little background.

NICHOL: We were actually affiliated to the Trades and Labour Council. There were two organizations at the time, there was the Trades and Labour Council, and there was the Congress of Canadian Labour I think they called it, the CCL. Something like the AFL-CIO in the States: one organization representing the crafts, and the other, the CIO, was the Congress of Industrial Organizations. Back in the Cold War era, somewhere around 1952, the Union (UFAWU) was suspended by the Trades and Labour Council. We were just one of the many unions that were purged out of the TLC to remove all of the left-wing taint from that respectable organization. It was a matter of our union mounting a campaign over many many years trying to get back in. At the same time, make no mistake about it, the Canadian Labour Congress can be as much a part of the Establishment as any other section of it. They had the United Steelworkers of America raiding the Mine, Mill and Smelter Workers' Union, which was a left-wing union under the leadership of Harvey Murphy. They were finally raided right out of existence. Now the Steelworkers have most of the old Mine-Mill jurisdiction, except that there has been a considerable break-away by a lot of the sections that have left Steel and gone into some of the Canadian unions like CAIMAW and CASAW. At the same time, they sicked the Seafarers' International Union on us...They tried to raid us, and I think finally they signed up about six people. And one of the reasons they couldn't really raid us is because we're our own organization. I mean, Homer Stevens, Bill Rigby, all of those people that built the organization were fishermen, they built it themselves. It's something they put together, it's not something that a big international came in and did. So the SIU, they were

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around the waterfront with bicycle chains and baseball bats and that sort of thing, but weren't very successful in signing people up. But the Cold War period lasted for some years, and in the meantime we were making the pitch to get back into the Congress. I think it was around 1956 that the CCL and the Trades and Labour Council, they merged and formed the Canadian Labour Congress. Finally, as the political situation became a lot better, we were mounting quite an offensive. The first convention of the Congress that I attended, as an observer, was in 1960, here in Vancouver. We were always able to spark a real big debate. We'd take at least one day of the convention's time with a debate on resolutions for the re-affiliation of the UFAWU. It was good for a day's debate in the Federation's conventions as well. Then they started playing all kinds of games with us. They said that we had never re-applied for affiliation. We had been suspended from the Council, the TLC, and the Union had never shown any interest in affiliating with the Congress because we'd never applied. We said, well that's nonsense. But it was a story that was going around the labour movement, and so we made a formal application, and that was about 1967. And still our affiliation application wasn't given consideration. And then they dreamed up a new one, and it's the kind of thing that you're faced with. Well, they said, 'The UFAWU is acceptable to us, it can come in. But they in the meantime had set up the commission on constitution and structure. That commission said that there should be no proliferation of trade unions, that they didn't want additional trade unions. And so the only way that organizations could gain affiliation was to come in through an existing affiliate with appropriate jurisdiction. And with us they told us it was the Canadian Food and Allied Workers' Union. Though I think when we first started discussions it was the old Packing House Workers' Union and they merged with the Meatcutters and formed the Canadian Food and Allied Workers' Union, which is still an international organization. We'd been through a particularly bitter strike in 1967. It lasted some four months, and that was the time that Homer Stevens and Steve Stavenes went to jail. The Union was fined \$25,000 for contempt of court, and the legal fees and whatever the cost of the strike pretty near broke us. In order to keep a lot of people off our back, including some of the trade unions, and some of the people in the CLC, we did hold talks with the Meatcutters and the Packing House Workers. But it was the same story, everybody wanted their pound of flesh. We're an organization, we do all of our own organizing, our own bargaining, we pay all the cost of that, all the cost of strikes and whatever, and all that these people were interested in was money, and we had to go in there and pay them our X number of dollars per member per month, and really for nothing, because they were telling us, "Oh, we still want you to do your own thing -- you do

your organizational work, you do the bargaining and whatever,"and they weren't going to pay a nickle. We were going to have to bear all of that cost, as well as pay them an affiliation fee. You talk about the Mafia, you know, well this was extortion of the highest order. They were just telling us, "Well, sure, you can get into the Congress, but some organization is going to pick up a pretty healthy per capita tax. And we didn't want to reduce the thing to the level of simply money. But, on a principled basis we argued that our organization was entitled to go into the Congress directly. The talk about the proliferation of unions was nonsense. It wasn't as if our union didn't exist and was only going to come into being -- we'd been around since 1945. So how can we be "one more union". We'd be one more union in the Congress, that's true enough, but so what. And we're an organization, an industrial organization, that is highly unique in the fishing industries anywhere on the North American continent. So we finally turned down the idea of affiliation with an international union. We then opened talks with the Canadian Brotherhood of Railway and Transport Workers, and the possibility of affiliation through them. The Congress wasn't too happy about that, but they didn't say very much. And while we had a pretty good rapport with the CBRT, it was still the same thing: "You pay all the cost of doing all of your work and whatever, and pay us \$2.50 per member per month, and we'll get you into the Congress. Which I...well, at one point I told them, "Well, you take over the whole thing -- you pay all the cost of organization and bargaining, whatever, and you collect all the dues. That's OK with us." They said, "No, we don't want that." Under their constitution, you know, that's really what should have been done. So, while we still have a good relationship with the CBRT, we rejected that as well, and continued to fight for our right to be affiliated with the Canadian Labour Congress. Finally, at the B.C. Federation Convention, in or about November of 1972, there was a real stormy debate on the floor of the Convention. Delegate after delegate, about thirty people lined up at the microphones, and everyone just roasting the leadership of the Fed., and the leadership of the Congress. Bill Dodge, who was then the Secretary Treasurer (of the CLC), was out to that Convention, and when he spoke he just got roasted by the delegates who were calling for our admission to the CLC. Dodge made the statement then that he got the message loud and clear, and that when he went back to Ottawa he would do something about it. We were re-admitted to the Congress on January the 1st 1973, as an entity -- we didn't have to merge with anybody. (inaudible), but we couldn't have done it without a lot of support from the labour movement.

The question arises, why fight so hard to get in there. We'd always done well as an organization, and we did fine without affiliation to the Congress. But we believe that our place is in the house of labour, that we should be a party to the Congress, and that we should have a voice in the policies and the programs of the Canadian Labour Congress, which is the official labour body in Canada. We at one time considered affiliation with the Council of Canadian Unions, and we thought, No, that with all of the support that we had, it would be almost an affront to the people that had supported us all those years if we had looked for affiliation with an alternate organization, and so we continued to fight to get into the Congress. As I say, the Congress can be as much a part of the Establishment as other parts of the Establishment, and in 1967 when we were in a fight for our life in a strike of the trawlers, the Congress not only didn't give us any support, but instructed their affiliates not to support us. While the strike was a coast-wide one, trying to establish a first contract for the trawlers, trawl fishermen, it finally centred in the Prince Rupert area, and we were taking on the Prince Rupert Vessel Owners' Association, whose members fish primarily for the Prince Rupert Fishermen's Coop. The Canadian Labour Congress has a Coop-CLC coordinating committee, and it's a fact that the Coop gets better service than some of the affiliates do, particularly an affiliate like us who they'd just as soon would go away anyway. They actually circulated documents saying, "Don't support the UFAWU." There were unions that did. We were in a pretty tough financial straits. The International Longshoremen's Union loaned us \$10,000, and the Mine, Mill Union, which was still in existence, loaned us \$10,000, and that's the only thing that saved us from going under financially -- that and the fact that everybody on staff went off the payroll for a period of time. It almost becomes, as I've described it, sort of a protection racket -- if you're not in the Congress you don't get the help. But, again, our non-affiliation wasn't their choice.

In 1970, we made the decision to organize on the East Coast, among the fishermen. We went down there, at considerable expense, and were fairly effective in organizing, and in a big company. We thought that if you're going to win anything on the East Coast you're going to have to take on the biggest company operating, that was National Sea Produce, and in Lunenburg we had pretty well the bulk of their fleet organized. The company started getting a little goosey, they didn't want to deal with a West Coast union, so called, and finally they called in the CBRT. They were going to sign a sweetheart recognition agreement with the CBRT. The Congress was all in favour of this, in fact the Congress

was likely behind it. So they prepared the document, or whatever, but they never signed it. Then there was sort of a downturn in the interest in organization, and so the company withheld the signing of that recognition pact. They figured, well why deal with any union if we don't have to. I was on the East Coast and I was talking to Charlie Molton of the CBRT, and he said, "We're sorry we ever got into it, we oughta turn the whole thing over to you guys." I said, "Well, you can't turn anything over to us, there's nothing to turn over. We've gotta go and do the organizational job, but you people have to stay out of it." Then Homer went back east, and just about this time the whole idea of organization again took a real lift, and Homer went back there and he had a big meeting in Lunenburg. The company called the CBRT and signed the recognition pact, and they made it a condition of sailing on their trawlers -- membership in the CBRT. If the guys wanted a job they had to join the CBRT. By that time the laws of Nova Scotia were changed. Fishermen, organizations of fishermen, were brought within the scope of the Trade Union's Act, and the CBRT became the certified bargaining agent of the crews there. We struck some companies that were on... Booth Fisheries at Petit de Grat and Acadia Seafoods at Canso and Mulgrave, Nova Scotia. That strike went on for seven months, and we had terrific support from the labour movement -- it was actually the labour movement that paid the cost of that strike. But the Congress tried to do a job on us at every turn. We got no help from the Congress people, in fact they were doing everything they could to break that strike, even to the point that they brought the Canadian Food and Allied Workers in and they took over the representation for the fishermen at Booth Fisheries at Petit de Grat. And they were going around house to house to the fishermen in Canso and Mulgrave trying to get them signed up as well. So, even while we were on strike the predators were out trying to take the fishermen over. The Congress argued that the CFAWU had the jurisdiction in fisheries, and yet it was a paper jurisdiction because they'd never done any organizing. Well they took the... they issued injunctions, the typical ploy. The fishermen continued to picket in the face of those injunctions, and they hauled them into court. There was a bunch of them went to court on the one friday, and nine of them were sentenced to ten to twenty days in jail, but they weren't put in jail, the sentence was sort of suspended. If they were to go back picketing, well, then they were to go to jail. So they continued to picket, and they all had to go to court the next week, and the judge said, "You all laughed when I sentenced you to ten to twenty days in jail." He said, "Now I'm going to set an

example," and he picked the one man, (name), and sentenced him to nine months in jail. Now something happened that probably would never happen in B.C., unfortunately, in the fight against the use of injunctions in labour disputes: the wives now picketed. They didn't just picket the fish plants, they went and picketed the pulp mill at Port (inaudible), the sixty million dollar refinery that was under construction, the mines and the steel mill in Sidney, they picketed every industrial sight in Cape Breton, in Cape Breton Island, around that area. Of course, the workers stopped working, and the province was on the verge of a general strike. The picketers went back to court the next week, and the judge apologized, said he was sorry that he'd ever got involved in the thing, and he quashed all of the sentences. But the Congress, they were up to all of their rotten tricks. Finally with CBRT having grabbed off National Sea Produce and the Canadian Food and Allied Workers having grabbed off some of the others, there was nothing for us to do but to leave the province, so we came back early, abandoning our organization attempt. Quite frankly, those other organizations have not done anything really to organize the twenty thousand fishermen in Nova Scotia alone.

The CFAWU has a big organizational and they like to preach how they're CLC and how they built this great wonderful organization in Newfoundland - they did it with the help of the government. The government changed the laws, allowed them to certify the Canadian Labour Congress in a number of directly chartered locals, and they turned it all over to the CFAWU, and then the government helped bring all the fishermen into the organization, and it was done to keep us out of there. It was done so that we wouldn't be doing the organizational work. In fairness to them, they've done a pretty good job in Newfoundland, but the thing is pretty hopeless in Nova Scotia.

There's another organization that started in New Brunswick, called the Maritime Fisherman's Union, and we've had a good relationship with them. I've attended thirteen conventions since they were formed, and they've spread throughout the Maritimes, and the Congress has taken them in without any strings attached. They tried to get them to go through the CFAWU, and they said no. I think they were afraid they might merge with us, affiliate with us, and so they brought them in directly. So they didn't enforce that rule they have in the existing constitutional structure, where you have to go in through an existing affiliate.

One of the things that can happen, though, is that if you were to apply for affiliation, if, and this is the way they get around it, if the unions that have the jurisdiction don't object, then you can come in, but if they object and lay claim to your organization, then the only way you can get into the Congress is by affiliation with one of the existing affiliates. This is what they told us. The CFAWU objected to our direct affiliation, and we just started fighting it, and were able to reverse that decision, but again we didn't do it by just being outside of the Congress, and writing letters; we did it with the tremendous support of all of the unions, pretty well.

I like to think that since we've been in the Congress, we've had an impact. We're, in some sense, I think, the voice of opposition to the right-wing policies of the Canadian Labour Congress. We have a pretty good bunch of debaters when we go to conventions. We're able to

stand up and put our point of view across on some of the major policy questions, for example tripartism.

You know, this idea that somehow labour and big business and the government are somehow all going to get together and regulate the economy and somehow labour is going to get (inaudible) its share of the wealth of the land, the Gross National Product--of course that's dreaming, and that policy has been rejected time and time again. It's been rejected at Federation conventions here, by other federations, it's been rejected by conventions of the Canadian Labour Congress, and yet they're still practicing it. They have these tri-partite gimmicks that are dealing with all kinds of things--some that the Congress has said no affiliate should participate in--but there are others, it's just scandalous the way they're carrying on in the face of the policy statements of the conventions and the affiliates. I was talking to Jim Kinnaird two or three weeks ago at a meeting of the executive council of the B.C. Federation of Labour and he was telling me that he wanted to meet with us because he's one of seven members on a tri-party group and they're discussing among other things, unemployment insurance, and he's part of a sub-committee of that as well that is dealing with UIC. Here we have labour being involved in studying what UIC is going to be in the 1980's. The government is pretty clear on what it's going to do. It's bringing down a UIC program that is going to do. It's bringing down a UIC program that is cutting thousands and thousands of people off Unemployment Insurance. In our industry, I would say 75% of the people who used to qualify for unemployment insurance are no longer eligible because of the more rigid requirements.

So I told Kinnaird I'd be pleased to meet with him. The reason he wants to talk to us is one of the proposals is to remove the fishermen from unemployment insurance. We've been fighting that for a heck of a long time for a couple of reasons. One thing is that fishermen should be covered by unemployment insurance and we fought for that and finally won it when _____ was the Minister of Fisheries. We hear a lot about the cost of UIC--fishermen pay in two million dollars and draw twelve million dollars in benefits. If they'd accepted the formula that we first put forward there never would have been that kind of thing. They just give everybody UIC, it doesn't matter if they earn a hundred thousand dollars a year, they're covered by UIC, and we wanted an upper limit on earnings beyond which there would be no UIC payable. The other important thing to us is to maintain fishermen in programs like UIC because it is part of that thin thread of legislation that makes fishermen employees of somebody, and that's been part of our fight, our trying to get legislation to cover us to formalize by statute our bargaining rights and avoid these lawsuits that take place in every strike we're in. And so here's Kinnaird, the president of the B.C. Fed, on a sub-committee that's dealing with the question of whether fishermen will be covered by UIC, and so I told him we'd meet with him, but I said "Look, what are you going to do with that? Are you going to agree or disagree or are you going to be party to the decision? We have resolutions adopted by the B.C. Fed, resolutions adopted by the Congress that fishermen remain in the UIC program and you shouldn't be meeting with people talking about it. You should be fight against any suggestion

that the government is going to alter it. But they are still are practicing tri-partism and think somehow that it's going to work. All the resolutions that have been adopted on matters like that they never mention in any of their policy papers. They are drawing up a document on UIC in response to the changes that were proposed and they had a meeting on UIC and they sent (Inaudible) to that meeting in Ottawa. He was the only person there from west of Ontario, and they wanted him to help draft the position on fishermen, and so he stayed there an extra four days to helped them draft it, and when they finally had the final paper, there's not a mention of fishermen, not a word of opposition to what they're doing. Same with the combines. As I guess you know, our union is being investigated by the Combines Branch, and we've had resolutions adopted by the Congress. They made a very lengthy submission to the standing committee of the House of Commons on banking--that's the committee that deals with competition legislation--and in the entire submission there wasn't a mention of the Combines Act and it's use against a trade union.

So you begin to wonder why you do it, why belong to the Canadian Labour Congress. Well, for one thing, certainly when you're on strike you get a lot more support than would otherwise be the case. And, in the final analysis, it's the house of labour and it's not going to be any better if we're outside it, and we like to believe that we can have some kind of influence inside the house of labour. If the policies and programs are not correct, we can do what we can to put those policies and programs on the proper course. In that we're not alone. There are a lot of organizations that feel precisely as we do. There's a pretty healthy opposition to the kinds of things that they're doing. It's just a matter of keeping on fighting, and we can't do that from the outside.

We've always been a very high profile union in the resource industry, and it's the resource itself that's always controversial, with the result that we've won the respect of a lot of affiliates in Congress for the fight that we've put up, and any time that anyone else is in a fight, we've supported them, even though for many years we were not affiliated to the Congress. Any time they wanted some pickets, it was always our union they phoned first, and we'd give them support.

Question period begins.

SR: I'd like to ask you a question about the lobbying process. Could you go into a bit more detail on how that was accomplished, getting the support of all the unions, getting the support of the B.C. Fed? When you're talking about the delegates to conventions raising a lot of questions and pushing for affiliation, would this have tended to be rank and file delegates, or would it be the executives of the various unions?

JN: Well, if the conventions were being held somewhere near Vancouver, we would have as many people as we could afford to send. We would lobby the delegates. We were well known and we knew who to talk to. There would always be unions, several of them, that would sponsor resolutions calling for the reaffiliation of the reaffiliation of the UFAWU, and when those came on the floor we would make sure that speakers would get on the floor and debate that issue, and raise absolute hell. Then, what would often happen would be that after a day-long debate it would be referred back and it would never see the light of day until the next convention two years later. One year, I think it was 1968, the convention

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was in Toronto, and I got a delegate who was somewhat sympathetic, to get up and demand to know when the resolution on the fishermen was getting back on the floor of the convention, and that man was Denis McDermott, now head of the Congress and then head of the Auto Workers. But you work that sort of thing. What you would need is someone to sponsor resolutions calling for your affiliation and then be there to lobby the more vocal of the delegates who would be sympathetic to your position to speak on that resolution. At the next B.C. Fed convention I would be prepared to have my organization submit that resolution.

AG: When the negotiations were taking place with the CBRT, how was that rejected? Did the total membership reject it by referendum, or did the executive reject the offer?

JN: It didn't go to referendum, because we never drew up any kind of merger agreement. If we'd get to a point where by a decision of our general executive board, or by convention, then the decision would have gone to our general membership by referendum.

AG: So you use the referendum to decide big issues in the union?

JN: Very rarely. We use the governing bodies, like the annual convention to make our decisions, but we have done it like in the matter of dues increase, when we were faced with a financial situation and the convention was some time off. When we do, we only go to the locals. We don't send out a ballot to every member. They decide that right at the local, and if the majority of the locals are in favour, then it's accepted. Our constitution provides that the top officers--president, secretary, business agent--cannot be elected at a convention if there's opposition. The constitution provides that if there were more than two candidates seeking office, there would be a run-off ballot at the convention so that there would be only two candidates left, and then the election would take place by referendum ballot. I think the last time that happened was 1954. Otherwise the officers have been elected by acclamation at conventions. Which says either of a couple of things--we're either doing a good job and the members are satisfied, or nobody else is crazy enough to run against us.

AG: What size are you?

JN: About seven thousand.

WB: You were saying the fishermen were put under UIC. When was that? (Part of the question inaudible.) At about the same time the farmworkers were trying to get on it and you made it and farmworkers didn't. The farmworkers didn't have a union.

JN: I'm not exactly sure, but it was about 1957 or 1958.

WB: That was about the same time they put no limit on what you could earn. Up till then you could earn so much and then you weren't covered.

JN: And that's the way we wanted it for fishermen. We would take the top earnings which are now something like \$20,000 for a self-employed fisherman. Our formula was 40% of his earnings would be expenses; 60% would be his take-home pay and if that take-home pay was now in excess

of twenty-thousand dollars, he wouldn't be entitled to anything. To the extent that his net earnings were short of \$20,000, there would be limits by which that amount would be divided. He'd get that many weeks of UIC. If he were \$4500 short of that, you'd divide that by a certain figure and arrive at the number of weeks of UIC he'd get benefits for. They rejected that. We were lobbying in Ottawa and Paul Hellyer got on the floor and talked about a fisherman who made \$56,000 in a season and was drawing unemployment insurance. That's a fact. That has happened. I met him in the hallway of the Parliament Buildings and gave him hell for it. In our brief we were calling for the retention of fishermen in the UIC program but again proposing a formula that would make it more equitable. But they still didn't listen to us. I guess now it's still pretty well that way. If you have net earnings over that top figure, then any UIC benefits you get are pretty heavily taxed. Some of the inequities are removed by that.

WB: This is to do with the battle you put up to affiliate. Why do they do this kind of thing? It's supposed to be a labour movement.

JN: Yes, but the labour movement is still fighting the cold war. It came down to this. Our union extends all the way up and down the coast. In every fishing community we have a local. We have about 35 locals in the union, and they range in size from 25 members to 2500. Our big Vancouver fishermen's local probably has about 1800 members, Vancouver shore-workers about a thousand members. The B.C. Fed began to get quite concerned about it. They looked at our structure and said "if the fishermen come in here, they'll run the federation". And there was a fair bit of (inaudible) between the left-of-centre forces and the right-of-centre forces within the Federation and we're entitled to something like 75 delegates and when we went in they didn't try to make any deals with on representation or whatever. We were entitled to that number, and during the leadership fight here a couple of years ago we took pretty well our whole 75 member delegation to the Federation convention. But generally, we haven't had to fight the leadership. We've supported the policies. When Len Guy was in there, on key policy questions he took an excellent position. He fought on behalf of labour and we supported him. A couple of years ago, when Kinnaird was elected, we opposed Kinnaird. So be it. We support him now (inaudible).

But that was their problem. I don't know if you've ever followed the conventions of the B.C. Fed, but three years ago they called for a roll call vote and it was on the matter of the officers' report committee. and the roll call took more than an entire day of the convention's time to complete, and their system of roll call is one delegate, one vote, and you voted the number of members you had in your local. So the delegates had to get to the microphone, give their names, the number of people they represented, and if there was more than one delegate from a local, you had to say the number of members that you had, and then they kept a total as they went along, and of course the thing was done to expose our membership structure. One person got up from one local and he voted seven members, but there were others, 1500, 1200, 75, 395. We had nothing to be ashamed of. That's . . . We aren't structured that way to give us strength at a B.C. Fed Convention. We're structured that way because our membership lives in all kinds of small communities-- Bella Coola, a local at Bella Bella, Nanaimo, Campbell River, Deep Bay. We've got a local now on the West Coast, anywhere we have members. And we have to have that, otherwise we'd never be able to maintain any kind of contact with them.

AUCE: Are you suggesting that the Newfoundland Food and Allied Workers Union are (inaudible)? It seems to me that they're putting up quite a good fight.

JN: What I said, in fairness to the Food and Allied Workers Union, or as they call it, the Newfoundland Fishermen, Food and Allied Workers, in fairness, they're doing a good job. They've fought on a lot of issues. I don't know what they've done in particular on UIC, but I don't think they have the same problem down there that we do. They're processing ground fish, and their draggers fish ten and a half months of the year. They tie up at Christmas time and they have a six week (inaudible) and they're all in the shipyard at the same time so they have about a ten or eleven month season down there, and the regular workers, at least, don't have the problem that our people here do in qualifying. When they reduced the eligibility requirements down to eight weeks, it was a good thing for our membership, because eight weeks is about all that a lot of our people get in salmon or herring. Now they've raised it up where they need about twenty, is it, and there's no way that the bulk of the people in the fishing get twenty weeks.

AUCE: Why did the union reject the idea of affiliation with ^{Meatcutters}, prior to you rejecting the CBRT?

JN: Well, it was the nationalism question, the hangup that a lot of people had about international unions. I was in some difficulty; I was the only elected officer that wasn't in jail at the time those negotiations were going on, and because of that I had to go to the general executive and say "look, I don't know where these negotiations are going to take us. I think it's in our interests to keep on with them (inaudible) They kept a lot of people off our back. I had to go to the general executive level and to the convention. Could we merge with the meatcutters? And they said yes at the convention, and that was the authority for us. So it wasn't altogether a stumbling block, but I kept hearing it from people, "what the hell are you doing talking to those international unions?" We had the authority to merge, at least to negotiate a merger. But we just couldn't do it. They just wanted us, without anything in return except affiliation to the Congress.

AUCE: What advantage could there be to a small union affiliating to the Congress?

JN: Well, first of all, your five delegates would make a contribution to better policies for the labour movement. They can't if they just sit back. I don't think you should judge whether you should affiliate on the basis of whether you're going to be able to control the conventions. All you can do is make your contribution to it, but I think you're going to have to remember that you're a trade union, and isn't it in the interests of all workers that they be affiliated with the senior labour body, the Canadian Labour Congress? I think it's just a very fundamental question that deserves a yes answer. If you're in the Congress, of course you're entitled to all their educational programs. We've had people go to the school, and they feel that they've gained something from it. But we do another thing, we have our own educationals, and they're indoctrination sessions, or something like that. Probably our study of economics is done on a more at-home basis than what you'd find at the Congress schools.

JN: We're paying about \$35,000 a year from headquarters for affiliation to the Congress and the Federation of Labour. We probably pay on a more fair basis than any of the others. You're supposed to pay on the basis of paid-up members per month; but we have a problem in that our fishermen members pay dues for the entire year so there's twelve months pay there. In the case of our shore-workers, there's some of them work two months, three months, four months... you'd see quite a rise and fall in our membership month-by-month and we take our membership count at the end of December each year, for the purposes of our own Convention. We pay our per capita tax on that number. They get the same amount of money every month from us. They consider that to be more than fair. I was talking to Kinnaird--they just increased their per capita tax to (?) and there's a lot of unions that have shaved their membership for years and they're paying no more than (?) We don't do that. If we're going to affiliate, we pay our share. But, in terms of the cost, if you want to send somebody to the school at Harrison they'll give you scholarships. I think we're entitled to four or five... no I think we get three five-hundred-dollar scholarships... We send six people and we get \$250 worth, hotel and meals... there are certain return of that kind, but in terms of education, and participation, we are very parochial, not the staff of the union - we were well acquainted with the labour movement and what was going on, but our membership - they didn't understand why we wanted to get into the Congress. Now that we're in there - what have we accomplished, and why why do we pay \$35 000 a year to be there. Its pretty hard to answer - its just that you're in the thing, and that's where we believe we should be. Its a matter of going out beyond your own little circle and seeing what's happening to workers in Canada, and you can't do that unless you are a member of the Congress.

AUCE: You mentioned that a problem that came up in your attempt to affiliate with the CLC was jurisdictional, and that part of that results from other affiliates objecting because they have that jurisdiction. Did you ever ask specifically what affiliates were objecting specifically to your being affiliated?

JN: Yes. In particular it was the Canadian Food and Allied Workers Union. But there was also one other - I think it was the retail clerks-- what they had to do with us, I'll be damned if I know - but they did claim the jurisdiction. It was the Meat Workers. at the CLC convention in Edmonton, and it was one of the stormiest sessions we'd ever seen on the question. And Jim Curry he was a representative for the Fruit and Vegetable workers up in the interior. They have about 2500 members, but very seasonal as well. They weren't really much of a force, but old Curry was a good speaker, and he got up there; and Donald McDonald issued a scathing attack from the platform - he was president of the Congress at the time - on communists, and

JN: everything else. And Jim Curry had just spoken, and he got back up to the microphone and said "Jim Curry's no communist, you silly buggers" and McDonald made his famous remark about.... he made reference to his shoe. Something like a (mucker) - that the Russians wear - I don't know what kind of footwear it is - but he said if it fits, wear it. But the BC Federation of Labour Convention in the previous Fall was unanimous in demanding our admittance to the Canadian Labour Congress and George Johnson was the president of the BC Federation of Labour and as such was, in my opinion, bound to carry forward the policies of the Federation. But George was also the top representative in British Columbia for the Meat Cutters. So he got on the floor at the Convention and did a real number on us, attacking us, and demanding that we come in by merging with their organisation. So I got hold of him, and I really gave him hell. I said what happens when you go back to BC - how do you explain that position you took to the Federation. And he said I don't have to. I'm wearing my Meat Cutters cap right now. I'm speaking as a Meat Cutter, not as the President of the BC Federation of Labour. I said you may have two caps, but you only have one head But in the battle to get in there, you have all kinds of treachery as well.

AUCE: And those who opposed Johnson's stand were purged from their own unions, too. ...

AUCE: Was there any reticence from them to tell you that someone was opposing your entry?

JN: No, no

AUCE: Because we met with the CLC and Bill Smalley gave us the jurisdictional argument, but he didn't say that any particular union had made a particular statement, or made an objection. He just said well, look at the constitution, blah blah, blah and then really started nudging us towards CUPE - CUPE would be very interested in talking to us, and we should talk to some of the other affiliates in this jurisdiction. So there was no hesitation when you asked them?

JN: No, they made it quite clear who has the jurisdiction, and made it quite clear to us who it was that was objecting. And there was no reluctance on their part to tell us that. Now, I don't know whether they do that in all cases but I suppose the one thing they can do is look at the sort of possible organisations that would have the jurisdiction, and then tell you that you should come in through them. If you made a formal application for affiliation, then you may find that one of the organisations which has claim to the jurisdiction may object, but if there is no formal application right now, then perhaps there is no objection. And if there isn't an objection then you should go in. There shouldn't be a problem.

AUCE: What is a formal application? We have written to the CLC asking for admission as an affiliate. Is that not considered to be a formal application?

JN: Oh yes. I wasn't aware that you had done that.

AUCE: That was rejected

JN: You just said you had been talking to them.

AUCE: But they never said that anyone particularly objected. They just said that in order to gain affiliation, we would have to conform to the constitutional provisions, and it was a very general statement in the letter that they responded with, and then when William Smalley was here - even then they did not state that they had gotten particular objections. And in fact as far as I can recall none of the unions have said that they objected. Its all been trying to encourage us to merge with them because of the benefits they can offer our membership.

JN: Well, thats something you have to weigh. If you want to maintain your independence, then you'll just have to fight to have your organisation to go in directly, as an entity, rather than merge. And it would seem to me that with the Convention coming up in May, if your application is now dated - that is if it is now more than a year old, I would be inclined to write a new application and indicate in it that your membership has rejected the idea of merger with one of the existing affiliates and just assert that you want to get as a trade union in your own right. And if you have any relations at all with other organisations - and I know CBRT 400, and ourselves and there would be other organisations that would be prepared to support your application. We could write to the Congress and say that we understand that this application is being made, and there should be no strings attached. Your organisation should be affiliated to the House of Labour. Its too late for resolutions now for the Convention, but there might still be a way of raising it.

AUCE: We're not meeting till April 12th

AUCE: Were there any further questions?

.....

JN: Well, it was almost a let down when they finally let us into the Congress

AUCE: Well, I understand when the Trades and Labour Congress and the Union Council affiliated their affiliation committee sat for fifteen years, from 41 to 56. CBRT supported them. I am a former member of the CBRT. I don't know if I agree with that, that they would support us.

JN: Local 400 would, I'm sure. They've supported SORWUC & the Bank Workers. I'm sure that Tommy McGrath would send off a letter and would fight within his own organisation to have them support your application.

AUCE: I don't think we want to convey the idea that we

AUCE cont'd:against some of the points that were suggested to us
(inaudible)

JN: I don't think we need to be against them, with us , we've always had a good relationship with the Canadian Food and Allied Workers and the old Packing House Union before that, certainly with CBRT and the Meatcutters - we've had a good relationship with them; at least for certain strikes we've supported them. I don't think it needs to be seen as some sort of a battle. With a big organization it's a matter of principle. You know, for us , it's better than being told that when you want to organize something there's a chance that without Congress affiliation we were an open target for raiding by any of the other unions. Even that fishing industry on the East coast, had never been organized ; organization had never been attempted , but as you know, the CLC simply says - the CFAW has the jurisdiction of the fisheries; they had never done any organization, well they have now that the Congress has formalized that. They have in Newfoundland, but before that, it was purely paper jurisdiction. They were doing nothing. We organized out here, we didn't do it with the help of any of the big trade unions. People have respected us for that. It's like your membership - where were these big organizations (inaudible) when organization was needed. They didn't come along and help you organize - you did it yourself. And if they didn't want the jurisdiction bad enough then - to go out and organize , why should they be laying claim to the jurisdiction now? That's the way we look at it.

of Canadian autonomy

AUCE: Did you also philosophically support the idea Are you one of those that (undecipherable) opposed to it?

JN: I won again, you know, we have to live with a situation as we find it. We don't try to wrap ourselves in the Canadian flag, we - some of these international unions do a good job - they're big on strike funds for example - I don't know how Pacific Press could have carried on an eight month strike without being part of a much bigger union. The Meatcutters, or whatever, you know it's the same way - Safeway might go on strike but there's dues from all across the country, but when we go on strike, it's us alone - the income stops, we're all by ourselves, and there's a heck of a lot of money that goes out. So I don't think you can just condemn the international unions, simply because they're international. If they're doing a good job, then o.k. but so many of them don't do a good job.

AUCE: What about the Canadian Council of Unions, and CAIMAW?

J.N. Well, they've been in touch with us and we've given it some thought, and we believe that our place was in the house of labour, actually CAIMAW, CASAW, and some of these organizations - they don't have much of an option. They're generally break-aways, or the result of raids on Steelworkers or something of that kind. There's no way that they could get in the Congress. Not at this particular time anyway. Maybe someday they will. What I'd like to see, quite frankly, is a congress of Canadian unions, there would be something meaningful - where all of the unions in Canada have their headquarters in Canada. We'd have an autonomous trade union movement in this country. Well, I can't help but feel it - there isn't another country in the world that has 70% of it's trade union headquarters in another country. It's ridiculous. You know, the Cold War thing in Canada - it was instigated by the internationals - you know there's a lot of things that are done. Dennis McDermott, I can recall, at one of the CLC conventions, where there were resolutions on the matter of autopac (?) and McDermott was telling us - I'll handle it, keep out of this, I'll handle it,

J.N. what is happening when an organization in Canada can't take a principled position of autopac because it'll conflict with the position being taken by the workers in the U.S. How do you develop policy on things of that kind in a labour movement 70% of which is in Detroit, Chicage and wherever. Now, I think that the voice of labour is a very, very important thing. But, boy oh boy, in some of those internationals if there's someone that's left wing at all, he's very unlucky, and probably never gets to go to any of their international conventions or whatever. He gets to the floor of one of the conventions here and speaks progressively on some issues that are important to Canadians and he's pretty well ostracized by the leadership of the whole organization. There are all kinds of situations and you can imagine where there is conflict between the workers in the U.S. and the workers in Canada if you're talking about policies that are going to be of benefit to us - you know, we talk about our warehouse economy, where everything is manufactured in the U.S. , our branch plant economy, everything is sent here to warehouses and distributed to retail chains. We should be manufacturing these things ourselves and putting Canadians to work. How can we really attack the problem of a million Canadians being out of work so long as we're still drawing the water and shipping our resources out of the country. We can't. You can imagine in the big unions where plans are going full blast in the U.S. and they're shipping up here that the members of the Canadian section of that union wouldn't be critical of that - they'd get no support from their organization - the only way to have a voice is to have an independent Canadian union movement. To that extent I'm very simpathetic to the idea of a Canadian labour movement.

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AUCE: I'd really like to thank you for coming, I think it's just fantastic history and an inspiration to AUCE

I have a question about - what are the reasons forI saw in the newspaper that you were getting certification

Are you planning a campaign to get support from other unions?

J.N. Well, we had that campaign going for a long time in connection with the combines and a extension of that combines thing is and we have speakers, we have a couple of people touring and trying to generate support for the idea A) they drop the combines attack, and B) they definitely rewrite the legislation to make it possible for us to become a certified bargaining agent with the fisherman on the same status as other workers. As a result of that strike in 1970 down in Nova Scotia Gerald Regan, who was then leader of the opposition, who is something of a labour lawyer, I shared an after dinner platform with Regan many years ago, when I was first at a banquet, and he promised while in opposition to amend the trade unions act of the province, for the fishermen, and he did. I mean, when he formed the government, About 1970, I mean, that legislation wasthen. And, Newfoundland, they did the same thing. They wrote probably the most comprehensive legislation of this kind in Canada. And now New Brunswick is going to do the same thing. The federal government also amended the labour code so as to include fishermen and that was proclaimed on March 1, 1973 and we were just going into our herring season so we immediately applied for certification for the fishermen fishing for that Well, that was in the mill for five years. They set up this new kind of regulations well, I spent 8½ hours on the witness stand in a three day hearing giving evidence on what the union is, and we argued the whole question of bargaining units and how the thing was going to work, and that was supposed to be a prelude to a constitutional reference for the supreme court of Canada and then the lawyer who was with he took three days of records and had a one page statement to take to the

J.N. Supreme Court of Canada and then they through it out. They won't decide a constitutional question in a vacuum. There were several court tests all during that and of course the companies attacked it. They asked for a writ of prohibition to prohibit the Canada Labour Relations Board from dealing with our application for certification, on the grounds A) that the legislation the parliament of Canada, or any alternative and any that didn't apply to the companies. We went to the federal court and the writ was upheld on the grounds that the legislation was the parliament of Canada. We went to the trial division of the federal court, and the judge confirmed it, but he started talking about this of the legislation. Finally it went to the Supreme Court of Canada and they shot it down and they declined to decide a constitutional question, but said whatever the legislation does to make the fishermen employees, there is no such construction for a employer. So the thing is left in limbo, the fisherman is now an employee, but nobody employs the fisherman. In fact, the way the legislation is worded, it says, a fisherman who is not employed by an employer. So the court says if he is not employed by an employer, how can we argue that the processors are the fisherman's employer? So after five years they shot that down. In the meantime, in the labour code here, in the independent contractors feature, it doesn't mention fishermen specifically, but Bill King, the Minister of Labour when the N.D.P. amended the Labour Code, Bill King, expressed the opinion that the independent contractors feature was sufficiently broad to include fishermen, if it was a provincial jurisdiction, which it isn't. So in any event, we had up until December, 1978, our applications before the Canada Labour Relations Board, and our appeal to the courts. (inaudible) whether it would be worth it to make another application provincially as the same time as the federal application. We thought that it would just be or may let the federal department off the hook. They might say, well you've applied provincially and we're not going to deal with your applications. So we haven't made that application. But in my opinion, and it's only that, I'm not a lawyer, you may even find a contrary opinion among the lawyers, that if the federal legislation was struck down, because of a lack of definition of the fishermen's employer, then it seems to me that that decision has nullified the provincial legislation as it purports to include fishermen. Now I wasn't on that lobby in Victoria on Thursday, I was here in the Labour Relations Board, but Jim Matkin was saying that you brought all of this on yourselves, and in any event you never applied, for a certificate of bargaining provincially. Well, argued the court case, and he said well we're not going to change it - there it is - you test the legislation. They said they granted 35 certifications under that contractor feature, but not the fishermen, - truck drivers, or owner operators of trucks, the associations of that sort. So what they're telling us is that if you suspect that this legislation isn't what we need what we're saying to you is that that feature is there and you can apply for certification. And then, if finally you don't succeed, then we'll look at changing the legislation. So what they're telling us is to go through /for another five years.

the mill

AUCE (inaudible)

J.N. We ended up taking the Canada Labour Relations Board - you know - it was party to that legal action, the Supreme Court of Canada, they were concerned with the status of the C.L.R.B. as an and that federal court says, I guess it was only the appeal division of the federal court, it's kind of a weird court anyway, and they were afraid that if the C.L.R.B. was going to appeal that the court might just throw the whole thing out on the grounds that it had no status. Currently we have status. We are an organization that, well, we were named in the action. Nobody could challenge our status. If we were to appeal and the C.L.R.B. was to appeal, then we would have parallel appeals and the federal court frowns on that sort of thing, so we appealed on the basis that they would pay the legal expenses, We ended up paying for the appeal to protect the right of the federal government to enact legislation

AUCE: If you did ... a provincial certification, seems to me that it would exclude you from evidence....organizing the provincial.

J.N.: No, no... We change the structure of the union and constitution and so on. The labor relations act, as was then, defined the trade union as a provincial organization...or a branch or a local of a national or international organization. And, once we started organizing in the Maritimes, then we were no longer a provincial organization. And our certifications here for sure as intended were held in the name of the union, and not in the name of its locals. We can do it as a provincial organization.....all we have to do is make an application for unit, ..could be certified as a unit of shore workers but we are not a trade union in the meaning of the act, because we aren't a national organization. We changed the Constitution to say that the locals in B. C. form the B.C. Council of the union and our certificates were all changed then to be held by the Provincial Council. Then to organize in the Province of Nova Scotia it is just a matter of filing a constitution with the Labour Relations Board. The locals in the other provinces shall be the Provincial Council of that particular province, The legislation in Nova Scotia which is provincial legislation of course, and CBRT is certified into that legislation. We had to apply for the group of scallop draggers, we made an application, and the Nova Scotia Fish Packers Association, which is an association of 14 companies including B.C. Packers opposed the application and threatened to take it to court to argue that the legislation was ultra vires in the Province of Nova Scotia. So where we had applications made provincially they would attack the validity of the legislation there, and where the applications were federal the same thing there. The companies are not willing to submit to the idea that provincial legislation is valid or that it applies to them. So we made our application to go for a rigid interpretation of the labour relations board ruling - 5 years. It depends who is making an application- truck drivers- yes they can get a certification. But the employer does not oppose it when the legislation is perfectly valid but if the employer wants to attack whether or not the legislation is constitutional then you are in for a long fight. We had that constitution reaching round to the Supreme Court of Canada on 2 occasions, cost us thousands and thousands of dollars. If we could ever get a decision out of the Supreme Court of Canada that said that it is provincial jurisdiction then we could go out and get a change in the legislation. We have taken it to the Supreme court and got shot down both times - they refused to decide. When Munroe was the minister of Labour federally he was going to try to persuade his

Cabinet colleagues to state a constitutional reference and they knew that the Cabinet can do that and if they do the Supreme Court has to deal with it. He was not able to persuade all the Cabinet members to go along with it.

AUCE: Thank you

J.N. I have put together some excerpts from the Fisherman's newspaper for you. What we used to do before we were in the CLC was to print our paper with a 'welcome to the delegate' article in it and then stand outside and distribute it.

AUCE: Thanks very much for coming.