CHAPTER THREE
From the Shop to the Field

ON THE TRAIN TO OTTAWA I was completely absorbed in thoughts about my imminent meeting with the president of the TLC. I tried to visualize the kind of reception I would get, his reaction to our request for a charter, the questions he might ask. Those three hours seemed endless and I had mixed feelings about what was to prove to be an eventful journey.

In Ottawa I went directly to the TLC headquarters, in a stately old McLaren street residence converted into an office. During the short taxi ride from the station, I was still thinking about the possible results of the meeting. The receptionist seemed to be expecting me and at once opened the door to the president’s office. Except for a well-polished old oak desk and three matching armchairs that half-circled the front of the desk, the office looked more like an old-fashioned living room.

Percy Bengough was an impressive man: tall and heavy-shouldered, he had long arms and extraordinarily large hands. He had light gray sparse hair and expressive small eyes that mirrored his moods. His ready smile was like that of a young boy.

Born in England, he had served his apprenticeship as a machinist and had originally joined the Amalgamated Society of Engineers, a British union which had branches in Canada. It was later absorbed by the International Association of Machinists. Coming to Canada he settled in Vancouver and established the reputation of being a militant and effective trade unionist, becoming secretary-treasurer of the Vancouver Trades and Labour Council. Outside the labour movement his greatest interest was in collecting coins. He became an outstanding numismatist and attended conventions of collectors both in Canada and the United States. One of his greatest enjoyments was to show his albums to friends and relate the story behind individual pieces.

I liked Percy Bengough the moment we met. He did not have an effervescent personality, nor was he pretentious or overbearing. Everything about him seemed unhurried, quiet, and solid. As we talked, his balanced temperament, his slow but steady movements, and his soft deep voice had a warm and soothing effect. The anxiety and nervousness that had possessed me during the trip seemed to have melted away. I was at ease, relaxed, and comfortable. This was a kind and modest man of sincerity, strength, and wisdom. No man I ever knew influenced my life more profoundly than did Percy Bengough.

At first we discussed the social and political situation in Quebec. We talked about the volatile leadership of the controversial Premier, Maurice Duplessis, and about the charismatic Minister of Labour, Antonio Barrett, who, like Bengough, was a member of the IAM, and whom Bengough described as “a level headed bloke.”

Then we turned to the purpose of my visit, which was, as he knew, the issuance
of a TLC charter for the DIL local in Valleyfield. He did not hesitate, ask questions, or comment. Unceremoniously, he merely said, "Of course," and that was all. He asked me to leave the names of the local union's officers with his secretary and said a charter would be mailed in a few days. The questions that had been on my mind for days were thus quickly settled. I was both relieved and gratified.

Obviously, he knew of the energetic drive of the revitalized labour movement in Quebec, organizing new industries. He asked fundamental questions about the campaign and then enquired about my job in the hat factory, my activities in the Hatters' Union, and the duration of my assignment with the Metal Trades Council.

As I replied to his questions, I had the feeling that his thoughts had wandered from what I was saying. Momentarily he seemed detached, as if he was thinking of other things. Then, with an abrupt U-turn in the conversation, he asked: "Would you be interesting in working full-time for the Congress?" I was stunned; my thoughts raced in all directions, and for a moment I was unable to answer. Then, to be sure I had heard him correctly and that I understood the question, I asked him what he had in mind.

He said he was interested in involving the Congress in general organizing activities. Many of the new industries did not fall within the jurisdiction of affiliated unions, and he wanted them organized into groups federally chartered by the TLC. "And so," he repeated, "I am asking if you are interested in working for the TLC as an organizer in Quebec."

I was most surprised, and it was with some difficulty that I contained my excitement and emotion. I had expected to go back to the grind of my inconsequential job in the hat factory; but here I was, being asked whether I would be interested in working for the TLC in such an important and exciting job. I didn't hesitate, I immediately accepted.

He enquired about my salary with the Metal Trades Council. I told him it was $30 a week, and he said the Congress would give me the same, plus $25 a week for incidental expenses. He then took a sheet of paper and began to write. After a few moments he called in his secretary and gave her the sheet, explaining: "Mr. Swerdlow is going to work for the Congress, these are his credentials. Would you please type this, affix the Congress seal, and bring it back as soon as you can."

I was still surprised. I did not know what to expect. I had no idea what a TLC credential looked like or what it said. While we waited, I asked what industries I should try to organize and where in the province I should begin. He paused, and then with a whimsical expression replied in slow, soft, and measured words:

"Max, you will be the TLC representative in Quebec. This means the entire province is your territory. Where you should begin to organize is for you to decide. What industries you should organize is also something for you to decide. On such questions, it would be better that you advise me, rather than I advise you."

He paused again: "However, I expect that in the main you will be organizing industries that can be directly chartered by the Congress."

I did not expect, nor was I sure I wanted that kind of a reply. I expected specific instructions, guidance, and advice. I had mixed feelings yet I felt very proud, for just four months earlier I was pulling steamed felt hoods off hot metal dies in a
ladies' hat factory; and here I was now, the Quebec representative of the TLC and I was expected to advise the president. How important I felt.

Soon the secretary returned with my credential. He read the document and, after signing it in large decisive characters he handed it to me. It was impressive, typed on TLC letterhead with a gold seal embossed with the Congress crest. It read: "This is to certify that Mr. M. Swerdlow has been appointed by the Executive Council of the Trades and Labour Congress of Canada as representative and organizer, to organize and establish Federal Unions under the jurisdiction of the Trades and Labour Congress of Canada. Mr. Swerdlow will be the recognized authority of the Trades and Labour Congress of Canada. Given under our hands and seal this Thirtieth Day of November 1942."

I read the second paragraph twice to make sure I was not dreaming; I felt as if my chest had swelled six inches. When it was time for me to leave, I asked when I was expected to return to Ottawa. The President smiled broadly as we shook hands and said, "When you organize another plant." We both laughed, and I said: "Chief, I got the message." In the years that followed, I and all the congress staff affectionately called him "Chief."

I left the Congress headquarters with a very happy heart. I was the first full-time organizer of the TLC. That evening, on the train returning to Montreal, I kept looking at my credential and repeating to myself: "Mr. Swerdlow will be the recognized authority of the Trades and Labour Congress of Canada in any territory to which he may be assigned...." I believe I smiled all the way back; I could hardly wait to get home and tell my wife about it. I was almost bursting with joy.

I returned to Valleyfield with the good news of having obtained a charter. In a few days it arrived and we then applied to the Department of Labour for certification. In the meantime I began preparing a collective agreement to present to the company. This was a new experience, for I knew little about contractual terminology, about the conditions that should be embodied in such a legal document, nor about the possible pitfalls. I felt very concerned about my inadequacy.

I took the agreement that was being negotiated at Verdun and within that framework laboriously began to adapt the agreement to the situation at Valleyfield. Finally, when I had completed the first draft, I discussed it with Haddow and the local union officers. After they had made a number of changes in the text, I asked some colleagues in other unions to assist me in refining the draft into a presentable document. The union was certified in January 1943, and shortly afterward we arranged to meet the company in the plant conference room to begin negotiating an agreement.

On the day of the first session with the company there was a great deal of excitement in the plant. Workers everywhere were discussing and speculating on the outcome of the negotiations. On our way to the conference room, workers greeted and encouraged us: some with broad smiles and others with fingers forming a "V for victory" sign, and even some with clenched fists.

The management representatives were already there. We shook hands and talked briefly before sitting down in the traditional fashion: the union and company representatives facing each other across the table. The environment was relaxed
and quite friendly. I started with a brief statement explaining that the 14 employees on the union’s negotiating committee represented all the hourly-paid employees in the plant, and that I, as a representative of the Trades and Labour Congress, was there to assist them. I also expressed the hope that a satisfactory agreement would be completed within a reasonably short time. At the conclusion of my remarks I presented the management with several copies of our proposed agreement.

The plant manager then spoke briefly about the company’s policy with regard to labour relations. He stressed that DLL had not and would not interfere with the employees’ choice of joining or not joining the union. He hoped that a collective agreement would be reached soon and, looking directly at the employees, said: “You and I have an important job to do here, and that is to maintain continuous production as efficiently as possible. That, gentlemen, is our role in the war effort.”

When he finished speaking, he gave us all a copy of a collective agreement prepared by the company and, without any further formalities, began to read from the company’s text. After he had read several clauses it slowly began to dawn on me that the company’s text was being used as the basis for negotiation and that the collective agreement I had so laboriously drafted, with the help of others, had somehow been set aside and ignored.

I interjected politely, saying: “Sir, I believe the procedure we are now following is wrong. We should be examining first the union’s proposal, not the company’s.” The manager, holding up the company’s text, replied: “Mr. Swerdlow, this is the company’s counter-proposal.”

“Oh what basis,” I asked, “do you make a counter-proposal, when in fact you have not heard the union’s proposal?” There was mild laughter on our side of the table and the manager, leaning forward with a trace of a “who-are-you-kidding” smile, replied: “Mr. Swerdlow, I have read enough of the circulars you distributed at this plant for the past few months to know what the union will be asking.”

“Since when,” I asked, “is a union circular considered to be a proposal for a collective agreement?”

He did not reply at once and my question was momentarily suspended in the air. It seemed to have caught him off guard and he seemed slightly embarrassed. It was not my intention to create that kind of a situation, yet I felt an important principle was at stake. After all, it was the union that was making demands on the company, and these were embodied in the union’s formal proposal. Therefore, I reasoned, the union text should be the basis for discussion. The manager consulted briefly with his colleagues, and then turning to us said: “Gentlemen, your point is well-taken. I suggest that we examine both texts at the same time.”

Not wanting to be difficult or sticky at the very outset of the negotiations, I consulted briefly with the union officers and we agreed to accept the company’s suggestion. I was satisfied with the compromise; above all, I did not want to see the first collective agreement I had ever drafted, and of which I was so very proud, disregarded and forgotten.

When we began to examine the company’s text we found that, with the exception of wages and some other monetary provisions, it was very similar to ours. I should have expected that, for predictably both the company and the union had
based their respective proposals on the Verdun contract, negotiated only a few months before.

Early in 1943, after a number of bargaining sessions, the Valleyfield agreement was signed. That experience gave me a deep sense of accomplishment and gratification. After all, I had organized the workers, I had drafted and negotiated the agreement, and I signed the document on behalf of the TLC. I did not take into account the precedent established in the Verdun negotiations by the IAM. I was very possessive about my first TLC local and my first agreement and I felt that I had arrived in my work in the trade union movement.

After the agreement was signed we proceeded to establish a proper union structure. We elected various committees and shop stewards, and generally put our house in order. However, on the matter of collecting dues from the members, we had a problem. At that time the TLC did not have adequate provision for the collection of dues from members of federally-chartered unions. There was only a small four-page membership card on which the payment of dues was supposed to be recorded by the dues collector. Obviously this system was unworkable in a large sprawling plant with 3,000 members. I could not see how our shop stewards would go about collecting dues, recording the payment in the membership book, and turning the money over to the financial secretary.

And so I obtained a supply of the membership books from Ottawa and distributed them to the members. Then I designed a simple dues stamp, bearing only the TLC crest, and I had a quantity printed. Each month I gave the financial secretary a supply of the stamps, getting a receipt. He then gave each shop steward a supply, and the steward, in turn, gave a stamp to each member who paid the one dollar monthly due. It was not by any means the best system, nor was it foolproof, but it worked reasonably well. In the months that followed I used the same stamps in other locals. Eventually, a checkoff of union dues was introduced in most organized industries in Quebec.

During the first few months as the TLC district representative, my home was also my office. As the workload steadily increased, I realized that, if I were to begin organizing other industries, I would need assistance, and so I arranged a meeting with President Bengough. I took with me a copy of the Valleyfield agreement and showed him the dues stamp, explaining my collection system. He seemed satisfied and a bit amused at this initiative, but he explained that the Congress would have to develop a uniform procedure to be applied nationally for the collection of dues in chartered locals. Meanwhile, I should continue using my system. I was pleased.

I suggested we should not restrict our organizing to war production industries that would close down after the war. We should include permanent industries, such as rubber, meat packing, and chemicals. He was in full agreement with this view.

I went on: “Chief, to undertake this kind of an organizing drive I’ll need assistance and some facilities.”

“What do you want?” he asked.

“I would like to engage a French-Canadian organizer, rent a modest office, and engage an office secretary, and we will need some office equipment,” I replied boldly.
"Max, we don't have a Congress office in any other province," he said.

"Chief," I went on quickly, "Neither do we have a Congress district representative in any other province."

He was silent for a moment, then, leaning back in his chair, he smiled and asked: "How much will it cost?" I told him I didn’t know, but I expected the salary for an additional organizer would be the same as mine; and if he approved I would find out about other costs and let him know. He agreed and I returned to Montreal with authorization to hire another organizer.

On the recommendation of some colleagues, I interviewed Rémi Duquette of the Amalgamated Street Railway Union. He was a polite, kind, and generous man with a balanced temperament, a warm smile, and a pleasant disposition. He spoke both French and English fluently, and his enthusiasm and considerable experience in trade union affairs made him an ideal candidate. I was impressed and engaged him immediately.

In due course we rented a small office on Notre Dame Street, bought some second-hand furniture and engaged an office secretary. Then, for the first time, I felt really established and ready to undertake, in a true sense, the exciting job of organizing unions throughout the province.

Rémi and I drew up a list of peacetime industries we intended organizing. It included rubber, meat packaging, can manufacturing, refractories, breweries, sawmills, and many others. It was an ambitious programme. Duquette went to St. Jérôme where the Dominion Rubber and Regent Knitting Mills were located. I undertook to organize the British Rubber plant at Lachine, as well as Canada Packers, Swift’s, and the Wilson meat packing plants in Montreal.

It was not long before I realized that organizing these industries was bound to be far more difficult than organizing war production plants. Although many of the workers in these industries joined unions, there were many others who were afraid to join and some who were against unions, at least the kind of union we represented.

In the early 1940s unions in Quebec were usually identified as either international, such as ours, or Canadian, such as those associated with the Canadian and Catholic Confederation of Labour (CCL), which later became the Confederation of National Trade Unions (CNTU). The CCL was a confessional or Catholic Church-oriented organization. Newspapers, politicians, and some employer groups frequently spoke out against what they called “foreign international unions which want to dominate Canadian workers,” in reference to the international nature of most of the unions affiliated to the TLC. Moreover, notwithstanding the legislative provisions legitimizing unions and collective bargaining, some employers continued openly resist the organization of their employers. Despite all this, we had considerable success.

In a short time Duquette established good contacts in both Dominion Rubber and Regent Knitting at St. Jérôme. I did the same at the British Rubber and Canada Packers plants. We distributed circulars at the plant gates, held meetings, and signed up members. As the momentum of our organizing drives increased, membership grew rapidly, except at the Regent Knitting Mill. There the management not only discouraged, but intimidated workers against joining. We carried on with our
campaign, despite the company's hostility and disregard for the law.

About four months after our organizing drive began in the four plants, Duquette and I went to Ottawa to obtain TLC charters. Needless to say, Percy Bengough was delighted to issue them.

Several weeks later we applied for certification. Although we had fulfilled the legal requirement of signing up a majority of the employees, the Labour Department ordered a secret vote to determine their wishes. In every case more voted for the union than had actually joined. With the unions certified I assumed responsibility for drafting and then negotiating the agreements, while Duquette undertook the organization of other plants.

The negotiations were not easy. The managements were inexperienced in collective bargaining and feared the unknown consequences of their actions. Moreover, in most cases, the people with whom we were negotiating lacked full authority from their superiors to make concessions on basic issues beyond predetermined positions.

Issues on which the company and unions disagreed were submitted to government conciliation. When this failed to result in agreement, which was usually the case, then the differences were submitted to arbitration. The formation of an arbitration board involved the selection of an impartial chairman and the designation of one representative from the union and one from the company. Then a brief had to be prepared and presented substantiating the union's case. Witnesses were called and questioned, and there was a good deal of argument. Finally, when both the union and the employer had completed their cases, the board retired to deliberate on a decision.

Meantime, we just waited, sometimes a month, sometimes two, and often more. When a decision was finally rendered it was usually a compromise between the two positions. Most often the parties agreed to accept the board's decision and proceeded to sign a contract. But sometimes the decision was unacceptable and the union would go on strike. In Quebec, unlike other provinces, decisions of arbitration boards were not mandatory. Eventually, negotiations would be resumed, and invariably an agreement would finally be reached.

I became fully occupied with a myriad of bargaining responsibilities. The unreasonable anti-union attitude of some employers, the slow progress in reaching an agreement, and the endless discussions and months of waiting for decisions of arbitration boards were, to say the least, frustrating. It took me a long time to adjust and curb my impatience.

With the end of the war in 1945 most of the war production plants closed and the unions we had established simply folded up. Some of the former members found employment in the rapidly-expanding peacetime industries and kept in touch with us. Those who found jobs in unionized plants often became active in union affairs; others who got work in non-union plants helped organize them.

Between 1943 and 1955 our organizing staff in Quebec increased significantly and in this period we organized 45 federal unions with a combined membership of over 10,000.

A most remarkable member of our staff in Quebec at the time was Phil Cutler.
I had met him at meetings of the Montreal Trades and Labour Council in the early 1940s. He was about four years younger than I, but he had considerable experience in the trade union movement. First, an officer in his own union, the Plumbers, he soon became the regional director for the AFL and he was involved in several crucial industrial disputes, notably with the Aluminum Company of Canada at Arvida. He was fluent in both English and French and had a graphic style in describing events. We soon gravitated to each other, both young, idealistic, and somewhat romantic about such virtues as human rights and justice.

In the post-war years we co-operated in various campaigns, supported or opposed the same issues. He joined the staff of the TLC in 1948, and, together with our families we became lifelong friends. The circumstances under which he joined the TLC staff were unusual, and demonstrated his character.

Shortly after the end of World War II, the American-based Seafarer’s International Union moved to take over the jurisdiction of the Canadian Seamen’s Union, an affiliate of the TLC. The AFL insisted that the SIU be admitted to the TLC.

The TLC Executive Council rejected the demand on the ground that the CSU already represented most of the merchant seamen in Canada. A number of officers of international unions which supported the AFL’s position brought the dispute up at the 1948 TLC Convention in Victoria. After a lengthy and rather acrimonious debate, there was a roll-call vote, each delegate having to voice his or her support of opposition to the proposal. Cutler was a delegate and when his turn came he supported the TLC, even though he was employed by the AFL. A few weeks after the convention he was fired and Percy Bengough promptly engaged him as a member of the TLC staff.

About a year later he began studying for a degree in law. Although he had many responsibilities in his work, as well as some personal difficulties, he succeeded in getting a Bachelor of Arts degree from the University of Ottawa, and then his law degree from the University of Montreal. He began to practice law in 1954, specializing in labour law. In 1962 he undertook post-graduate studies at the University of Montreal, and received his diploma d’Études Supérieures in 1964 and his doctorate in law in 1968. Twenty years later he was named Judge of the Supreme Court of Quebec.

In the many years we have been colleagues and friends, I have always respected and admired his dedication and his indomitable spirit. He had served both the labour movement and the legal profession with great distinction.