A Long Uphill Grind

A brief history of labour and the law in Alberta 1905 - 2012

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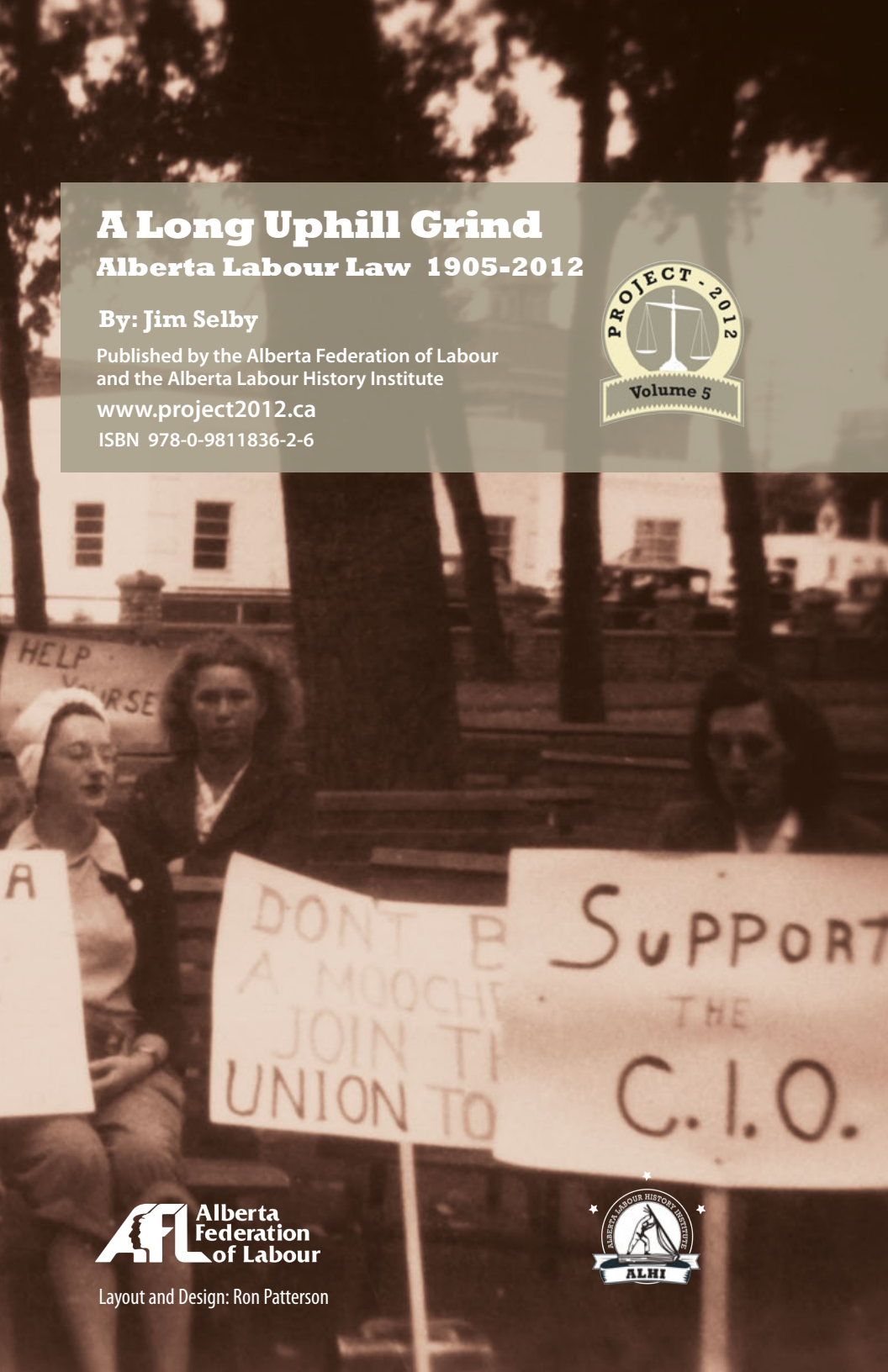
Striking Medalta Pottery workers, Medicine Hat, 1949: Photo Glenbow Archives - p-4455-11



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Alberta Labour Law 1905-2012

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Medalta Potteriers Striker's defy punitive injunctions during 1948 strike: Photo Glenbow Archives - P/4455/14

I. Introduction: Unequal Laws

The rule of law is a cornerstone of democratic society. The principle that all citizens, regardless of wealth or social position, receive equal justice before an impartial state judicial system represents a great gain for working men and women. Even if working people's support for the law is tempered by the suspicion that there is "one law for the rich and another for the poor," this can be seen as a defect in the system which could be reformed.

However, the aura of impartiality presented by governments, police and courts quickly fades in the case of laws governing employers and workers. Employment law governs the relationship at work between the small minority (including the wealthiest and most powerful) who employ others, and the majority of citizens who must work for wages to survive. The interests of the two parties are opposed in that gains for one side are generally losses by the other.

When enacting and enforcing employment laws, governments clearly demonstrate support for one side or the other. Thus, at any given time, labour law provides a snapshot of the balance of political power between workers and employers in society. In the twentieth century in Alberta, the balance has almost always favoured the employers.

However, labour laws are changeable. When working people have collectively defied bad or punitive labour laws, the resulting social unrest has, at times, forced governments to amend these laws. Yet when that social pressure is absent, governments in Alberta have generally pursued policies further restraining workers and unions.

Defiance of bad laws is difficult for working people to sustain against the power employer-friendly governments, courts, and media can bring to bear. Consequently, changing the law to provide greater rights and real justice for working people has been a long uphill grind in Alberta.

This is a brief study of the most significant laws that directly impacted working people, their workplaces and labour relations in Alberta. This story can be easily grasped by looking at four eras: the time before Alberta became a province in 1905, the Liberal/United Farmers of Alberta era (1905-1935), the Social Credit era (1935-1971), and the Conservative era (1971-2012). The laws became more sophisticated over time, but that does not mean that the lot for Alberta's workers was getting better.

II. The Underpinnings of Alberta Labour Law

In July, 1897, an Ottawa labour contractor recruited Antoine Proulx to clear brush and trees during construction of the Canadian Pacific Railway's new Crowsnest Pass line in Alberta. An experienced axe man, Proulx rejected the Company's first offer: $1.50 per day worked with $4.00 per week charged for room and board. Eventually he and 114 other expert axe men agreed to take the jobs for $26 per month with free room and board, two blankets supplied, work gloves and boots suitable to the conditions and free rail transportation from Ottawa to Macleod - where their wages would begin as they traveled to the construction site.

Arriving at work, the men discovered that the contractor was charging them $22 for railway fare and paying only $1.50 per day with no pay for days without work because of lack of materials, bad weather or sickness. There were no blankets, free or otherwise, the food was scarce and often rancid and the accommodations ranged from primitive unheated tents

to one filthy verminous, unventilated boxcar where over 90 men were squeezed in (two men were forced to share each 4'6" wide bunk with only 2' clearance from the bunks above and below) each night.

After six weeks of brutal pick and shovel work - not the axe work they were hired to do - the men received no pay and still owed railway fare charges to the company. The workers had been lied to about wages, benefits and working conditions. When Antoine and several others quit and began the long seventy-five mile walk back through the bush to Macleod, the company sent word to all the camps along the way that no food or shelter was to be given to these men.

The next day, the North West Mounted Police caught up with, arrested and jailed Antoine Proulx. His crime? He had violated the Masters and Servants Ordinance by leaving his job without the permission of his employer and without giving the required notice.

The Masters and Servants Act

This Masters and Servants Ordinance was one of the first laws passed by the new territorial government located initially in North Battleford in 1879. It was modeled on Masters and Servants laws throughout the British Empire that protected employers' rights by criminalizing various employee decisions through fines and jail sentences.

The Masters and Servants Ordinance in the Northwest Territories (including modern Alberta and Saskatchewan) made it a criminal offense to be absent from work without employer permission, or to refuse to work or obey the lawful commands of the master. The sweeping obligations for workers (obedience, diligence, good faith) contrasted with the few obligations for the master – who only had to pay workers for work done and provide a safe work place. The authority of the employer echoed that of a father over his children. The obligation of obedience trumped all other rights.

The Masters and Servants Act remained when Alberta became a province in 1905 and despite being amended many times since; the law of employment still holds the worker as subservient in the employment relationship. The law rests squarely upon the primacy of private property in Canada. The employers own the workplaces and the jobs that workers do there. It does not matter that the workers and their skills, knowledge, abilities and efforts are often far more important for the success of the enterprise than the contributions of the employer.

The unequal obligations in the old masters and servants legislation over many years of testing in the courts have become enshrined in the 'contract of employment at common law' in Alberta and elsewhere. Workers, whether unionized or not, are still bound by the underlying assumptions and rights and privileges created by the act. It forms the heart of Alberta employment law.

Crowsnest Pass miner hold secret meeting to discuss job action, 1932: Crowsnet Archives - CM.90.156.2

III. A Patchwork of Legislation: the Liberal/UFA Era

a. The logic of collective action

The overarching legal superiority of employers underscored their economic power. Employers owned the jobs that workers needed to live. With a skeletal welfare system, unemployed workers and their families suffered extreme poverty - inadequate shelter, food, and clothing.

Fear of joblessness made it impossible for individual workers on their own to bargain for decent wages and working conditions with an employer. However, wherever employees acted in concert, they created a voice that employers could not ignore.

Workers voluntarily associating to improve their lot are the basis of the trade union movement. Originally suppressed as criminal conspiracies in restraint of trade, unions had a tenu-

ous legal acceptance in Canada in 1905. Workers struggled to form the unions and to keep them alive.

Employers were free to fire union organizers and activists and to blacklist them (convince other employers not to hire them). They could force workers to sign Yellow Dog contracts (which courts enforced) that included a promise not to join unions. They were free to hire agents provocateur to disrupt unions and strikebreakers during strikes and lockouts. When employers felt pressed, they could use special constables or call on the police to break up picket lines.

By comparison workers and their unions only had two strengths - their ability to collectively withhold their labour and persuade other workers to respect picket lines, and their more modest ability to effect election outcomes (most working men won the right to vote by 1897, women in Alberta in 1916).

b. Labour legislation under Liberal (1905-1921) and United Farmers of Alberta (1921-1935) governments

In 1906, James Nicol was a working coal miner in Frank in the Crowsnest Pass. Every day at work he spent nearly two hours climbing up ladders and ropes to get to his working coal face in the mine. It took less time to leave because he could "come down in less, but it takes longer to go up as it is all climb." Nicol never got paid for that arduous daily trip inside the mine - he was paid strictly for the coal he dug each day. He also had to carry his own timbers for shoring up the mine with him - and when those ran out he had to go back down the mine to a central point to get more - losing time and money.

During his brief two and one-half years at the mine, Nicol lost seven coworkers to fatal accidents in the mine: "Mostly suffocation. Men buried in coal." For his efforts, Nicol earned about $65 per month at least $10 of which went to pay for a three-room shack rented from the company.

Death was common in the Alberta coalfields. Dangerous mining conditions coupled with employer scrimping on timbers and other health and safety measures produced a death rate per million tons of coal mined that was double that of mines in Eastern Canada or the United States.

Outside of farming, nothing was more vital to Alberta's economy in this period than the coal industry. The largest employer of non-agricultural workers, it provided heating coal to people's homes and steam coal for the railways. It was viewed as the engine for a great future steel and metal industry. Unsurprisingly the first significant pieces of Alberta labour legislation targeted the burning issues of working conditions, safety, and industrial unrest in the coal mines.

The Coal Mines Act of 1906 and the Workmen's Compensation Act of 1908 typified labour legislation throughout this period. Apparently well-intentioned from a workers' perspective, neither act ever quite de-

livered the benefits it promised. The continued body count in the coal mines provides graphic evidence that these acts failed to address the dangers of coal mining. Over 1,000 coal miners died at work (out of a provincial total of just over 2,200 officially recognized work fatalities) between 1906 and 1945.

The Coal Mines Act prohibited boys between 12 and 16 from working in mines. But a loophole allowed an exemption if they could read, write and demonstrate basic arithmetic skills. The act provided some basic safety requirements and allowed for the inspection of mines - but failed to make inspections mandatory. There were also instances of outright cheating - of mine inspectors giving a mine a clean bill of health who were later shown to never have set foot in the mine in question.


Prime Minister Mackenzie King, Ottawa, 1937

Similarly, the Workmen's Compensation Act recognized that injured miners (or their families in the case of fatalities) could not afford redress through the courts, and that employer appeals of awards created long delays that generally foiled efforts to receive compensation. The act, which also applied to railway, factory and construction workers, but not farmworkers, forced employers to pay compensation according to a set schedule. However, the act only applied when negligence of the employer caused an accident, and injured workers could not collect until they had missed at least two weeks of full wages at their normal occupation. There was also a time limit on applying. Government-appointed arbitrators generally resolved disputes in management's favour. For example, an arbitrator denied compensation to the family of a sixteen-year-old boy whose head was crushed in a coal mine in 1909 because of a missed deadline.

Many other worker-related acts were passed between 1905 and 1935. In 1913, the Buildings Trades Protection Act required inspections of construction sites and prohibited unsafe scaffolding, hoists, ladders, flooring, and skeletal frames. In 1913, legislation protected the wages of threshing employees. In 1917, the Factories Act required factories to pass inspection, armed inspectors with powers of constables, prohibited children under 15 from working and set minimum wages (for men), maximum hours and basic safety requirements for factories and offices.

In 1918, the modern Workmen's Compensation Act was passed (and has been amended and reviewed regularly ever since), followed by

the Boilers Act requiring inspection of boilers and certification of workers. In 1919 the Electrical Protection Act extended similar protections for electrical workers. A Minimum Wage Act for Women in 1922 established a tripartite board to set minimum wages in any class of employment except domestic servants. This final act, however, was not aimed at protecting women so much as preventing some employers from paying women significantly less than they would pay men, and thus pulling down men's wages too.

c. Mackenzie King, labour law and the Alberta coal miners

Although not a provincial act, the federal Industrial Disputes Investigation Act (IDIA) of 1907, written by then federal Deputy Minister of Labour (and much later Prime Minister) William Lyon Mackenzie King, arose directly from his intervention in a bitter strike in the Galt coal mine in Lethbridge. The new law was an attempt to blunt an increasingly militant and active Canadian labour movement through prevention or delay of strikes.

Waitress Strike Edmonton, 1935: Photo Glenbow Archives - NA-1312-6

Edmonton Hunger Strikers gather in Market Square 1935: Photo Glenbow Archives - nc-6-13014c

The Act only applied to federally regulated industries and public utilities (the coal mines were considered utilities), but influenced future labour relations law throughout Canada. Its basic function was to delay industrial conflict as long as possible by forcing conciliation between workers and employers. Only after that process had run its lengthy course, and one or both parties had turned down the conciliation board's recommendations, could there be legal strikes or lockouts.

Although King claimed his process would encourage a fairer bargain between workers and bosses, unions protested that such delays removed workers' only real weapon while leaving the employer free to continue firing and blacklisting union activists, intimidating workers, hiring private detectives and generally using their influence to weaken the union.

Since the conciliators' report was not binding, the impact of the IDIA was to weaken unions and strengthen employers during industrial disputes.

d. The Great Depression and an end to benevolence

In early May 1935, Olga Shipkum and 150 other waitresses from cafes in Edmonton walked off their jobs. Café owners, having already secured a reduction in minimum wages for waitresses from $16.50 per week at the start of the depression to $12.50 per week and then $9.50 per week, were extorting wages back from the waitresses 'under the table' by threatening their employment.

Some waitresses were forced to return $8.00 of their weekly wage to employers. The government refused to act, claiming there was no permanent paper-trail of evidence of kickbacks. The waitresses formed the Restaurant Workers' Union, with Shipkum as first president, and struck to force café owners to pay them what the law required.

The strike played out against a larger conflict - the April 29th to June 3rd relief workers' strike - where all three unemployed organizations in Edmonton (Unemployed Married Men's Association, Ex-Servicemen's Association, and Unemployed Single Men's Protective Association) struck to secure an increase in relief benefits.

The Single Men decided to join the waitresses' picket lines and refused to stop picketing when 12 were sentenced to prison for three months at hard labour for their efforts and two 'ringleaders', Benjamin Robinson and Harry Webber to 6 months.

By May 13th, thirty-four cafes agreed to meet the workers' demands. The solidarity of unemployed workers with the women strikers demonstrated clearly the potential of collective action to improve workers' lots.

The restaurant strike illustrates the problems with even well-intended labour protections - whether minimum standards like wages and hours, or occupational health and safety regulations. Without adequate enforcement they are useless to workers. It also shows a vibrant, effective labour movement where workers formed their own unions when and how they pleased, unencumbered by government boards and regulations.

Throughout the entire 1905-1935 era, unions complained of inadequate regulations and poor enforcement of the laws governing labour. For example, in 1920, the Alberta Federation of Labour protested lack of enforcement of the Factories Act and Building Trades Protection Act, and lax enforcement of the Minimum Wage Act.

The Great Depression of the 1930s exposed the increasingly conservative tendencies of the United Farmer of Alberta government of Premier Brownlee. The brutal police suppression of the 1932 Hunger March in Edmonton and strikes in the coal fields underscored the anti-worker attitude of the government. Even mildly progressive labour laws were no shield for workers during an economic crisis.

Alberta Premiers William Aberhart and Ernest Manning

IV. The Social Credit Years: 1935 to 1971

Although largely unenforced, the body of labour law in Alberta in 1935 was at least as pro-worker as any other province's. That changed for the worse during thirty-six years of Social Credit rule.

Initially William Aberhart, Premier from 1935 to his death in 1943, made overtures to labour. He awarded the Alberta Teachers' Association a closed shop in 1936 - requiring all teachers to become ATA members. The 1937 Freedom of Trade Union Association Act gave legal status to collective bargaining, and protected unions' right to certify as bargaining agents.

a. Using legalization to control unions

However, the Industrial Conciliation and Arbitration Act of 1938 gave a clearer picture of the direction of labour law reform under the new Social Credit regime. While it confirmed unions' legal right to collective bargaining, it also imposed a lengthy waiting period before a legal strike could start. From the date of application for conciliation from union or

employer, there could be up to seven weeks in which strikes were banned -- ample time for a determined employer to hire strikebreakers and to intimidate their workforce to forestall a strike.

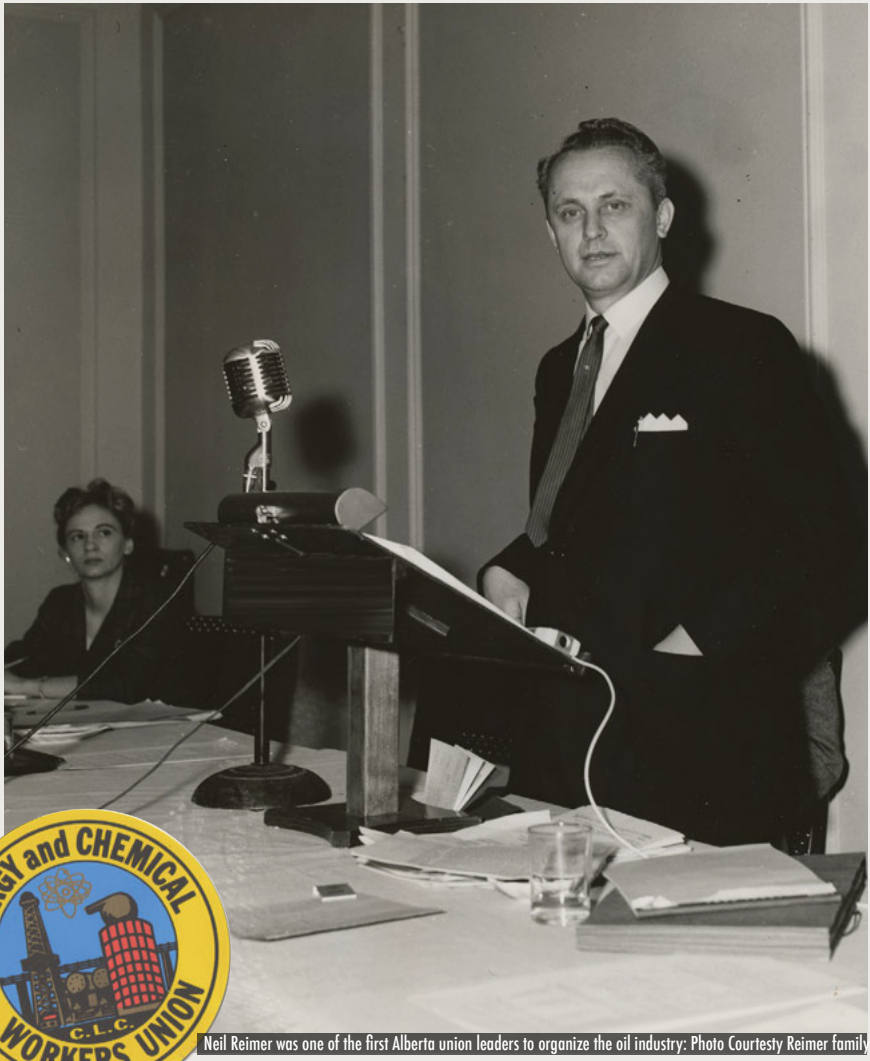
When the federal government sought to stem an unprecedented strike wave that swept the nation during World War II by issuing PC 1003 in 1944 - a Privy Council Order that forced employers in federally governed industries to recognize and bargain collectively with unions - the Alberta government under new Premier Ernest Manning reluctantly followed suit by amending the Industrial Conciliation and Arbitration Act to include the major provisions of this War Measures Act.

The shortage of wartime labour and a new labour militancy (e.g.: the gains made by illegally striking Alberta coal workers during the war) left Manning few other options, despite his deep distrust of unions, which he considered tools of the communists. However, the Alberta legislation was extremely permissive of company-dominated unions and associations and posed more barriers to organizing than the federal legislation.

Following the war, the Manning government consolidated its diverse pieces of labour legislation into one all-encompassing act. The Alberta Labour Act of 1947 made certification more difficult in Alberta than in other provinces, both through voting procedures and the formidable powers granted to the Board of Industrial Relations to oversee and interfere in the process. It continued to encourage company unions through the process of voluntary recognition granted to employers.

Amendments to the Act in 1948 made it even more difficult to organize unions by prohibiting union organizers from organizing at the workplace without employer permission. An addition allowed the government to test the legality of any strike in court and declare the union's existing collective agreement (and its protections of legal strikers' rights) void if the strike was declared illegal - allowing employers open season on union supporters during that strike.

Unions paid dearly for the legal status granted them in the post-war era in Alberta. In exchange for mandatory employer recognition of unions, a requirement that employers bargain in good faith (difficult to enforce), and the acceptance of collective agreements as legally enforceable contracts, unions found themselves bound by a straitjacket of rules governing organizing and bargaining. It included the forced fragmentation of union membership into government dictated units restricted to single employers or even single plants, weakening a union's ability to promote broad solidarity and effective actions. It also included severe restrictions on the right to strike. For unions to retain official status they could not engage in strikes during the term of an agreement, even if their members were convinced it was the only way to secure existing rights. Trade union leaders were forced to uphold the law and collective agreement against the



Neil Reimer was one of the first Alberta union leaders to organize the oil industry: Photo Courtesy Reimer family

wishes of the rank-and-file or suffer decertification, financial penalties and/or imprisonment.

b. Further restrictions on unions

Despite these restrictions, the craft union movement in Alberta had strong ties to the Social Credit government. However, when the craft unions joined forces with the more radical industrial unions in 1956, they promptly (1958) voted to endorse the creation of a labour party

(the Alberta New Democratic Party was formed in 1962). The government-dominated Civil Service Association of Alberta (CSA of A) promptly walked out of the Alberta Federation of Labour in protest.

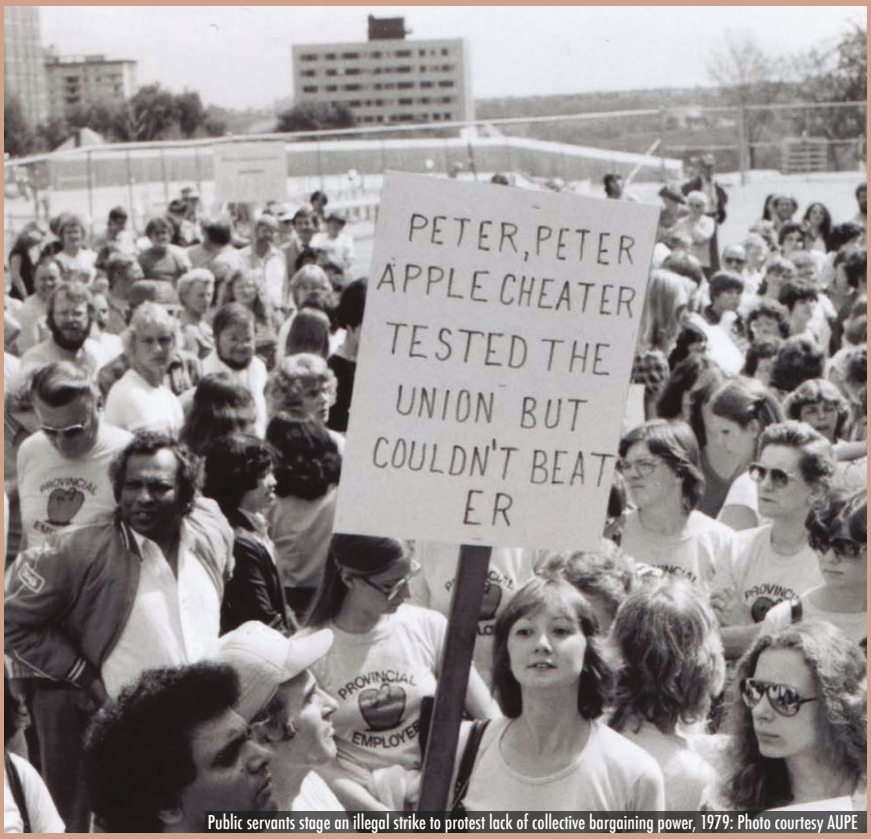
Shortly afterward, despite massive union lobbying efforts, the Manning Government passed a comprehensive set of anti-labour amendments to the Alberta Labour Act. The Labour Relations Board received extended powers to suspend and revoke certifications, and in those cases existing collective agreements were made null and void. Mid-term strikes were more closely defined, and dismissals were allowed for workers who refused to cross others' picket lines. Both information picketing and secondary picketing were prohibited. The government gave itself broad powers to issue back-to-work directives that automatically ended strikes.

c. Restraining public employees

Although municipal workers and hospital support workers had been organized into effective unions since World War I, direct employees of the provincial government and its boards and agencies were denied this right. The CSA had been tightly controlled since its inception in 1919, and never received more than an advisory role in labour relations (the original Civil Service Act of 1906 declared that by just asking for a wage increase was equivalent to turning in one's resignation).

However, against a backdrop of accelerating union organizing and growing militancy among federal public sector workers and crown and health care employees in other provinces in the 1960s, the Alberta government finally provided a weak form of collective bargaining with its own employees. In 1965 the government amended the Public Service Act to provide for collective bargaining leading to a collective agreement and the CSA was given sole jurisdiction to represent provincial employees. However, if bargaining reached an impasse, the employer/government could unilaterally impose settlement terms.

The Social Credit amendments of the 1960s did little to defuse growing and deep-seated discontent among provincial employees. The government still had complete control of wage settlements, thereby creating a legislative strait-jacket that only gave provincial employees the superficial trappings of the free collective bargaining they sought. Adding to employee frustration was the strong influence of upper government managers in the CSA (they were members), and the perception of deep-seated unfairness in the treatment of workers. After Peter Lougheed, the leader of the official opposition Progressive Conservatives, publicly promised the CSA the same rights as other unions, provincial employees may have thought the future looked brighter with the Conservative victory in the 1971 provincial election.



Public servants stage an illegal strike to protest lack of collective bargaining power, 1979: Photo courtesy AUPE

V. Welcome to the Brave New Conservative World

If 1905 to 1935 was characterized by well-intentioned but unenforced labour legislation, and 1935 to 1971 by tight control of labour and an effort to reshape and control union leadership in a non-radical mold, the Conservative era from 1971 to the present might best be characterized as one of open antagonism, with government using its legislative power to sharply curtail strikes and to control workers' organizations.

Public employees and building-trades workers faced extreme restrictions on strike action, however no group of workers have fared well under the Conservatives.

a. Public sector workers' rights restricted

The hopes of provincial public employees were dashed soon after the initial Conservative electoral victory.

In 1972, the Lougheed government amended both the Public Service Act and the Crown Agencies Employee Relations Act to force compulsory binding arbitration as the sole disputes resolution method during collective bargaining.

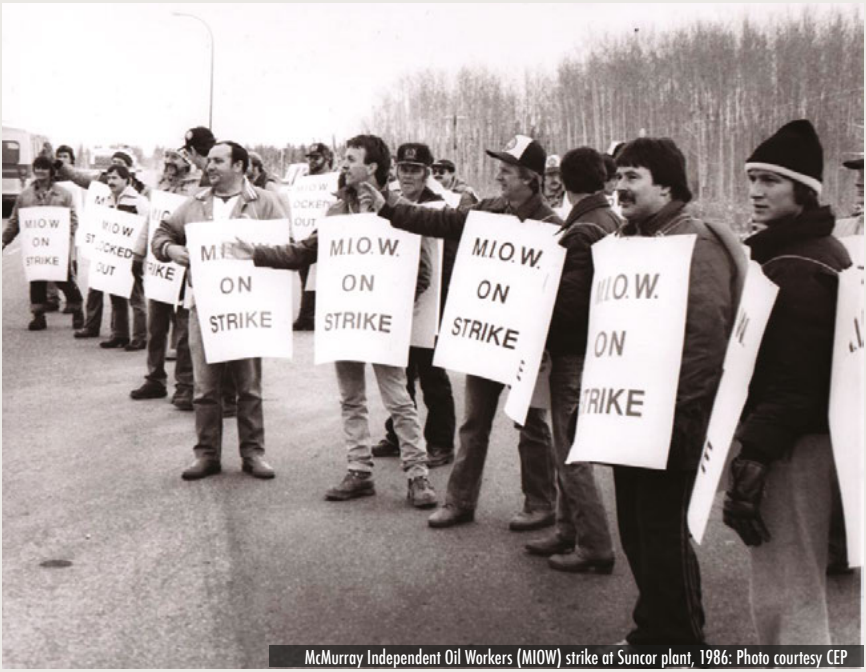
Public employees reacted militantly. In 1974 they held four separate "illegal" strikes: a Tradesmen and Allied workers strike, a Health and Social Development workers strike, a ten-day Liquor Control Board workers strike, and a three-day 12,500 member General Service workers strike.

With an election due in the spring of 1975, the Lougheed government used a time-honoured Canadian tool to delay labour relations crises. A joint union-government task force was formed with a vague mandate and promises of labour law reform. With the election secured, the government tabled Bill 41, the Public Service Employee Relations Act (PSERA), in 1977.

Rather than extending the right to strike to provincial employees, PSERA extended the much-criticized compulsory arbitration process for bargaining disputes and actually narrowed the scope of arbitration by defining such key issues as promotion, work organization, training, and pensions as non-arbitral. The Act's reach extended to employees at colleges and universities.

Following a series of successful nurses' strikes, the government passed the Health Care Continuation Act in 1982 prohibiting nurses' strikes to the end of 1983. The ban in nurses' strikes was extended permanently the next year through Bill 44, the Labour Statutes Amendment Act. All hospital workers were included under this provision - which forced hospital workers into the same anti-worker compulsory arbitration process that already covered both direct employees of the province and of the government's boards and agencies. Penalties for defiance of the anti-strike provisions included huge fines, the loss of union dues for up to six months and potential decertification of the union involved.

In 1984 the government began to require that workers appealing decisions of employment standards officers' decisions post a $300 bond - a real barrier to non-union workers seeking their rights. That year, the building trade unions were decimated - not by new laws, but by a reinterpretation of existing law that allowed employers to arbitrarily reduce wages and benefits after a 24 hour "lock-out" nullified continuation clauses in collective agreements and allowed unionized construction firms to create non-union spin-off companies - a practice previously prohibited. Meanwhile employers across the province were extracting concessions from workers in the wake of the economic downturn of the early 1980s.



McMurray Independent Oil Workers (MIOW) strike at Suncor plant, 1986: Photo courtesy CEP

Nurses launch province-wide strike, 1979: Photo Alberta Provincial Archives - J5024/2

b. The Getty years: yet another regressive labour law revision

A strike wave across the province in the summer of 1986 brought labour discontent into sharp public focus. Confrontations between strikers/labour sympathizers and police/private security guards at Suncor in Fort McMurray, Gainers meat packing plant in Edmonton, Fletchers in Red Deer and Zeidlers plywood plants in Edmonton and Slave Lake overshadowed other less violent strikes, such as a walkout by employees of the Alberta Liquor Control Board. It was clear that the Conservative program of whittling away workers' rights had hit a real roadblock. An Alberta Federation of Labour campaign demanding changes to labour law enjoyed strong public support.

In classic fashion, the Getty government struck a labour law review committee during the height of the labour unrest. The massive AFL brief to the committee was interrupted by the announcement to the committee of the settlement at Gainers in December 1986. Once the unrest had quieted and public attention focused elsewhere, the committee turned its back on any of the changes demanded by workers and looked to employer-friendly solutions to unrest.

The resulting Alberta Labour Relations Code passed in 1988 contained further restrictions on labour. All certification required a vote, even where an employer had violated labour law and poisoned any chance of unions getting certified. Employers were now allowed great leniency in contacting workers during organization drives, to the detriment of workers' right to organize free of employer coercion.

The construction unions were singled out in the Code for a subset of extreme restrictions on free collective bargaining, organizing and their right to take strike action. Nowhere else in Canada have construction trades unions been confined to lesser rights than those enjoyed by other unions. The intention of the restrictions was clearly to prevent any strikes on industrial projects.

c. Attacks on labour not involving legislation

Conservative governments have been adept at undermining workers' rights through other means than direct legislative attacks. For instance, a regulatory change at the WCB in 1982 meant that employers no longer had to report non-lost-time injuries. This instantly made workplace accident statistics look better: from 156,099 accidents reported in 1981 to only 57,246 accidents in the first year of the new reporting. It also encouraged employers to hide injury accidents by forcing injured workers to stay on the job. In 1989 a statement from the WCB's CEO revealed a Board focused on cost reduction for employers - the sort of policy statement that places injured workers no higher in priority than cost containment.

The 1976 Occupational Health and Safety Act could have been a real step

Massive public support is shown for Calgary laundry workers illegal strike, 1995: Photo courtesy Gord Christie

forward for labour since it established long-sought OH&S rights for workers: the right to participate, to be informed, and to refuse dangerous work. However, the lack of mandatory joint worksite committees, the lack of adequate numbers of inspectors and an overall lack of enforcement negated the potential benefits. The later advent of a government policy of employer self-regulation in health and safety was also a step backwards for workers.

The public sector cutbacks, mass lay-offs and budgetary restraints of the Klein era had an immediate downward effect on wages, benefits and job security across both the public and private sectors in the province.

Even a simple procedure - like the Klein-era phasing out of the tradition of choosing the labour representatives on the Labour Relations Board from a list submitted by the Alberta Federation of Labour and the Alberta Building Trades Council-had enormous ramifications for working people. When the government decides who will be a labour representative, the Board cannot be considered balanced or impartial.

VI. Conclusion

In November 1995, Yvette Lynch, a single mother of two, was called into a meeting with her employer, the Calgary Regional Health Authority. She and her 60 co-workers in the laundry in Calgary General Hospital's Bow Valley Centre were being given two weeks' notice of lay-off - the two weeks' notice was in lieu of separation pay.

However, Yvette and her co-workers, many of them immigrant women, had already given their employer massive wage concessions (up to 28%) only two years earlier. Their average wages had been reduced to below $9.00 per hour, putting many of them below the poverty line.

Instead of giving up, Yvette and her co-workers began a ten day 'illegal' wildcat strike on November 15th. The next day they were joined by another 60 laundry workers from the Foothills Hospital. These two groups of women, members of the Canadian Union of Public Employees Local 8 and the Alberta Union of Provincial Employees Local 55, defied the government's juggernaut of cutbacks and contracting out and won another year of employment through their courage and the instant and almost unanimous support of the rest of the labour movement and the general public.

Nothing could demonstrate the ultimate logic of collective action and the resiliency of working people in Alberta better than the actions of these hospital workers. The labour movement can be suppressed with bad laws. It can be coerced and intimidated through force. It can be co-opted by commissions, appointments to Boards, and frequent consultations, but it cannot be extinguished. Injustice in the workplace is a wellspring of union strength and activism that will not run dry.

In Alberta, the law has, at best, been indifferent to workers. For most of the past century workers and their unions in Alberta have suffered under incredibly punitive and restrictive legislation and regulation. Yet the desire for a better workplace and a better life continues to inspire collective action and collective resistance.

Finally, it is clear that any gains made by labour have come as a direct consequence of workers taking action to demand rights, and that those same rights are frequently eroded when labour is quiescent. The lesson of the laundry workers is unequivocal: Alberta workers will only win better laws by gathering the strength and vision to confront bad laws in a sustained struggle.

Timeline of Alberta Labour Legislation

1879. The Masters and Servants Ordinance.
Passed by the Assembly of the Northwest Territories, the subservient position of workers in the employment relationship was reaffirmed in this law. It established fines and prison sentences for workers disobeying the employer or being absent from work without permission.

1906. The Public Service Act
Wages and hours of work of provincial employees were to be set by government without negotiation. No overtime was to be provided. Asking for a raise was considered to be turning in one's resignation.

1906. The Coal Mines Act
No boy of or above the age of twelve years and under the age of sixteen years shall be permitted to work in or about any mine below or above ground unless he is able to read and write and is familiar with arithmetic including division. It required two ways in and out of every shaft and certification of mine managers and pit bosses.

1906. Mechanic's Lien Act

1908. The Workmen' Compensation Act
Employer must pay compensation for injuries preventing work except injuries lasting less than 2 weeks. A worker may claim under act or take civil action, but not both.

1909. Children's Protection Act
No young children in street trades such as express or dispatch messengers, newspaper vendors, small wares vendors, bootblacks, unless those children have the written permission of their parents or guardians.

1913. The Building Trades Protection Act
The Act contained regulations dealing with safety during construction.

1913. The Thresher Employees Lien Act

1913. The Woodmans' Lien Act

1915. The Public Utilities Act
The Act established a Public Utilities Board that was authorized (among other duties) to establish and enforce safety regulations and classifications for employees in public utilities, such as railways, streetcars, telephone and telegraphs operations, and the transmission of light, power, water, gas, or heat.

1917. The Factories Act
Allowed government inspection of shops and factories and the making of safety regulations, but it did not apply to any factory with less than 6 workers, or where no power save manual labour was used. Prohibited children under 15 from factory work and set a minimum wage and minimum hygiene regulations. There were also limitations on length of night (8 hour) and day (11 hour) shifts.

1917. The Electrical Workers Protection Act

1918. The Workmen's Compensation Act (compensation fund)
The Act established the modern workers' compensations system, with mandatory employer and worker enrollment, a Board whose decisions cannot be appealed, and a prohibition on civil action against employers.

1918. The Boilers Act

1922. An Act to Provide a Minimum Wage for Women

1926. Labour Disputes Act
The Act empowers government to create a tripartite Board to attempt to resolve any labour dispute within the exclusive jurisdiction of the province involving 10 or more workers.

1928. The Coal Miners' Wages Security Act

1928. The Industrial Disputes Investigation Act (Alberta)
Provided that the federal act of the same name should continue to have authority over disputes within the purview of the act (public utilities) even if they were confined entirely within the province of Alberta.

1935. The Industrial Standards Act
In any industry, either employers or employees or their organizations could have the government call for a conference of workers and employers in one or more of the zones the province was divided into for this purpose. The conference would investigate the condition of labour and negotiate standard, uniform wages and hours which would then become law in that industry.

1935. The Teaching Profession Act
Membership in the Alberta Teachers' Association is made mandatory in order to teach in the Province.

1936. The Male Minimum Wage Act

1936. Hours of Work Act
Board of Industrial Relations created a maximum eight hour day and forty-eight hour work week.

1937. The Freedom of Trade Union Association Act
Makes it lawful for employees to join unions and bargain collectively. Employers may not require workers to sign agreements prohibiting union membership.

1938. The Industrial Conciliation and Arbitration Act
This replaces the Labour Disputes and the Freedom of Trades Association Acts. A mandatory conciliation process (14 days maximum) followed by an arbitration process (26 days maximum) creates lengthy delays for strikes, which are not permitted until 14 days after the arbitral award is rejected by either party.

1938 Mining Industry Wages Security Act

1943. The Labour Welfare Act
The Board of Industrial Relations (established under the Hours of Work Act. 1936) further empowered to order health and safety regulations, require shift rotations, and institute mandatory paid holidays up to two weeks per year. It replaces sections of the Factories Act.

1944. The Apprenticeship Act
A provincial Apprenticeship Board is created to oversee apprentice programs. Minister decides which trades are designated (covered under the Act), the length of apprenticeships and the content of instruction required.

1947. The Alberta Labour Act
This Act consolidated the Hours of Work Act, the Male Minimum Wage Act, the Female Minimum Wage Act, the Labour Welfare Act, the Industrial Standards Act, and the Industrial Conciliation and Arbitration Act. Certifications were made more difficult, the Board of Industrial Relations was given more power to intervene and interfere in union activities, and company unions were encouraged. The Act was amended in 1948, 1950, 1954, 1957 and 1960 – each time becoming more restrictive of union activities. Secondary and information picketing was banned.

1965. The Public Service Act amended
Provides for collective bargaining leading to a collective agreement. CSA of A was given sole jurisdiction to represent provincial employees. If bargaining failed, government imposed terms.

1968. The Crown Agencies Employee Relations Act
The Act separates employees of government boards and agencies from the act governing direct employees of the crown.

1972. Public Service Act and Crown Agencies Employee Relations Act amendments
Binding final decisions by the government on negotiations issues was replaced by compulsory binding arbitration.

1976. The Occupational Health and Safety Act (OH&S)

The Act recognized workers' rights to be informed of workplace hazards, to refuse dangerous work and to participate in worksite decisions regarding OH&S. Lack of proper inspections and optional joint worksite committees took the teeth out of the Act.

1977. The Public Service Employee Relations Act

The right to strike is permanently stripped from direct provincial employees, and employees at boards, agencies and colleges and universities. Compulsory binding arbitration resolves all bargaining disputes, but exclusions of critical areas from arbitration leaves those decisions solely with the employer.

1982. The Health Care Continuation Act

Alberta nurses were prohibited from strike activity until the end of 1983, with threats of massive fines, decertification of the union and punishment of union staff and officers for violation.

1983. The Alberta Labour Act amended (Bill 44)

The right to strike is permanently stripped from nurses and all hospital workers and replaced by compulsory binding arbitration to settle negotiation disputes. Arbitrators are limited by government policy on wage settlements. The legislation is backed by the threat of decertification of unions, massive fines and other penalties.

1988. The Alberta Labour Relations Code

This replaced the old Alberta Labour Act. It made it even more difficult to organize unions by requiring votes on every certification, thereby increasing employer opportunity to electioneer. Increased employer interference in organizing was permitted. The Act placed unprecedented restrictions on building trades unions.

1988. The Employment Standards Code

This Act governs 'floor-of-rights' regulations for Alberta workers previously contained in the Alberta Labour Act, setting out the minimum entitlements for workers including overtime pay, paid vacations, statutory holidays, hours of work and severance of employment. It outlines a complaint driven system that exposes workers seeking their rights to employer retaliation.

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