The conciliation system now in wide use provides that, where a union and an employer are unable to reach agreement through direct bargaining, resort to strike or lockout action does not become legal until the specified conciliation procedure has been used. The procedure varies in detail by jurisdiction, but consists of referring the dispute to a conciliator, mediator or conciliation board, or some combination of these. Conciliators or mediators are usually full-time employees of the appropriate department of labour, whereas a conciliation board is usually a tripartite body made up of a neutral chairman and a representative of each of the parties established on an *ad hoc* basis in each case as the need arises. The reports resulting from conciliation or mediation activities are usually made public and strikes or lockouts occurring before a stipulated time has elapsed following the release of the report are unlawful.

In 1944, by Order-in-Council P.C. 1003, the Federal Government established machinery to assist and further collective bargaining between unions and employers. The Order incorporated the previously-established right of employees to organize and the compulsory conciliation procedure with a legislative framework for collective bargaining. This framework, patterned to a considerable extent on legislation adopted in the United States, provided in brief that:

(1) Certain specified practices that tended to inhibit freedom of association were unlawful.

(2) A union that represented a majority of employees in an appropriate bargaining unit would be entitled to be certified as the exclusive bargaining agent for that unit.

(3) An employer would be required to bargain in good faith with a union certified to represent a unit of his employees.

(4) A strike or lockout, as already noted, would not be lawful until conciliation procedures had been complied with.

(5) A board would be established to administer the law.

Following the Second World War, the principles of the Order were widely adopted in provincial legislation and in the federal Industrial Relations and Disputes Investigation Act passed in 1948. Although both provincial and federal laws have undergone modification during the past several years, the general principles adopted in the 1940s have continued to this day. (Compulsory conciliation as a condition precedent to a legal strike does not exist in the legislation of the province of Saskatchewan, and has recently been dropped from the Manitoba legislation.)

Collective Bargaining

The object of a trade union is to maintain and improve wage rates and other terms and conditions of employment. This it does mainly through the process of bargaining collectively with the employer.