



**Report of Commissioner in dispute between Courtaulds (Canada) Limited
and its Employees, Members of the United Textile Workers
Federal Local Union No. 3**

A dispute arose in September in the plant of Courtaulds (Canada) Limited, Cornwall, Ont., over the refusal of the company to dismiss an employee whom the union, the United Textile Workers Federal Local Union No. 3, contended should be dismissed for cause. In connection with this dispute a strike of approximately 1,700 employees occurred on September 26, 1940. As the result of mediation by an officer of the Department of Labour work was resumed on the following day on the understanding that the dispute would be the subject of direct negotiations between the parties concerned. These negotiations, however, proved unsuccessful, and, on the recommendation of the Minister of Labour, His Honour Albert Constantineau, Judge of the County Court for the Counties of Prescott and Russell, was, in accordance with Section 65 of the Industrial Disputes Investigation Act, appointed a Commissioner under the provisions of the Inquiries Act to inquire into the said dispute. Both parties undertook in advance to be bound by the recommendation of the Commissioner.

In his report dated October 22, 1940, the Commissioner stated that the dispute "origin-

ated and is connected with an alleged assault by one Louis Cinquini, an employee of the company in their mill at Cornwall on one of his co-employees, named Daniel Campbell, aged 17. The facts agreed upon by the company and the union, are that during operations in the reeling department at the plant on September 21, 1940, Campbell, whose work consists of wheeling loaded trucks of rayon yarn in 'cakes', pushed his truck against Cinquini, who was at that time, with his back towards Campbell, engaged in adjusting a reeling machine. The force of the collision knocked Cinquini against the machine, with the result that he was wounded on the head. Cinquini then lost his temper and struck the boy, first with a board, then with the palm of his hand."

The following observations and recommendation are contained in the Commissioner's report:—

"First of all, the offence was of a very mild nature. Young Campbell committed the initial wrong-doing by bumping into Cinquini, through negligence or want of care, since in the absence of evidence to that effect, it cannot be assumed he did it deliberately. Cinquini acted under the in-

pulse of the moment, and apparently without any malice whatever. He struck him with a board three feet in length on the seat of his trousers, and then gave him a slap on the side of the face. No real injury was done to the boy, and had he been prosecuted before a Magistrate, undoubtedly the latter would have taken a very lenient view of the case, and if he had not exonerated him entirely, the fine imposed would have been a very nominal one.

"In the second place, the two parties primarily interested in the so-called assault, were the victim himself and his father. The boy related the circumstances of the incident before the undersigned and acknowledged that no grievous injury was done to him. It appears that it was not the first time that he had run against people with his truck, and on this account his father was notified by the Company that if he continued in his recklessness they would have to discharge him. As to the father, he received a written apology from Cinquini, which wholly satisfied him and his wish was that the incident should be closed.

"The Union, however, took a different view of the matter and contended that the employees of the Company were directly interested. They threatened to call a strike if Cinquini was not immediately discharged. Their contemplated action was based on the fact, as alleged by them, that Cinquini was a menace to his co-employees, by reason of his assault on the boy and of his previous conduct, as already explained. They refused to compromise, though the Company was willing to take disciplinary measures against Cinquini, which in fact they did by suspending him for a few days. The Company, on the other hand, claimed that to permit the Union to insist upon the discharge of a servant, when in their opinion there were no sufficient reasons to do so, was to hand over to the Union the control and management of their business, in regard to the hiring and dismissal of their employees. The Union, however, denied they had any such intention, but pointed out in their brief, 'that when there is sufficient justification for the discharge of any employee, in the interest and welfare of all the employees, they were in duty bound forced to bring this to the attention of the management'. As the Company and the Union were unable to harmonize their view regarding the action to be taken with reference to Cinquini, all attempts of amicable settlement failed.

"As already stated, Cinquini has been employed by the Company for the last 15 years, and it is the first time that charges of misconduct or inefficiency have been openly made against him, and that any step has been

taken to have him dismissed from his employment. Had he been an undesirable servant, one should have thought that the Company would not have retained him in their service for such a long period.

"On the whole, the undersigned is firmly convinced that were Cinquini a servant hired by the Company for a specified period, he could successfully bring an action in damages against the latter for wrongful dismissal, were they to dismiss him on the flimsy grounds disclosed in this investigation. No complaint was ever made to any of his superiors regarding his behaviour or his manner of performing his work, and the most elementary principles of justice and decency demand that before a servant is discharged, he be notified of his shortcomings and afforded an opportunity of mending his ways, unless his acts of omission or commission constitute a very grave dereliction of duty.

"The recommendation, therefore, is that Cinquini be not dismissed, but be reinstated in his employment, since in the opinion of the undersigned, there is no sufficient justification to warrant his dismissal. He has already been suspended for over a month and this, to my mind, is ample punishment for the wrong he is charged with."

The Commissioner's report concludes with a further recommendation that Cinquini be immediately dismissed should he in the future commit any reprehensible act or do anything likely to injure anyone even in the slightest degree.

Unemployment Insurance Benefits in New York State

According to a report issued by Miss Frieda S. Miller, Industrial Commissioner of New York State, the Unemployment Insurance Fund of that state had paid \$241,479,857.79 in benefit payments to unemployed workers since January 1, 1938 when benefits first became payable. After payments for August were made it was reported that the fund had a balance of \$202,323,497.26.

