

try. Then he gave his sentence. First, he turned down the request of the union shop clause:

I am unable in the circumstances to award a union shop.

Then he added:

It would deny the individual Canadian the right to seek work and to work independently of personal association with any organized group.

On the other hand, Justice Rand did not hesitate to admit the principle of a compulsory check-off:

My award is a compulsory checkoff upon all employees who come within the unit to which the agreement applies.

Here is the essential part of Justice Rand's arbitration award. Then he added:

I do not for a moment suggest that this is a device of general applicability. Its object is primarily to enable the union to function properly. In other cases it might defeat that object by lessening the necessity for self-development. In dealing with each labour situation we must pay regard to its special features and circumstances.

Furthermore, Justice Rand bound the checkoff with very precise conditions:

1. Every strike should be called by a special vote taken by the majority of the members;
2. The union should take the responsibility of stopping any illegal strike or picketing.
3. Any employee participating in an unauthorized strike should pay the company a \$3 fine for every day's absence from work and lose one year's seniority by every week of absence;
4. Should the union violate the obligations stipulated at subsections 1 and 2, its right to the compulsory checkoff would be suspended;
5. Every year, 25 per cent of the employees could require a secret ballot to confirm the mandate of the existing union or to appoint a new bargaining agent;
6. That checkoff clause became a work condition;
7. All employees had the right to join the union, provided they complied with the by-laws;
8. Any misunderstanding about a clause constituted a grievance and was subject to a procedure established for that particular case.

Since then, the Rand formula has taken a more restricted meaning. The conditions which Justice Rand had imposed on the formula proposed in a dispute of the automobile industry have been ignored. Today, the Rand formula is nothing else than a compulsory checkoff clause.

This situation has never been cleared. In various occasions, judgments have been made. In some circumstances, they were favourable and, in others, opinions were divided. In spite of precedents from the Supreme Court in particular cases, the legality of checkoff clauses, of which the Rand formula is only one example, continues to be the target for criticism.

It is true that the Rand formula is in force in many collective agreements. However, that does not mean the freedom of the individual is being respected. In various provinces of Canada, the modes of application vary. Among the arguments advanced for mandatory checkoff, it is often pointed out that labour law has progressed.

Labour Relations

I mention in passing that the right to strike also has progressed, and not always for the better.

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. member, but the time allotted to him has now expired. To continue, he needs the unanimous consent of the House. Is there unanimous consent to allow the hon. member to complete his remarks?

Some hon. Members: Agreed.

Mr. Dionne (Kamouraska): I thank hon. members for giving me a few more minutes to complete my remarks on this very important subject.

One needs only to observe what is happening in this day and age when strikes follows strikes at an alarming rate. It must also be added that union security clauses give union members a feeling of security allowing them to work out a better coordination between business management and workers. It is obvious that unions are assured of a revenue in the form of substantial amounts they receive every month from any employer in employer contributions.

Millions are taken out of workers' salaries every month in payment of union dues.

Note that I am not against the payment of dues to a union, provided the amounts are paid voluntarily and the money collected is used in the interest of workers in general. Unions were formed to meet a need, and I see that that need still exists.

However, we also see that several individuals are members of various associations, such as the Knights of Columbus, the Daughters of Isabella, Chambers of Commerce, and hundreds of others. Generally, people are free to join or leave the association. The freedom of people is fully respected.

The value of an association lies in the value of its membership. I admit that a member drawing benefits from his association must contribute to its operation; on the other hand, if the leadership goes astray, he must not be forced to continue to pay for the mistakes, and that is why we suggest that the government should pass legislation to clear up definitely this matter of union check-off which up until now has stemmed from a precedent, a decision in an entirely particular case.

● (1600)

[English]

Mr. John A. Fraser (Vancouver South): Mr. Speaker, in following my colleague the hon. member for Kamouraska (Mr. Dionne), I think the first comment is that there ought not to be too much difficulty, even on the government side of the House, in agreeing with the general proposition which is implicit in the hon. member's motion, namely, that labour and management relations in this country at the present time leave a great deal to be desired.

The stark fact, as was brought to light for the Canadian public a few weeks ago, is that presently we have the worst record in respect of work stoppages of any industrial country in the western world with the exception of Italy. It seems to me this is a matter which ought to