

Adjournment Debate

of the year. That was part of the story, and I think the bitterness from that is still reverberating in many a Canadian household.

● (2200)

The other part of the story came from another matter I raised in the House recently, and that was that some of the blue collar workers who were a part of the larger alliance—but not the part which was on strike—were prevented from going to work at Willow Park, the army service base in the city of Halifax, and rather than challenge members of the same union and thereby risk some considerable conflict, on the advice of their superiors they did not go to work. They stayed away. For a while the Treasury Board was inclined to dock their pay. Then better sense set in, and those people have been paid.

I think those two different episodes point out that it is psychologically impossible for people who belong to a large union and who are forbidden the right to strike—that is, they are in what are called designated groups—to refuse picket lines. If picket lines are thrust up, or if they are asked to go on strike, it does not matter that the law says they are forbidden to strike. They feel they have to be one with their fellows in the labour union and stay away from work, and yet this clearly flouts the law of Canada.

So I asked whether the government intended not only to prosecute the designated employees for disobeying the law—and I call these people the “Joe Lunch-pail” types—but whether it would go further and prosecute those higher ups, Claude Edwards and other people at the very top of the Public Service Alliance who, from day one in their disputes with the government, have put these people on strike from time to time across Canada. There is no question but that this has happened. We all knew that even before the first strikes occurred, people at the airports would be used on a strike basis and on a selective basis, but on a calculated basis, so that to me the higher ups of the union by putting these people on the strike lines in some way flouted the law.

My suggestion is simply that there should not be people belonging to the same union, some of whom are forbidden to strike, and others who are permitted to strike. If we have to have designated groups who cannot strike, we have to give them a special privilege. We have to give them an opportunity to be represented—but only by themselves—in labour associations. They should not belong to labour associations of which part of the membership is permitted to strike. I know this is a great denial of liberties for such people, but I think it is the only practical solution one can find to prevent the kind of strikes which bedevilled transportation a few weeks ago.

In conclusion, every effort should be made to see that those designated employees denied a rather basic labour right should be given almost continuous attention by the government to see that their pay is never out of line and that their grievances are never left too long before solution. I do not quite know how this could be done, but perhaps it could be done by some special board of labour experts. Unless we do that, the suggested approach of the government to drive up the penalties against designated employees who go on strike when they are not permitted to do so, is a solution that will not work.

[Mr. McCleave.]

Hon. Jean Chrétien (President of the Treasury Board): Madam Speaker, this is not an easy subject, as you understand. When the hon. member put his question in the House a few days ago he asked me if we had prosecuted some union officials. I can report that those who have violated the law have been prosecuted.

Some stewards, local presidents and vice-presidents, a vice-president of a national component and a regional vice-president of a component union of the Public Service Alliance of Canada are included in our application for prosecution for unlawful activities that occurred in December, 1974. At this moment we are processing cases of all others who have acted illegally during the strike of a few weeks ago. It is not for pleasure that we took that course, but the policy of the government is to respect the right to strike for those who have it, and those who do not have it must be prosecuted.

In the past when there was a settlement there was always a kind of compromise by which we withdrew all charges. This time I did not withdraw the charges. I wanted to clarify that situation. Of course, there were some people who were caught in the process in good faith, and as they are members of the union, but designated, it caused some confusion when their friends were on the picket lines. But they knew they were designated. The designation was agreed between the union and the government and every one knew who was designated and who was not. They gambled and thought they were right to gamble, but sometimes we have to draw the line and this time we did it.

I think the hon. member's suggestion makes sense and I will advise him, because I do not have much time to debate tonight, that a good place to make this argument is in front of the joint committee of the House of Commons and the Senate which is to consider the Finkelman report. That will come up very quickly; members of this House and the other place can put their propositions forward and I hope this particular idea will be considered. It is difficult to make a pronouncement on it at this time because the government has not taken a stand on the Finkelman report. We wanted to be fair to members because we were asking them to give us their advice. I did not want to tell them beforehand what I will do, but rather I want to get their ideas.

ADMINISTRATION OF JUSTICE—POSSIBILITY OF AMENDING SECTION 613 OF CRIMINAL CODE IN VIEW OF DECISION IN MORGENTALER CASE—POSSIBILITY OF PARDON FOR DR. MORGENTALER

Mr. Stuart Leggatt (New Westminster): Madam Speaker, I am rising in regard to a question I put to the Prime Minister (Mr. Trudeau) in the House recently dealing with section 613 of the Criminal Code and the ramifications of that section as a result of the recent Morgentaler case in the Supreme Court of Canada.

The jury system has been honoured in our legal traditions since almost the beginning of legal history. We have relied on it to prevent the elite or the state from imposing its view on the community. We have always argued that, in terms of the facts and what occurred in the community, the jury system was the bulwark for the ordinary person