

*Canada Labour Code*

Governments are all socialist. In fact, the laws in Canada are closely aligned to the laws of the United States, and in some cases are modelled on United States laws. The Hon. Member is clearly implying that the United States is a socialist country. It is a very bizarre use of the word "socialist". When he asks us to copy selected aspects of certain European countries, which he calls democratic socialists by contrast with socialist Canada and socialist United States, it is really difficult to understand how he is using those words.

What we can understand is that as a matter of practical experience, with the help of a very famous Judge, the late Mr. Justice Ivan Rand, Canada did establish certain basic principles. I remember clearly the year after I came out of the army. There was considerable labour unrest in Canada. The famous Rand formula was established. It by and large resolved the very difficult situation of strikes and confusion in labour relations.

His principle was that the workers in the unit must all receive the same benefits and services that are negotiated between the employer and the union. If a worker feels he has not received those benefits or services, he is entitled to sue his union in a court of law for not providing them. The union is compelled to provide those services. Therefore, Mr. Justice Rand argued that each member equally has an obligation at least to pay the dues of the union and in some cases to maintain membership in it. This principle is said to be very strange, but I would point out that it has been adopted by all of the Governments of Canada and most Governments in the United States.

The previous speaker, the Hon. Member for Welland (Mr. Parent), pointed out the comparison with taxation. The minority must pay the taxes imposed and voted by the majority because the minority can also claim all the benefits of the programs carried out with those taxes.

Far from the unions arrogating unto themselves the position of Government, the fact is that in Canada the trade unionists are second-class citizens. Doctors can go on strike but they do not go to jail. Bankers can refuse their services but they do not go to jail. Storekeepers and oil companies can refuse to sell but they do not go to jail. Only union members are from time to time threatened with fines or jail if they do not work.

In that sense, they probably do lack something of the freedom of association that the Hon. Member for Prince George-Peace River claims to support. It is a deprivation of freedom that mere membership in a union should make a person vulnerable to fines and jail to which he would not be vulnerable if he were a member of a medical association, bankers' association or some such organization. The Hon. Member is not attempting to protect the members of the trade union from fines and/or jail in that sense. He never said a word on that side of the case. He wishes to protect them from having the ability to organize in solidarity so as to defend themselves when necessary against an employer.

The trade unionists have one basic, fundamental power. If they agree, they can withdraw their labour. The employer has a comparable fundamental power. By his decision, he can withdraw the opportunity to labour. He can shut the door.

• (1610)

In half a century we have developed a structure of law and balances within the law that enables workers and employers to bargain using those two powers which 99 per cent of the time are held in reserve and not exercised but are available as a real possibility. Membership in the bargaining unit, the dues-paying obligation of the bargaining unit, is a part of that structure. It does not make paid unionists fully first-class citizens as bankers and oil company presidents are, but it certainly protects them from being completely dominated and ground into nothing by the bankers, oil company presidents and large employers.

It is interesting that the Hon. Member has such a persistent desire to disrupt the labour law structure in Canada, and presumably if he were in the United States he would be trying to disrupt the labour law there. If he had his way there would be no security in any union contract. It would be impossible for either union or employer to know whether workers in that particular enterprise were going to consider themselves bound by the obligations of the union contract.

After 18 years' experience working as a labourer in a factory, including 12 years' experience on the bargaining committee of my union, I can assure the House that the employer has very great respect for the union contract. He may try to get around it but he does not want to do away with it.

About 20 years ago there was a strike at the Royal York Hotel in Toronto during which the employer fired the employees. He sent letters to all strikers telling them that they did not work there any more and not to come back when the strike was over. The union took the employer to court and the first decision of the Queen's Bench was in favour of the employer on the basis of some statute dating back to 1597 or somewhere relating to master and servant.

Across the country the response came from major employers and industrialists that they were horrified at the decision. In very short order the Superior Court reversed that decision and said that the workers had a quasi-legal right to their job; that when they went through all the arduous steps provided by labour law to the point where they could legally go on strike, they had not quit. They were still entitled to their jobs.

If the Hon. Member for Prince George-Peace River wants to wipe that out and have jungle law in every place of employment under the jurisdiction he is talking about, then he should be frank enough to say: "Let's wipe out unions as legally recognized bargaining agents; let us wipe out contracts". Then every day on every job the employer would not know whether he has workers or not. Often the union would much rather strike during the life of a contract. It is the contract that prevents this. The employer relies on that when he bargains.

It is strange that the Hon. Member keeps bringing this matter up without stating what he thinks would result from what he is after. He has given us some new arguments today and perhaps this is the first time he has used the argument