also exist mentioning that a worker has the right to join the union of his choice, the right to refuse to join it and also the right to withdraw from it.

The provisions contained in the collective agreements negotiated in accordance with the will of the majority of their free members, could determine the responsibilities of the union members with regard to union check-off. Well understood freedom, in the field of industrial relations as in any other field, involves three aspects which can not readily be separated: the freedom to accept, the freedom to refuse, the freedom to withdraw.

I have read somewhere that one must not be a slave to one's environment but one must transform it according to one's ideal. It is hard to find a good reason to justify the attitude of our governments which did not, at opportune times, pass legislation that would have stated specifically what are the rights, the duties and the responsibilities of everyone concerned in the field of union check-off.

Allow me here to quote the opinion given by Me Fernand Morin, in the 1969 edition of *Relations industrielles*, volume 24, page 789. This is what he said:

In our opinion, those conflicts and difficulties should have been solved once and for all a long time ago, by a clear and specific text of law. An act that purports to ensure peaceful and fruitful relations between employers and employees but makes no mention of or is ambiguous about matters of such importance is not good enough.

In view of all the restrictions resulting from compulsory check-off formula when applied indiscriminately to all collective agreements in general and since the recommendations made by Justice Rand in his decision by arbitration rendered on January 28, 1946, have not been implemented, even if he took the trouble to specify: "I do not suggest for one moment that this method can be applied across the board," Parliament should determine by means of an appropriate legislation the responsibilities of everyone with regard to compulsory check-offs. If I have time left and if my colleagues allow me, I shall come back to this question of check-offs at the end of my statement.

At this time and under the terms of the motion introduced, I should like to suggest a means which, in my opinion and in the opinion of many people who are familiar with labour-management relations, should restore some order in our troubled times. Any responsible observer will admit that most of our conflicts come from the lengthy discussions and the delays in settling disputes. It seems that this situation will continue as long as real labour tribunals are not substituted for existing bodies, providing all the safeguards of equity that one may desire, and whose decisions will be binding on the parties. Labour tribunals made up of labour, management and government representatives, made up of experts in the field of employer-employee relations must have adequate powers and information enabling them to: prevent inter-union conflicts by laying down a clear and specific procedure making it possible to determine by secret ballot, under the supervision of two members of the labour tribunal, the right of workers to be represented by a bona fide union; to set a period of negotiations not exceeding 90 days between the parties concerned and to provide severe penalties for those who fail to comply with the regulations; to make an adequate evaluation of the profitability of the undertaking or service taking into account the risks of the monetary reserves necessary to maintain the undertaking and required for income tax deductions and procedures arising from taxation regulations; to determine when required, according to a classification of duties based on the responsibilities of each class of workers, a wage range commensurate with the possibilities of the entreprise and the service and indexed on the cost of living; to require that all strike votes be secret and taken under the supervision of two members of the labour tribunal and that the strike be considered legal only when it is accepted by half—50 per cent plus one—of the employees, and after all the above-mentioned means have been exhausted; to direct the negotiations in the public service area to determine wage adjustments according to varied percentages, by increasing lower wages first, in order to reach a proportional equilibrium between all wages. We do not claim that these labour tribunals will solve all problems, but we have good reasons to believe that they could greatly improve the situation. This is as good a time as any to recall the events that happened at the end of August 1973, here, in Parliament, around one o'clock in the afternoon, when a group of railway employees on strike entered the Parliament buildings.

[Mr. Dionne (Kamouraska).]

● (1550)

One may assume that had they been more familiar with the inside of the building, they might have gone to the House of Commons, occupied the premises and delayed the sitting. For the first time since Confederation, the Speaker of the House of Commons and his escort of dignitaries entered by the back door. Such events should make it abundantly clear to the legislator that the labour legislation must be amended as soon as possible.

I said earlier that I would state more clearly my viewpoint on the application of the Rand formula and on the circumstances in which this decision was rendered. I notice that many seem to be unaware of the facts.

For several years, unions have been using the Rand formula to ensure their incomes. On several occasions, they have even gone overboard by setting up what they call a common front.

It would be in order to recall the events that led to Justice Rand's award and to the very specific recommendations he submitted concerning compulsory check-offs.

This formula is named after an arbitration award issued by Justice Ivan Cleveland Rand of the Supreme Court on January 26, 1946 in a dispute between employers and employees of the Ford plant at Windsor, Ontario. The strike of the Ford employees had been going on from September to December 1945 when Justice Rand was appointed artitrator to make a ruling on these issues under dispute. On January 29, 1946, he issued an arbitration award applicable to the parties concerned. The union wanted a union shop clause along with a compulsory checkoff. The union shop clause allows the employer to hire any worker, belonging or not to the union, provided that, within a delay prescribed by the agreement, those employees should join the union, otherwise they are fired. As for the compulsory checkoff, it is a sum of money that the employer deducts from the salary of the worker and returns to the union.

Justice Rand prefixed his ruling with important considerations on the philosophy of labour law in this coun-