

went on strike were not violating any law of the land in Canada, because there was no law which prohibited or prevented them from striking. Everything that has been done to date has been done in a legal and orderly way and in accordance with our Canadian laws, but it has exposed a weakness in our system.

We now find a clash of two ideologies or philosophies, or whatever you wish to call them, as to the adjustment of rights between employers and employees. The right of labour to make use of the strike as an offensive or defensive weapon against employers has been well recognized. I would be the last person in the world to say that anything should be done to take away that right in the least particular. But today a second principle stands out—the welfare and safety of the state. When you have a clash of those two great principles, then, so far as I or any true and loyal Canadian is concerned, there can be but one opinion, namely, that the safety and welfare of the state is of paramount consideration. If, as I believe, the safety and welfare of the state has been threatened by the breakdown in the railway transportation systems in Canada, then it is time we brought our laws up to date and put them in such order that we can protect the welfare and safety of the state; yet we must do it on a basis which will not work unduly to the detriment of the unions and labour interests of Canada.

I believe the purpose and design of this bill is to protect the safety of the state and at the same time protect to the greatest possible extent the rights of labour. So far as this bill is concerned, all those things which were not agreed upon in the negotiations between the railway managements and the railway unions are to be the subject matter for consideration by the arbitrator. Now, if we cannot find a fair-minded and impartial arbitrator in Canada, then I would say I do not know what other measure could be adopted to ensure the protection of the best interests of the working people and the unions, as well as those of the railroads, which really represent the interests of the people, including so far as the Canadian National Railway is concerned, the workers themselves. If we have confidence in our courts and can choose proper judges, surely we should have confidence that somewhere throughout the length and breadth of our country there is an individual who can act fairly as an umpire between the railways and the railway employees. That is why I do not propose examining this measure with any particularity. The words used may not be the best ones, for the bill was drawn rather hastily,

but it is apparent that the framers of the legislation desired to accomplish two great things: to protect the welfare and safety of the state, and at the same time to prevent more than a minimum of injury to the working interests.

It has been suggested that the measure possesses the feature of compulsion, and that compulsion is bad. Certainly I agree that the strong arm of compulsion, when wielded in private disputes between management and labour, is bad unless it is necessary to protect the safety or order of the state; but once the safety or order of the state is concerned, I do not think that it is any worse to make it compulsory for management and labour to lay their problems before an arbitrator and to be bound by his decision, than it is to conscript all able-bodied citizens for protection of the state in a time of apprehended danger, or to institute compulsory control over prices, rents and other matters in order to safeguard our economic system during the stress of an emergency. For the fact is that we are in real danger at the present time, and we cannot afford a continuance of the existing tie-up of rail transportation.

I say that in these circumstances the government could not do anything other than it has done. As soon as the unions and the railways had reached an impasse and mediation proved of no avail, the government had no option but to ask parliament for authority to appoint an arbitrator vested with the power to make a decision binding on both parties. This bill contains nothing more and nothing less than that. It has nothing to do with situations that may arise in future, except in so far as it may lead to an expression of the views of parliament and of the people and bring about consideration at a later time of some means of assuring that never again will our laws be in such a state that should there arise an emergency threatening the country's economic life and welfare the government in office will be powerless to take action under the law without first having to call a special session of parliament and seek approval.

**Hon. Mr. Horner:** May I ask the honourable gentleman a question? Does he contend that this government was powerless to deal with the situation without calling a special session?

**Hon. Mr. Hayden:** In the light of what little understanding I have of the laws of this country, I say to my honourable friend with all the vigour at my command that the government was wholly powerless. The only laws that we had—

**Hon. Mr. Horner:** Will the honourable gentleman say—