

*Maintenance of Railway Operation Act*

This being the case, we have to go along with their argument. This does not mean that we feel that the railways are vicious employers or mean employers or dirty employers but it does mean that we have had the conciliation process and a majority report has come forth which did not represent what the unions had asked for originally. As a matter of fact, the leaders of the unions have had to deal with a certain amount of insurrection. I know that in my area I have talked to many railroaders who were fed up with their union leaders for accepting the majority report because they felt that it fell short of the standard that they should have.

If the majority report were implemented there would be no question of the railway workers having a bonanza. The Minister of Labour (Mr. Starr) has pointed out just how minor the increases really are, especially over the short term period. Yet we are to have this long delay. When the minister was reading figures to support his argument I thought it was so obvious that they supported the other argument, that this was a fairly easy sum to meet, that the concessions were not large, and I wondered why he went to these lengths. I am not doubting his sincerity when I say that.

The recommendations of the Milvain report have a relationship to a standard and this is what we have to have in an industry that is so closely regulated. When income is limited by regulations you have to have a standard of some kind or toss out the regulations and we have had no indication that the regulations are going to be tossed out.

I should like to point out that the whole government case and premise is based upon what is going to come from the royal commission on transportation, that is, that it is going to open up the case if no agreement is reached in the interim period. With regard to the interim period, I wonder whether the government has considered the possibilities of the kind of guerrilla warfare that could develop in this period. It might develop on the union side where there is bitterness or it might develop on the company side. Certainly there is a great deal of bitterness in communities in my riding where the C.N.R. has carried out lay-offs already which the railway workers feel went far beyond any preparation for a strike.

We have the point made by the minister in connection with one of the clauses in the bill that it is going to guarantee that the people laid off will be taken back. Immediately the question arises, how are you ever going to police such a provision? I cannot see how it can possibly be effective.

So far as the royal commission on transportation is concerned, I had the pleasure

[Mr. Fisher.]

of being in the audience at the preliminary hearing and I remember the discussion that took place when Mr. McTague was setting up the terms of reference. It was decided there and then to stay away from labour and labour problems and that they were not really germane to what the commission was going to do. I do know that the last commission on transportation back in 1950 did not steer away from labour problems and the whole wage question and yet the present commission did.

I should like to refer to the terms of reference of the commission as found in the report of the hearing held in Ottawa on December 4, 1959. It is set out therein that certain gentlemen are—

—appointed commissioners under part I of the Inquiries Act to inquire into and report upon the problems relating to railway transportation in Canada and the causes thereof, and to recommend solutions thereto, and in particular, without restricting the generality of the foregoing, the commission shall consider and report upon:

(a) inequities in the freight rate structure—

Then I come to what is perhaps the key requirement of the transportation commission which is most bothersome in relation to what the Prime Minister (Mr. Diefenbaker) feels the commission may come up with.

(b) the obligations and limitations imposed upon railways by law for reasons of public policy, and what can and should be done to ensure a more equitable distribution of any burden which may be found to result therefrom.

I would take it that this particular clause opens up the whole field of transportation in Canada when it refers to the obligations and limitations imposed upon the railways by law for reasons of public policy. It seems to me that one of the limitations of public policy in this whole railway issue as to wages is that you have not got the usual industrial situation, that there is this limitation, and yet the members of the commission, I suppose acting upon instructions that we do not know about, decided not to go into the railway wage question. In other words, it is just incidental and yet the Prime Minister seems to be sure that out of the report of the royal commission will come recommendations and an analysis that will enable the government to handle the wage part of the question.

It seems to me that when the commission got under way and decided not to go into the wage question and the whole idea of a standard for railway workers in wage terms it turned its back upon that particular clause, and it seems to me that it left the Prime Minister's argument out on a limb to a considerable degree.

It is apparent that the government feels that it has acted in perfect sincerity. I think some members of the government feel that