

Legislation Respecting Railway Matters

per cent, which was to apply until a settlement was reached. Provision was made in this legislation, Mr. Speaker, for compulsory arbitration by order in council if negotiations, with the assistance of a federal negotiator, failed. Arbitration was not, however, necessary.

It is interesting to compare the provisions of this particular bill with the provisions of the bill before the house.

An hon. Member: How did you vote?

Mr. Pearson: The wording is almost exactly the same, Mr. Speaker. The prime minister of that date, in 1958, said that this was not compulsory arbitration. It was merely making provision for other action if mediation failed, if and when it was required.

Mr. Diefenbaker: What did the right hon. member say at that time?

Mr. Pearson: I do not recall, Mr. Speaker, the exact words of my speech at that time. I have made so many speeches since then. I have no doubt that my right hon. friend and his colleagues in their weeks of pleasant relaxation this summer have been reading all these earlier debates, as I have, too. It is quite easy for us to use them against each other.

That is the background of parliamentary intervention in labour disputes, and the procedures which were followed by the government and by parliament when such intervention was required.

● (8:20 p.m.)

To return to the present situation, negotiations for a new contract were, I believe, begun between the unions and the railways in November of last year. These negotiations were not successful and conciliation boards were applied for. In the event, five such boards were established, three separate ones being required for non-operating employees who had previously bargained as a single group. The five boards were established under the Industrial Relations and Disputes Investigation Act. They were set up without delay after the applications had been received, and any delay in getting conciliation processes under way was due to difficulties in getting chairmen acceptable to both parties.

In my view it would have been wrong and unprecedented, as I indicated this afternoon, for the government to have intervened until these boards had reported and the unions had acted upon those reports. I have just outlined what was done in other circumstances of

kind, and this was the procedure followed in 1960 and 1950.

It was understood that though there were five separate boards the unions would act as a group with regard to decisions on any recommendations made in the five reports, and any action which might subsequently be required. This meant that decision and action would be taken only after the last report had been received, and this is, in fact, was the way in which the unions operated.

It is in this context that I would outline first, the procedures and timing followed by the board and, second, the results and recommendations of these boards. Boards 1 and 2, which were under the same chairman, a chairman acceptable to both parties, dealt with the demands of 83,000 of the non-operating and shopcraft employees—about 72 per cent of the employees involved. Applications for these two boards were received on January 27 and March 1 and the boards were established on March 1, the same day as the second applications was received. Union and company representatives were appointed on March 10 and March 15 and confirmed on March 17. Two days later they informed the Minister they had agreed on Mr. Justice Munroe as chairman, and on the same day Justice Munroe was appointed as chairman.

The boards' reports were received on July 4 and the decision to strike was made on August 22—not on August 21 as the Leader of the Opposition said this afternoon, but at noon, August 22, on the Monday. The strike was to begin four days later, on August 26.

There was a third board, presided over by Hon. J. C. A. Cameron, dealing with the non-operating Canadian Brotherhood of Railway Transport and General Workers, about 20,000 in number. The application for this board was received on March 21 and the board was appointed on March 24. The union made its nomination on March 30, the company appointed its nominee on April 1, the appointments were confirmed by the Minister on April 4 and on April 18, almost two weeks later, the Minister was informed of their inability to agree on a chairman. So Hon. Mr. Justice Cameron was appointed by the government. This board reported on August 10, and strike action was decided upon on August 22, the date being fixed, as we know, for August 26.

There were two other boards. Board 4 under Judge Little was concerned with the C.N.R. Brotherhood of Railway Trainmen. This application was received on April 15.