

Hon. Mr. McCutcheon: Would the leader tell us what they are going to negotiate?

Hon. Mr. Connolly (Ottawa West): Perhaps I could deal with that in a moment. The list of items of dispute are given in the reports of the conciliation board. They are very long, and at the beginning of this much-too-long speech I indicated the general areas where there continues to be disagreement.

Section 9 provides for the appointment of a mediator, in the event that the companies and the trade unions are unable to reach agreement. That mediator shall be appointed by the Minister of Labour. He shall enter into discussions with the parties and he shall report to the minister not later than November 15, 1966.

Hon. Mr. Roebuck: He must be appointed forthwith and at once.

Hon. Mr. Connolly (Ottawa West): He is to be appointed forthwith and at once and he is to try to assist the unions to carry out the provisions of section 8. The term of his appointment or the duration of his work can be continued under subsection 2 of section 9, if the Governor in Council so decides. Subsection 3 gives the mediator all the powers of a conciliation board that are provided in the Industrial Relations and Disputes Investigation Act.

Section 10 has been patterned on the legislation passed by this Parliament in 1958. It provides for the possibility of arrangements for finality and could lead to compulsory arbitration unless the parties agree otherwise.

I think that the 1958 legislation in this respect was wise legislation. It was supported in this house by the party to which I have the honour to belong. It could have been drafted by my friend Senator Walker, and I am sure that when he was in the Cabinet he had much to say about matters of this kind. It should commend itself, in this emergency, to the approval of this house. It provides also that if the board of conciliation to be appointed, which is to consist of three people, fails to agree, the chairman's decision will be final.

It provides that the wage rate increase set out in section 6 shall be the floor in so far as wage increases are concerned. They shall not go below that figure. It also provides in section 11 that if the executive or the Government makes up its mind, sometime presumably after November 15, it must take

its responsibility to appoint the arbitration board; the order in council shall be laid on the table of the House of Commons within five days, and within three days the house, at an appropriate time, must arrange for an opportunity for the issue to be debated if ten members of the House of Commons file a petition to that effect for the purpose of having the order in council negated. I think this further step is a more liberal and a more democratic method of dealing with the establishment of a board which will have compulsory powers.

I should say too that in the course of the discussion of the draftsmanship of this section, the question was raised as to whether or not this right should be extended to the Senate. I am persuaded, honourable senators, that because of the theory in practice and in fact that the executive is responsible to the House of Commons and that only by defeat in the House of Commons can the Government be defeated in Parliament, it is appropriate that this action to annul the order in council should be taken by the House of Commons alone. I think there are practical reasons for adhering to that view.

Honourable senators, I commend the bill to the Senate and I am sorry I have taken so long.

Hon. David Walker: Honourable senators, it is now five minutes after eight, and I shall curtail my remarks because regardless of how we might criticize this bill, we are, on this side, above all else, anxious that the men should get back to work and that the trains should start rolling again, and it cannot be too soon.

Some Hon. Senators: Hear, hear.

Hon. Mr. Walker: After hearing the Leader of the Senate (Hon. Mr. Connolly, Ottawa West), I could not help but remark on the magnificent way in which he has summarized the history of this whole unfortunate affair. How unrealistic the Government has been throughout! From June last, or, as a matter of fact, from the time of the Seaway settlement and from the time of the Longshoremen's settlement, the Government knew there was going to be a rail workers' strike, and that the railworkers would settle for nothing less than 30 per cent. The Government has been warned time after time after time from June up until the strike took place on August 26. It has amassed from some of the best brains in Canada reports so that it could