

*Maintenance of Railway Operation Act*

operation of the railway and subsidiary services the operation of which is suspended by reason of the strike now existing and every employee who is now on strike shall return to the duties of his employment with the railway company by which he is employed.

3. The terms of each collective agreement to which this act applies are provisionally amended forthwith by increasing by 4 cents per hour each rate of wages established by or pursuant to the agreement.

This provision was placed therein because both employer and employee agreed that this was the minimum they were prepared to accept. The difference today is that there is no such agreement, or no such tentative agreement, between the employer and the employee. Then, having amended the agreement in accordance with what the parties would have agreed to in any event, the act proceeded as follows:

5. (1) If within thirty days after the commencement of this act, or such longer period as may be fixed by the governor in council at the joint request of a railway company and a union, agreement has not been reached between them either as to the terms of a collective agreement in revision or amendment of a collective agreement to which this act applies or as to an arbitrator to decide such terms, the governor in council shall appoint an arbitrator to decide all matters—

And so on. What the government of the day in 1950 did was to bring in, by way of a section in the act, a provision that the agreed minimum increase that both sides agreed on should start. What the opposition now contends is that what this government should have done was to bring in terms such as this which were not accepted by the employers and were not agreed to by the employers and employees as basic in any way. To ask parliament to say to parties to conciliation negotiations, "We are going to say, whatever the decision you make, that these are the terms" is a course that cannot be followed unless parliament is to be placed in a position above the processes of conciliation.

Compulsory arbitration which I mentioned a moment ago is provided for. The attitude we took at that time was one of opposition to compulsory arbitration. The then leader of the Conservative party, Mr. Drew, moved an amendment which was as follows:

That Bill No. 1 be not now read the second time but that in the opinion of this house consideration should be given to a measure which would provide for the appointment of a national administrator to ensure immediate operation of the railways pending final solution of the dispute by the free process of collective bargaining.

That is what we are saying today. We are not having an administrator appointed. The responsibilities must remain the responsibilities of the railroads to operate, and they are being so directed. The purpose is to assure that, during the interval between now and May 15, either the process of conciliation when

continued will bring about an agreement, or at that time, there will be no reason—for the attitude now taken by the railways—that it is impossible for them to make the payment because of the fact that their freight rates are frozen.

Hon. gentlemen opposite who just shudder with indignation today over the bill before them, which does not provide for compulsory arbitration in any way, who are shocked by the attitude taken by the government in this bill, voted in the year 1950. I am not going to read the entire list but I simply point out this fact when I look across at the hon. gentlemen opposite. I see names in the list such as that of the Leader of the Opposition (Mr. Pearson), the hon. member for Laurier (Mr. Chevrier), the hon. member for Essex East (Mr. Martin), the hon. member for Trinity (Mr. Hellyer) and others too numerous to mention. Having brought into effect compulsory arbitration, hon. gentlemen opposite ever since the year 1950 have been trying to explain it away. We have not brought in compulsory arbitration. We have maintained the processes of collective bargaining. We intend that those processes shall be limited only as to the right to strike now, not the right to strike.

The Leader of the Opposition referred in most eulogistic terms to the contribution made the prime minister of that day in bringing about conciliation as between the parties. Certainly Mr. St. Laurent tried. He brought the parties together. I think he brought them together before the strike was called. He brought them together thereafter. However, the strike continued regardless of any representations on his behalf or any desire expressed by him.

In order that there will be no doubt whatever as to the record in this connection, an hon. member on this side of the house will at the proper time set out what actually took place. As for myself, all I intend to do is to say this. There was no give or take on either side until November 29. The attitude taken by the railways was simply this: "We cannot pay and we will not accept the majority report". The attitude taken by Mr. Hall, who alone spoke while I was present, was that the only alternative was "Pay or we strike". He was asked whether there would be any acceptance of partial terms, any diminution in his demands and his answer was no, that it was final and absolute.

However, on November 29, when everything that my colleagues or I could do had been done in order to bring the parties together, Mr. Gordon made a suggestion, and I am going to refer to that matter for just a moment. That suggestion was based on