

You ask what the reaction of our membership would be if we were to lose employment security through an arbitration process. I imagine they will look at the mechanism and the guidelines that have been set out. If the guidelines are fair, which means the removal of clause 12, then the onus is on us to put forward a clear position. In the mediation process, there will be some bargaining. We have absolutely no problem showing a third party how we have not only been moderate but have done so so that we have nothing to fear. If you stack the deck, it becomes much more difficult.

Once the legislation is passed, people will ask our organization, "How do you look at the process? Are we going into a process that is fair or one that is not?"

Senator Lynch-Staunton: What is your answer to that?

Mr. Fane: My answer to that is obvious. I would like to see some changes to clause 12 we can say that it is as fair as it can be.

Senator Bryden: Mr. Fane, I would like to thank you for your attendance. Is this your first time in front of this august body, or have you been here before?

Mr. Fane: I have never been here before, sir.

Senator Bryden: Welcome to the club. This is my first time doing this, too. You will notice that this chamber of sober second thought is only interested in the truth, is totally nonpartisan and does not try to score any political points.

Mr. Fane: Pardon me, sir?

Senator Bryden: Mr. Fane, you have indicated that your union has put some economic pressure on CP. Could you tell us what type of pressure that is?

Mr. Fane: We felt the best way to get CP to deal with us fairly was if they were not running to full capacity, if they were not maximizing their profit levels. We took out a full-page advertisement in *The Globe and Mail* in which we suggested to shippers that there could be some economic activity that could end up in a dispute with CP Rail. We had put in place a 1-800 number, explaining to shippers that if they needed assistance to move their goods to market we would be more than willing to help them find other reliable service.

We know that some of the major shippers with whom we deal had been calling. We suggested they could ensure their goods get to market by moving them on CN because we had chosen to bargain collectively with CP.

Senator Bryden: You said that there seemed to be a remarkable lack of creativity on the part of the employers in this bargaining process. I am trying to understand why. Is it not the case that, historically, the collective bargaining process started from a position where all the rights were basically management's rights? Is it not the case that over the years the unions and the bargaining agents have been able to put a good number of those rights and protections that used to be in the bundle that was management's into collective agreements?

Mr. Fane: I agree with that, senator. Anything we have not written in a collective agreement remains the management's

right. Thus, the only rights we have are the ones we have negotiated.

Senator Bryden: On a global basis, it appears to be a time of downsizing and trying to become more efficient and competitive. Does that make it particularly difficult for you to get management to provide more things to go in the collective agreement?

Mr. Fane: Yes, it does.

Senator Bryden: Is that the lack of creativity about which you spoke?

Mr. Fane: No. The lack of creativity I talk about is illustrated by the fact that the company took a position that they would get rid of employment security 18 months ago. They have not moved off that position at all. As a matter of fact, any time they moved one step forward, the next day they moved two steps back, which brings us to the conclusion that they did not move at all.

Senator Bryden: You have been quite flexible in this regard, have you?

Mr. Fane: Yes, we have been flexible to the point that the company was singing a song as to how people had a job for life. We contemplated and put forward positions whereby, perhaps, instead of someone having an income for life, they would be guaranteed an income for modest periods of time. For example, a worker who is 50 years old could get five years' bridging to the pension plan when they were 55 years of age.

It is complete rhetoric when you hear that people have a job for life. We do not have anyone sitting at home for life collecting an income. We have offered to trade for giving people work until their proper retirement age.

Senator Bryden: A former president of the Canadian Auto Workers Union made a very considerable name for himself in the labour movement by taking a very adamant position. I am speaking of Bob White. He said that as long as he was president, the Canadian Auto Workers Union would not make concessions on anything they had won in previous collective agreements. I am assuming you are saying that the CAW's position has changed in that regard?

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Mr. Fane: No. The CAW's position has not changed. What has changed is that if we can work a deal, if we can collectively bargain a new negotiation which helps the employer and helps us, it is a wise thing to do. For example, the present employment security forces people to move within large regions. We have said to the employers, if you want to give that up because there are no jobs to move to, we could instead have employment security for four or five years rather than for life. This is not a matter of concessions. We expect to bargain collective agreements that improve life for workers. Yet we also remain flexible enough that if employers can show a serious problem which needs adjustment, we can be open-minded about it.

Senator Bryden: These are not concessions in the sense that economic benefits to employees would continue to be at least equal to what they had in their existing collective agreement, are they?