

*Industrial Relations*

that a wildcat strike occurred, as a result of which transportation facilities on the C.N.R. were tied up for a short period of time.

Because of the wildcat strike hon. Mr. Justice Freedman was given the job of inquiring into the reasons for the dispute between the employees and employer, and of coming up with recommendations to resolve the situation in order that it might not happen again. At that particular time the C.N.R. had arbitrarily served notice on the railway running trades that it was introducing drastic changes in working conditions without first negotiating the conditions with the unions and employees involved. The employees took exception to this and insisted that any changes of this nature should be negotiated.

• (5:00 p.m.)

The company, for a considerable length of time, had been hiding under an umbrella of an understanding that was archaic. I am referring to the residual rights theory, the theory that there are certain fundamental rights which did not have to be negotiated and in respect of which the company would have the right and authority to make changes without becoming involved in negotiations with the union. As I said before, Mr. Justice Freedman's job was to explore the events leading up to the wildcat strike and to submit recommendations concerning how a similar work stoppage could be avoided in the future. The last time I spoke on this matter and presented my notice of motion I dealt extensively with the recommendations which Mr. Justice Freedman made. Today I shall deal with them only very briefly. I intend to quote from one or two passages. The first has to do with Mr. Justice Freedman's summation concerning what is involved so far as residual rights are concerned, and whether or not this is something which should happen today. I should like to quote from pages 91 and 92 of the Freedman Commission report:

The commission must accordingly conclude that on the basis of the law as it exists today the company does have the right, as it contends, to institute run-throughs. That conclusion at once poses a question: Should it continue to have that right? The commission is satisfied that it must be answered only in one way. The institution of run-throughs should be a matter for negotiation. To treat it as an unfettered management prerogative will only promote unrest, undermine morale, and drive the parties farther and farther apart. In that direction lies disorder and danger. By placing run-throughs, on the other hand, within the realm of negotiation a long step will be taken toward the goal of industrial peace. More than that. Such a course will help to provide safeguards against the undue dislocation and hardship that often result from technological change.

Mr. Justice Freedman spent months traveling from place to place hearing witnesses provided by the company and the labour unions. I think he investigated the whole matter very thoroughly. For this reason I believe a great deal of credence should be put on the recommendations of the Freedman Commission.

It is nearly two years since the recommendations of the Freedman Commission were made and published. I submit that not a single thing has been done by the government in respect of these, even though this commission has cost the country a great deal of money. It also has cost both the unions and the company involved a great deal of money, and still we have a situation where up to this date these recommendations have been ignored. I submit that the issue is as crucial today as it was two or three years ago. I believe the attitude of the railways is exemplified by the recent announcement of curtailment of passenger service in Newfoundland. Possibly this could not be considered as being relevant, but I think it gives a pretty fair idea of the way in which the railway companies operate today, and the callous disregard they appear to have for the employees when they make changes.

The few comments I should like to quote from the *Canadian Trainmen's News* for the month of May have to do with the passenger runs in Newfoundland. I shall read only a portion of this. One paragraph reads as follows:

The announcement by C.N. that it would abandon rail passenger service on the island altogether and substitute bus service along the trans-Canada highway came right on the heels of the report of the Royal Commission on Transportation which recommended a substantial increase in rail passenger service.

Here is an example, when a recommendation had been made that there should be an increase in the service, where the Canadian National Railways decided to abandon these facilities. Further on the article says:

While C.N. has not yet applied to the Board of Transport Commissioners to abandon the island services, more than 200 employees (by C.N. figures) will lose their jobs. The greatest proportion being B.R.T. members.

These are the men who operate the trains.

As well as train crews, the brotherhood represents express messengers in Newfoundland.

I believe this is a serious matter and, even though it is not entirely relevant to the Freedman commission recommendations, because those recommendations deal with