

be able to put new methods and technology to effective use. I cannot see how this could possibly be accomplished by adopting a proposal which threatens our efficiency by providing additional means, not only to attract what little industrial stability we have come to expect, but also additional means to prevent industry from availing itself of the fruits of technological advances.

The third proposal which I urge the government to include in our new labour legislation is that unions be required by law to conduct strike votes, ratification votes and any other votes which have the effect of extending or continuing strikes, by way of secret ballot. Some may contend that by legislating in this field the government would be meddling in the internal affairs of the union—in other words, interfering with the right of the unions to govern themselves. However, when one stops to consider the extent of the power that unions can exercise over present and prospective members, it becomes apparent that the basic rights of union members are the proper subject of legitimate public concern.

**Mr. Arnold Peters (Timiskaming):** Mr. Speaker, would the hon. member permit a question?

**Mr. Murphy:** When I am finished, Mr. Speaker.

The need for some sort of government control becomes even more apparent when we consider how the abuse or negation of basic democratic rights within a union has the potential of adversely affecting Canadian society as a whole. I need go no further than the steel strike at Sault Ste. Marie to find an example to illustrate this point. As I mentioned earlier, under normal conditions I believe the parties to the dispute in the Sault would have been prepared to accept any reasonable settlement that was reached between the parties in Hamilton. The Hamilton dispute was settled in mid-October. After that settlement, hopes were high that the Algoma steel plant in the Sault would be back in operation in short order. As things developed, it became apparent that all differences on monetary items resolved themselves in light of the Hamilton settlement but a non-monetary item involving the status of part-time foremen kept the parties apart. Last Sunday, at a general meeting of the union members called for the purpose of deciding whether to continue the strike until settlement had been

reached on this issue, a majority of the members voted for the continuation. According to news reports of that meeting, some members requested that the vote by secret ballot rather than by a show of hands, but their request was refused.

I can think of no more blatant example of the denial of basic democratic rights than that I have just cited. I accept the fact that a union must necessarily be a militant organization—in many respects similar to a country continually in conflict with its neighbour—and as such cannot be expected to abide by all the sometimes sophisticated principles of democracy. However, when unions begin to deny or disregard such basic principles as the right to vote by secret ballot on issues of such grave importance, not only to union members but to society as a whole, then I think it is the time for the government to take action to protect and preserve these rights.

My final proposal, Mr. Speaker, was that the use of the ex parte injunction as a legal weapon in legal labour disputes should be abolished. Thankfully, the vast majority of our citizens believe in, and have great respect for, the law. I believe a good deal of this respect stems from the fact that our system of administering the law is based upon the adversary system which gives the litigants, or disputants, the right to appear before a judge in open court and present their respective cases. All parties have a right to be heard in public before a decision is made. Let us contrast this procedure with that followed when applying for an ex parte injunction. This extraordinary remedy permits a judge, in the privacy of his home, his hotel room or even his club, to issue a court order which can, and usually does, directly affect the activity of some person who does not appear before him—indeed, who does not even know that the judge is asked to make such an order. To make matters worse, the person asking for the injunction does not have to appear before the judge. He is simply required to file affidavits to support his claim and he need not be subjected to cross-examination on the contents of those affidavits before an injunction is issued.

Is it any wonder that ex parte injunction proceedings are held in such contemptuous disrespect by members of the public generally and by members of unions in particular? How can we preserve this archaic and despotic legalistic tool and at the same time pretend to revere that ancient but basic principle of common law, "justice must not only be done,