

23. I am sorry to embarrass him in his presence, but I want to recall to him the words he uttered on that occasion. As reported at pages 5126-7 of *Hansard* for that date, the hon. member said:

If we are to bring in legislation four weeks after a strike affecting the national interest takes place, is it not more logical to anticipate such a strike before it takes place, to pass legislation and not allow it to happen in the first place?

An hon. member says we cannot do that because it would interfere with the right to strike. What can be more ridiculous than knowing you are going to do in the end but not doing it at first and allowing the situation to go on and on; and then, after the damage has been done, coming before the House and saying piously, "We have decided we cannot stand it any longer; we must act".

It is an undue reliance on law and an interference with the due process of collective bargaining to suggest that there should be general legislation which, in the first instance, before any labour stoppage had taken place, would say to the members of the unions, "You shall not exercise your free right to bargain collectively by going on strike."

The reason the government sometimes has to decide after a number of weeks or a number of days that the situation is such that it must be dealt with by way of legislation is not, as the hon. member for Vancouver South suggested in his previous address, that the government is moved by popular clamour; rather it is that at a certain point it becomes obvious the strike is not going to be settled by the process of free collective bargaining. When the government comes to that conclusion, then, and then only, is it possible for the government to take the position that it should interfere with the normal process.

The Finkelman report which is being considered by a committee of the House seems to many hon. members to take an approach which is unduly legislative and regulative in recommending the appointment of a public commissioner whose powers could easily have the effect of undermining the collective bargaining process with the risk of jeopardizing any chances for a real labour-management relationship. The recommendations in the report would also impose more severe penalties. It seems to me this is not the general solution to the kind of problems we are facing.

The resolution presented to us today by the Social Credit Party and as developed by their speakers, especially the hon. member for Champlain, is an extreme oversimplification of the effect that law can have in the area of labour relations.

Generally speaking, there is a movement today to what we might call decriminalization, a movement which in the area of criminal law realizes that many things which have previously been subjected to criminal penalties should be no longer so subjected; a movement which, in the recommendations of the law reform commission, would change the character of a number of regulatory offences so that they would be less criminal or not criminal at all; a movement which in the area of administrative law, particularly with regard to fair accommodation practices, has seen all provinces try to rely on conciliation methods rather than on the harsher methods of the law, except as a last resort.

Generally speaking most of us in the House have remarked that from their position on the omnibus Crimi-

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nal Code bill, of 1969 and onward, members of the Social Credit Party have been unsympathetic to this whole contemporary movement, and it does not surprise us that they take the position that in the area of labour relations solutions are to be found through the law. The fact is that the Social Credit proposal if taken literally, especially the proposal to create labour tribunals to settle practically all matters normally subjected to collective bargaining, would destroy collective bargaining.

The situation in Canada is not as grim as is often supposed. It is generally said that some nine million man-days of time were lost in the last year through strikes, and that this is a larger number of days than was lost in the previous year. In fact, this is not a very exact test. Let me indicate what those nine million plus man-days represent. They represent some .46 per cent—less than half of 1 per cent—of total working time, and less time than is lost through accidents and sickness. In 1969 we lost exactly the same proportion of total working time; in 1970 it was .39 per cent; in 1971, .16 per cent; in 1972 .43 per cent, and in 1973, .30 per cent.

The figures go up and down from year to year but it should be noted that the number of man-days lost under federal jurisdiction in 1974 was not only very small, 323,000 days in total for the public service as well as areas under the jurisdiction of my minister, but this was a very considerable decrease from the number of man days lost in the previous year. If this were to be taken as a test, the Department of Labour obviously did a better job in 1974 than in 1973. I would suggest, however, that the Department of Labour had many other bases on which to base its reputation in its seventy-fifth year of service to Canada. The use of this kind of test would be an over-simplification. All you need is one long strike and you have a lot of man-days lost. For example, the higher number of man-days lost in 1974 is attributable to the large number of man-days lost in the forest industries of British Columbia which, incidentally, are not under federal jurisdiction. When something like this happens occasionally, the number of man-days lost is magnified.

● (1750)

Indeed, if we establish more industry-wide bargaining, as the government hopes, we might even have more man-days being lost, in the sense that when there is a work stoppage the number of man-days lost would be greater. Again, that is not the test which ought to be used. The test is whether the system, according to all criteria which can be applied to it, is working effectively.

We, on this side of the House, are not satisfied with how the system is operating.

The minister advanced a number of proposals, both today and previously, for solving some of the difficulties we face. His chief proposal was, of course, the establishment of the Canada Labour Relations Council, which has already begun its important work. In addition the minister wishes to encourage more ongoing bargaining so that the collective bargaining process does not begin merely when the collective agreement is completed; rather, he wishes to encourage closer relations between labour and management during the currency of the contract.