

It is not the minister's job to be responsible for the Canada Labour Code. He leaves that to his colleague, the Minister of Labour. However, Mr. Young has chosen not to do that. He rushed in like a bull in a china shop and made a bad situation worse.

Given that background, I am not surprised at the attitude of the unions with regard to clause 12. When I picked this bill up this morning, it came off the page and hit me between the eyes. I can understand why the unions would consider what some think to be fairly obvious by way of a guiding principle as almost provocative. That, and the absence of any reference to the Hope report in the legislation, struck me as soon as I read the legislation this morning.

When the minister testifies before us, I hope she takes advantage of the opportunity to say that it is the intention of the government or that as a matter of policy she would want the commissions to take cognizance of the Hope report. I will put that question to her.

Mr. Fane, I appreciate what you have to say about your union's strategy and position. However, the fact is that on Monday morning the minister had to act. The question is this: Given the unpalatable alternatives to you and all of us, is this bill the best way to go? Do you agree with Mr. Tellier that there is no real difference between the process in this bill and the process suggested by Mr. Hope in his report?

**Mr. Fane:** I understand that the minister had to act: I am not living in the dark ages. Our organization understands that. As I said earlier, we can live with it.

We felt Mr. Hope's approach was well-balanced, although it did not have us jumping up and down. It was the first time someone had acknowledged that the labour relations process and the collective bargaining process of mutual respect between the two parties was being interfered with by a third party.

We have a new Minister of Labour. As I said before, she was kind enough to spend time with us. We are not critical of her, nor of the Department of Labour.

We believe that clause 12 tilts the playing field on fairness. If I were an employer, I would be singing and dancing in the streets, because the employers wanted that clause. They threatened us numerous times in collective bargaining with something that looked like clause 12. Now when we attempt to define the importance of good labour-management relations, that will be much more difficult to do when compared to U.S. railway lines.

• (1730)

In attempting to answer your question, senator, we understand that the country is not where our organization wanted it to be. A strike was the last thing we wanted. We understand that the minister must get the country rolling again. We ask for a larger degree of fairness or, if I can use the term, a balance of fairness. We can take out the importance of good labour-management relations by taking out the whole clause that speaks of economic viability, and then the third party will be able to use all their creative skills to find a balance.

**Senator Murray:** Given the current economic situation of the country and the urgency of the situation, my offhand and personal opinion is that amending the bill is a rather difficult process.

**Senator Lynch-Staunton:** They can still do that in the House.

**Senator Murray:** Yes, that is true. As my friend the Leader of the Opposition suggests, perhaps they might do that. They have already amended the bill over there.

I can understand why Mr. Tellier expressed his agreement with clause 12. He considers it important. We all know that there is some restructuring coming. It has been coming for a long time. The country had been expecting it from the previous government and from the present government.

However, as I suggested to Mr. Tellier when he was here, I think we are going too far if we try to solve all of these problems at once. This is a back-to-work bill. Apart from that, perhaps it should be as neutral as it can be on longer-term policy considerations.

When she introduced the bill, Mrs. Robillard, the Minister of Labour, in talking about security of employment, said that agreements concluded recently by Canadian Pacific with three of the unions which represent smaller bargaining units within the company are clear indications that the process can work.

The three unions, the Transportation Communications International Union, the International Brotherhood of Electrical Workers and the Rail Canada Traffic Controllers, managed to agree with the company on wage increases, conditions relating to job security, and a number of improvements to social benefits.

Do you know anything about that? Is there any chance that those kinds of provisions, whatever they are, would be applicable to the situations that you and other unions are dealing with?

**Mr. Fane:** I know a great deal about that. I do not want to appear to be rude, but all of the companies would be happy to sign that agreement tomorrow with all of the unions. In all of the bargaining during the last 16 months, we have something the employers want to take away from us. We do not want to give it up. How can we survive this round of bargaining by giving up a little bit of it? We have been bargaining on the employers' agenda. We believe the other three unions took it down to the bottom line. We could sign that agreement tomorrow. You would have had no railway dispute if you could have had the union leaders of the CAW, the Brotherhood of Maintenance of Way, or anybody else, sign that type of agreement.

That agreement is, in my opinion, extremely poor. It is like having an insurance plan one day and deciding that you will pass away in the next week so you should sell it off early.

**Senator Murray:** Those unions agreed to it.

**Mr. Fane:** That is fine. We do not have a problem with that. We do not have a problem with union leaders who come from their own organizations and make that type of deal. If it is good for them, that is fine. For example, in the RCTC group, one of the unions, the dispatchers, are paid \$65,000 to \$80,000 a year.