

*Pacific Coast Longshoremen Dispute*

organization, the Canada War Labour Board. I have studied the functioning of the board since that time and have been most impressed with the thoroughness and fairness of the manner in which the members of the board have done their work. They have shown themselves to be impartial.

In this particular situation a question of principle has arisen. There are on the west coast, associated with the eight or more stevedoring companies in operation, I believe upwards of 250 foremen. Over the last three years an increasing number of these foremen have formed themselves into a union. There is no doubt that, if you respect the working man's right to join any lawful organization of his choice, these foremen had the right to form such a union. They have seen fit to do so. I would not be frank with the house if I did not say that suggestions have been made that pressures have been used to induce at least some of the foremen to join this union. I am not in a position to judge the truth or otherwise of that statement, and I would not want to do so in view of the course upon which I have decided.

The foremen have this union or local which I think has among its members 75 per cent or 80 per cent of all the foremen on the west coast. I might say that there is a great divergence of opinion between them and the other 20 per cent or 25 per cent. The question of principle is this: If a foreman is a supervisor and performs supervisory functions, can he serve two masters? Can he serve the union and the employer at the same time?

I had a very interesting debate last week on this question with three groups of longshoremen. Some of the spokesmen of the group said to me: If it had not been for this strike, our views might have been different than it is today. If there was any question about whether our duties were supervisory or otherwise, or whether we are part of management, we have had the opportunity to demonstrate this. We have had not just to suspend but to dismiss people who we were convinced, from personal observation, are not performing their functions, and there is a slow down of work in progress.

• (11:50 a.m.)

I will not judge the merits of this contention but these people put forward what to me seemed to be a convincing argument. One man, who said that he had been a card-carrying member of one of the longshoremen's unions for many years and at one time had actually been a member of their bargaining

committee, had been promoted to the position of a foreman some years ago. He had tried conscientiously to discharge his duties as a foreman and he thought he had done so reasonably well; but now he has reached the stage at which he has to decide whether he can support the view taken by the union, in view of the decision of the Canada Labour Relations Board, or to support management. He said: "I now feel I am part of management, and this has been recognized by the Canada Labour Relations Board. That being so, I am performing managerial functions". He then turned to me and said: "Mr. Minister, you are a member of the government. Can you be a member of the opposition at the same time?" I found it a little difficult to answer his question.

These men are struggling with their consciences. There are some 200 of them or so who have formed the local and who feel they should have the right to bargain collectively, not just with their individual employers but with the group of employers with whom they are associated. A smaller number feel differently.

This question, very properly, came before the Canada Labour Relations Board some time ago. Both sides were well represented in the hearings before the board. Two philosophies were put forward as to whether a managerial or supervisory group could be designated as an appropriate bargaining unit for the purpose of collective bargaining with employers. Of course the employers took a different stand from the local.

The Canada Labour Relations Board questioned the representatives who appeared before them. In the very early stages one of the people who appeared for the unions before the board said: "We admit to the board that foremen do have supervisory functions and in that sense are part of management, but we still feel that we should have the right to bargain collectively." The board, to whom parliament has delegated this responsibility, decided that since they were part of management they should not have the right to bargain collectively in anticipation of situations such as have developed within the last 10 days. It has been extremely difficult for the officials of my department, for me and for others concerned, to know just how far we should go. Neither the minister nor the government is empowered to overrule the decision of the Canada Labour Relations Board. Maybe there should be a review by the governor-in-council, although I am not prepared to say this now.