bargaining process. Labour relations legislation establishes the rules and procedures for collective bargaining, unionization and certification of bargaining agents. It establishes the rules of conduct between labour and management by setting out their obligations and responsibilities. It is vital that labour relations legislation be balanced, workable and generally acceptable to the industrial partners. Much has been written about the adversarial nature of collective bargaining and it would be utopian to hope that full consensus could be reached between labour and management on labour relations legislation. However, it is essential to secure the greatest degree of consensus possible and to have the benefit of advice from industrial relations practitioners on this very complex subject. Such advice was sought from the Canadian Labour Congress and other labour centrals and every major federal employer in Canada.

In 1972, the Government introduced what I would call radical amendments to the Code governing the introduction of technological change during the term of a collective agreement and more changes are needed to make that completely fair. Prior to 1972, under the management's rights theory, employers could sign a collective agreement with a union for two or three years and then immediately introduce technological changes which could drastically affect the working conditions and livelihood of the employees, thus radically changing the terms under which the bargain had been made. Such tactics resulted in considerable labour unrest and, indeed, a major wildcat strike on Canadian National Railways, which brought that entire transportation system to a halt.

The technological change provisions of the Canada Labour Code introduced in 1972, prohibited employers from introducing any technological change adversely affecting a significant number of employees during the term of the agreement, unless proper notice was served on the bargaining agent and negotiations took place. The legislation put the onus on the parties, through collective bargaining, to incorporate procedures and provisions in their collective agreements to deal with technological change. Failing this, a union could apply to the Canada Labour Relations Board for authority to reopen the agreement where technological change was introduced without notice and negotiations. As I mentioned, Mr. Speaker, this was considered by some people to be very radical legislation at the time, and even today it has only been copied by three provincial jurisdictions. In the Bill recently introduced, the Government is further strengthening the technological change provisions by calling for 120 days advance notice of technological change. That is more than is done by any other jurisdiction in Canada.

There are other technical improvements to these sections, with the objective of further encouraging the parties to deal with technological change through collective bargaining. Whether we like it or not, our society—indeed, all western societies—will continue to change, and change rapidly. Developments in technology, which are occurring at a breathtaking pace, virtually guarantee us that. But as I see it, our job as policy makers and legislators remains basically the same, that is, to ensure that everyone, always and everywhere, receives equitable treatment. I believe that one of the ways we can do this is by preserving the basic integrity of the collective bargaining process.

As Members know, collective bargaining is the principal method by which workers and employers determine wages and working conditions. In my view, it is one of the most important social inventions of our time, and one which has served this country well. But despite its social utility, collective bargaining has been under sustained attack. As the Minister of Labour pointed out in his speech, governments of all stripes concerned about rising prices and costs and disruptions to the economy have intervened, perhaps too often, in the collective bargaining process. The long-term effect of such interventions has not really been fully considered. For my part, I am hopeful that the need to intervene in the process will diminish as governments, unions and employers come to realize more strongly what is at stake. We are not simply talking about a dispute resolution technique; we are talking about our faith in the capacity of democratic decision-making to work effectively.

• (1700)

I would like now to turn to other amendments contained in Bill C-34, which I believe contribute to the smooth functioning of this process. They have been drafted in response to suggestions made by those who actually negotiate under the provisions of the code. With respect to the Canada Labour Relations Board, the Government proposes to make a number of administrative changes, the purpose of which is, as they say, to unclog the system and thereby remove some of the frustrations felt by those who must deal with the board.

As Members probably know very well, there is nothing so irritating as dealing with an overworked bureaucracy which is further encumbered by its own regulations and red tape. I am pleased that the Government is proposing changes to the fair representation clause of the Code. At present this clause requires that unions fairly represent all bargaining unit members. This is not an unreasonable obligation considering that individual members and minorities within larger groups always require protection. However, there is a need to balance the right of the individual with the rights of the union. In recent years, grievance arbitration systems have become obstructed. To remedy this, the amendment proposes to adopt the proscriptive language used in other jurisdictions, which simply stipulates that unions must not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of the employees. In addition, the amendment will apply only to administration of the collective agreement, not to the negotiating process.

The Government also proposes to make compulsory the so-called Rand formula. Employees in a defined bargaining unit are not required to join the union as a condition of continuing employment. However, because non-union members obtain the benefits of union activity, they are required to pay the union an amount equal to union dues. At present the code permits the parties to negotiate the union security and