

placed. This is now provided for in quite a number of collective agreements, especially on the railways, and, to a degree, by law. I am proud to say that after the last national railway strike, as mediator, I drafted the provision protecting the men against the effects of technological change, and that provision has worked well. It means the railways will not be subject to this technological change provision because they have a provision in their contract.

Honourable senators, I have studied this measure carefully from the time it was first introduced, and in relation to my own experience. The aim of the measure before us is further to encourage labour and management to deal with the impact of technological change on employees at the bargaining table.

Under the present act, a collective agreement is binding on the parties and may not be reopened for negotiation during the life of the agreement without joint consent. There is, therefore, no effective means for dealing with circumstances in which the assumptions underlying an agreement are upset by the employer who introduces a technological change during the term of the agreement which displaces or otherwise adversely affects many employees. In other words, in the absence of special provisions, the union, having signed an agreement, is locked in while the employer is in a position to change the underlying assumptions of the agreement during its term by introducing a technological change affecting many employees adversely.

This situation does not make for industrial peace. Since the union may not legally call a strike during the term of the agreement, the employees have recourse to wildcat and other illegal strikes. I may add that this is the case only in Canada. It is not the case in the United States or in other western countries where the law does not lock the union in as in Canada, and where the union retains the right to strike during the life of a collective agreement. Ours is an exceptional case and a unique situation which the bill seeks to correct by encouraging bargaining on the impact of technological change, and thereby discouraging strikes. These are the facts of the case which opponents of this measure have failed or refused to understand. It is not a measure to encourage strikes, as some have alleged. It is a measure to discourage strikes.

Generally speaking, the bill does not change the binding character of a collective agreement. However, it requires the employer to give the bargaining agent at least 90 days' notice of any technological change "that is likely to affect the terms and conditions or security of employment of a significant number of his employees." Furthermore, in defined circumstances, a bargaining agent would be empowered, during the term of an agreement, to negotiate provisions designed to assist employees in adjusting to the effects of the technological change with the ultimate right to strike. There would be no bargaining over the technological change itself. The bargaining would be with respect to the impact of technological change.

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In order to exercise this power under the bill, the union would have to obtain from the Canada Labour Relations Board leave to serve notice to bargain. The board would not grant such leave:

(1) where the employer has given notice of the intended technological change before the agreement was entered into;

(2) where the agreement contains provisions whereby the effects of technological change may be negotiated and finally settled during the term of the agreement; or

(3) where the agreement contains provisions intended to assist employees to adjust to the effects of technological change and the parties specify that the remaining provisions of the bill do not apply; and

(4) where the board is not satisfied that the change in question is likely to have substantial and adverse effects on the terms and conditions or security of employment of a significant number of employees. Finally, these provisions would not apply to existing agreements, but only to those entered into after the provisions come into force.

These are in summary the basic provisions of the bill under the heading of "Technological Change." I have tried to cover them fairly. I do not say that they are perfect. I am confident that there will be improvements in due course. For example, I have had occasion to inquire into the construction industry in various parts of Canada. I believe that special provisions will have to be enacted for the construction industry, which differs in many respects from other branches of industry. I am satisfied, however, that the bill is fair and reasonable. I am further satisfied that it will not retard the introduction of technological change, as some have charged.

Honourable senators, we must recognize the fact that the issue we are dealing with here affects the basic human desire and need for security. In my opinion, there will be far more co-operation in the introduction of technological change if proper consideration is given to the human factor. Disregard it, and you invite unrest and conflict. This, I submit, is what the bill before us will help to avoid.

Honourable senators, I do not recommend this bill to you as a cure-all for the ills of our labour-management relations system. I have said before in this house, and I say again, that there is no cure-all. The tensions reflected by industrial unrest have manifested themselves in all parts of the globe and nowhere has a solution been found. We have but to look at the experience of the United States and the United Kingdom with strikes in the past year. There is an indefensible strike of longshoremen at the Port of Montreal now, but remember that the west coast ports of the United States were closed down for 140 days recently. We are, therefore, not alone and we will not find a solution more easily than anyone else.

We should remember that the basic cause of the current unrest, which is not confined to trade unionists, is that we are living in a society of rising expectations in which more and more people, encouraged by mass advertising, want more and more of the good things of life. I suggest that more restrictive labour laws will not in themselves put an end to this growing desire for higher living standards. Nor will such laws by themselves insure industrial peace.

We have to face the fact that on both sides of the bargaining table in labour relations are human beings; that across the table each side faces human interests, human aspirations, human ambitions and human fears. Peaceful relations between the parties will therefore