

*The Address—Mr. Murphy*

Further evidence of the fact that the illegal picketers were not engaging in idle chit chat was discovered by the men who had crossed the line. When they came off shift they found that tires on their cars had been slashed, and car windows broken. Needless to say, they did not again attempt to cross that picket line.

Despite the earnest efforts of the officials of Local 2251 to persuade the members of their local to disregard the wildcat picketing and return to work, operations within the steel works were affected to the point that company officials found it necessary to shut down operations. I am told that the cost of shutting down a steel mill the size of Algoma is approximately one quarter of a million non-productive dollars, and that the cost of re-opening such a mill is the same. Faced with a possible legal strike on August 28, the company officials decided not to re-open the plant, despite the fact that the illegal picketing ended within a few days. It naturally followed that the union members voted for a legal strike on August 28.

During all this time, that is, from August 1 to August 28, the members of the United Steel Workers of America in Hamilton were striking the Steel Company of Canada. I believe it is generally agreed that Algoma Steel and the Sault Ste. Marie steel workers were prepared to accept any reasonable settlement which might ultimately be reached in the dispute in Hamilton. It is for this reason I believe that if it were not for the illegal activities of a handful of union members there would have been no work stoppage in Sault Ste. Marie, some 10,000 men in the steel industry and associated industries would have continued to work and take home pay cheques to their families, and the merchants and other businessmen who serve the steel workers would not now be standing idly behind their windows staring blankly at empty streets. I can think of no better example of the vicious effectiveness of an illegal wildcat strike, and I believe my proposal to make unions legally responsible for the illegal actions of their members to be an effective and just antidote for this type of social poison.

Naturally in cases involving illegal strikes, liability should be limited to those cases in which union officers fail to demonstrate that they did all they reasonably could to prevent the work stoppage or to persuade the defaulting employees to return to work. In Sault Ste. Marie the union officials did try to persuade

their members to return to work. Their persuasion did not succeed. However, if the rank and file members of the union realized that their failure to honour their contract might result in costly court actions, which might lead to damage awards running into the hundreds of thousands of dollars, and that the payment of these penalties would be extracted from their pay cheques by way of increased union dues, then I believe that some 38 hotheads would have a difficult time keeping 6,500 workers from doing their job.

There are many other benefits which would flow from the establishment of a union as a legal entity, and some of the benefits would accrue to the rank and file union members. But I say this, Mr. Speaker, that if the enactment of a law which has the effect of making a union legally responsible prevents the occurrence of just one illegal strike, which could produce the havoc and economic hardship which resulted from such a strike in Sault Ste. Marie, then it is time we enacted that law.

In this respect I wish to quote from a decision rendered a number of years ago by the late Mr. Justice Brandeis, a very honoured and respected member of the United States Supreme Court:

This practical immunity of unions from legal liability is deemed by many labour leaders a great advantage. To me it appears to be just the reverse. It tends to make officers and members reckless and lawless, and thereby to alienate public sympathy and bring failure upon their efforts. It creates on the part of employers also a bitter antagonism, not so much on account of lawless acts as from a deep-rooted sense of injustice, arising from the feeling that while the employer is subject to law the union holds a position of legal irresponsibility...

The unions should take the position squarely that they are amenable to law, prepared to take the consequences if they transgress, and thus show that they are in full sympathy with the spirit of our people, whose political system rests upon the proposition that this is a government of law, and not of men.

The second proposal I outlined earlier had to do with industrial conversion or change, resulting from technological advances, which has the effect of causing labour displacement. As the Woods report on labour relations astutely observes, the term "industrial conversion" embraces all major changes that may have a permanent disruptive effect on the employment relationship. Technological change, or automation, is only one of the forces which may lead to such disruption. Other forces include resource depletion, product obsolescence, and domestic and foreign market shifts.