

Senator Cameron: In listening to this discussion I am wondering how long we will go on having large segments of the labour force operating under so many different acts. This is a case in point. They are talking about going on strike again because of technological change. You say this bill does not apply to them. I realize that. However, is it not time something was done to try to bring them all under one umbrella? Can this be done? If not, why cannot it be done?

Senator Goldenberg: My understanding is that the Public Service Staff Relations Act is now under consideration. A report was made by a committee of three, chaired by John Bryden, I think, of New Brunswick. I would assume that the recommendations are being considered and will be acted upon in due course. Meanwhile, the postal workers are negotiating and, while I have no inside information, I am sure that one of the problems they are negotiating is the impact of proposed technological changes.

Senator Grosart: Are you going to tell us about the construction industry?

Senator Goldenberg: I do not think I will talk about the construction industry now. I am sure Senator Grosart does not want to sit here for the rest of the summer. However, I will send Senator Grosart a report that I made as a royal commissioner to the government of Leslie Frost, who acted on it.

The Chairman: Could you describe for us the provisions in the American legislation dealing with this problem?

Mr. Mitchell: The Americans do not have any particular legislation dealing with technological change. They have a different legal framework. Their law, for example, does not prohibit strikes or collective bargaining during the course of a collective agreement. What we have had to enact into legislation to achieve they have as a matter of right anyway. It is true that a trade union and an employer may agree that there will be no strike during the course of a collective agreement. In fact, a large majority of American agreements have such a clause in them. That clause is negotiable at the time of making every new agreement, and may have to be agreed upon all over again at each collective bargaining session. They have a technique built into their law to handle that problem, if and when it becomes a problem at the plant level.

The Chairman: It is only permissive; there is no compulsory aspect to the legislation?

Mr. Mitchell: That is right. They have the right to negotiate during the life of an agreement unless they contract out of the right.

The Chairman: On any aspects of the contract?

Mr. Mitchell: On any aspect at all.

Senator Lawson: It might be of interest to point out that our national freight contract in the United States covers some 450,000 people, and flowing from that agreement we have established state grievance panels in every state, and then we have a national grievance panel. If the panel deadlocks on agreements and reports

that there is no resolution to it, they have the right to strike in support of agreements, which may be for technological change, or organizational change, where they re-route trucks, or put on sleeper cars in place of freight trucks, or introduce new types of equipment. If they cannot settle it through the panel at the various state levels on a regular basis, they have the right to strike during the life of the contract.

The Chairman: I was told some years ago, when we had the firemen's strike, that it had been inspired by American unions here. If they had no problem in negotiations in the States, why did they try to get this kind of issue settled in Canada first?

Mr. Kelly: Perhaps I could comment on that. If it was inspired, it is significant that the first notice served to remove firemen from diesel engines was in Canada. The commission hearings were participated in heavily by the American Association of Railways. If that notice had been served in the United States, then under section 6 of the United States Railway Labour Act the unions would have served notice, not of a technological change but of a change in working conditions, and they would have had the right to strike. The railways in the United States are covered by a separate act, and if there is any change in conditions that had not been bargained on before the union served the notice under section 6 of that act, they acquire all the rights of bargaining, including the right to strike.

In Canada, as opposed to that, we have the stability of the term contract, and one of the problems that has brought this legislation on is that we have found that we cannot continue to have the stability of that term contract where the set of assumptions under which the contract has been drawn can be changed overnight by a technological change.

The Chairman: What would be the situation in Sweden, Germany and Switzerland, for instance?

Mr. Mitchell: I do not know, but I would like to talk about some I do know. In the United Kingdom today it is open; they can strike over anything; they can walk off the job on the slightest provocation. However, under the latest amendments to their legislation, they too can agree not to strike during the course of a collective agreement. But as a matter of general law, they may strike at any time. So far as Sweden, Germany and Switzerland are concerned, I cannot answer that at the moment, Mr. Chairman, as I have not the material with me.

Mr. Armstrong: In France, the right to strike is virtually part of the constitution, I understand. It is a very broad based right.

Senator Goldenberg: At any time.

Mr. Mitchell: Canada is the only country I can think of offhand that prohibits strikes during the life of a collective agreement and closes the agreement. None of the terms are negotiable, unless the parties mutually agree that the terms are negotiable.

The Chairman: Honourable senators, I am very interested in this type of legislation, but you can always interrupt me when you wish to raise any question at any time, and I am at your disposal. Is there any country which has attempted to protect all workers, including