

Moreover, the Canadian Bill of Rights establishes the Canadian citizen's fundamental freedoms and his right to ownership.

Must we, for this reason, believe that the state, the federal government or the central government in this case, cannot suspend the right to strike?

The government may, by exception, legislate on this right of ownership if the commonweal makes it imperative and if there is no adequate legislation, adequate tribunals and organizations of balance.

But the government must bear full responsibility for its exceptional intervention, because who is to blame if there is no adequate legislation or tribunals. It is not the fault of wage-earners nor of management. But the responsibility is with the government and the legislators that we are.

In the case with which we are concerned, the present and former governments and the legislators who preceded this government did not create the legislation, the tribunals and the organizations that we require. And that is why, as far as those who have been holding a seat in this chamber for some time are concerned, we are all guilty. We are all responsible for the present situation.

Let us stop putting on one side of the house all the accusations or all the blame. Rather, let us have a better understanding of our great role as legislators. That is the main reason for our presence in this Canadian parliament, to do our main job, as legislators, as the makers of laws, solely for the commonweal and for the disappearance of all social and economic grievances. Let us start immediately to set up the law courts, the legislation and the organizations required.

Is the strike in the public services a move that is consistent with the human and Christian common sense or, if you like, with ethics, since the latter word implies human common sense and Christian common sense. I believe so, Mr. Speaker, every time that it meets the five conditions of the fair strike.

Those five conditions are as follows:

First, exhausting all the effective and existing peaceful means; second, the pursuit of very serious advantages; the third condition of a fair strike is that the advantages sought must be greater than the disadvantages caused; the fourth condition of a fair strike is a serious hope to win; fifth, the use of honest means in the course of the dispute.

Let us make a few comments on this first condition of a fair strike in the public services, namely the exhausting of all existing

*Legislation Respecting Railway Matters* and effective peaceful means. We know what the peaceful means are: direct negotiation, conciliation, mediation and arbitration.

These are also the requirements to make these measures effective in promoting justice and preventing strikes. A progressive labour law is also necessary.

Those who spoke today have perhaps not stressed enough the gaps in our labour laws. Second, we need competence. Third, we must have impartiality and, finally, more expeditious procedures. Conciliation and arbitration procedures must be improved so that, in settling the different disputes, they may help labour laws to become more progressive as quickly as possible. Otherwise strikes or lock-outs must be allowed to settle conciliation cases, and arbitration will be unable to solve anything, for lack of adequate rules.

In a sense a strike, as we can see in this railway strike, can in its own way hurry the evolution of the labour laws which will finally lead to the elimination of the strike itself.

Employer and employee problems involve many legal angles: natural and positive laws, economic and sociological laws. A mediator or the chairman of an arbitration board who may be competent in one of these fields needs expert counsel in other fields. He should be able, legally and financially, to engage the services of experts according to his needs. This co-operation of competent men would help the evolution of labour laws and produce a greater confidence between the parties and the public.

With regard to impartiality, the separation of the judiciary from the executive and legislative powers should be maintained. A minister of the Crown representing, more or less in the case before us, the employer, that is the railways, cannot be appointed mediator or chairman of an arbitration board.

As to the pursuit of most serious objectives, let us say that the stake involved must be a very great injustice to correct. And, as for the third requirement of a just strike, that the benefits should be greater than the disadvantages, as far as a public utilities strike is concerned, it may be that benefits can be greater than the disadvantages, but such a balance is difficult to achieve in public utilities. It all depends on the character of the public utilities involved. For some people, such benefits will possibly never equal the disadvantages. The union may reduce hardship by allowing certain essential services to be maintained, by resorting to partial strikes rather than to total strike.