

'Germans work hard for little money' is a farce

By KENNETH CORBETT

Last summer I was fortunate enough to be able to take advantage of an exchange program offered by UNB, in conjunction with Waterloo Lutheran University and the West German government. Any student who has studied elementary grammar courses in German was - and is - eligible to spend three months working or studying in the Federal Republic, and, as a host of the said government, spend four days in Berlin.

The return flight, plus the four-day stay in Berlin (with room and board paid for all the students from all across Canada) cost me only \$135.00 from Montreal.

Being essentially poor, I decided to work, and was offered a job in Bremen, a port city in the north. I was expecting to be slinging freight in the harbour, but fortunately, I was hired on as a delivery boy for an import-export company. The company, Heinrich Gansberg & Son, specialized in - get this - bamboo and oriental rugs from Red China. My work consisted of loading the ungodly stuff at the harbour, and delivering it all over Bremen.

I consider myself fortunate to have had the chance to see how people lived and worked in another culture. I had expected to have to work my ass off, and barely have enough to live on for the duration, considering the stereotype idea that Germans work really hard for only little money. But truthfully, I haven't worked with such lazy slackers in all my life. The actual work began an hour after arrival, and, for all practical purposes was finished at least an hour before quitting time. Many a stifling summer afternoon was spent in the tavern next door, and Friday afternoons were spent chewing the rag in a warehouse corner. I often wondered how the company managed to make a profit.

To be a working man in Germany was considered to be something special, a definite privilege and responsibility. Everybody was expected to be extremely politically involved, and have a serious attitude of the role of the worker in society. Due to the heated arguments, mostly political and social, during our coffee-breaks, we would usually leave the room more tense and tired than we had entered it. But despite, the

differences in opinion between individuals, there was a common bond, a sense of class consciousness, in principle if not in practice, that held us together. It's hard to explain; one would have to be there.

Due to the short duration of my stay, and, of course, due to language difficulties, I was able to establish significant relations with only a few people, above all with people who had one thing with me, an insatiable drive to quench my thirst. There was literally a tavern on every street corner, each featuring its own brand of draft beer. But there was only one problem; each tavern in Bremen had its own delegate from the Gay Liberation Movement. It's wise to have your own tavern, where you know the people, and stick with it.

Finally, my 11 weeks of work were up, and I took the train to Hanover. At last, our group was re-united, and it was unbelievably good to see and speak with a Canadian like myself, after almost three months of alienation.

But the trip was far from over. We flew to Berlin at the expense of the German government, and the four days I spent there with 70 other Canadians were among the most fun-filled of my life. For a young peasant boy like myself, familiar only with the narrow confines of the Cosmopolitan - the Riverboat nightclubs and all the other nightspots were fantastic. Five dance floors, four bars, live or canned entertainment in each section, wall-to-wall beautiful chicks-all under one roof. (But also the imposing concrete-and-barbed-

wire reality of the Berlin Wall, with the shreds of glass set jaggedly into the masonry on the top, and the border guards, ready to shoot to kill on sight - all that we read about in the papers, but disregarded with a shrug of the shoulders, saying "It doesn't concern me.")

We also spent a day walking through East Berlin - beautiful centuries old buildings beside bombed out cathedrals, long broad streets with no people to walk them, it all seemed Kafkaesque. It seemed unfair to me, that I could just flit through the wall by showing my Canadian passport, while others would just have to remain behind. I wouldn't have separated with those few sheets of recycled confetti for the world - and I hope I never have to.

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Annual moot court March 7th

The annual competition for the William Henry Harrison Memorial Shield will take place in the Moot Court of the Faculty of Law, Ludlow Hall, Wednesday 7th March beginning at 7:00 p.m.

The shield was presented by Mr. James G. Harrison in memory of his brother, Mr. Justice William Henry Harrison, Dean of the Faculty of Law from 1947 to 1955.

The first competition was held in 1962. Each year the contestants are drawn from the ranks of those who have excelled in the Moot Court programme in the course in Practice that forms part of the second year syllabus. This year the honor of competing goes to:

Grant Smyth Garneay and John Milton Lamon Scott, Appellants; William Douglas Maxwell and Paul Robert Stapleton, Respondents, who will appear before a Bench graced by the presence of Mr. Justice Henry Ryan of the New Brunswick Supreme Court, Appeal Division, Judge W.L.M. Creaghan, Judge of the York County Court, and Mr. Gordon Petrie, Barrister and Solicitor of the Supreme Court of New Brunswick.

The case to be heard is *Re Hoogendorn and Greening Metal Products and Greening Equipment Co. et al (1968) 65 D.L.R. (2d) 641*. It has been said that the Hoogendorn case is one of the most important labour law cases to

come before the Supreme Court of Canada in recent years. The gist of the case, as taken from the 'headnote' in *Dominion Law Reports*, is as follows:-

A collective agreement provided for the deduction by the employer of union dues from wages of employees authorizing the deduction and required the execution of an authorization as a condition of employment. Appellant employee refused to execute an authorization but was not dismissed. A "wildcat" strike ensued and the union filed a grievance claiming breach of the collective agreement. By agreement with the employer the normal grievance procedures were waived and the matter was submitted to a single arbitrator. No notice of the proceedings, which resulted in a finding that the employer was in breach of the collective agreement and a direction to the employer to dismiss the employee if he failed, after notice, to execute an authorization, was given to the employee.

The majority of the Supreme Court of Canada held that the

arbitrator was an ad hoc proceeding aimed at securing appellant's dismissal. As such it was a denial of natural justice to proceed in his absence.

The dissenting judges were of the opinion that to require that notice and the right to be present be given each employee in such situation would undermine one of the central purposes of collective bargaining.

In the Supreme Moot Court of the University of New Brunswick the Appellants will agree that the Supreme Court of Canada erred in its interpretation of labour law principles. The Respondents will contend that the right decision was reached and should be upheld. The points at issue having already been subjected to the scrutiny of the judges of the highest court in the land it will be readily apparent that the contestants will be called upon to exhibit an extensive knowledge of the relevant areas of the law, and above all - and this is where the interest lies for the audience - to demonstrate their abilities as advocates of the views that they

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