

country of free men and women there must be the right to strike. I am sure hon. members opposite will agree when I say that every right has a limitation. It is easy to say repeatedly that we believe in the right to strike, but as a consequence there has not been any need to find a more effective way to settle this kind of difficulty. The minister says that this is the second occasion recently.

Mr. Stanfield: The third.

Mr. Fraser: I know that the minister is referring to only a few weeks ago.

Mr. Stanfield: His memory is short.

Mr. Fraser: I know the minister well, and his memory is better than that; it goes back to before I was a member of this House. He will remember the legislation in August of 1972 which put the longshoremen back to work. He will remember the legislation, when we were both in the House, of the last weekend in August of 1973 which put railway workers back to work. He will remember that in May of 1974, rather than let the grain handlers strike he invoked sections of the labour code to forbid a strike during an election. I do not want to remind the minister of all the unhappy events surrounding that particular dispute. He will remember that in October he introduced legislation in this House to put the grainhandlers back to work. The minister will also remember that in March of 1975 he introduced legislation to put the longshoremen on the west coast back to work. And now there is legislation to put the longshoremen at the three river ports back to work.

The government seems to approach this matter on the basis that it is exceptional. It is not exceptional. It is, to a dangerous degree, beginning to establish a regular pattern. I know that there are hon. members from both sides of the House who will agree with me. We do not have, and the government has not yet seen fit to provide, a mechanism whereby strikes which affect an essential service, where it is intolerable to allow that service to be discontinued, or strikes which affect the national interest in such a way that we have to do something about it, can be dealt with. There is no capacity for identifying such disputes and reporting back to the government so that we know in advance whether we are dealing with a labour-management dispute which is going to affect the national interest and sooner or later parliament will be called upon to take action.

The minister is absolutely right when he says that some parties sit back and do not negotiate as expeditiously as they might, or even sometimes as sincerely as they might, if they know that all they have to do is cause sufficient inconvenience across this country and parliament will step in. This is not always on one side; it is often on both sides. We have not developed—the government has had a number of years to do it, and plenty of evidence that it is necessary—a mechanism whereby these kinds of disputes can be determined in advance as having the effect which everyone in this House knows they will ultimately have. Despite all the rhetoric which may be heard from certain members in this House, the situation finally reaches a point where public opinion builds up to the point that we come back here and take action. Some complain more than

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others, but everyone goes along with finally using parliament to put people back to work and to impose a settlement.

● (1550)

In committee, at the time the legislation affecting grain-handlers was before the House in October, 1974, the minister will remember that we had a very interesting exchange. It was directed at discussing this very important problem and trying to find solutions. I put it to the minister then that in that particular case they took a conciliation report which happened to favour the union, stated in advance that they would support it, and then asked the parties to continue negotiating. We said at the time that was an incredible position for the government to take, to state that they were going to accept a conciliation report and then ask both parties to negotiate.

I asked the minister if this was a precedent and if future conciliation reports were to be the basis of legislation, and the minister said no. But now we have a conciliation commissioner's report, which I admit is in different form—I see the minister shaking his head; I am going to come to that—and this time management accepted it and labour did not. Once again, however, it forms the basis of legislation. This is something that we cannot properly do, Mr. Speaker. How am I to get through the Gold report between now and committee of the whole, and how are other members to become *au fait* with the argument?

Mr. Munro (Hamilton East): You said yesterday that you liked it.

Mr. Fraser: The minister is interjecting, and quite properly. As he has said, we have here a conciliation report written by one of the most capable persons that could be found; indeed, there may be nobody more capable. It is also written in such a way that it amounts to a draft of a collective agreement. Some conciliation reports are not nearly as definitive as this one. But I think the minister is in considerable difficulty with this ad hoc method of doing things, namely, bringing in a report and saying, "Here it is". The effect is to ask us to apply our minds to the complexities of Mr. Justice Gold's recommendations and agree, within a few hours, that it is a fair settlement. I do not think that is possible: it is playing a game with ourselves and, if it continues, with labour and management and the general public.

When we had the rhetoric about the right to strike we had a gentleman's agreement, if you like, that at a certain time we would bring in an ad hoc arrangement to take away the right to strike. In many cases, to ask members of parliament to try to determine, in a couple of hours, what is a fair settlement is absolutely impossible, Madam Speaker.

When we look at the merits of this particular dispute it is interesting to note that following the protracted negotiations between the Maritime Employers Association and the longshoremen in 1972, the *Globe and Mail* of April 5, 1972, had a headline which read, "Big pensions, end to featherbedding bring peace to Quebec ports." On an inside page an article read, "Job security, end to featherbedding in Quebec ports pact." At that time, Madam Speaker, we thought these major difficult issues between the parties