

Industrial Relations

than the courts. During the war I had jurisdiction in labour relations in all the provinces and I found that conciliation was much more effective in establishing the rights of employees, and employers as well, in connection with labour relations.

As I have said before in committee and in this house, if it is thought that someone other than the minister should make the decision whether action should be taken by the employer, or the employee, I am quite prepared to accept that decision. I have been an industrial disputes inquiry commissioner and I have been up against difficult situations which were brought about, sometimes by one side, sometimes by the other, and sometimes by both sides. At times these matters are difficult to adjudicate upon.

Let me say that the angels are not all on one side. Even among the twelve apostles there were a couple of deadbeats. Without wanting to criticize this bill, may I say to my hon. friend that it hinges upon the bill introduced by the hon. member for Cape Breton South (Mr. Gillis) being passed. If that bill does not pass, this bill falls by the wayside because of the very nature of things. I have not read the judgment referred to by the hon. member, but I should like to read it. I should like to read to the house subsection 2 of section 40 of the act, which reads as follows:

Where an employer is convicted of violation of paragraph (a) of subsection two of section four of this act by reason of his having suspended, transferred, laid off or discharged an employee contrary to this act, the convicting court, judge or magistrate, in addition to any other penalty authorized by this act, may order the employer to pay compensation for loss of employment to the employee not exceeding such sum as in the opinion of the court, judge or magistrate, as the case may be, is equivalent to the wages, salary or other remuneration that would have accrued to the employee up to the date of conviction but for such suspension, transfer, lay-off or discharge, and may order the employer to reinstate the employee in his employ at such date as in the opinion of the court, judge or magistrate is just and proper in the circumstances in the position which the employee would have held but for such suspension, transfer, lay-off or discharge.

Then it continues with the penalties which I am not going to read. I do not know whether they recently made some amendments to the Ontario act. Because I have been away for a short time I am not as well versed as perhaps I should be in what took place while that act was under discussion. To me there is sufficient weight of language in the section I read from the Industrial Relations and Disputes Investigation Act, an act not passed by the government but passed by parliament and unanimously agreed to by all parties in the house. As I say, in my

[Mr. Mitchell.]

experience in the administration of this legislation I have not run across any difficulty of the kind that my hon. friend has mentioned this evening.

I say in all sincerity that I have very fixed opinions on bureaucracy and the rights of individuals under the rule of law and habeas corpus, and it will take more than a member of the House of Commons to change my opinion. I do not think there is any substitute for the rule of law or habeas corpus. They are guarantees to my hon. friend, myself and every other hon. member of the house of the freedom that we have enjoyed since the days of Magna Carta. In these troublesome times that means something to me. There are countries behind the iron curtain where that is not the case.

Mr. Graydon: Another Blackstone.

Mr. Mitchell: I may tell the hon. member for Peel (Mr. Graydon) that I am not a lawyer. I am just an ordinary workingman.

Mr. Graydon: I was paying you a compliment.

Mr. Mitchell: I agree with you as to the compliment. You do not need to be a lawyer to have a measure of common sense.

Some hon. Members: Hear, hear.

Mr. Mitchell: I say that to my good medical friends, my good farmer friends, my good working-class friends and my good school teacher friend who introduced the bill, and who was born in the province of Newfoundland.

Mr. Graydon: You do not have to be a cabinet minister though.

Mr. Mitchell: Well, you will find out. I hope you will not do so in my lifetime but you may find out that this is a pretty lonely place to sit in. It is the end of the road, the place where you have to say yes or no.

Mr. Macdonnell (Greenwood): I am glad you know it.

Mr. Mitchell: I think I should know it. In my place you cannot preach economy on the hustings and then ask the House of Commons to spend \$7 billion a year in additional expenses. I hope my hon. friend from Peel will never live to see the day when he has that responsibility because we are going to be in power for a long time yet notwithstanding the by-election in Hamilton yesterday. Some years ago I read a book which I think is a classic. It is easy to read because it is written in ordinary common language. It was written by Lord Hewart and is called "The New Despotism". I should