

*Supply—Transport*

the terms of the Industrial Relations and Disputes Investigations Act, these employees are denied an automatic claim to recognition and the right of collective bargaining.

May I make this point as clear as I can. The Industrial Relations and Disputes Investigations Act does not prevent the Canadian National Railways from recognizing the railway supervisors' association. Rather the act does not give that right automatically to the men, and that means it is at the discretion of the company. Thus far the company has not exercised that discretion in favour of the men. I might point out that the section of the labour code which governs this matter is section 2, subsection 1, paragraph (i), which reads:

"employee" means a person employed to do skilled or unskilled manual, clerical or technical work, but does not include

(i) a manager or superintendent, or any other person who, in the opinion of the board, exercises management functions or is employed in a confidential capacity in matters relating to labour relations;

(ii) a member of the medical, dental, architectural, engineering or legal profession qualified to practise under the laws of a province and employed in that capacity;

One of the reasons for reading the whole of that paragraph was that I felt it would ring a bell in the minds of some members who will recall that when the labour code was being put through this house in 1948 there was some discussion as to whether or not certain of these groups, architects, engineers and so on, should be included in this excluding clause. Some of us argued that employees working in these capacities should not be excluded from the right of collective bargaining. The then minister of labour, the late Mr. Mitchell, sought to make it clear to us that even though the wording of this section denied to those people an automatic claim to recognition and collective bargaining, still it was left open to the companies for whom these people might work and the men themselves to enter into collective bargaining if both sides wished to do so.

On one or two occasions I introduced a bill, a copy of which I have in my hand, which was given first reading on February 16, 1949. It was a public bill, and it would have had the effect of amending that section of the labour code in such a way as to give to some of these people who were exercising management functions the automatic right to recognition and collective bargaining. We sometimes get private members' bills and resolutions through this house, but not as often as might be desirable. Accordingly, that bill has not yet become law. One could keep trying to get the

labour code amended so as to make it automatic in the case of these railway supervisors, but since that seems to be a rather slow process it has occurred to me that it might be better to simply make an appeal through the Minister of Transport to the Canadian National Railways to accord to these men right now the right to recognition and collective bargaining.

It is pointed out to me that the men feel it is unfair to discriminate against them on the basis of the argument that they are exercising management functions, or that they are employed in a confidential capacity in matters relating to labour relations. That is sometimes given as a reason, but the test is whether or not they have the right to hire and fire. These men tell me they do not have that latter right. As for management functions, they suggest to me that they are not as much in control of the shop where they are foremen as is a conductor who is in complete charge of his train. Yet there is nothing against the conductors having their trade union, being recognized and enjoying all the rights of collective bargaining.

The men admit that individually they are permitted to go in to see their superiors at any time that they have grievances they wish to take up. But remember that most of these men are tradesmen of one sort or another who have been in trade unions, and some of them are still members of the union to which they previously belonged. But as foremen they are not covered by the agreement of the union of which they may formerly have been members. With that background, and knowing the better security that is enjoyed collectively, they feel very strongly that they should have the right of recognition and collective bargaining. I may say that I have met these men in Winnipeg on a number of occasions, and I know that although recognition and collective bargaining carries with it other implications, what they most desire is recognition of their association. What they most desire is that when any one of them has a grievance it can be taken up with their superiors, not by one employee going in himself but through their association. They feel, as a matter of fact, that the men working under them have certain rights because of their trade union connections which these foremen or supervisors are denied.

I fully recognize that the Minister of Transport is not the administrative head of the Canadian National Railways. I do not expect him to give a final answer at this time. But I do hope that the study which he told me in his letter of March 14 he was prepared to make of this matter is being pursued, and that it may result in a feeling on his part