

**Mr. Fane:** Yes, it is, senator.

**Senator Lucier:** You were to pick one railroad and ensure that freight and people continued to use the others. That sounds like a reasonable strategy.

As you may know, passing back-to-work legislation is not the favourite pastime of parliamentarians. It is like trying to break up a family fight. We end up being scratched up by both sides eventually.

In your opinion, sir, considering the economic impact brought on by the closing of all three railroads, contrary to your wishes, was there any realistic way that back-to-work legislation could have been avoided at this time?

**Mr. Fane:** Our strategy was developed to put economic pressure on CP Rail. You may have seen some of the advertisements we took out. By denying CP Rail their 100 per cent profitability margin, by having customers move to trucking, by having customers move to CN Rail, we knew it was having an impact. We were getting closer to a collective agreement.

As soon as the situation at the other railways went down, the quality of the bargaining diminished immensely. For the bargaining to have been successful, we needed more time. Perhaps we needed more solidarity on the union side to avoid the situation we have now.

**Senator Lucier:** You needed more time, but it was time that you definitely did not have because of the economic impact of the strike.

**Mr. Fane:** Yes.

**Senator Lucier:** I agree you needed more time, but the answer to my question then is that once the strike had started, there was only one direction in which this situation was going, and that was back-to-work legislation. Whether it was done last Monday, tonight, or Sunday, that was the route.

**Mr. Fane:** We have had no bargaining at all since the strike, if I can use the term, or lockout from VIA Rail. We have had no bargaining since then, sir.

**Senator Kinsella:** Senator Oliver alluded to a comment you made in your opening remarks which concerns me, and I should like you to focus in on it. It relates to statements of the Minister of Transport, Mr. Young, to the extent — if I have understood your comment correctly — that he was interfering with the collective bargaining process that was ongoing. Did I understand that correctly?

**Mr. Fane:** You sure did, sir. In our submission to Mr. Hope, we used at least eight or nine statements saying it was impossible to negotiate a collective agreement at VIA Rail.

Mr. Young, on numerous occasions, said that the whole fate of VIA Rail was in the hands of the workers; that they would have to take less or they would have to close down more. He made other statements that workers with a grade 8 or 9 education were not responsible for what their unions had done. He appeared on CBC talk shows.

I would not mind sending you the submission we made to Mr. Hope. We noted at least a dozen times when Mr. Young was making collective bargaining impossible. Every time he made a statement, VIA Rail management came to us, wrapped it up, took the front page of the newspaper and put it on the bargaining table.

**Senator Kinsella:** They would quote back to you inflammatory statements made by the Minister of Transport. Is that what you are telling us?

**Mr. Fane:** Yes, sir. I am afraid that is exactly what I am telling you.

**Senator Kinsella:** Did you complain to the Minister of Labour?

**Mr. Fane:** No, not to the Minister of Labour, to be honest. We certainly sent some communications to the Minister of Labour, at the time who was the Honourable Mr. Axworthy. We did better than that; we complained to Mr. Young. Some of our workers were so angry about the situation that they occupied his office in Bathurst for a day or two.

We then went and had a discussion with him. We asked the president of our union, Buzz Hargrove, to look for some common ground so that it would not sound as though the Minister of Transport was attacking the workers every day.

**Senator Kinsella:** There is a very serious matter here. In the history of the Crown and the representatives of the Crown, whether it be in pure public sector collective bargaining or in industrial sector bargaining which impacts upon the public interest, the Minister of Labour is traditionally very careful and very judicious in his or her comments so as not to interfere with the collective bargaining process.

It is not only discouraging but alarming from a parliamentary standpoint to hear you testify that the Minister of Transport was interfering in the collective bargaining process by making inflammatory statements.

Is there a vehicle available to you, or to the employer, to any parties at the table, to file an unfair labour practice under the Canada Labour Code? Did you consider doing that against the Minister of Transport?

**Mr. Fane:** No, sir, we did not consider it. In order for us to file an unfair labour practice, it would probably have to be against the employer, being VIA Rail, and not against the Government of Canada. Although we did not agree with what the minister was saying and doing, we tried to concentrate on bargaining a collective agreement at VIA Rail.

As a matter of fact, at VIA Rail in particular, at one stage we offered to use a mediation-arbitration process because we were so frustrated with the collective bargaining process where the employer each day would say to us, "You will give us more tomorrow because we have no agreement today."

**Senator Kinsella:** Certainly, discipline of the tongue does not seem to be a virtue that is strong with that particular minister.