

*Canada Labour Code*

companies have learned to live with unions. This fight has been going on in Canada for a hundred years, and there will never be any end to it because there will always be a desire on the part of the workers to get their share of the spoils of industry. This is only normal. And it will be the responsibility of industry to see that the workers do not get such a large share of the benefits of their labour that there is no longer any industry.

I am sure the minister and his officials will agree that organized labour has been orderly in its operations and that a great deal of responsibility and restraint has been shown by both management and labour. I suggest that Canadians have developed a fairly responsible position in respect of labour relations.

It is true that in respect of relationships with the labour relations board there has been a great deal of trust and respect on the part of both management and labour. There has always been the fly-by-night side to bargaining, and I am sure there are elements of both management and labour which would agree that the labour relations board has not done the kind of job it should have done. In the main there has been favourable reaction, as indicated by the Canadian Labour Congress in its suggestion to retain the old labour relations board rather than adopt a new association.

It has been suggested, I presume mainly because it must be, that ministers—and I say, kindly, not this one—have used patronage in appointments to the labour relations board because it has the jurisdiction of a federal court. The reason some people are fearful about this change is that there might be representatives on that board who understand the problems and know the conditions which exist, and these representatives will present their arguments on the basis of their knowledge of the problems, conditions, requirements and desires of one side or the other, management or labour. When we establish a new board with people not having the backgrounds which both sides have found advantageous, obviously we leave ourselves open to the possibility of having a very aggressive member, as we do with judges, who will be found obnoxious to the management side, or someone who is very reactionary and obnoxious to the labour side.

The argument that the general public has to be protected in this regard does not carry a great deal of weight. However, we await with interest the justification with which the minister will no doubt provide the committee for this particular change. This problem of protecting the public is, I believe, vastly overrated. There have been occasions when the public has obviously been affected. I have heard some of my colleagues complain bitterly about labour in relation to grain movement in Canada. What, really, is the problem in respect of the movement of grain? It is not that there might be a small strike of less than a few days but, rather, the fact that we under-operate the whole transportation system. We operate this system with a minimal margin of safety.

A good indication of this can be found in our experience this winter. We had two or three snowslides, following which members of the House suggested a calamity had developed in Vancouver and on the Prairies. Labour is not so much to blame. The fact is that we operate that particular industry in a manner which does not allow for

[Mr. Peters.]

expected or anticipated eventualities which no doubt occur from time to time when labour relations are involved.

The public often has to be protected, but at what price? If you tell the police they cannot strike, it seems to me you have to be overly generous with them. That has not been the case. Who is it who screams loudest when there is a strike at a hospital? I suggest the people who scream are those who want to get into the hospital. There is not a hospital in this country which does not pay every employee, from head nurses down, a substandard wage. The wages of our hospital employees are often disgraceful. There are many who say hospital staff cannot strike because they perform essential services. If that is so, the government, be it municipal, provincial or federal, has a responsibility to the public.

If a government suggests that garbage on the street must be picked up, then it should be overly generous to these employees. Surely under normal circumstances, if the government is generous with these employees there will be less difficulty in negotiations and less danger of a strike situation developing. When you tell an employee there will be no improvements made or, in some cases where there are negotiations, "If you sign an agreement the employee must accept a reduction in advantages under the present contract," it is inevitable that men and women will strike. In such cases a strike is just, necessary and supported by the public.

The main change in this piece of legislation is in respect of technological advancement. The minister has bowed to pressure from certain groups and has included limitations. Certainly the minister has read the Freedman recommendations, one of which states that when changes affect the livelihood of employees they must be subject to negotiation and normal bargaining procedures, and implemented only after due process of contract negotiation. The minister has made some exceptions in this measure. One hon. member speaking on this bill indicated it was terrible not to let management do what it liked. I suggest that management has always exercised the right to do what it likes. The only time this has been curtailed is when there has been negotiation.

Workers' contracts are worded something like insurance policies. They always include exceptions over which no one has control or responsibility: they include the phrase "the will of God". I have always found that God seemed to be on the side of management and never on the side of the workers. I think this is as true in technological change as it is in any other aspect of a union contract. Those things over which management had no direct control were the responsibility of God. This certainly did not provide much assistance to those who were displaced because of a calamity.

• (2140)

**An hon. Member:** What about the Minister of Labour?

**Mr. Peters:** If we could substitute the minister of Labour it would seem to me this would cause the same difficulty, because he would be involved in making decisions Solomon would have had considerable difficulty with. I might refer to such a situation. When a fire or some other condi-