A D D R E S S

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TO

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TRENDS IN LABOUR LEGISLATION: A PARADOX

In preparing my remarks I couldn't help but reflect on the difference between the nature of labour relations law some years ago and the trend in the legislation today. Back when, there was a relatively laisse faire attitude operating within general legal guidelines which by and large served the public interest. Management and labour could make a deal on the basis of a gentleman's agreement knowing that it would be honoured, although the story is told of one occasion when a senior union official refused a hand-shake agreement "because it wasn't worth the paper it was written on"!

In the meanwhile, the law has become increasingly complex involving a multiplicity of statutes and regulations, accompanied by increased government intervention. Collaterally it has acquired a jargon all of its own. I will try to omit the mysterious buzz words and acronyms which would serve only to confuse you, wishing to avoid the kind of situation recently experienced by the Women's Institute in the Town of

UGLY, ENGLAND. APPARENTLY BEING EMBARRASSED BY THE NAME OF THEIR ASSOCIATION, THEY CHANGED IT FROM "THE UGLY WOMEN'S INSTITUTE" TO "THE WOMEN'S INSTITUTE, UGLY DIVISION". I CAN'T IMAGINE WHY THEY DIDN'T GLAMORIZE IT BY CALLING IT THE "UGLY WOMEN'S INSTITUTE, PRETTY DIVISION".

WHY HAS THE LAW BECOME SO COMPLEX? A SOCIOLOGIST WOULD UNDOUBTEDLY TELL US ITS A PRODUCT OF OUR TIMES. OUR VALUES ARE INCREASINGLY BEING INFLUENCED BY THE ATTITUDES OF THE "FUTURE SHOCK" GENERATION WHICH SEEMS PREOCCUPIED WITH PURELY SUBJECTIVE VALUES. THE TRADITIONAL ACCEPTANCE OF GRADUAL IMPROVEMENT HAS YIELDED TO DEMAND FOR IMMEDIATE QUANTUM CHANGE.

THE 60'S AND 70'S WITNESSED THE GROWTH OF A PLURALISTIC SOCIETY COMPOSED OF DISTINCTIVE PRESSURE GROUPS, SUCH AS THE FARMERS, CONSUMERS, INDUSTRIAL WORKERS AND OTHERS, CONCERNING THEMSELVES WITH COLLECTIVE POWER. THE POLITICAL PRESSURES EXERTED BY THESE DISPARATE POWER BLOCKS BROUGHT ABOUT ACCELERATED LEGISLATED CHANGES TO SERVE THEIR COLLECTIVE INTERESTS. MORE LATTERLY, HOWEVER, THE LEGISLATIVE THRUST HAS BEEN

DIRECTED TO INDIVIDUAL RIGHTS EVEN THOUGH, ON OCCASION, THEY CONFLICT WITH THE COLLECTIVE RIGHTS ACCORDED A DISCREET SOCIAL GROUP.

THE SCOPE OF THESE MEASURES AS THEY RELATE TO INDIVIDUAL OR "HUMAN" RIGHTS WITHIN THE CONTEXT OF INDUSTRIAL RELATIONS IS EVER-BROADENING. FOR SOME TIME WE HAVE HAD LEGISLATION FOR PROTECTION AGAINST DISCRIMINATION BECAUSE OF SEX, RACE, CREED, COLOUR, RELIGION AND NATIONAL ORIGIN. THEN TOO WE HAVE SEEN THE EXPANSION IN THE MINIMUM STANDARDS REQUIRED FOR THE TERMINATION OF EMPLOYMENT DUE TO A REDUCTION IN THE WORK COMPLEMENT. THIS LEGISLATION STIPULATES MINIMUM PERIODS OF NOTICE BEFORE PERSONNEL MAY BE TERMINATED.

WE ARE ALSO OBSERVING INCREASED EMPHASIS ON WOMEN'S RIGHTS THROUGH SUCH LEGISLATION AS THE LAW ON FAMILY REFORM WHICH RECOGNIZES THE SPOUSE'S RIGHT TO AN EQUITABLE SHARE IN THE FINANCIAL RESOURCES OF A MARRIAGE. REVERTING MORE SPECIFICALLY TO THE FIELD OF LABOUR RELATIONS, LEGISLATION ENAGED IN 1978 INTRODUCED THE PRINCIPLE OF EQUAL PAY FOR WORK OF EQUAL VALUE FOR PERSONS COMING UNDER THE JURISDICTION OF THE FEDERAL

GOVERNMENT. THERE IS THE MISTAKEN NOTION ABROAD THAT FURTHER RECOGNITION OF WOMEN'S RIGHTS IS IMPLICIT IN THIS CONCEPT. THE TREATMENT OF THE SEXES ON COMPENSATION WITHOUT DISCRIMINATION WAS ALREADY ENSHRINED IN THE STANDARD OF "EQUAL PAY FOR EQUAL WORK": A REASONABLY PRAGMATIC AND ONE WOULD THINK FAIR CRITERION. WITHOUT ANY DEFINITION OR GUIDELINES TO GOVERN THE APPLICATION OF THE TEST OF "EQUAL VALUE", ITS INTERPRETATION IS LEFT PURELY TO THE SUBJECTIVE JUDGMENT OF PERSONS LACKING SUFFICIENT EXPERIENCE IN THE TICKLISH AND SOPHISTICATED ART OF JOB EVALUATION. TO ILLUSTRATE, IS IT INTENDED TO APPLY QUANTITIVELY TO AN EMPLOYEE'S RATE OF PRODUCTION OR QUALITATIVELY TO THE EMPLOYEE'S SKILL. AND HOW DOES ONE MEASURE THE RELATIVE SKILL, OR FOR THAT MATTER, ART BEING APPLIED TO VARIOUS JOBS? THE CRITERION OF "EQUAL VALUE" IGNORES THE INFLUENCES OF THE JOB MARKET ON THE WORTH OF SPECIFIC SKILLS AND CAN CAUSE SERIOUS DISLOCATIONS FOR INDUSTRIES OPERATING IN HIGHLY COMPETITIVE MARKETS. THIS REVOLUTIONARY CHANGE IS ALMOST BOUND TO BECOME A BUREAUCRATIC NIGHTMARE.

ANOTHER CONTROVERSIAL AREA IS THAT OF COMPULSORY RETIREMENT. THE RECENT REPORT OF THE FEDERAL KROLL

COMMISSION RECOMMENDED LIFTING THE AGE STANDARD OF SIXTY-FIVE FOR RETIREMENT. THIS RECOMMENDATION IS AT COMPLETE VARIANCE WITH THE POLICY OF THE MAJOR UNIONS WHICH IS TO REDUCE THE AGE BELOW 65 TO QUALIFY FOR RETIREMENT.

THE RAPID UPSURGE IN THE INNOVATIVE HEALTH AND SAFETY MEASURES IS ALSO CONSISTENT WITH THE INCREASING EMPHASIS ON INDIVIDUAL RIGHTS. THESE MEASURES PERMIT AN EMPLOYEE TO REFUSE TO PERFORM UNSAFE WORK, REQUIRE THE ESTABLISHMENT OF JOINT MANAGEMENT-EMPLOYEE COMMITTEES TO MONITOR THE HEALTH AND SAFETY CONDITIONS IN THE WORK PLACE, AND PROVIDE FOR THE INTERVENTION OF GOVERNMENT INSPECTORS WHERE DISPUTES TAKE PLACE.

WITHIN THE UNION CONTEXT, AN EMPLOYEE MAY CHALLENGE THE UNION FOR ACTING IN AN ARBITRARY OR DISCRIMINATORY MANNER OR IN BAD FAITH IN THE REPRESENTATION OF EMPLOYEES. WHILE THIS IS INTENDED TO PROVIDE REDRESS FOR EMPLOYEES HAVING UNION REPRESENTATION, ITS APPLICATION IS VERY LIMITED. IT DOES NOT PROTECT THEM AGAINST ARBITRARY ACTION UNDER THE CONSTITUTION OF A UNION, SUCH AS IMPROPER SUSPENSION, EXPULSION OR FINE. MANY UNION CONSTITUTIONS DENY AN EMPLOYEE ANY RIGHT OF

APPEAL TO NEUTRAL AUTHORITIES EVEN WHERE THE EMPLOYEE'S JOB SECURITY IS AT STAKE.

FOR EMPLOYEES WHO ARE NOT REPRESENTED BY TRADE UNIONS, THOSE GOVERNED BY FEDERAL LEGISLATION, WHO CLAIM THEY HAVE BEEN UNJUSTLY DISMISSED MAY RESORT TO ADJUDICATION UNDER THE CANADA LABOUR CODE. ALTERNATIVELY, THEY MAY ADOPT THE TRADITIONAL REMEDY OF SUING THEIR EMPLOYER UNDER THE CIVIL LAW. HOWEVER, THERE IS A MARKED DIFFERENCE BETWEEN THESE ALTERNATIVES. IN SUING THE EMPLOYER THE EMPLOYEE IS ENTITLED ONLY TO DAMAGES SHOULD THE COURT FIND HE WAS WRONGFULLY DISMISSED. UNDER THE FEDERAL LAW, IN ADDITION TO QUALIFYING FOR COMPENSATION FOR LOSS OF EARNINGS, AN EMPLOYEE MAY ALSO BE REINSTATED IN EMPLOYMENT.

THE INTRODUCTION OF THESE PERSONAL RIGHTS HAS NOT BEEN WITHOUT CONFLICT WITH COLLECTIVE RIGHTS. THUS WE HAVE RECENTLY OBSERVED WOMEN WHO HAVE CLAIMED MENS' SKILLED INDUSTRIAL JOBS ONLY TO FIND THAT THEIR NEWLY-ESTABLISHED PERSONAL RIGHTS ARE NEUTRALIZED BY THE SENIORITY RIGHTS UNDER THE APPLICABLE UNION AGREEMENT. THESE CONDITIONS ARISE BECAUSE MUCH OF THIS NEW LEGIS-

LATION IS SIMPLY GRAFTED ON TO THE EXISTING LAW WITHOUT BEING EFFECTIVELY CORROLATED WITH IT.

FOR EXAMPLE, AN AGGRIEVED PERSON WHO IS REPRESENTED BY A TRADE UNION HAS THREE OPTIONS TO ENFORCE CLAIMS OF DISCRIMINATION IN EMPLOYMENT. THE EMPLOYEE MAY HAVE THE UNION PROCESS THE COMPLAINT TO A FINAL AND BINDING DECISION BY A NEUTRAL ARBITRATOR PURSUANT TO PROCEDURE ESTABLISHED IN THE UNION AGREEMENT. ALTERNATIVELY, THE EMPLOYEE MAY RESORT TO THE PROCEDURE UNDER THE HUMAN RIGHTS LEGISLATION, AND FINALLY UNDER A RECENT DECISION OF OUR SUPREME COURT, MAY SUE THE EMPLOYER IN THE COURTS.

ONE WOULD NORMALLY ASSUME THAT HAVING EXERCISED ONE OF THESE ALTERNATIVES, THE EMPLOYEE'S RIGHT TO AN IMPARTIAL DECISION ON HIS COMPLAINT WOULD HAVE BEEN SATISFIED. BUT AS THE LAW CURRENTLY STANDS SUCH A PERSON WHOSE COMPLAINT HAS BEEN DEALT WITH AT ARBITRATION UNDER A UNION AGREEMENT MAY BE ABLE TO PURSUE IT UNDER THE HUMAN RIGHTS CODE AGAINST THE EMPLOYER FOR THE SAME ALLEGED MISCONDUCT.

ANOTHER EXAMPLE OF THIS HAS RECENTLY OCCURRED UNDER THE ONTARIO HUMAN RIGHTS CODE. DESPITE SETTLEMENT OF AN EMPLOYEE'S COMPLAINT THROUGH THE AUSPICES OF AN OFFICER OF THE HUMAN RIGHTS COMMISSION, THE EMPLOYER IS NOW FACING ACTION BY THE COMMISSION ITSELF WHICH HAS DIRECTED A PUBLIC INQUIRY INTO PRECISELY THE SAME CIRCUMSTANCES.

COLLATERALLY, THIS IS ALL FACILITATED FOR THE EMPLOYEE BECAUSE THEIR LEGAL EXPENSES AT ARBITRATION ARE PROVIDED FOR BY THE UNION AND BY GOVERNMENT UNDER THE HUMAN RIGHTS LEGISLATION. THE EMPLOYER ON THE OTHER HAND MUST ASSUME ALL OF HIS OWN EXPENSES: EVEN WHERE THE EMPLOYEE'S COMPLAINT IS TURNED DOWN.

YOU MAY WELL ASK WHAT HAS HAPPENED TO THE PRINCIPLE OF "DOUBLE JEOPARDY" BECAUSE THE EMPLOYER MAY FACE TWO PROCEEDINGS OVER THE SAME CAUSAL SITUATION EVEN THOUGH THE MATTER HAS BEEN DEALT WITH THROUGH IMPARTIAL BINDING ADJUDICATION. YOU WILL UNDERSTAND THE CONCERN OF THOSE IN BUSINESS OVER THE CONFUSION AND EXTRA COSTS BEING CREATED BY THESE OVERLAPPING LAWS. WE ARE LEFT TO PONDER WHETHER THE TRADITIONAL CRITERION OF "NEED",

AS A PREREQUISITE TO INTRODUCING NEW SOCIAL LEGISLATION, HAS THE SAME RELEVANCE IN TODAY'S FRAGMENTED SOCIETY.

ANOTHER DEPARTURE FROM OUR CUSTOMARY STANDARDS OF JUSTICE HAS CREPT INTO THE ADJUDICATION OF DISMISSAL CASES HEARD AT ARBITRATION UNDER A COLLECTIVE AGREEMENT OR BY THE LABOUR RELATIONS BOARD. THE STATUTORY LAW HAS ADOPTED A PRINCIPLE WHICH WAS ORIGINALLY ESTABLISHED IN THE NAPOLEONIC CODE, DESCRIBED AS "REVERSE ONUS". UNDER THE REVERSE ONUS CONCEPT THE PERSON ALLEGED TO HAVE MISCONDUCTED HIMSELF HAS THE RESPONSIBILITY OF PROVING HIS INNOCENCE. ITS TRANSLATION INTO INDUSTRIAL RELATIONS FINDS THE EMPLOYER BEING REQUIRED TO PROVE THAT HIS ACTION IN TERMINATING A PERSON WAS COMPLETELY JUSTIFIED, OR, IN EFFECT, PROVE THE EMPLOYER'S OWN INNOCENCE. THE RESULT IS THAT THE REMEDIAL PROCESS IS GROSSLY OVERWORKED, AS EVIDENCED BY CURRENT CASES OF TERMINATED EMPLOYEES CLAIMING REINSTATEMENT DESPITE SUCH MISCONDUCT AS THEFT, INTOXICATION, POSSESSION AND USE OF DRUGS, SLEEPING ON THE JOB AND ASSAULT ON A SUPERVISOR.

TO MAKE MATTERS WORSE FROM MANAGEMENT'S VIEW-POINT SOME ARBITRATORS ARE INTRODUCING THEIR OWN VARIETY

OF SOCIAL STANDARDS FOR THE TREATMENT OF DISCIPLINARY AND DISCHARGE CASES. TOO MANY OF THEM ARE ACTING AS PSEUDO-SOCIOLOGISTS BY INTRODUCING THEIR SUBJECTIVE VALUES OF DISCIPLINE, TOTALLY UNRELATED TO THE NORMS EXISTING IN THE INDUSTRIAL ENVIRONMENT. THE CONSEQUENCE IS THAT EMPLOYERS ARE NO LONGER SECURE IN THE APPLICATION OF LONG-RECOGNIZED AND TRADITIONALLY ACCEPTED REASONS FOR DISCIPLINE AND DISMISSAL AND RISK THE REINSTATEMENT OF PERSONS WHO ARE DEMONSTRABLE UNSUITED FOR RE-EMPLOYMENT. THUS WE ARE BEGINNING TO WITNESS A DIMINUTION OF RESPONSIBLE DISCIPLINARY STANDARDS IN THE WORK PLACE, RUNNING SOMEWHAT PARALLEL TO THE MALAISE WE ARE EXPERIENCED IN OUR SOCIAL STANDARDS.

TURNING TO BROADER CONSIDERATIONS, OTHER DEVELOPMENTS OF AN EVEN GREATER PARADOXICAL NATURE RELATE TO THE COLLECTIVE INVOLVEMENT BY EMPLOYEES AND MANAGEMENT IN THE OPERATION OF THE ENTERPRISE. IMPORTED FROM EUROPE, SCANDANAVIA AND JAPAN, THESE INITIATIVES BEAR SUCH DESCRIPTIVE NAMES AS "QUALITY OF WORKING LIFE", "INDUSTRIAL DEMOCRACY" OR "QUALITY CIRCLE". THEIR GENERAL OBJECTIVE IS TO FACILITATE IMPROVED PRODUCTION THROUGH THE ENHANCEMENT OF EMPLOYEE MORALE BY HAVING

EMPLOYEES PARTICIPATE TO A GREATER EXTENT WITH MANAGEMENT IN THE OPERATION OF THOSE ASPECTS OF THE BUSINESS TO WHICH THEY ARE DIRECTLY RELATED. AS WORTHY AS THESE EXPERIMENTS MAY BE, HAVING BEEN IMPORTED FROM DISTINCTIVELY DIFFERENT CULTURES, EXACTLY HOW VIABLE WILL THEY PROVE TO BE UNDER OUR EXTREMELY DIFFERENT CONDITIONS?

MORE CRITICAL STILL, WILL THE TRADE UNIONS BE PHILOSOPHICALLY PREPARED TO SUBSTITUTE "CO-OPERATION" FOR "CONFRONTATION"? WILL THEY BE WILLING TO SUBLIMATE WHAT IS SO OFTEN THEIR NORMAL RESPONSE OF CHALLENGING DECISIONS OF MANAGEMENT SIMPLY FOR THE SAKE OF CHALLENGE? WHAT IS NOT COMMONLY RECOGNIZED, IN MY OPINION, IS THAT TRADE UNIONS ARE POLITICALLY MOTIVATED ORGANIZATIONS AND BY THAT I MEAN BOTH IN RELATION TO THE ADMINISTRATION OF THEIR ORGANIZATIONS AS WELL AS WITHIN THE STRICTLY PARTISAN CONTEXT. THEY CLEARLY FEEL THAT THEIR SECURITY LIES IN THEIR ABILITY TO CHALLENGE MANAGEMENT'S INITIATIVES, RATHER THAN CO-OPERATING IN THEIR APPLICATION. THIS IS ILLUSTRATED IN PART BY THE RECENT SUBMISSIONS FOR LEGISLATIVE CHANGE OF THE ONTARIO FEDERATION OF LABOUR TO THE PROVINCIAL GOVERNMENT. THEY INCLUDE SUCH THINGS AS

- EXTENDING THE RIGHT TO STRIKE AT ANY TIME EVEN DURING THE CURRENCY OF A COLLECTIVE AGREEMENT

- PROHIBITING AN EMPLOYER FROM ATTEMPTING TO CARRY ON BUSINESS DURING A STRIKE

- PERMITTING MASS PICKETING

- PERMITTING THE WITHDRAWAL OF SERVICES FOR SO-CALLED "POLITICAL STRIKES", I.E. WHERE THE MOTIVE FOR THE STRIKE IS A COMPLAINT AGAINST GOVERNMENT POLICY OR LEGISLATION, SUCH AS HAS PLAGUED ITALY.

THE O.F. OF L. WOULD MAKE THE DEDUCTION OF THEIR DUES MANDATORY ON ALL EMPLOYEES, WHETHER UNION MEMBERS OR NOT. MOST AGREEMENTS PROVIDE FOR SOME FORM OF DEDUCTION OF UNION DUES FROM EMPLOYEES' PAY ON A VOLUNTARY OR INVOLUNTARY BASIS. HOWEVER, THESE RESULTED FROM COLLECTIVE BARGAINING AND NOT FROM LEGISLATED CONDITIONS.

FINALLY, THEY WOULD REQUIRE THE IMPOSITION OF AN INITIAL COLLECTIVE AGREEMENT WHERE THEY HAVE

FAILED TO WIN A STRIKE, DESPITE ALL OF THE OTHER SANCTIONS EXERCISED AGAINST THE STRUCK EMPLOYER. AS TO THIS LATTER DEMAND, THIS WOULD AGAIN PLACE THE EMPLOYER IN DOUBLE JEOPARDY: THE COSTS ATTENDANT ON A STRIKE, FOLLOWED BY THE RISKS ASSOCIATED WITH AN OUTSIDER'S DECISION ON WHAT TERMS WILL BE PROVIDED IN THE COLLECTIVE AGREEMENT COVERING THE MANAGEMENT OF THE BUSINESS INCLUDING ITS LABOUR COSTS.

IT GIVES BUSINESS GREAT CONCERN THAT THE UNIONS ARE PROPOSING SUCH EXTREME MEASURES WITHOUT RECOGNIZING THAT COLLECTIVE BARGAINING IS A TWO-WAY STREET, TO BE CONDUCTED WITHIN RESPONSIBLE LIMITS IN THE EXERCISE OF THE UNIONS' UNIQUELY PROTECTED POWER.

NOT SURPRISINGLY, MANAGEMENT ADOPTS AN OPPOSITE VIEWPOINT. THEIR EXPRESSED CONCERN IS THAT THERE IS ALREADY EXCESSIVE POWER VESTED IN TRADE UNIONS. INDUSTRY POINTS TO THE ABSENCE OF A SECRET BALLOT VOTE BY ALL EMPLOYEES BEFORE BEING COMMITTED TO UNION REPRESENTATION OR A NEW COLLECTIVE AGREEMENT. UNIONIZED EMPLOYERS ALSO POINT TO SAFEGUARDS IN THE CONDUCT OF UNION VOTES FOR STRIKES OR FOR THE RATIFICATION OF NEGOTIATED SETTLEMENTS.

IN SUMMARY, THE ATTITUDE OF EMPLOYERS IS THAT THERE ALREADY PREVAILS A GROSS IMBALANCE IN THE COLLECTIVE BARGAINING FRAMEWORK FAVOURING UNIONS.

SPOKESMEN FOR MANAGEMENT URGE THAT THIS IMBALANCE SHOULD BE RECTIFIED BY INTRODUCING LEGISLATIVE STANDARDS THAT WILL INFUSE GREATER RESPONSIBILITY IN THE BARGAINING PROCESS. THESE CHANGES INCLUDE THE GUARANTEED RIGHT OF ALL EMPLOYEES TO VOTE ON UNION REPRESENTATION, CONTRACT SETTLEMENTS AND STRIKES, NONE OF WHICH PREVAILS IN EXISTING LEGISLATION. INDUSTRIAL SPOKESMEN ALSO POINT TO THE ABSENCE OF ANY CODE OF ETHICAL CONDUCT FOR TRADE UNION LEADERS AS ESTABLISHED EITHER ON THEIR OWN INITIATIVE OR BY LEGISLATION. IN CONTRAST, MANAGEMENT MUST OPERATE WITHIN A PLETHORA OF STATUTORY RULES AND REGULATIONS GOVERNING ALL ASPECTS OF ITS BUSINESS COMMENCING WITH THE ORIGINAL ORGANIZATION OF THE ENTERPRISE, AND RANGING THROUGHOUT THE GAMUT OF ENVIRONMENTAL STANDARDS, PRICING, PROFITS, CONSUMER PROTECTION, TAXES AND SHAREHOLDERS' RIGHTS. THEY DO NOT UNDERSTAND WHY UNIONS MAY NOT BE SUED IN OUR COURTS FOR DAMAGES OR WHY UNIONS SHOULD BE EXEMPT FROM THE KINDS OF REGULATORY MEASURES GOVERNING THEIR ACTIVITIES

WHICH APPLY TO BUSINESS AND OTHER ORGANIZATIONS.

IN THE FACE OF THESE WIDELY DIVERGENT ATTITUDES HOW WILL IT BE POSSIBLE FOR ORGANIZED LABOUR AND EMPLOYERS TO ACHIEVE A MODUS VIVENDI FOR A MORE CO-OPERATIVE RELATIONSHIP?

THESE SERIOUS ATTITUDINAL DIFFERENCES ARE FURTHER AGGRAVATED BY THE DIVERGENT POLITICAL ORIENTATION OF MANY UNION LEADERS AND GENERAL INDUSTRY. SYMBOLIZING AS THEY DO, THE PHILOSOPHIES OF SOCIALISM VERSUS THOSE OF FREE ENTERPRISE, IT IS INEVITABLE THAT THERE WILL BE A CONTINUING CLASH OF INTERESTS BECAUSE OF THE IMCOMPATIBILITY OF THESE OPPOSING SYSTEMS. GENERALLY SPEAKING, CANADIAN UNIONS, IN ONE WAY OR ANOTHER, ARE AFFILIATED WITH AMERICAN UNIONS WHICH HAVE A STRONG FREE ENTERPRISE BIAS. PARADOXICALLY AGAIN, HOWEVER, CANADIAN UNION LEADERS ESCHEW THIS CHARACTERSTIC OF THEIR U.S. COUNTERPARTS, OPTING INSTEAD FOR THE U.K.-STYLE OF POLITICAL ACTION.

TO QUOTE FROM THE LEAD EDITORIAL OF THE GLOBE AND MAIL OF MARCH 1ST, "CANADIAN UNIONS ARE MAKING

DANGEROUS MOVES IN THE DIRECTION WHICH HAS BROUGHT BRITAIN CLOSE TO INDUSTRIAL ANARCHY, AND CANADIAN EMPLOYERS SHOULD BE PLANTING THEIR FEET TO MEET THE THREAT". THE EDITOR'S POINT IS WELL TAKEN EXCEPT THAT EMPLOYERS ARE NOT IN A POSITION TO DO IT ALONE. THE LAWS GOVERNING TRADE UNIONS SHOULD BE STRENGTHENED TO ENSURE THAT THE KIND OF IRREPARABLE HARM THE UNION MOVEMENT HAS CAUSED THE UNITED KINGDOM CANNOT HAPPEN HERE.

THIS CAN LARGELY BE ACHIEVED IF THE DEMOCRATIC RIGHTS OF EMPLOYEES ARE SECURED BY LEGISLATION. THERE IS NO JUSTIFICATION IN DENYING EMPLOYEES THE RIGHT TO UNINHIBITED EXPRESSION IN THE EXERCISE OF THEIR INDIVIDUAL FREEDOM OF CHOICE IN SUCH MATTERS AS UNION BARGAINING RIGHTS, STRIKES, THE RATIFICATION OF NEGOTIATED SETTLEMENTS AND THE ELECTION OF UNION OFFICERS. THE SECRET BALLOT VOTE, FAIRLY SUPERVISED, WILL RESTORE TO THEM THE AUTHORITY TO WHICH THEY ARE ENTITLED IN SUCH VITAL MATTERS.

THE UNION MOVEMENT HAS ESTABLISHED A RIGHTFUL PLACE IN OUR SOCIETY. LET US HOPE THAT ITS POLITICAL

AMBITIONS WILL NOT SUBORDINATE ITS TRUE ROLE OF REPRESENTING EMPLOYEES IN THEIR WORK RELATIONSHIP WITH THEIR EMPLOYER. AS I SEE IT, SO LONG AS UNIONS CONTINUE IN THEIR ATTEMPT TO POLITICIZE THE WORK FORCE, GREATER CO-OPERATION BETWEEN MANAGEMENT AND LABOUR MAY WELL BE ABORTED.

IN CONCLUSION, I HAVE INTRODUCED YOU TO BUT SOME OF THE ANOMOLIES OF LABOUR RELATIONS AND OF THE LEGISLATION GOVERNING INDUSTRIAL RELATIONS. IF YOU ARE LEFT CONFUSED BY ITS PARADOXICAL CHARACTERISTICS, DON'T DESPAIR, YOU ARE WELCOME TO "JOIN THE CLUB".