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OFFICIAL REPORT
(HANSARD)

Monday, March 3, 1997

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, March 3, 1997

The House met at 11 a.m.

Prayers

[*Translation*]

VACANCY

NOTRE-DAME-DE-GRÂCE

The Speaker: I have the honour to inform the House that I have received a communication notifying me that a vacancy has occurred in the representation, namely, the Hon. Warren Allmand Esq., member for the electoral district of Notre-Dame-de-Grâce, by resignation effective February 24, 1997.

Accordingly, pursuant to paragraph 25(1)(*b*) of the Parliament of Canada Act, on Monday, February 24, 1997, I have addressed my warrant to the Chief Electoral Officer for the issue of a new writ of election for the said electoral district.

[*English*]

It being 11 a.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

QUEBEC CONTINGENCY ACT

The Speaker: The order for second reading of Bill C-341 standing on the Order Paper in the name of Mr. Harper, the former member for Calgary West, cannot be moved. Unless the House decides otherwise, the motion will be dropped to the bottom of the order of precedence on the Order Paper.

* * *

SOCIAL ASSISTANCE FOR FAILED REFUGEE CLAIMANTS

Mr. Art Hanger (Calgary Northeast, Ref.) moved:

That, in the opinion of this House, the government should enter into discussions with provincial governments to limit the social assistance available to failed refugee claimants who are remaining in Canada to make appeals to the courts and transfer the onus of providing further assistance to these individuals to immigrant and refugee aid societies and other organizations.

He said: Mr. Speaker, my motion, which calls on the government to reduce the financial burden of failed refugee claimants on Canada's social assistance network, is the result of considerable research and communication with a number of organizations and agencies in this country, in particular in the province of Ontario.

At the outset I wish to say that there is little question that Canadians willingly accept the responsibility of providing safe refugee accommodation to an internationally proportionate number of refugee seekers. In fact, Canadians welcome the opportunity to provide a new home to those who through no fault of their own are persecuted or displaced by political events and turmoil.

To be clear, Canadians do not want to stop accepting refugees. To be equally clear, that is not what this motion is about. What this motion is about is to recognize that failed refugee claimants can represent a tremendous burden to Canadian taxpayers. Consequently, the federal government should limit the opportunity for failed refugee claimants to receive welfare.

In the context of this debate let us define what criteria are used to determine an individual refugee.

The United Nations High Commission for Refugees cares for and repatriates or resettles some five million refugees and displaced persons each year. A distinction must be made between a displaced person and a convention refugee.

A displaced person is one who, as the result of a natural disaster or political turmoil, has been rendered homeless and who is outside his or her own country. A convention refugee is one who, because of membership in a particular political or social group, religion, race or nationality, cannot return to his or her home country for fear of serious persecution. Obviously not all displaced persons are convention refugees. Most can, at one time or another, be repatriated.

According to UN estimates there are approximately 20 million displaced persons or refugees in the world, but only approximately 60,000 of them are genuine convention refugees. This number is particularly important. In 1993, when I acted as the party's immigration critic, the immigration department claimed that Canada had accepted about 25,000 convention refugees. This position was maintained by the immigration department despite the fact that the UN said that only about 25,000 of those 60,000 convention refugees who were in need of immediate resettlement were resettled worldwide. In other words, there were something in the neighbourhood of 35,000 convention refugees who needed a new home who could not be placed anywhere. Yet our country, through our refugee determination process, took in somewhere around

35,000. If we took in 35,000 through our process, why were there still 35,000 genuine refugees not placed? That is the question that begs to be answered. Unfortunately I have received no answer to that dilemma from the Liberal government.

● (1110)

An hon. member: And never will.

Mr. Hanger: And never will, as my colleague points out. The question has been asked numerous times.

In my travels to many of the points of entry in this country, I have determined there is a flow of refugee claimants, tens of thousands a year, coming into the country, and many are determined not to be true refugees.

Consider the border crossing at Fort Erie. In 1993 over 7,000 entered through that port and claimed refugee status. By law, according to the present situation at least, the department of immigration is obliged to give them oral hearings.

Of the 30,000 to 35,000 who claim refugee status every year, slightly under half are really accepted as refugee claimants. That leaves in the neighbourhood of 15,000 to 20,000 who have been rejected as refugee claimants. We can read in the 1994-1995 estimates on immigration the cost that has been initiated by the department of immigration for hearing a claimant, a failed claimant, in our process through our court system once that individual has arrived here.

The figure from those estimates is between $30,000 and $50,000 per claimant. Of course, much of that cost is generated as a result of the state's having to support the claimant. Unfortunately many of the refugees do not speak the language and are not really expected to either. The provisions for refugee claimants will certainly be different than they would be for those who immigrate through normal channels. It is understood that many refugees will not have the skills, which I believe for the most part is acceptable to Canadians.

However, a failed claimant with an estimated cost of $30,000 to $50,000—I have heard that estimate as high as $100,000 per claimant—is a substantial burden to the taxpayer. Those claimants are supported at every turn by the present government. It is tax dollars that support them, although they are not legitimate claimants.

The reasons for this motion is to see that some form of communication be established with the provincial counterparts to curb this excessive cost and to take much swifter action for removal if the claimant is not legitimate.

On the issue of cost, there are 15,000 to 20,000 illegitimate claimants at a cost of between $30,000 and $50,000 per claimant. What does that add up to? We are talking about legal aid, welfare costs, support services right across the board, many of which are downloaded on to the provinces. There is a hit on the three levels of government, federal, provincial and municipal.

The motion I have presented here speaks to that concern. It certainly speaks to the concern of a lot of Canadians who are aware of what is happening. However, many are not aware. It is incumbent on opposition to point these very glaring discrepancies out. Unfortunately the government across the way chooses to ignore much of the concerns expressed. It chooses to ignore what a lot of people have been telling it.

● (1115)

Why is it that the government refuses to deal with an issue that is so clear? From my experience thus far and from those people I have spoken to at this point I have come to one conclusion. The government is not listening to the concerns of the average person. It is listening to a very small group of special interests, many of whom are supported by and receive compensation from federal government grants. Lobbyists, advocates of all sorts, and consultants are seeking to keep the situation as is and for it not to be changed.

The public is growing weary of having to contend not only with the burden of cost but with some of the problems that have resulted because of poor screening processes of those people who are accepted as refugee applicants.

The list of concerns grows. It has become clear through several examples of refugee claimants—and I say claimants and not refugees themselves—being accepted in the country who were not given any status whatsoever and were involved in some very violent crimes. Many of those individuals have a tendency to be protected by the state in spite of the fact that they have been a burden on the state and should be removed immediately.

There have been clear violations of some individuals coming from overseas who have the means. They have the money or the wherewithal to end up in this country. They also have this very questionable chequered past. Mr. Abdirahman is one such individual who has been cited as having been involved in genocide in his own country. The list can be extended beyond what presently exists that may have hit the news. The recommendations and the policies set forth by the Liberal government encourage for some unknown reason selection of people like Mr. Abdirahman and those from questionable organizations in other countries of the world.

To my way of thinking and the thinking of a lot of Canadians these are not acceptable refugees. Certainly they are running from something else, but many of them should be tried in their own countries for some of the things they have done.

Let us get back to the point in question, the support level generated by both the federal and provincial governments because of federal legislation of those who have failed in their claim. When a claimant has failed in his application to be accepted as a refugee it is clear that the government should withdraw services. Why should legal aid continue to be pumped into the inexhaustive appeal process to follow? Why should the people of this country have to pay continually through their tax dollars for the support of such individuals?

It is obvious the average Canadian has not been heard in this debate at all.

• (1120)

When the matter was first raised in the House there was reaction from the other side, from some of the special interest groups and from the immigration bar association trying to squelch debate on the topic. The terms so often used were: ''You are discriminatory. Those are racist comments''. Is that what government and debate have resorted to, to squelch a legitimate issue? Those comments are wearing rather thin.

The Reform Party has put forward some proposals. In 1994-95 my office printed a document on a proactive approach to the protection of refugees in Canada. It is an alternative and it is important that we look at alternatives.

The Reform Party is suggesting the target number of persons accepted by Canada as convention refugees should stabilize at approximately 10 per cent of the total immigration intake.

We have talked about immigration levels. There has always been a history of fluctuation in the immigration levels in Canada, up until the last few years when it has been extremely high and there has been no adjustment or opportunity for the newcomers to integrate into Canada, into society and into the workforce. As a result other tensions have built up.

We are suggesting that it be 10 per cent of the total intake, in or around 15,000. The target of immigration levels would be 150,000 per year or thereabouts. The number of self-declared refugees arriving at our ports of entry would be sharply reduced if the word was clear out there in the immigration and refugee channels. It is known worldwide that Canada is a soft touch. All they have to do is land on our shores and declare they are refugees. Then they are entitled to all the support the Liberal government liberally generates in that direction.

With this restriction, and making it clear that the level of support on these appeals will not occur, the numbers will drop. The number of persons accepted as convention refugees through the inland determination process would be sharply reduced.

What will that do? It will open up slots for legitimate refugees. On the compassionate side of things that is what we should look at, not what we are experiencing here where legitimate refugees are being shut out because of a process that pays no heed to them. The inland process must be sharply curbed. With this form of communication to provincial governments since many on the provincial side are footing the bill in some respects although there are social transfer payments, it would be more of a legitimate concern expressed to the Canadian people and much more acceptable than what is happening at the present time.

To make sure the balance takes place it is our suggestion that the Government of Canada work in conjunction with the UN first to identify those who are legitimate. Second, it never hurts to have a watchdog over the process and encourage the UN representatives to examine our record of refugee determination.

There is a need for trade-offs. Looking at it from the compassionate side, Canada is doing an injustice to tens of thousands of genuine refugees overseas who are much easier to settle than those involved in the expensive inland determination process, many of whom are actually queue jumpers of the immigration line.

• (1125)

I encourage members across the way to give serious consideration to the motion. We are entering a time of substantial restraint This is one area that can be shored up and supported by the Liberal government.

Mr. Jerry Pickard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, we on the government side certainly encourage debate on this topic. It is very important to all Canadians.

Over the years our country has developed a reputation as a good international citizen. We take our responsibilities to others very seriously. When we sign a deal or shake hands with a partner we know they are getting a good deal from Canada. They respect our abilities for doing that.

We have always played a role of honest broker. Many times it is a role that suits us very well. This is something of which I know every member of the House is very proud. People know they can count on Canada when the chips are down.

This has shone through our actions over the last 50 years. We can see it in our commitment to United Nations peacekeeping, a Canadian invention. Canadians have worn the blue beret with a great deal of pride in hot spots around the world.

It shows in our commitment to third world development. Organizations like CIDA have allowed disadvantaged areas to gain the skills and expertise they need to promote sustainable growth and development.

We can see it in our support of international organizations like UNICEF and the World Health Organization. We can see it in our commitment to offering protection to refugees and people fleeing misery and death. Our humanitarian record is second to none. It should be a source of pride.

Over the last 50 years we have provided a safe haven in the world of desperation and fear. We have been a symbol of hope to people who have come all but a circle of very difficult times. We have given refuge to those who have been subjected to experiences almost beyond our imagination.

We have been compassionate in both word and deed. We have not allowed our hearts to cloud our heads. At no time have we let our desire to make difference override our common sense.

This is reflected in our refugee determination system. It is a fair system that balances our desire to help others with our clear need to protect Canadians and the integrity of the institutions we value. It is a good system that has been recognized as being one of the world's best.

I understand the hon. member's concern that there are people abusing the system and taking advantage of our generosity. That is clearly unacceptable. The refugee determination system is designed to protect individuals who most need it, individuals who through no fault of their own are in desperate circumstances. It is not a back door for unscrupulous people wanting to circumvent proper immigration channels.

We need to guard against these few criminals because their very presence impacts on the reputation of our system and causes us to lose sight of the plight of genuine refugees. That is why safeguards are in place. We have good screening methods to make sure that people who are not convention refugees are identified and dealt with properly.

I understand there is concern about failed refugee claimants accessing Canada's social assistance programs. I share this concern. However, to suggest that these people simply be cut off betrays a fundamental misunderstanding of the refugee determination system and the plight which many people in the system face.

● (1130)

Implicit in the motion is the idea that all failed refugee claimants are trying to abuse the system. It suggests that because someone in the refugee determination system is not found to be a convention refugee, they must be trying to pull a fast one on the Canadian people and should be punished. This simply is not the case. In fact, it could not be more wrong.

The definition of a refugee was set out in the 1951 United Nations convention relating to the status of refugees. It established that a refugee is someone outside his or her country of origin who could not return home for fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Over the last five decades this definition has worked well and has proven to be flexible enough to deal with many different types of persecution.

However, there are exceptional circumstances where it does not necessarily fit. In these cases men and women are declared failed refugee claimants even though they find themselves in desperate situations. Does the hon. member really want to punish these individuals at their time of crisis?

I am happy to say that the system looks out for these cases. Mechanisms have been built into the system to take care of people in exceptional circumstances. There are provisions for judicial review in certain circumstances. There is a built-in risk assessment in the system as well. It ascertains the potential risk that failed refugee claimants may face should they return to their country of origin. This allows us to identify whether or not removing a person from a country of origin will constitute a real threat to the person's life.

Finally, there is also the potential for a humanitarian and compassionate review if a claimant feels that his or her case merits special attention due to extenuating circumstances. These are all means to ensure that people who genuinely need help get it.

Perhaps I should clarify something. These are the exceptions, not the rule. That is why we continue to be vigilant about finding and removing people who do not merit our humanitarian concerns. That is why we are making every effort to ensure that people do not linger in the system for longer periods of time. The key is not to punish people who are in the system. It is to make sure that people get in and out of the system as quickly and efficiently as possible.

The government recently introduced two measures to do just that. The first, Bill C-49, proposes to reduce refugee hearing panels from two members to one, thereby allowing quicker scheduling of hearings and faster decisions.

The Minister of Citizenship and Immigration also introduced proposed regulatory changes to streamline the risk assessment process for failed refugee claimants. Under these proposed changes the risk review will no longer be automatic. Instead failed refugee claimants will have to apply. For some, the review is just a formality and therefore a way to delay the process. The proposed changes will ensure that appropriate risk reviews are done thoroughly and efficiently.

It has been said that a country can be judged by the way it treats the most vulnerable in its society. By this criteria I think Canada has a lot to be proud of. We take care of our people. We feel the

obligation to share our prosperity with others. We have developed humanitarian policies which are fair and compassionate but they also make sense. They recognize that we cannot help everyone and that we must target our resources to helping those who most need our protection.

The motion before the House does not recognize certain realities of the refugee determination process or the situation of individuals using the system. It was developed from a false premise that those who have been found not to be convention refugees are scoundrels and should be punished. That is faulty reasoning which is reflected in a faulty motion the House should not support.

• (1135)

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I am happy to have this opportunity to speak to Motion M-126, tabled on February 27, 1996 by the member for Calgary Northeast.

With this motion, the Reform member is asking the federal government to enter into discussions with the provinces in order to limit the social assistance available to failed refugee claimants who appeal or challenge the ruling concerning their status. Furthermore, the motion also suggests that immigrant and refugee aid societies be responsible for supporting and helping these individuals.

This motion is typical and representative of Reform values and of its anti-immigrant and anti-refugee policy. That party is hostile to strangers and minorities. It disregards the history of Canada and forgets that it was built on immigration and that it needs immigrants to survive as a prosperous nation. That is the case especially in Alberta, where the member's riding is located, and in the other western provinces.

Is the author of this motion unaware of the fact that social assistance comes under provincial jurisdiction and that the federal government has no jurisdiction whatsoever in that area? Ottawa has no business interfering with the rules governing access to social assistance. Therefore, this motion is unacceptable because it leads to direct federal interference in an area of provincial jurisdiction. Also, this motion transfers the financial onus from governments to immigrant and refugee aid organizations, which is totally unreasonable and unjustified.

We must remember that these not-for-profit organizations lack the necessary funds to take on such financial responsibilities. Since it came to office, the Liberal government has made many cuts to the grants awarded to these organizations. It must be well understood that, according to the motion, only the obligation to provide assistance is transferred to the organizations. Nowhere is a transfer of money mentioned.

The very spirit of this motion is disturbing in that it is aimed at punishing people who are exercising their rights. Indeed, if someone decides to appeal the decision denying him refugee status, his social assistance benefits would be withdrawn or limited. When did our legal system start punishing people for exercising their rights?

The Reform member's motion also goes against the universality principle, which is fundamental to our social security system. Why should a fundamental right be denied to a group of people, in this case refugee claimants? Yet, the Supreme Court of Canada clearly ruled that these people are protected by the Canadian charter of rights.

Refugees do not choose their situation, let alone to live on social assistance. These people are already in an extremely precarious position. Consequently, withdrawing or limiting their only source of income is totally unacceptable. Moreover, we see that social assistance benefits have been reduced throughout Canada, particularly because of Ottawa-imposed cuts in social transfers to the provinces. If an additional reduction is made, we may ask ourselves what tiny amount will ultimately be left. Do we want people to die of hunger in this so-called ''best country in the world'', as the Prime Minister likes to claim?

Refugee status determination is incumbent upon the federal government, more specifically the immigration and refugee board, whose management and administration leave much to be desired. Time frames and delays in this matter are too long.

• (1140)

I recently questioned the Minister of Citizenship and Immigration about this. Her answer showed very little will to act to ensure that less time was needed to process refugee status claims. At present, it generally takes more than a year, and often as long as two, three, four or more years. That is unacceptable.

Since the Liberal Government was elected in 1993, the refugee claim backlog at the IRB has risen to over 30,000, a 75 per cent increase, and more than half of this number is in Montreal. This is especially unacceptable since the number of claimants has diminished these past few years. The IRB should work on stepping up productivity and enhancing its efficiency. Board members should be required to process a larger number of claims each year.

The 140 or so members currently process 140 claims per year on average. That is not enough. This excessively long turnaround time and the lack of productivity at the IRB and the Department of Citizenship and Immigration are responsible for the skyrocketing cost of refugee status determination.

The minister should also put an end to the patronage system used to appoint IRB members. So far, the best qualification for getting appointed to the board was to be a member of the Liberal Party or a defeated Liberal candidate in the last election, a contributor to the Liberals' campaign fund or a friend of the Liberals.

Meanwhile, many claimants require social assistance from the provinces, which end up footing the bill for the federal government's negligence and neglect, as well as for the unreasonable backlog at the IRB. Citizenship and Immigration Canada is also responsible for issuing work permits to refugee claimants. Often, permits are denied or take forever to be issued.

The vast majority of these individuals want to work. They are prepared to take any job that will earn them a livelihood. Only as a last resort do they apply for social assistance benefits.

It is imperative that a fair, efficient and, more importantly, diligent system for the processing of refugee claims be set up. Those whose claims are legitimate should have their status confirmed within a reasonable length of time, so as to minimize costs and the time these people are held in limbo.

All the federal government has to do is refund the provinces the expenses generated by the arrival of refugee claimants. Ottawa has sole responsibility for determining the rules and outcome of the refugee status determination process as well as for more general issues, such as admission to Canada and the return of refugees.

Why should the provinces, including Quebec, have to pay for providing refugee claimants with reception and support services, including health care? I said, and I repeat, that the refugee status determination process is a federal responsibility.

These people should have access to basic financial support when in need, to legal assistance, temporary housing, elementary and secondary education for children and language training, in French in Quebec and English in the other provinces. Funding for these programs must come from Ottawa.

For all these reasons, we are unable to support either the principle or the letter of Motion M-126.

[*English*]

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, I want to put this private member's motion in context. It does not bar the door to legitimate refugees. That is the last thing our country should do. As a matter of fact, throughout all of the world Canada stands as a beacon of hope to thousands and thousands of people. That should never change.

However, putting out the welcome mat does not mean that we have to be the doormat. That is what we are talking about.

● (1145)

Most Canadians intuitively understand the difference between welcoming people, in particular refugees, to our shores and being a doormat to anybody who wants to use and abuse the system. That is what we are talking about in this bill. We are talking about sending a message to the world, to people who would misuse our generosity and say to them you have an opportunity to come to our shores and apply for refugee status but if it is determined under a fair system that you are not a genuine refugee, then you cannot use taxpayer money indefinitely to try to work your way around the system. That is all we are talking about here.

We are not talking about barring the doors. We are not talking about being meanspirited. We are talking about using a little common sense.

We need to understand that new Canadians come to our shores through three separate doorways. One is the sponsored immigrant status. A sponsored immigrant is usually when someone has a relative who has come here before and sponsors them. Another is the landed immigrant status whereby someone applies on their own merit under the point system and is able to come to Canada because they have the ability. We also have the category where people are able to buy their way in. The category that we are talking about right now is the refugee status.

Canadians should really think about how we handle refugees and people who come to our country under the refugee status. I ask members to think about this. By definition how is it possible for someone to arrive on our shores from the United States, from England or from another safe country and apply for refugee status? Would it not make more sense if our country were to go to those places in the world where people who are genuine refugees, who do not have the wherewithal or the money to find their way to our shores, and would it not make more sense for us to make the refugee determination on site so that when people come to our shores they do not have to have this sword dangling over their heads of are they going to be granted landed refugee status or not?

That brings to mind the Somalis in Toronto who were invited to our shores by our government, welcomed by our government and then put into this limbo for all of those years where they are not granted landed immigrant status. They are left in this limbo, where they must utilize Canada's social safety net because they cannot work. We cannot assume that refugees coming to our shores do not want to work. Everybody knows that is not true. The vast majority of people who come to our shores are just dying to contribute, just aching to be part of our country. But if we do not allow them to work, then they have to access our social programs.

We need to make sure that our refugee claimant process is swift, accurate, compassionate and once a decision has been made, allow people to get on with their lives. It is this never ending opportunity

for people to appeal and appeal. Meanwhile all the time they are doing so they are accessing the very short funds that all provinces find that they have for social security.

One of the reasons that the provinces have a dramatic shortage of funds for social security is, as we all know, that under the Canada health and social transfer the transfers to the provinces have been reduced by $7 billion by this Liberal government. Therefore the provinces find themselves having to deal with more and more expenses with fewer and fewer resources.

My hon. colleague from the Bloc who spoke earlier mentioned that this motion was out of order because welfare and items of this sort were a provincial responsibility and not the purview of the federal government in any instance.

• (1150)

While it is true that welfare is a responsibility of the provinces, we are in a federal state. This government will be announcing today that the Prime Minister is on the west coast in Vancouver and that he will make a great to-do about making a deal with the government of B.C. for residency requirements for welfare recipients. As long as the federal government has its oar in the water through spending and taxing power, it has a role to play in the purview of the provinces whether the provinces like it or not.

It is interesting to note that on every single bit of legislation that comes before the House, members of the Bloc are very quick to defend the honour and the jurisdiction of their province but they are not so quick to say that they would be quite happy to pay for it themselves. The idea is ''send us the money and let us make the decisions on what we are going to do with it''.

There is a very genuine role for the federal government to play. The federal government makes the determination for what the international covenants on refugee status and claimants will be. The federal government has a role in the transfer of resources from the provinces to pay for social assistance and the federal government sets the rules by which all members play. The federal government has a very real involvement in this issue.

This is our obligation as a nation. When we open our doors to refugee claimants, we should do so expeditiously. We should make it possible for people to come to our country, to become landed immigrants and eventually citizens, the vast majority of whom will make great contributions to our country. We can see in the mosaic that is Canada there are people of all nations from all parts of the world who are coming together to build the democratic land that is one of the most cherished in the world.

Our doors should always be opened to genuine refugees. But again, we do not need to be a doormat in order to extend the welcome mat to genuine refugees. When people who have come to our shores as refugees have under fair and impartial hearings been determined not to fit the refugee classification, then it makes sense to me and to thousands of other Canadians that the taxpayer not be obligated to foot the bill indefinitely. That is what we are talking about here. It is not meanspirited; it is merely common sense.

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, it is my pleasure to rise today to speak to Motion No. 126 as proposed by the hon. member for Calgary Northeast. This motion advocates that the federal and provincial governments co-operate in order to limit the social assistance available to failed refugee claimants who are remaining in Canada to make appeals to the courts and to transfer the onus of providing further assistance to these individuals to immigrant and refugee aid societies and other organizations.

I understand the hon. member's concerns regarding the strains our social assistance programs are under. In this time of fiscal austerity and deficit reduction it is important to find ways to maintain the institutions which are truly important to our society.

In many respects our social welfare system shows that Canadians care about offering a helping hand to those in need. This commitment is also evident in the way we treat refugees and refugee claimants. For decades Canada has opened is arms to people who have fled from terror and repression around the world. As Canadians we have an obligation to not look away.

• (1155)

As signatories of the Geneva convention on refugees we pledged to do our part as good international citizens. This is a responsibility I am proud to say we continue and we shall continue to meet.

We must be vigilant and not tinker with our refugee system in a needless or careless fashion. To suggest that we should take punitive measures against individuals who are not found to be convention refugees is a little misguided. I agree with the hon. member that we should not tolerate people who would abuse our system, but acting rashly or in a draconian manner is not the way to deal with that problem. There are people who do not fit the strict definition of a refugee but who are nonetheless in need of our assistance.

I think the hon. member is ignoring this group. He is simply implying that all failed refugee claimants are somehow charlatans or criminals seeking to capitalize on our generosity. This simply is not the case. There are some people who do not fit the strict convention refugee definition but who still deserve to have their cases examined as a humanitarian consideration. It would be distinctly un-Canadian to punish these people who have already experienced great suffering.

The definition of a convention refugee is very specific. Some individuals may find themselves in a refugee like situation but will still not qualify to be protected as refugees. As a compassionate country we should keep an eye open for these special cases. While it is important that the refugee determination process be governed by strict rules, it is equally necessary to have some flexibility and room for compassion. I am glad to say that our system allows us this latitude.

We have some mechanisms in place which help ensure that failed refugee claimants who are in genuine trouble do not slip through the cracks. There are instances in which a person, though not technically a refugee, may face torture or violence if they go home. We have a moral obligation to see that does not happen.

Moreover, there is also the potential for humanitarian and compassionate review of a claimant's application should the claimant feel that their case merits special attention due to extenuating circumstances. We should continue to be vigilant about finding and removing people who do not merit our humanitarian consideration. We should not let people linger in the system for long periods of time.

The key is not to punish people for using the system. Instead we need to ensure that the system works effectively and can process refugee claimants rapidly. Yes, there will always be those creative minds who create ways to financially benefit from any rule and regulation established by any level of government. We recognize that.

The Department of Citizenship and Immigration has recently proposed changes that will protect the integrity of the system while at the same time speeding up the rate at which claims are processed. Bill C-49, for instance, proposes to reduce refugee division panels from two members to one. This will allow the IRB to schedule hearings more quickly and will permit it to render faster decisions.

The Minister of Citizenship and Immigration recently introduced proposed regulatory changes intended to streamline the risk assessment process for failed refugee claimants. Currently risk assessments are automatically made to ensure that failed refugee claimants will not be at risk if they return to their home country. Often this assessment is nothing more than a time consuming formality at great expense which is not even requested by the client. We have changed that and under the proposed changes the risk review will no longer be automatic. Instead failed refugee claimants will have to apply. This does not change our humanitarian commitment to people who are genuinely in need. This will simply ensure that appropriate risk reviews are done quickly and efficiently.

● (1200)

These changes will exclude certain groups such as those convicted of serious criminal offences. This will allow the government to continue helping legitimate refugees and removing people who do not need or deserve our protection.

We must be vigilant to ensure that individuals who are found not to be convention refugees are treated fairly and with compassion. We have programs that do just that. We must continually look for positive ways to improve the good system we already have.

However, the motion before the House simply does not offer a constructive or workable solution. It fails to balance compassion with common sense. It fails to strike that fair and just balance which is a hallmark of our refugee determination system.

The Acting Speaker (Mr. Milliken): The time provided for the consideration of private members' business has now expired and the order is dropped from the Order Paper.

GOVERNMENT ORDERS

[*Translation*]

CANADA LABOUR CODE

The House proceeded to consideration of Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Union Returns Act and to make consequential amendments to other Acts, as reported with amendments from a committee.

Mr. Ménard: Mr. Speaker, I seek the consent of the House to withdraw Motions Nos. 4, 8 and 10 put forward by the Bloc Quebecois.

The Acting Speaker (Mr. Milliken): What numbers?

Mr. Ménard: Motions Nos. 4, 8 and 10.

The Acting Speaker (Mr. Milliken): Do we have the unanimous consent of the House?

Some hon. members: Agreed.

(Motions Nos. 4, 8 and 10 withdrawn.)

[*English*]

SPEAKER'S RULING

The Acting Speaker (Mr. Milliken): There are 54 motions in amendment standing on the Notice Paper for the report stage of Bill C-66, less the ones just withdrawn by the hon. member for Hochelaga—Maisonneuve. The motions will be grouped for debate as follows:

Group No. 1: Motion No. 1.

Group No. 2: Motions Nos. 2 and 3.

Group No. 3: Motions Nos. 5, 6, 7, 9, 45, 49, 50 and 54.

[*Translation*]

Group No. 4: Motions Nos. 11, 12, 41 and 51.

Group No. 5: Motions Nos. 13, 14 and 36.

[*English*]

Group No. 6: Motions Nos. 15 to 23, 33 to 35, 39 and 44.

[*Translation*]

Group No. 7: Motions Nos. 24, 25, 28 to 30 and 32.

[*English*]

Group No. 8: Motions Nos. 26, 31 and 42.

[*Translation*]

Group No. 9: Motions Nos. 25, 35, 38, 40 and 43.

Group No. 10: Motions Nos. 46 to 48, 52 and 53.

[*English*]

The voting patterns for the motions within each group are available at the table. The Chair will remind the House of each pattern at the time of voting.

I shall now propose Motion No. 1 to the House.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 1

That Bill C-66 be amended by adding before line 4 on page 1 the following new Clause:

''0.1 The definition of ''federal work, undertaking or business'' in section 2 of the Canada Labour Code is amended by adding the following after paragraph (j):

but not including any flour mill or other undertaking for the milling of grain;''

Mr. Kilger: Mr. Speaker, I wonder if there might be a disposition in the House to facilitate the efficiency of debate by agreeing that the motions be deemed read and seconded as we go to each and every one of the groupings, as you have already clarified.

The Acting Speaker (Mr. Milliken): The House has heard the suggestion of the chief government whip. Is it agreed?

Some hon. members: Agreed.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, you realize that the official opposition is very pleased to address a bill that has taken a lot of our time, but deservedly so, as it is an important bill. The idea is to establish a balance in our society, since Bill C-66 deals with the whole issue of labour relations.

The amendment that we propose, and which we believe will get the government's support, is based on common sense.

● (1205)

If we were to ask parliamentarians why, in 1997, flour mills still come under federal jurisdiction, we would probably have a hard time getting a rational explanation.

This amendment was suggested to us by a witness who is very knowledgable and very concerned about the situation of flour mills. I am referring of course to Ogilvie Mills Ltd., which is unionized under the CSN. I want to make things very clear and say that, with this amendment, we are proposing that flour mills be deemed to come under provincial jurisdiction. In this regard, I would like to quote a short excerpt from a submission which is very forceful, like anything done by the CSN, and which explains why we should, as parliamentarians, as opposition and government members, accept such an argument.

I am quoting workers from Ogilvie Mills, who made the following statement before the parliamentary committee: ''Most people who get involved in our labour relations for the first time are surprised to find out that mill workers come under the Canada Labour Code. As for us, after having been unionized for over 30 years, we are still wondering about this situation''.

They do have a point. Why is that? It is because, before modern laws governing labour relations come into effect, the federal government used its declaratory power. We know this is not a rare occurrence. Indeed, in the past, the federal government used its declaratory power a number of times to appropriate jurisdictions, which it claimed to be of national interest. So, the federal government used its declaratory power to rule that flour mills came under its jurisdiction. ''Such an initiative may have been justified in an era of world conflicts and protectionism'', said the witness, ''but not today. Especially since the Americans have gained control over most of this production, especially since the Crow's Nest rate was abolished and since it is easier to move wheat over the U.S. border''.

The argument no longer holds; just like beer production—can a more eloquent example be ever found?—flour production should fall under provincial jurisdiction. Then, the witness added something that ought to make the government happy, by saying: ''No difficult constitutional amendments would be needed; the federal government only has to modify the Labour Code or its wheat legislation to remove any reference to flour mills''.

That is exactly what our amendment proposes, and I hope that the parliamentary secretary would nod to show us that he intends to accept our reasoning. I still want to use the time I have left to remind the House how important this amendment is and that we owe it to the Ogilvie employees. These workers, as you know, were involved in an extremely long labour dispute, which brings me to the connection I want to make between the two issues.

These Ogilvie employees were the ones who really made us aware of the need to have extremely clear and unequivocal provisions within the Labour Code concerning replacement workers, as my colleague, the hon. member for Mercier, could confirm. These workers were on strike for quite a while and some violent incidents occurred, which were directly related to the lack of protection and the banning of replacement workers.

There is no longer any argument, any reason for the mill workers to still be subject to the Canada Labour Code. As parliamentarians, we could very easily pass this amendment, insert it in Bill C-66 and ensure that the flour mills fall under provincial jurisdiction. I think that would make things easier for everyone involved.

• (1210)

It must be pointed out that we do not suggest it is irrelevant to afford some protection to a number of workers in the air transportation industry, in banking and in other sectors under federal jurisdiction. Besides, we all know that the Canada Labour Code applies to 10 per cent of the Canadian workforce only.

We agree that when the federal government position is based on clear and explicit jurisdictions, and when the intent of the 33 Fathers of Confederation is clear, there should be a clear protection. But in the case of the flour mills, I think we should accept the request of workers and pass our amendment to the effect that they should be under provincial jurisdiction.

This is the intent of our amendment, and I am confident that the parliamentary secretary to the labour minister will accept our arguments. If not, I certainly hope he will take the floor and explain why. He tends to keep nodding, but you know that silence gives consent.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, I would have liked the member opposite to stand up and tell us if he agrees with our amendment or, if not, at least why he does not.

This revision of the Labour Code should lead to its modernization. A minimum condition of modernization should be to abolish this clause, whereby the federal government at one time used its declaratory power to bring flour mills under federal jurisdiction. That was understandable druing the second world war, but it is not any more. My colleague for Hochelaga—Maisonneuve quoted and read eloquently testimony given by the Ogilvie workers.

It has to be stated forcefully that this strike, which has weakened the union and even the Quebec position in the milling industry, would certainly not have lasted as long and a settlement would have been reached sooner if Quebec laws had applied.

I am thinking more specifically about the antiscab clause. This clause was included in the Quebec Labour Code in 1977 by the then Minister of Labour, Pierre-Marc Johnson, and was maintained by the Bourassa Liberal government that took power in 1985.

Mr. Bourassa himself, who had been subjected to very intense pressures from management earlier in the year, told these people that social peace was a very precious thing in Quebec and that he would not change the labour code. The antiscab provision allows for a more rapid settlement of labour disputes. It creates a power relationship that forces both parties to come to an agreement more rapidly instead of letting the situation deteriorate. Without this protection, unions often have to resort to other means that appear to be the only ones available to defend their fundamental right to organize and to protect the work and working conditions of their members.

This is one of the provisions that would give this union and flour mills an opportunity to benefit from a faster settlement of disputes.

• (1215)

I said that the minister wanted to modernize the legislation. If that is what he wants to do, then he should make his legislation as consistent as possible. In this context, flour mills seem really out of place because they do not meet any of the criteria under which the Privy Council decided, in 1927, that some businesses in Canada should come under federal jurisdiction while the rest should come under provincial jurisdiction. I remind you that, in this regard, it went against the Supreme Court, which had a tendency to say that the Canadian government should look after all labour relations matters.

Therefore, it seems to me that the declaratory power the federal government is using is inspired more by this centralizing tendency than by the need to be consistent in determining which unions must come under federal jurisdiction and which unions must come under provincial jurisdiction, in this case, under Quebec's jurisdiction.

There are other provisions which union members cannot benefit from. For example, pregnant women cannot benefit from the precautionary cessation of work provision. We could go on this way to show that there is no reason why a business located in Quebec cannot benefit from the same labour code as the rest. There is absolutely no reason for that.

That is why we want the government to correct this anomaly which should not exist in this day and age and which caused a labour dispute that lasted a long time, that went sour and that gave labour relations a bad name, all because of the previous version of the Canada Labour Code. We can say right away that it will be even worse with the new version if it is adopted in its present form.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, as we resume deliberations on Bill C-66, an act to amend Part I of the Canada Labour Code, it is relevant to look back at the purpose of the bill, as stated by the minister. He said at the outset that he wanted to seek a balance. That was the direction he was going to take. It is now obvious that there are many differing opinions on what constitutes a balance.

In today's fast paced business climate neither employers nor employees can afford prolonged disputes that distract from their real goals. Workers want job stability, job satisfaction and reasonable compensation for their efforts. Employers want a competent, reliable and productive workforce. Both sides look to us as parliamentarians to give them the tools to settle disagreements in an expeditious, cost effective manner.

The first and only motion in Group No. 1, standing in the name of the hon. member for Hochelaga—Maisonneuve, proposes to remove flour mills and other undertakings related to the milling of grain from federal jurisdiction. Aside from his party's quest to remove all aspects of Quebec life from federal jurisdiction, I am sure the hon. member submitted the amendment because of the 15 month work disruption at the Montreal location of ADM Agri-Industries Ltd., otherwise known as the Ogilvie flour mills.

The collective agreement between the workers and the original owner, John Labatt Ltd., expired January 1992. When the mill was sold to the U.S. owner, Archer-Daniels-Midland, in June 1992, a new collective agreement had not been signed. The strike, which began on June 6, 1994 lasted until September 1995. That was a long 15 months for everyone concerned.

• (1220)

Members on all sides of the House are concerned when prolonged strikes or lockouts occur in their ridings. We in the Reform Party are concerned about impacts that strikes or lockouts have on workers, employers and Canadians who most often have to bear the brunt of the costs of inconveniences when services of monopolistic industries are withdrawn.

Hon. members will know that my Reform colleagues and I have long been concerned over the effects of work stoppages in the west coast ports where grain shipments are concerned.

In the first session of Parliament my colleague, the hon. member for Lethbridge, sponsored a private member's bill that if passed would have provided a dispute settlement mechanism to all parties involved in the grain transportation and grain handling sectors. Of course, I am referring to final offer selection arbitration.

When the problems of Ogilvie flour mills were debated in the House in May 1995, I suggested that the matter could have been resolved quickly in the Canada Labour Code contained this provision. The previous speaker talked about the union breaking tactics. If we had given both union and management those tools of final offer selection arbitration at that time the 15 months of heartache would not have been endured.

We see final offer selection arbitration as a tool that is useful to both labour and management. When all efforts to solve disputes through the regular collective bargaining process have been exhausted, final offer selection arbitration should be available to the parties.

Final offer arbitration is the most effective and impartial means of obtaining a solution to the concerns of labour and management where an impasse occurs that inflicts significant damage on Canadians and on the Canadian economy. It requires both parties to negotiate in good faith while keeping in mind their overall interest as an organization. It does not prevent either side from achieving a deal provided they are being fair and open with one another. In fact, there is tremendous pressure on both sides to reach an agreement because the arbitrator is in a position to adopt either side's proposal.

In cases where fundamental issues are at stake, such as employment security, an agreement may never occur through collective bargaining and a strike or lockout may only make matters worse.

The best solution is for someone respected by both sides to make a decision on the fairness of one proposal for the process to be viewed as legitimate to both sides.

The answer is to give employees and employers the mechanism to resolve their problems without the pressures of strike, lockouts or back to work legislation. Oftentimes back to work legislation includes final offer selection arbitration.

For those reasons I propose amendments to this bill which we will debate in Group No. 8. I am sure the hon. member for Hochelaga—Maisonneuve will recognize that if final offer arbitration had been available to the workers at Ogilvie mills, months of hardship could have been avoided.

The answer is not just to turn grain related matters over to the provinces, as the hon. member suggests, but to offer them means to solve their problems. The member through his amendment is mistaken if he thinks the amendment to the Canada Labour Code would automatically exempt flour mills and other milling operations from the Canada Labour Code. He seems to have forgotten that flour mills and grain elevators have been governed by federal law since World War II when they were considered to be in the national interest and in fact are protected by the Constitution and the Canada Grain Act. No doubt he has just forgotten. I am sure he would not want to initiate another round of constitutional talks. Obviously he cannot be serious about this amendment.

• (1225)

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, before I address the motion put forward by the official opposition in Group No. 1, I will say a few words about the purpose of Bill C-66 and about the consultation process that preceded its introduction.

Bill C-66 is the result of extensive consultations with representatives of labour and management and other interested parties in the context of a review of Part I of the Canada Labour Code which began over two years ago. An independent task force of industrial relations experts was established to review the current code and to recommend legislative changes.

Following the release of the task force report entitled ''Seeking a Balance'' in February 1996, the Minister of Labour held cross-country consultations. These extensive consultations have resulted in a bill that is fair and balanced. Its provisions reflect the labour and management support for a legislative framework that allows them to develop their own solutions to industrial relations problems without the need for government intervention or imposed third party solutions.

There is a clear relationship between a positive labour relations environment and a productive viable economy. A stable positive labour relations climate is essential if Canada is to meet the competitive challenges of the new global economy. Collective bargaining legislation should encourage and facilitate co-operative labour-management relationships and the adoption of innovative workplace practices. We believe Bill C-66 succeeds in meeting these goals.

With respect to Motion No. 1, the official opposition is seeking to exclude flour mills or other undertakings for the milling of grain from the application of the Canada Labour Code. As the hon. member who has proposed this amendment is aware, the grain industry has been declared by Parliament to be, as my colleague from Wetaskiwin said, for the general advantage of Canada. As such, the industry lies within the federal jurisdiction.

I understand there are two declarations by Parliament that affect the grain industry in Canada. One is found in the Canada Grain Act which establishes the Canadian Grain Commission, and the other is found in the Canadian Wheat Board Act. The designation of flour mills as works for the general advantage of Canada is found in the Canadian Wheat Board Act.

Industries declared to be for the general advantage of Canada—uranium mining and processing is another one such industry—are subject to federal labour jurisdiction even if they are situated wholly within one province. Section 2(h) of the Canada Labour Code confirms this jurisdictional fact.

I believe the hon. member had a specific undertaking and a single province in mind when he proposed this amendment. However, the grain industry and its related activities extend across this vast country and touch every region. The amendment would cover all three parts of the code: minimum standards in safety and health, the labour relations provisions dealt with, and the part we are addressing today.

To exclude the grain industry from the application of the code at the stroke of a pen, as is proposed, would create chaos and is not acceptable. Furthermore, removing the industry from the application of the code would not remove it from federal jurisdiction. The declarations in the two statutes I cited previously would remain.

Declarations for the general advantage of Canada cannot be partial. Consequently, the amendment would create a vacuum with no labour legislation legally applying to the industry. I am sure that is not what the hon. member intends. In short, I cannot support this proposed amendment.

[*Translation*]

The Acting Speaker (Mr. Milliken): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Milliken): The question is on Motion No. 1 in Group No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

I therefore declare the motion negatived.

(Motion No. 1 negatived)

• (1230)

The Acting Speaker (Mr. Milliken): The House will now debate motions in Group No. 2 which includes Motions Nos. 2 and 3.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 2

That Bill C-66 be amended by adding after line 15 on page 1 the following new Clause:

''1.1 The Act is amended by adding the following after section 4:

4.1 (1) This Part applies in respect of the Professional Institute of the Public Service, its members and the employers of those members.

(2) The Minister shall, not later than six months after the coming into force of this section, by regulation, amend or repeal those provisions in any Act of Parliament whose amendment or repeal are necessary to the effective application of Part I to the Professional Institute of the Public Service, its members and the employers of those members.''

Motion No. 3

That Bill C-66 be amended by adding after line 15 on page 1 the following new Clause:

''1.1 The Act is amended by adding the following after section 4:

4.1 (1) This Part applies in respect of the Public Service Alliance, its members and the employers of those members.

(2) The Minister shall, not later than six months after the coming into force of this section, by regulation, amend or repeal those provisions in any Act of Parliament whose amendment or repeal are necessary to the effective application of Part I to the Public Service Alliance, its members and the employers of those members.''

He said: Mr. Speaker, you have before you a man who is surprised, to say the least, to see the Parliamentary Secretary to the Minister of Labour rising in this House to make the barefaced statement that national chaos will result if the federal government adopts this amendment. I think that the parliamentary secretary has both erred a little, and overdone it a little, since he himself ended up with flour on his face when the amendment by the official opposition was under discussion.

This does, however, give us some idea of where we stand. You will agree that, if the government does not even have the little courage required to put flour mills under provincial jurisdiction, we will not be able to reach agreement. It must be agreed that the government will be acting in an authoritarian, even despotic, manner, by adopting such a hard line.

With this second group of amendments, we will attempt to get the parliamentary secretary out from under the flour in which he has buried himself, and to get him to understand another level of rationality.

What we are proposing with these amendments is what was asked of us in committee by the representatives of the Public Service Alliance of Canada and the Professional Institute of the Public Service when they met with us. Both unions asked, in a completely rational manner and as mandated by their rank and file, to come under the Canada Labour Code, Part I, and not the Public Service Staff Relations Act as they do at present.

I trust that the government will broaden its horizons a little, be a little bolder, and have the courage to acquiesce to this demand. Why did the two unions in question ask to be brought under Part I of the Canada Labour Code? Because they felt this would give them greater leeway in their negotiations, and particularly because they felt that a number of their key priorities relating to the quality of everyday life in the workplace could be negotiated immediately.

As we know, under the Public Service Staff Relations Act, the process is somewhat unwieldy, because Treasury Board is involved. Things are not always easy, nor is there much flexibility, yet extremely important elements are at stake.

So if the government went along with this amendment, which was inspired by nothing else than common sense, public service employees represented by those two unions would be able to bargain directly on the following points: job security, which is not an easy matter to negotiate, as I think the hon. member for Terrebonne will agree, and protection against technological change.

As you know, we have been an enlightened and very advanced opposition. We have tabled a series of amendments—and we will get back to them in due course—that would ensure that no major technological changes are introduced in a company or the public service without the employees having their say. This will be the challenge of the years to come, and there will be further debate on this.

Both PIPS and PSAC have asked to be covered by the Canada Labour Code, and this demand goes back several years. They want this first of all because they feel they will be in a far better position and have more leeway when negotiating job security, protection against technological change and also a third element that is crucially important, and I am referring to position classifications and task definitions. A fourth group of concerns includes appointments, promotions and transfers, which could conviently come under the heading career plan.

● (1235)

In committee it was pointed out that there were two major advantages to accepting such a demand. The Canada Labour Code allows unions to negotiate their members' working conditions more directly. There is no limitation in the code on the rights of employees, such as the right to strike or to refer all grievances to a third, impartial, party.

These are very important considerations, and I hope the parliamentary secretary will take a more vigorous and bolder approach, as opposed to the almost die hard conservativism he has shown so far.

In concluding, since I believe my time is running out, I may remind you of another of our concerns about this so-called modernization, since when the minister spoke in committee and in the House about undertaking a review of the Canada Labour Code, Part I, he told us it was to modernize labour relations, and of course we all agree that labour relations are quite different today from what they were in the seventies.

We tried to deal with this and, personally, as the member for Hochelaga—Maisonneuve and labour relations critic, I tabled a motion in the House asking the government to give the Royal Canadian Mounted Police the right to collective bargaining. The connection with the public service as a whole is extremely tenuous, since the RCMP has the status of sole employer as far as Treasury Board is concerned. Imagine my reaction, imagine my consternation when I discovered that the government, totally unreasonably and obsessively to some extent I would say, rejected such a motion.

Is it appropriate that the RCMP should be the only police force in Canada without the right to collective bargaining? I was very pleased by what I read in *Hansard*. It says there that the third party in the House, the Reform Party, gave its approval, as expressed by one of its members. I think the member for Calgary rose to say he recognized the situation as discriminatory.

We must recall that the RCMP is not claiming the right to strike. They are asking for the right to negotiate their working conditions, as all police forces do across Canada, with outside arbitration. There are those, who are a bit muddled, who say that they already have arbitration. In fact, this is the subject of the entire rather weak speech by the Parliamentary Secretary to the Solicitor General, who rose in this House to say that an internal negotiation system known as divisional representation already existed.

Obviously, for those who are looking in from the outside and for those who know a little about labour relations, it is like a sort of small shop union, which does not provide a solid base for collectively negotiating working conditions.

I hope the parliamentary secretary will rise to explain the reason for the fear. If the Labour Code is useful in providing a balance in labour relations, as the minister says, why not include the employees of the public service who want to be included and who have given their union representatives a mandate. I am thinking of course of the Professional Institute, the Alliance and the spokespersons of the RCMP. We are not talking about speculation or guessing, these are duly authorized union spokespersons, people who have mandates.

• (1240)

They came to see us in committee, and explained that, as regards the five indicators I mentioned concerning job security, protection against technological change, position classification and career advancement, ''We think it would be more beneficial for our members, and this is a motivating factor: it is significant for an employer to be covered by part I of the Canada Labour Code''.

I hope that, in all lucidity, the minister and the parliamentary secretary will rise in the House, thank the opposition for the acuity of its remarks and support the amendments before the House today.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, I listened with great interest to the comments of my colleague from Hochelaga—Maisonneuve. He tried to put the case that somehow the RCMP is at a terrible disadvantage because we do not allow its members to join a union.

One very important fact has escaped my colleague. By no means does the majority of members of that force want the option of joining a union. That has been made very clear in the House several times. Perhaps those were days when my friend should have been paying attention and was not.

Had he paid attention I am sure he would have picked up on that fact. It has been brought to the House several times by me and by my colleague from Calgary. It is a well known fact. I have had several representations from members of the RCMP in my constituency and elsewhere who say that the divisional representative situation is working just fine for them.

I also find it interesting that my colleague would like to pick and choose. He would like to say that the flour mill workers, for instance, should be taken out of federal jurisdiction and another group of people should be moved into federal jurisdiction. The more legislation we create in this place, the more need there is for legislation.

If we come up with a plan whereby members of the RCMP could join a union, what good will the union do? Will it give them the right to strike, or will they immediately be declared an essential service? If so, what has been gained? We would have passed two pieces of legislation, one really nullifying the other.

I do not want to belabour the point so I will not take up the full 10 minutes to make my point.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I would like to take part in the debate on Motion No. 2 regarding Bill C-66, and in particular on RCMP members' right to unionization and to collective bargaining.

I have, on a number of occasions, taken part in the debate and asked that the Canada Labour Code be amended in order to allow RCMP members to unionize, like any other federal public servants, and like any other police force in Canada. Members of these police forces have the right to unionize. Why deny members of the RCMP this legitimate right?

The International Labour Organization gives all wage earners without exception the right to unionize. But in Canada, a country espousing the principles of the ILO, a police force that is very important to the country is denied this right.

• (1245)

I think that labour relations at the RCMP would benefit from collective bargaining, discussion of working conditions by the parties, and a collective agreement. I think that there would be advantages to RCMP management and members alike. I am in favour of the RCMP's right to unionization and collective bargaining.

[*English*]

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, the official opposition has submitted two related motions to make part I of the Canada Labour Code applicable to the Professional Institute of the Public Service, its members and the employers of those members, and the Public Service Alliance of Canada, its members and the employers of those members.

At the outset let me say that we have some difficulty understanding the purpose of the motions. It would appear that the purpose is to repeal the Public Service Staff Relations Act or, at the very least, significantly reduce the numbers of federal public service employees subject to the act. If that is the case—and let me say that such a proposal is unacceptable to the government—in essence these motions would bring 80 per cent of the public servants currently covered by the Public Service Staff Relations Act under part I of the code, leaving 20 per cent of the public service represented by the 14 other unions under the public service collective bargaining regime.

Quite frankly we fail to see the rationale behind these motions which would effectively split public servants into two groups: one covered by the private sector labour relations regime and the other covered by the public sector labour relations regime. The basis for such distinction escapes us.

While the task force established to review part I of the code did not address the issue of applying this statute to the federal public sector, it did note the potential for achieving benefits by consolidating the Public Service Staff Relations Board and the Canada Labour Relations Board. Although a merger of these two tribunals is not being proposed at this time, value and efficiencies could be realized in an administrative consolidation of the private and public sector boards.

Among the benefits that could be achieved through such rationalization we could easily identify cost savings for the boards, savings to the parties who would benefit from a single source, and harmonization of procedures which would eliminate unnecessary diversity in dealing with essentially similar topics and broader based coverage.

Although collective bargaining in the private sector and in the public sector have much in common, there are important distinctions which would require careful consideration before any decision to harmonize the two regimes is made.

In the private sector labour legislation is designed to regulate the relationship between private parties with economic power being the main disciplining mechanism. In the public sector the legislation is largely designed to take into account the government's role in protecting the public interest. Such fundamental differences have resulted in the application of separate labour relations regimes to govern employees in most Canadian jurisdictions.

The public service has been through some significant changes in the past 10 years as many of its activities have been removed to new forms of agencies outside the traditional public service or have been simply transferred to private or crown corporations. In those two last situations the collective bargaining of employees affected by such transfers is currently being governed by part I of the code.

Some would argue that these changes in the nature of the public service are the most persuasive reasons for revisiting the rationale for the creation and maintenance of the two separate legislative regimes. However we have to be careful before rushing into harmonization. Such an exercise would require extensive consultations of all the interested parties.

The minister has already expressed his intention to pursue further the analysis of the amalgamation and harmonization concepts with interested colleagues and parties.

For the reasons just outlined we ask the members of the House to reject both Motions Nos. 2 and 3 as they raise complex issues that were obviously overlooked by the official opposition and would require further study.

• (1250)

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I am always pleased to speak on motions such as the ones at report stage of Bill C-66. The motions were hopefully introduced to improve the bill, but from our perspective we do not see much being improved by the motions in front of us at the moment.

One of the things I would like to talk about this morning is the concept of contracts with unions should the government divest itself of a department, for example air navigation which will be taken from the government and put into a not for profit organization called Nav Can.

I have a problem with the contract with employees in situations such as these flowing through to the new employer, not just Nav Can but all situations. We are trying to achieve flexibility in management-labour negotiations and responsibilities. If we take the contract that exists today between the government and its

employees we find it is fossilized, if I may use that term. It needs to be brought up to date with modern management techniques.

By entrenching in other sectors such as Nav Can and perhaps the new agricultural food inspection agency, the contract that exists today between the government and public servants guarantees the problems inherent in the contract will remain inherent in the relationship in the new organization. It will prevent the organization from evolving and improving its management efficiency.

We must move to the concept of merit being one of the major criteria by which we evaluate the compensation package we provide to employees. As we open negotiations with the federal public service and government I hope the government recognizes the need for merit, the need to compensate people according to their production and contribution and not according to age or number of years of experience regardless of whether or not they are productive.

The type of motion would continue to entrench the one salary pays everybody, one shoe fits all employees. That cannot be tolerated much longer in the new competitive world we are entering into.

I attended a conference last September in Victoria of people from around the world, for example the auditor general of the United Kingdom and people from the United States, Australia, New Zealand and other parts of the world. We were discussing accountability in government. It became quite apparent that Canada lags way behind the United Kingdom when it comes to being visionary in the way it will improve the efficiency of government in the years ahead.

The United Kingdom realizes that the role of government primarily is to develop public policy. The implementation of public policy can quite easily be handled by other institutions such as not for profit institutions, competitive institutions and private sector institutions, so the role of government is reduced to its real function of development of public policy.

As the delivery of public services have been spun off into competitive environments, it recognizes the need to protect the current employee and therefore says that the currently existing contract shall flow through to protect current employees in the new institution they are working for. In Canada it could be Nav Can.

• (1255)

The organization by which they are employed has the opportunity to set new terms, new employment conditions and new wage rates for newly hired employees. This is a wonderful way to reach a compromise. It ensures that current employees are protected and are slowly introduced to a competitive environment, giving the competitive institution providing the service the flexibility to deal with its employees in a much more enlightened environment, and giving them the opportunity to introduce the concept of merit that those who work hard get more and those who work less get less.

That is how the private sector is changing. That is why when so many businesses downsize the employees who lose their jobs create new little home based businesses or perhaps larger businesses. Through their flexible working conditions they are able to thrive and prosper in a flexible environment that allows them to make profit, compared with the monolithic dinosaur for which they were working before.

These motions are regressive. They prevent the worker-management relationship from evolving into a much more competitive and dynamic relationship. Opportunities to improve the working environment, to recognize the efficient and hard working employee and to compensate people who deserve the best compensation are being denied through these motions.

That is why the Reform Party is opposed to the motions we are dealing with in group No. 2. The rationale I have found in my experience is that we need to give flexibility, opportunity, motivation and desire to every worker so they do the best they can. When they are locked into one contract that fits all they lose motivation. They find they cannot break through and be the best they can be.

I hope the government, not only in Bill C-66 but in its relationship with its employees, will recognize the need for new enlightened management-labour relationships is long overdue.

[*Translation*]

The Acting Speaker (Mr. Milliken): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Milliken): The question is on Motion No. 2. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

The next question is on Motion No. 3. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

[*English*]

In group No. 3, in accordance with the motion adopted earlier, the motions are deemed moved, seconded and read.

• (1300)

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 5

That Bill C-66, in Clause 2, be amended by replacing lines 14 and 15 on page 5 with the following:

''any fees, that may be fixed by the Governor in Council pursuant to the recommendation made by the committee of the House of Commons referred to in subsection (1.1).

(1.1) Such committee of the House of Commons as is designated or established to consider matters respecting the development of human resources shall, for the purposes of subsection (1), recommend the fees to be fixed by the Governor in Council under that subsection. ''

Mr. Dale Johnston (Wetaskiwin, Ref.) moved:

Motion No. 6

That Bill C-66, in Clause 2, be amended by adding after line 24 on page 5 the following:

''(3) Where a part-time member is paid travel and living expenses by virtue of subsection (2), and those expenses are incurred in the course of carrying out duties and responsibilities under this Act in respect of a dispute heard or determined by the Board, the parties to the dispute shall reimburse Her Majesty in right of Canada in equal parts for the money paid to the part-time member for those expenses and that money, until paid, constitutes a debt recoverable by action in any court of competent jurisdiction as a debt due to Her Majesty in right of Canada.''

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 7

That Bill C-66, in Clause 2, be amended by

(*a*) replacing line 6 on page 8 with the following:

''13. (1) The head office of the Board must be in''

(*b*) replacing line 9 on page 8 with the following:

''the Board may establish, with the approval of the committee of the House of Commons referred to in subsection (2), any other offices''

(*c*) adding after line 12 on page 8 the following:

''(2) Such committee of the House of Commons as is designated or established to consider matters respecting the development of human resources shall, for the purposes of subsection (1), either approve or reject the establishment of any other offices of the Board under that subsection.''

Motion No. 9

That Bill C-66, in Clause 16, be amended by replacing lines 23 to 25 on page 15 with the following:

''the Board may revoke the appointment''

Mr. Dale Johnston (Wetaskiwin, Ref.) moved:

Motion No. 45

That Bill C-66 be amended by deleting Clause 46.

Motion No. 49

That Bill C-66, in Clause 50, be amended by replacing line 36 on page 36 with the following:

''controlled by their employer, who have consented to the release of that information, and authorize the''

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 50

That Bill C-66, in Clause 68, be amended by replacing lines 2 to 7 on page 41 with the following:

''shall present the report to the Standing Committee of the House of Commons on Human Resource Development at the first meeting of the committee following the completion of the report.''

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.) moved:

Motion No. 54

That Bill C-66, in Clause 93, be amended by adding after line 45 on page 46 the following:

''(3) Any amount appropriated for the fiscal year that includes the commencement day, by an appropriation Act based on the Estimates for that year for defraying the charges and expenses of the public service of Canada for the former Board and that, on the commencement day, is unexpended is deemed, on that day, to be an amount appropriated for defraying the charges and expenses of the new Board.''

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, all along we have noticed the government's lack of co-operation on amendments dictated by common sense.

We are speaking on behalf of the witnesses who testified before us. They told us that in general this bill contained interesting things. We never pushed partisan politics to the point of saying that this piece of legislation was altogether bad; however, we believe it does not go far enough, it could have contained what we already

have in Quebec, very clear provisions dealing with unfair practices regarding replacement workers.

We would have liked this bill to be more explicit with regard to technological change and board membership.

Why not have made sure the wording was clear? As a lawyer, Mr. Speaker, and a brilliant one at that, you know how important it is for a piece of legislation to contain provisions which are very clear, which cannot give rise to ambiguous interpretation on the part of tribunals, either administrative tribunals or ordinary courts of law, and we would have liked the way members are appointed, not so much how they are appointed as whom they represent, to be extremely clear.

We would have liked to be able to proceed from lists submitted by both management and labour, along the lines of what we had suggested during consideration of Bill C-64, which established the Human Rights Tribunal and reviewed the Employment Equity Act. We had asked for lists which could have been used by the government.

You will understand that the minute it becomes clear, the minute it requires a commitment, the government tries to evade the issue. All the amendments in the third group follow the same logic: We say that it is true that, in the whole issue of labour relations, we should, as legislators, seek some balance between the rights and obligations of the employer on the one hand, and the rights and obligations of the unions on the other hand, keeping in mind that in our society we recognize the right to strike, as the ultimate pressure tactic, but according to very clear guidelines.

What we were trying to do, regarding the board and some governance issues like the creation of new tribunals, as allowed by Bill C-64, regarding compensation for their full or part time members, regarding travel and entertainment expenses, was give the Standing Committee on Human Resources Development the power to examine all the questions relating to the Canada Labour Code, so that it could study the whole matter and hold hearings.

I think this is a very healthy reflex we have always had since becoming the official opposition in this House, to make sure that the committees are involved in making decisions on a number of questions.

Never did we think an amendment like this one could obstruct the work of the Canada Labour Relations Board and the various tribunals that will be created; never did we intend or think, even in the boldest of our amendments, that this could be a stalling tactic preventing us from having a diligent board and a speedy process.

● (1305)

Let me give you an example. During the clause by clause consideration of the bill, I was with the hon. member for Mercier, who has 20 or so years of experience in the field of labour relations. Not many parliamentarians in this House can match that.

I would like to remind you that, when, as the official opposition, we were presented with a provision which we really felt would enable the Canada industrial relations board, formerly the Canada Labour Relations Board, to operate much faster and much more efficiently, we gave it our unconditional support—as the minutes will testify—because, when the clause by clause study of Bill C-66 first began, we as parliamentarians realized that there were a number of concerns about the board.

Some stakeholders, labour in particular, felt the internal workings of the board itself were cumbersome. We welcomed with great pleasure and enthusiasm the preliminary hearings on disclosure of evidence. I sense a certain reaction from you, Mr. Speaker, because you are very concerned about anything that relates to the law. We are very pleased by the fact that the board can sit with only one person. Obviously, when there is only one person involved, the issues discussed are very specific.

Therefore, anything that helps streamline the process will get the unequivocal support of the official opposition. For the sake of the board's legitimacy, integrity and effectiveness, it would be a good thing if, as regards the issue of travel and living expenses—and the makeup of a panel when deemed appropriate by the chairperson, since it is a prerogative of the chairperson to convene such a panel and to direct its composition according to very specific instructions—the human resources development committee could take part in the process.

The parliamentary secretary will correct me if I am wrong, but it seems to me that, during the last election campaign, government members, that is the Liberals, said they hoped that House committees would play a greater role, that parliamentary committees would be much more closely involved in the decision-making process than they currently are.

This is precisely the underlying philosophy behind the amendments now before the House. Is democracy not something that is very healthy? Is it not reassuring for those who are watching us to know that the official opposition hopes that House committees, which are made up of duly elected members of Parliament, can be involved in a number of decisions that are important to the governance of this country? This is what we are talking about.

Again, on a number of occasions, we have been very supportive of any clause in the bill that streamlines the process, so as to alleviate the backlog of cases before the Canada Labour Relations Board.

I simply cannot imagine the government rejecting these amendments, since they are directly inspired by the Liberal Party's philosophy, as stated in the red book.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, I am glad to speak on the motions in Group No. 3, which includes several motions, following the speech made by my hon. colleague from Hochelaga—Maisonneuve.

• (1310)

First of all, I want to say that I find this stage a bit restrictive, since the human resources development committee considered this piece of legislation at an almost unacceptable pace, since we were deprived of a true second reading stage and since we have now reached report stage without having had the opportunity to criticize the bill as much as it deserves.

The bill contains provisions concerning the representativeness of the board. The minister clearly stated his willingness to have a representational board. However, it is extremely disquieting to read in this bill a clause that says: ''The members of the Board other than the Chairperson and the Vice-Chairpersons are to be appointed by the Governor in Council on the recommendation of the Minister after consultation by the Minister with the organizations representative of employees or employers that the Minister considers appropriate''—therefore, the minister can appoint whom he pleases—''to hold office during good behaviour for terms not exceeding three years each, subject to removal by the Governor in Council at any time for cause''.

If what we want is a representational board, we have to stipulate right from the start that the organizations involved will appoint their own representatives. Otherwise, the board will never be able to claim to be representational and the minister will have to eat humble pie.

I think it was extremely important to clarify this particular point, because the government would have us believe that this will be a representational board, but it is even more important, as the hon. member for Hochelaga—Maisonneuve mentioned, to ensure that parliamentarians make their presence felt and exert continuing control over this new organization, this newly appointed Canada Industrial Relations Board.

There is one amendment in this group of motions that I have to criticize. It was put forward by the third party who wants board expenses to be reimbursed in equal parts by the parties to the dispute. This provision is extremely dangerous since the board will have to carry out its duties whenever needed and not only according to the capacity of the parties to pay.

This would introduce an unspeakable bias, because it could very well be that a small union with few members, that was able to emerge only after a very long fight, may not be able to afford the services of the board, while the employer or the group of employers could easily afford them. This would fly in the face of common sense, because the search for a harmonious settlement or, at least, a final settlement in accordance with the the rules governing labour relations, as well as the board's judicious intervention, cannot be dependent upon the parties' ability to pay. There is something absolutely absurd and regressive in this idea which, I think, is not even worth considering.

The provisions included in this grouping lead me to talk about another amendment which has been put forward by our party. This amendment to clause 34 is designed to allow the board, in cases where an employer representative has been appointed, to revoke the appointment of this representative for reasons other than what is specified in the bill. I invite the minister's representative to listen carefully because this small amendment could be most useful.

• (1315)

In clause 34, on page 15, the bill specifies a reason for revoking an appointment. It reads as follows:

> On application by one or more employers of employees in the bargaining unit, the Board may, if it is satisfied that the employer representative is no longer qualified to act in that capacity, revoke the appointment of the employer representative and appoint a new representative.

It need not be because the employer representative is no longer qualified to act in that capacity. This requirement could complicate things for the board. It could be for another reason, which should be left to the board's judgment, without requiring it on top of that to be critical of someone that should not be there, but not for the reason that he is no longer qualified.

I make this comment in the hope that the minister's parliamentary secretary will take note. It is a minor point, but one which could be useful to the board's work.

I will take the few minutes remaining to me to return to this deeply disturbing issue of the board not being representational. The board is being transformed, supposedly to make it more representational. But, if we rely on the terms on the bill, and not on the good faith of the minister, the board will not be representational.

I predict a rocky road for this board that is nonetheless so vital to labour relations in Canada. When the minister has full latitude to decide who will make up the board, and then to pronounce it representational, how can anyone think that a employer or employee organization would feel it was well represented when someone from this organization could appear on the board, unless it was someone appointed by the organization? All this is possible under the bill as it now stands. It makes no sense at all. I can tell you that I was not at all surprised by all the intense lobbying from organizations on this issue.

There is still time for the government to redeem itself, but it seems to me that the fact that the board is not representational is a very serious obstacle, when it has been announced like this, and when they want to transform its role, as they are doing here.

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I wish to support the motion tabled by the hon. member for Hochelaga—Maisonneuve, especially where it concerns the CLRB, the Canada Labour Relations Board.

At one time I wrote to the minister responsible for this board about the problems facing this body, the lack of leadership shown by the chairman and the lack of representative members on the board. That is why I support this motion, which asks the minister to appoint board members from lists provided by management and labour.

In Quebec we do not have a labour relations board. We have an office of the labour commissioner-general. So we have one person who hands down a decision. However, we do have grievance adjudicators, who are appointed from lists submitted by employers and the unions.

I think this would also be a way to limit the use of patronage appointments, thus giving the board far more credibility with labour and management.

• (1320)

I would also like to point out that unfortunately, this bill contains no provisions for federally regulated businesses concerning the preventive withdrawal of pregnant women, especially the many pregnant women in the federal public service. We are not discussing part II of the Canada Labour Code, but amendments to part I.

Nevertheless, I want to emphasize the need for passing legislation as soon as possible concerning the preventive withdrawal of women. I know that a petition to that effect is being circulated throughout Quebec.

It will soon be March 8, which is International Women's Day. As you know, women are becoming increasingly aware of this fundamental right, which all women have in Quebec in provincially regulated businesses. I fail to see how a woman working for the provincial government can have this right while a woman in the same building who works for the federal public service does not. I will continue to insist on this in the weeks to come.

I also support other demands put forward by my colleagues from Mercier and Hochelaga—Maisonneuve, especially the need for including provisions dealing with technological change in the Canada Labour Code.

There is some legislation in Quebec that contains very clear provisions on technological change, but these should also be included at the federal level. I know that many unions have been able to negotiate very clear cut and advanced provisions on technological change. However, not all unions are in a position to negotiate such provisions, hence the need for providing specific provisions on technological change in the Canada Labour Code.

Once again, I wish to commend the hon. member for Hochelaga—Maisonneuve on the fantastic job he has done on the subject as the official opposition's labour critic. Congratulations.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, we are now debating Group No. 3 which contains amendments proposed by the Reform Party.

I would like to speak specifically to Motion No. 5. The Standing Committee on Human Resources Development should have some scrutiny over the remuneration paid to the CLRB. The main estimates for 1996-97 show that the total program budget for the CLRB is $8,791,000. That budget is not broken down enough to show much detail. By bringing this to the board it would allow parliamentarians to scrutinize how the money is spent and on what it is spent: how much of it is wages, how much is travel, how much is expenses, et cetera.

Further, a motion suggests that part time members of the CLRB should be absorbed by the parties that are involved in the dispute. That should apply only to part time members and would go a long way in helping parties resolve their problems themselves rather than bringing so many decisions to the board. At least it would not be overloading the taxpayer to settle one argument after another.

• (1325)

Reform supports Motion No. 5. We agree that the board should have some scrutiny and knowledge of where the taxpayers' money is being spent in this particular area. We are not interested in micro-management but we are interested in the overall picture. If the matter did come to the standing committee it would at least give us an opportunity to question departmental officials.

There was a lot of talk in committee regarding the certification of unions and whether that can be accomplished for off site workers with or without their permission. Can it be accomplished only when a majority of the workers agree on the certification of a union or if the CLRB can decide when there was interference or at least undue pressure put on the employees.

To back up my point, recently there was a case where the majority of the people did not support the formation and certification of a union but the board ruled in favour of the union because the company suggested that the formation of a union might jeopardize jobs and it might have to shut down some of its operations. The board ruled in favour of the union and the union was certified without a majority of employee members wanting it. That is wrong. It is against our democratic principles. I believe that if a majority of the employees in any operation would like to certify a union then they should be allowed to do so. The key word here is majority.

There are several other amendments in Group No. 3 that I would be pleased to speak to at a later date.

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, the official opposition has put forward motions that would give the Standing Committee on Human Resources Development a role in the remuneration of board members, the establishment of regional board offices and the tabling of the annual report with respect to the information obtained under the Corporations and Labour Unions Returns Act.

Bill C-66 reflects the consensus of the labour management working group and the recommendations of the Sims task force with respect to the establishment of a new representational Canada Industrial Labour Relations Board.

The new board is structured to ensure effective and efficient administration of the code and to better reflect the labour and management communities it serves across the country. With respect to the remuneration of board members, as is the case with other governor in council appointees, remuneration and fees will be set by the governor in council.

GIC positions are evaluated using a position classification plan which ensures that appropriate relativities are maintained between different levels of responsibility not only within a given organization but between organizations. It allows for outside and inside compensation relativity comparisons and application of the principle of salary equity. Such factors could not be ensured if the remuneration of the board members were to be determined through a different process from other governor in council appointees.

• (1330)

Bill C-66 as drafted authorizes the board to establish regional offices that the chairperson considers necessary for the proper performance of the board's mandate. I fail to see any rationale for giving a standing committee of the House a role in determining what is strictly an operational issue.

Motion No. 50, the filing of the CALURA report with respect to the Corporations and Labour Unions Returns Act. There is a requirement in the act for the minister responsible to table a report in Parliament. Standing Order 32(5) already provides that where a report is provided to Parliament pursuant to a statutory obligation it is deemed to have been referred to the appropriate committee.

Motion No. 6, expenses of part time members. My colleague in the Reform Party seeks to introduce in the code the cost recovery concept, but only with respect to expenses incurred by the part time representative members of the board. To require the parties to reimburse the expenses of the part time representative members would impose a financial burden on small employers as well as on individual employees who wish to exercise their fundamental rights or seek redress of unfair labour practices. Such financial barriers would limit the benefits of this new representational structure of the board to those parties who can afford it.

Motion No. 9, revocation of employer representative. The official opposition is also asking to modify the provision in Bill C-66 which would allow the board at the request of one or more employers to revoke the designation of an employer representative in the longshoring industry if the board is satisfied that the employer representative is no longer qualified to act in that capacity.

This provision was included in Bill C-66 in order to address the current lack of explicit statutory authority to change employer representatives, an issue which was brought to the attention of the task force by the employers active in the longshoring industry in St. Lawrence River ports. No views or positions were put forward by the unions involved in the geographical certification regime in those ports with respect to this provision. Quite frankly, we fail to understand the rationale for this motion.

Motion No. 45, certification as remedy. With respect to the motion by my colleague from the Reform Party to delete clause 46 of Bill C-66 which authorizes the Canada Industrial Relations Board to issue a certification order as remedy for employer unfair labour practices, I would like to underline once again that this is a recommendation of the task force. While in the majority of cases existing remedies in the code for unfair labour practices are sufficient to discourage violations or to redress illegitimate actions, in some cases employee efforts to unionize are met with vigorous employer opposition tactics such as firing of known union supporters.

Such illegitimate acts may not only put a chill on organizing efforts, they may make it impossible to measure union support because of workers' fears of retaliation. With the exception of the Alberta board, labour boards in Canada have the statutory discretion to certify an applicant trade union when employer tactics are such that the true wishes of the employee cannot be determined by holding a representation vote. Labour boards exercise this discretion cautiously and use certification to remedy only the most egregious cases of employer misconduct.

The board will retain the discretion to hold a representation vote in any application. However, it will have the means to remedy these exceptional cases where employer misconduct has made it impossible to determine the true wishes of the employees by holding a representation vote.

On a related issue, we have heard the view expressed that the Canada Labour Code should provide for a mandatory representation vote. I would like to point out that the Sims task force studied this issue in detail. The task force was not persuaded that the card base system is an ineffective way of gauging employee wishes with respect to certification applications. The task force found that

timeliness is important in dealing with certification applications and noted that the practical impediments to timely votes in the geographically extended federal jurisdiction and the cost of such votes cannot be ignored and concluded that no legislative amendment was warranted.

• (1335)

Motion No. 49 is with respect to off site workers. The Reform Party is also seeking to require the board to obtain the consent of individual off site workers prior to providing their names and addresses to an applicant trade union. This provision of the bill has been the subject of some controversy which has been fuelled primarily by a poor understanding of its purpose and scope.

Contrary to what some of it intimated, this provision is in no way intended to give trade unions physical access to the private homes of off site workers which without the workers' consent would clearly violate their rights to privacy.

As recommended by the task force, under this new provision the board will be responsible for determining under what circumstances the names and addresses of off site workers will be provided in order that the union may communicate with them by mail, by telephone or by electronic means. The board must specify in the order the conditions to be met by the trade union to ensure the protection of privacy and the safety of the employees concerned.

We ask the members to support clause 50 of Bill C-66. As drafted it strikes a fair balance between the rights of the off site workers to exercise their freedom of association and their rights to privacy and safety.

Motion No. 54 is with respect to transfer of appropriations. The Minister of Labour has put forward an amendment with respect to a transitional matter. Adoption of Motion No. 54 will allow unexpended appropriations for the current Canada Labour Relations Board to be transferred to the new board when it is established. This will permit the new board to be established without undue delay and ensure there is no interruption in the administration of part I of the Canada Labour Code.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, as I look at the motions in Group No. 3, I must state that I cannot agree with my hon. colleague who tried to speak on behalf of the Reform Party, which seems to be one of those things the Liberals think they are good at. I would rather that they try to justify the legislation they bring forward, but I realize that can be hard. Surely we can speak for ourselves and we hope they would justify their position.

Motion No. 7 requires the Canada Industrial Relations Board to seek approval from the human resources development committee on the location of its head office and regional offices. This the type of blatant political interference we want to stay away from. I cannot think of any reason whatsoever that the HRD committee would be in command of better knowledge, better decision making ability or more information as to where these offices should be located than the institution itself.

That is why the Reform Party, legitimately and with common sense, is opposed to this type of motion. Politics has no real place in the management of allowing these boards to do their own jobs. Do we in the House of Commons think we are going to get into micromanagement right down to where the offices are going to be located, how much rent they are going to pay, how much square footage per employee they will have, how many telephone lines they are going to put in? Surely we would be able to delegate some authority. It seems absolutely preposterous that we would reserve this for ourselves, that we alone could make this type of decision. It is commons sense that we would oppose this motion. I hope everyone else would do the same.

Motion No. 9 of the bill would allow the CIRB to revoke the appointment of an employer representative if it believed the representative no longer qualified to act, et cetera. I am a little concerned about the one sidedness of this motion. It would allow the CIRB to revoke the appointment of an employer person on the board but it says absolutely nothing about a union representative on the board. This type of imbalance in legislation is what we do not want.

Again, with common sense and with a normal type of representation in this House, the Reform Party says surely this type of motion does not belong in the legislation on the books of Canada. Therefore we legitimately oppose this motion.

• (1340)

I have a concern about Motion No. 45, which deletes the section allowing certification of a union without the majority support. I am concerned about the House getting involved in legislation giving power to the CIRB to basically be its own judge, jury and execution. This is the type of information that we see coming forward in Motion No. 45.

When I look at Motion No. 49, it is not a bad motion, giving an off site worker the option of having names and locations provided to the union representative and organizers. I am opposed to the Liberal position that the CIRB, again in its wisdom of being judge, jury and executioner, will be given the right to determine on what basis private information is going to be given to a third party.

I understand that there has been a study done by the government. It has spent a significant number of dollars, I understand about

$600,000, to study this type of information. It is still waiting for that report to come back. However, government has decided to proceed, to go ahead with the legislation anyway, rather than waiting for any kind of return on its investment.

Speaking to this issue, I find it very disconcerting that time and time again in this House we find that individual rights are being trampled on. The legislation would give the CIRB the right to pass on the names without the person's having any real input, saying ''no, I do not want that to happen''.

Is that not much different from when the government introduced its gun legislation and gave the peace officers the right to search and to seize without a search warrant? We see this type of legislation creep in in various other areas.

We are trampling all over individual rights with this type of legislation. We are doing it again in Bill C-66. If this government has its way, it will do that whenever it wants. Canadians will rise up and say ''it is time that these guys got out of here and we put in somebody who does recognize that individual rights are there for a reason''. That is why we are opposed to this motion.

The acrimony that can exist between management and unions in the event of a strike can be quite serious. It is our position to do everything we can to try to foster harmony and to bring that broken relationship together again so that management and labour can continue to produce goods and services to earn a living.

If we think the CIRB will be the font of all knowledge, be endowed with wisdom beyond the average man, be given powers that are vague, undetermined and yet very significant, and if we think these people will be able to do this type of job as a middleman, especially if it happens to be filled with patronage appointments by Liberals who are passed over or who did not win the election, we would find it rather difficult to put any credibility in the board whatsoever.

Therefore the Reform Party and common sense say surely this bill which says that this information can be passed to the unions under certain circumstances should be changed to allow it provided that the people agree.

Otherwise we will find that there will be a backlash down the road. It may be a backlash that the government does not come back after the election. Would that not be nice? It would be nice. Perhaps the government would have to reconsider.

Motion No. 50 would have the corporation returns act tabled in the House. I understand that our hon. colleagues from the separatist party want it referred to the HRD committee. I imagine that would be a matter of course. If we see a return tabled in the House we would, as a matter of course, refer it to the individual committee. I do not know exactly what my separatist friends are trying to achieve by this motion.

• (1345)

However, it may be like all the rest of the motions they have proposed which basically are to disrupt the entire management of the government and the affairs of Canada. I will just leave it at that.

[*Translation*]

The Acting Speaker (Mr. Milliken): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Milliken): The question is on Motion No. 5. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): A recorded division on the motion stands deferred.

[*English*]

The Acting Speaker (Mr. Milliken): The next question is on Motion No. 6. Is it the pleasure of the house to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

[*Translation*]

The next question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): A recorded division on the motion stands deferred.

The next question is on Motion No. 9. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): A recorded division on the motion stands deferred.

[*English*]

The Acting Speaker (Mr. Milliken): The next question is on Motion No. 45.

Mr. Johnston: Mr. Speaker, a point of order. You said the motion was seconded by Mr. Harper. I think you will find that was Mr. Hanger.

The Acting Speaker (Mr. Milliken): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

The Acting Speaker (Mr. Milliken): The next question is on Motion No. 49. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

• (1350)

[*Translation*]

The next question is on Motion No. 50. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

[*English*]

The next question is on Motion No. 54. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

[*Translation*]

We will now move on to Group No. 4. As was agreed earlier today, the motions in this group are deemed to have been moved, seconded and read.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.) moved:

Motion No. 11

That Bill C-66 be amended by deleting Clause 24.

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.) moved:

Motion No. 12

That Bill C-66, in Clause 24, be amended by replacing lines 6 to 15 on page 19 with the following:

''longer in force,

(*a*) provided pre-board security screening services to another employer, or to a person acting on behalf of that other employer, in an industry referred to in paragraph (*e*) of the definition ''federal work, undertaking or business'' in section 2; or

(*b*) provided any other service that may be designated by regulation of the Governor in Council, on the recommendation of the Minister, to another employer or a person acting on behalf of that other employer in any industry that may be designated by regulation of the Governor in Council on the recommendation of the Minister.''

Mr. Dale Johnston (Wetaskiwin, Ref.) moved:

Motion No. 41

That Bill C-66, in Clause 45, be amended by

(*a*) replacing line 34 on page 34 with the following:

''tion 24(4) or 34(6), section 37, 50 or 69,''

(*b*) replacing line 41 on page 34 with the following:

''subsection 24(4), paragraph''

Motion No. 51

That Bill C-66 be amended by deleting Clause 72.

He said: Mr. Speaker, members of Reform believe Motion No. 11 in Group No. 4 will have a beneficial effect on this legislation.

Let us look back at what the minister had hoped to accomplish. His aim was to seek a balance. The more we see of the legislation, as he outlined it, the more we see that there needs to be a balance, yet he has not attained that.

In the area of successor rights, we have suggested that section 47.3 of the bill, which relates specifically to airline industries, should be deleted. That is pretty self-explanatory. The Sims report does not mention successor rights. This whole bill seems to have been drafted after the recommendations in the Sims report and yet there was no reference to successor rights in the Sims report. I wonder where the minister came up with this idea.

The successor rights package is a wide ranging provision. It goes all the way down to baggage handling, telephone services and would interfere with existing collective agreements. For those reasons, Reform supports the deletion of section 47.3.

The people who provide the ground services to the airlines, for example, can have contracts with a number of carriers. That might mean that a truck driver who was supplying services to one, two, three or as many as seven different employers could have as many rates of pay. It is an untenable situation to put any employee in. They would spend more time in the day keeping track of who they worked for and what the pay rate was than they would accomplish in doing what they were really there to do in the first place.

Reform amendments 41 and 51 are consequential amendments necessitated by the foregoing motions.

I think it is extremely important that there is a balance set up between management and labour. If the scales are tipped too far in either direction there is going to be acrimony. We certainly are not in favour of one side having a huge advantage over the other.

● (1355)

I commend the minister for what he has set out to do. His goal is to seek a balance. What the Reform Party has suggested in its amendments would do exactly that.

The minister will say that the motion which the Reform Party has put would specifically apply to the pre-board security screening service. That is not important. It is not necessary because of the arrangements which are in place between the airports and Transport Canada. The second part of the amendment gives cabinet the authority to make regulations designating any other service or any industry which would have to comply with same successor rights provisions.

We have noticed in this legislation, as in any legislation which has been brought in by the government, that the governor in council has been given sweeping powers. We realize the governor in council has to have some latitude. Not every little thing should be brought back to Parliament for ratification or discussion. We recognize this is an accepted way of doing business in any legislature in Canada—

The Speaker: My colleague, you still have about four and a half minutes remaining, but I wonder if you would give way so that we can have Statements by Members. When we resume Government Orders you will have the floor, if you wish to continue.

S. O. 31

It being about 2 p.m., we will proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*Translation*]

MONTFORT HOSPITAL

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I feel I must share with all of my colleagues in this House the concern felt by the francophone community of eastern Ontario at the Health Services Restructuring Commission's recommendation to close Montfort Hospital.

I cannot help but be pleased to see that the Prime Minister has made representations to the Premier of Ontario, encouraging him to consider the importance of properly serving not just the francophone minority but all of the population in the eastern part of this province.

[*English*]

The commission has demonstrated its lack of sensitivity and understanding of the reality of the French speaking population of eastern Ontario. This was more than apparent in its ineptitude in not producing a French version of its report on release of the English version and the inability of its members to respond to questions in French at the recent press conference.

[*Translation*]

The community has three weeks left to express its opinion and it will be very vocal in doing so.

* * *

FRANCOPHONE COMMUNITIES

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, last summer, the Prime Minister did not hesitate to support Howard Galganov in the Quebec signage matter. He has, however, always been in less of a hurry to defend the interests of francophones in English Canada.

His first reaction to the announced closing of the only French language hospital in Ontario was to refuse to support the francophones. In so doing, the Prime Minister clearly demonstrated what Canada is: a country which rushes to the defence of the slightest complaint by English Quebecers, but barely reacts to the conditions in which francophones in English Canada find themselves, particularly when those conditions favour their assimilation.

The Prime Minister finally gave in to public pressure and spoke to the Premier of Ontario. He must, however, do more than that; he must also speak out against all of the other English speaking provinces which, like Ontario, offer neither health services, social services or cultural services in French, thus making it clear that the only language in use in Canada—

The Speaker: I am sorry to have to interrupt the hon. member, but his time has run out.

[*English*]

The Speaker: The hon. member for Lisgar—Marquette.

* * *

TAXATION

Mr. Jake E. Hoeppner (Lisgar—Marquette, Ref.): Mr. Speaker, the Liberals crow about reducing the deficit, but how have they reduced it? Mainly by increases of $25 billion in tax revenue and cuts to health care and social programs of almost $7 billion. They even announced a major CPP hike on the backs of Canadians days before the budget and hoped it would be overshadowed.

• (1400)

The government has implemented 36 tax increases and craftily used the deindexed income tax system to its benefit. The Liberal government has increased the national debt by $100 billion, and we still have unemployment rates of nearly 10 per cent.

If the last four Liberal budgets were so successful why were there a record number of bankruptcies last year? Why are Canadians carrying record debt loads? Why are personal savings at record lows?

Canadians know the truth. They will not be fooled by a Liberal budget that spins rhetoric instead of offering hope.

* * *

TOURISM

Mr. George Proud (Hillsborough, Lib.): Mr. Speaker, the summer tourism season is fast approaching. On Prince Edward Island our tourism industry is quickly preparing for a record breaking year. This is the year we open the Confederation Bridge between Prince Edward Island and New Brunswick.

There are plenty of other reasons to visit Charlottetown. In particular, on Canada Day weekend we have the Festival of the Lights. On Labour Day weekend we have the Festival of the Fathers. At Province House, the provincial legislature and site of the 1864 Charlottetown conference, an audio-visual program is run by Parks Canada.

Throughout the summer we have the Confederation Centre of Arts including the Charlottetown Festival Young Company. Besides showing the famous Anne of Green Gables play there are number of heritage events such as a film series, speakers series and a summer lecture series.

These are just some of the highlights of our summer season. I encourage all Canadians and all visitors to visit this summer the birthplace of Confederation.

* * *

LOBBYISTS

Mr. John Bryden (Hamilton—Wentworth, Lib.): Mr. Speaker, because I have been critical of government funding of special interest lobbies and because I have called for more transparency and accountability from charities, I have become the target of repeated smear campaigns and attack ads by one of those lobbies, the Non-Smokers' Rights Association, and its front charity, the Smoking and Health Foundation.

Yet these organizations which are really one and the same have been receiving $500,000 yearly from Health Canada. This is unacceptable. Health Canada should not be bankrolling an organization that is trying to crush an MP who is merely doing the job he was elected to do. This has to stop.

Health Canada should be using taxpayers' dollars to finance health care and not lobbyists.

* * *

INTERNATIONAL WOMEN'S WEEK

Mrs. Georgette Sheridan (Saskatoon—Humboldt, Lib.): Mr. Speaker, today marks the beginning of International Women's Week, a global celebration of women's accomplishments in seeking gender equality.

Since women's struggles were officially recognized through the first International Women's Day in 1911 great strides have been made but much remains to be done.

In Canadian politics, for example, less than 20 per cent of the members of the House are female compared to 52 per cent of the general population.

A more shocking imbalance occurs in science where less than 5 per cent of faculty and engineering are female, a statistic women like Dr. Lillian Dyck are working hard to correct. A biochemist at the University of Saskatchewan, Dr. Dyck takes very seriously her duties as a role model for girls and women in science.

Having completed her own chemistry degree without ever encountering a female professor, Dr. Dyck hopes to encourage more female students to seek careers in science and engineering. The supportive atmosphere and changing stereotypical attitudes are crucial if the imbalance in this male dominated field is to be corrected.

Just as in politics, women in science need to see other women in the jobs to which they aspire. Scientists like Dr. Lillian Dyck are making sure this happens.

S. O. 31

ABORIGINAL AFFAIRS

Mr. John Duncan (North Island—Powell River, Ref.): Mr. Speaker, the government's lack of vision on aboriginal affairs has been exposed.

Last week at the meeting of national chiefs the AFN agreed to stage a national day of protest on April 17 due to Liberal inaction. Again last week the Prime Minister and the minister refused to meet the AFN to discuss the $60 million royal commission. Why do they duck and weave?

Two weeks ago an aboriginal Liberal senator said the federal government should stop funding the Assembly of First Nations. This week the minister is barging ahead on the misguided Indian Act II to give the appearance of doing something.

The Liberals are so compromised on aboriginal affairs that their solution has become spend, spend, spend. David Nahwegahbow has a word for the minister. Last week this author of the aboriginal affairs section of the Liberal red book said: ''For the Liberals to say they fulfilled their promises in the red book was a lie''.

The Speaker: As the member is well aware, we cannot use other people's words to say what we are not permitted to say in the House. I would like the hon. member to withdraw those words.

• (1405)

Mr. Duncan: Mr. Speaker, he said it. I will withdraw it.

The Speaker: I put the question to you. It is just a straight yes or no. Will you withdraw?

Mr. Duncan: I will withdraw, Mr. Speaker.

* * *

[*Translation*]

HUMAN RIGHTS

Mr. Philippe Paré (Louis-Hébert, BQ): Mr. Speaker, on February 5, the Minister of Foreign Affairs said: ''In terms of international relations, human rights may be considered a fundamental issue that is an immediate element of any relationship regardless of what else is involved''.

For three years now, Tran Trieu Quan has been a prisoner in Vietnam in a matter of fraud in which he is the victim rather than the perpetrator. The policy of effective influence based on dialogue and encouragement has not produced any of the results we might expect.

The government continues to prefer a trade approach to international relations combined with a muted human rights policy. In November 1994, during his trip to Asia, the Prime Minister said: ''—I prefer opening markets and trading; the walls will eventually come down''.

In the prison where he has been languishing for more than three year, Tran Trieu Quan is still waiting for the walls to crack and let in the light of day. When will the government decide to speak up?

* * *

[*English*]

EMPLOYMENT

Mr. Jag Bhaduria (Markham—Whitchurch—Stouffville, Lib. Dem.): Mr. Speaker, the Prime Minister's strategy for job creation has been truly a failure. This was demonstrated by the fact that some three million Canadians applied for unemployment insurance last year, which cost the government more than $13 billion. That is the Prime Minister's do nothing job strategy.

On another point I want to congratulate every hard working Canadian for contributing a total of $26 billion over the past three years toward reducing the federal deficit. I am pleased the Prime Minister has acknowledged their contribution. These Canadians are solely responsible for reducing our federal deficit and the Prime Minister must not take any credit for this. The victory is not his and Canadians know this.

The hard working middle class Canadians had their pockets drained once again and we must thank all of them for their generosity.

* * *

MINING

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, it is often said that the Canadian mining industry is a world leader in terms of technological development, environmental stewardship and mineral production. In a similar fashion Canada is gaining a reputation in the manner in which it handles issues of concern to the mining industry.

There is no better example of this than South Africa's use of the Whitehorse mining initiative as a means of bringing stakeholders together to promote mining. The Whitehorse mining initiative brought together Canadian governments, the mining industry, and labour, environmental and aboriginal groups to set out common principles and an agenda to deal with issues facing the mining industry.

Now South Africa is following Canada's lead to assist it in reforming its minerals and mines policy. I applaud our Minister of Natural Resources and all participants in the Whitehorse mining initiative for their leadership on mining issues.

[*Translation*]

MONTFORT HOSPITAL

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, Mike Harris and the Conservative government of Ontario are slashing the province's hospital services.

The health services restructuring committee has just recommended the closure of the Montfort hospital, the only French language hospital in Ontario. To close the Montfort is to threaten French life in Ontario, particularly in eastern Ontario where 40 per cent of the francophones live.

Mike Harris should be ashamed. The Ontario Minister of Francophone Affairs, Noble Villeneuve, the only francophone in cabinet, should also be ashamed for not defending the rights of Franco-Ontarians in this matter.

* * *

INTERNATIONAL WOMEN'S DAY

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, March 8 is International Women's Day. This day is an opportunity to celebrate the many important achievements of women over the past centuries as well as today. It is also a time to pay tribute to the women who are so important to us in our daily lives: our partners, mothers, sisters, daughters, colleagues and friends.

• (1410)

You will no doubt recall that International Women's Day was instituted after the major strikes that took place in the middle of the 19th century, when industrialization drew women to the labour market in droves.

In 1977, the United Nations officially invited nations to dedicate one day to celebrating the equality of women. As a new century draws near, efforts in support of gender equality must not only continue but increase.

Mr. Speaker, my colleagues, please join me in celebrating International Women's Day.

* * *

ZELLERS

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, Zellers just announced the final closure of its distribution centre in my riding of Bourassa.

In the name of corporate restructuring, 379 employees will lose their jobs in Montreal North, a community which is already struggling with more than its fair share of unemployment and poverty as it is. Some of the jobs will be transferred to Toronto, where Zellers moved its head office in 1996. With its anti-Quebec policies, the federal government is largely responsible for this closure and the resulting human tragedy.

To Zellers employees, I offer my support and solidarity. Of the federal government, I ask that the necessary steps be taken to get this company to reconsider its decision and remain in operation in Montreal North, where they have a well-trained, skilled and qualified workforce.

* * *

[*English*]

EMPLOYMENT

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, while in opposition Liberals knew that payroll taxes kill jobs. However it seems power has clouded their memories.

Here is a reality check:

> Every time we raise the contribution rate for the CPP or the QPP—we increase the tax burden on workers and employers—such increases are difficult to justify.

The current Minister of Labour said that.

How about this one?

> When you look at the burden of payroll taxes on small firms, you have to include, of course, the Canada pension plan employer contributions—the combination of all these taxes impose an onerous burden, especially on small and medium sized businesses.

Our industry minister said that.

Since the two ministers most associated with employment know that the finance minister's 73 per cent CPP increase will kill jobs, why do they not speak up? So much for the jobs, jobs, jobs promise. It looks like the only jobs and pensions this government cares about are its own.

* * *

[*Translation*]

BLACK COMMUNITY

Hon. Michel Dupuy (Laval West, Lib.): Mr. Speaker, last Friday, the human resources development minister and the hon. member for Mount-Royal attended the opening of the black community resource centre in Montreal.

This centre, which will receive funding from the Canadian government of more than $1 million for the next three years, is desgined to promote social integration of young black anglophones in the Greater Montreal area. The activities are aimed at a clientele from 0 to 25 years of age. In co-operation with the qualified staff and the many volunteer organizations that will be involved, the centre will try to develop an awareness of the psychosocial, health, education and economic needs of the youth from that community.

This is another example of our government's interest in working, in partnership with the stakeholders in the sector, toward improving living conditions for our young people.

* * *

[*English*]

TOURISM

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, there is no industry more important in my riding than tourism. It accounts for half the jobs in Parry Sound—Muskoka and it is an important economic generator throughout rural Canada.

The tourism industry supports over half a million jobs Canada-wide. It is a $26 billion industry and the Canadian Tourism Commission has been successful in achieving a 13 per cent increase in our international tourism receipts which is leading to even more jobs.

This year's budget builds on that progress. The $15 million annual increase to the Canadian Tourism Commission means that we will be better positioned to market Canada around the world. Our commitment of $50 million to the Business Development Bank of Canada will result in $250 million in new loans for tourism operators in rural Canada, in areas like mine where the operators have been starved for capital in the last few years.

Our government is committed to tourism. It is committed to creating jobs for Canadians. It is committed to rural Canada.

ORAL QUESTION PERIOD

● (1415)

[*Translation*]

TOBACCO BILL

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, with its tobacco bill, the government is getting ready to strike a very hard blow to the economy of Montreal and of all of Quebec.

A great many major cultural and sports events take place in Quebec, and the government, through its bill, which places very serious limitations on sponsorships, is going to deal a fatal blow to the sports, cultural and economic life of Quebec.

My question is for the Prime Minister. Does the Prime Minister realize that, if his government goes ahead with its bill, there will be no television coverage next weekend of the Australian Grand Prix,

or of any other grand prix later this season, and that the health minister's bill will mean the end of the Montreal Grand Prix, something Quebecers can never accept?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we introduced a bill that was supported by the official opposition party.

I could point out a number of the members' concerns. I could say that the whole purpose of this bill is to protect the health of young people. I believe that the age at which people take up smoking is lower in Quebec than elsewhere.

We are not banning all forms of advertising. We are proposing regulations making it possible to operate under stricter rules, so as to mitigate the effects. The minister's bill is being considered by the House of Commons. We have made a few concessions to accommodate people. The government's concern, however, is to ensure that the health of Canadians and of Quebecers is properly protected.

In this connection, I quote Quebec's health minister, Mr. Rochon, who said: ''It is a step in the right direction''. He told the press: ''Sponsorship is subliminal advertising. It is a very powerful way of encouraging consumption of the product, particularly by young people''.

With this in mind, we must focus on people's health, and try to work out an arrangement in so far as possible. There were restrictions with respect to sports events throughout the world.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Prime Minister can leave Jean Rochon in Quebec City. We are speaking to the federal government, to the federal health minister, to the Prime Minister himself, because he is the one jeopardizing the very existence of most of the major cultural and sports events, which are held primarily in Quebec. That is what we are talking about.

Yes, it is true that the opposition supports the principle of limiting tobacco consumption, but the advertising measures are going to jeopardize culture and sports. And that is what we are against.

Can the Prime Minister turn a deaf ear to the militant members in his own Liberal Party who met in Quebec over the weekend and expressed their concern about the fate reserved for cultural and sports events, and who spoke critically of the health minister's bill to the responsible ministers in the Quebec government? Can the Prime Minister turn a deaf ear even to the federal Liberals from Quebec?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when we spoke with those involved, they asked us for more time. The legislation was to take effect immediately in December, and we decided to grant an extension until October 1998, in order to give the organizations in question time to adjust.

Mr. Crête: They are not happy.

Mr. Chrétien (Saint-Maurice): Listen, Mr. Speaker, I am being asked to accommodate people, to help. We are saying that the deadline will be October 1, 1998 in order to help those affected make the adjustment. The legislation was to take effect on the date it was passed by Parliament. It is a bill that opposition members supported. They voted in favour of it. But they are behaving like political opportunists and no longer care right now about the health of Quebec's young people.

• (1420)

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Prime Minister is showing his ignorance of the Standing Orders.

Some hon members: Oh, oh.

The Speaker: Dear colleagues, I would simply like to ask you not to use too many words that could be construed—

Mr. Gauthier: Mr. Speaker, I do not know what to say. Ignorance means that one does not know. I will put it another way. It is scandalous that, after 30 years in Parliament, the Prime Minister does not understand that it is possible to vote in favour of a principle at second reading, because that is what is being voted on at second reading, and against a bill at third reading, because we do not like the means being proposed. That is what I meant.

The fact is that the same minister who wanted to ban raw milk cheese because it was a risk to people is now presenting us with a bill that makes no sense.

I ask the Prime Minister whether there is a minister or a Liberal member from Quebec who will rise on that side of the House to defend Quebec and Quebec's interests? Let him rise so we can see him.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this is the very reason we agreed to give two years to the group in question so it could adjust to the situation.

When the bill was introduced, it was to take effect this year. Because of the representations made, we allowed a one year extension. We have not completely banned sponsorships by the tobacco companies. We have compromised in this connection. They can still advertise. There will be regulations allowing them to advertise in certain locations.

But one thing is important, and that is that we must look after the health of young people. It is not acceptable to have an attitude—

Some hon. members: Hear, hear.

Mr. Chrétien (Saint-Maurice): Either we do something, or we do not. The fact is that the opposition party does not have the courage to say that it puts the health of young Quebecers, of young Canadians, first.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, there are ways of discouraging smoking and improving the health of our young people, without at the same time jeopardiz-

ing the future of cultural and sporting events. It is like chewing gum and walking at the same time, some people just cannot do it.

A number of cultural and sporting events are in danger. The Montreal Grand Prix, the Trois-Rivières Grand Prix, the jazz festival, the Benson and Hedges fireworks, the Just for Laughs festival, the Quebec summer festival, the Montreal international tennis championships.

Does the Prime Minister realize that all of these events are now in jeopardy because of this bill, which the Montreal Chamber of Commerce labels as fundamentalist legislation by the ayatollahs of tobacco?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, I can well understand my colleague's concern for support of the arts and cultural groups in this country.

As the hon. member and as his colleague fully know, there is no banning of sponsorship promotion. There is a restriction of sponsorship promotion.

It would be nice in this House if members of the official opposition could stand in their places and voice their concerns, as they have on this issue, when it comes to the health and care of young children in this country. I wish they would stand with children on this issue.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, if there were a Grand Prix on the Cabot Trail, the Ayatollah from Nova Scotia would sing a different tune.

Some hon. members: Hear, hear.

• (1425)

The Speaker: Colleagues, I would ask you to take great care with your choice of words. Would my hon. colleague please ask his question?

Mr. Duceppe: Mr. Speaker, I am not sure which one you were referring to, but I will go on.

Thousands of jobs are at stake, in Montreal alone. This means hundreds of millions of dollars in economic spinoffs jeopardized by a bad decision by this government.

Outside of all the verbiage by the Prime Minister and the Minister of Health, what does the Prime Minister have to say today to the thousands of people who will end up unemployed because of this bill, which goes beyond what its objectives ought to be, of reducing tobacco use, rather than doing away with Montreal's sports and cultural events, as this government is doing its darndest to do?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, we are now seeing what a leadership campaign is all about.

The hon. member opposite forgets to put a few facts on the table: 40,000 lives each and every year from tobacco consumption; over 14,000 in the province of Quebec. I ask the hon. member opposite and the hon. member of the Bloc Quebecois to stand up for once and support the young people and the children of this country.

* * *

PENSIONS

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, Saturday was the deadline for people to contribute to RRSPs, so retirement income has definitely been on the minds of Canadians.

They want to know why, though, when it comes to the Canada pension plan they have to pay more for less, 73 per cent more. They want to know why 10 per cent of their salary is only going to get them $9,000 a year through CPP when the same amount invested in the safest RRSP would get them $26,000 a year. That is nearly three times more than with the Canada pension plan.

My question is for the Prime Minister. How can he rip off young Canadians by asking them to pay more for less?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we want to ensure that young and middle aged Canadians will have some support when the time comes for them to retire. They have contributed for years to this plan and the Reform Party wants to get rid of it. All those who have paid into the plan for years will lose money if we do not intervene at this time.

However, the Reform Party is always happy to ensure that the rich will be better off and the poor will pay.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, I would say somebody who opted out of the MP pension plan hardly has a guarantee of being rich down the road. Therefore I have a vested interest in making sure that the Canada pension plan or something like it is going to work for Canadians when they get old.

He says that he wants to make sure that young Canadians will have some support. I agree with that but I think they should have more than some support. Let us get them into private RRSPs so they can get a lot more than just some support. Older Canadians will also feel the pinch.

Under the Liberal plan a self-employed couple aged 60 will pay an additional $4,436 in CPP premiums and get $1,000 less for it when we factor in the Liberal clawback of the new seniors benefit.

I again ask the Prime Minister how can he rip off older Canadians by asking them to pay more for less?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this is a program that was organized by the federal government with all the provincial governments. This is an agreement that was signed with the provincial governments, the government of Mr. Klein in Alberta and the government of the premier of Ontario.

All the governments are telling the Canadian people that the Canadian pension plan is needed for the future. There is unanimous consent in the land. There is only the Reform Party that has some very funny goals about preserving the future for the younger generation.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, when the Prime Minister talks about unanimity in the land I have heard that phrase somewhere before in this Chamber and it just blew up in their face in the Meech Lake and Charlottetown accords.

This government has a real double standard when it comes to pensions. The Prime Minister is asking Canadians to pay more for less but he certainly is not making the same demand on his MPs. Canadians are being asked to pay 10 per cent of their pay cheques for a measly $9,000 in Canada pension plan pensions.

• (1430)

The Liberal members opposite, and of course those others who have put into the MP pension plan, are paying 10 per cent of their pay cheques but they are going to get $40,000 plus in MP pensions.

Let me ask the Prime Minister this. How can he rationalize asking Canadians to pay more for less when Liberals pay less for more and continue to enjoy their lavish gold plated pension plan?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if we were to believe what the Reform Party has proposed on that score it would cost workers 15 per cent of their income to meet the goals it has in mind.

We are making sure, because we are acting now, that it will not be 12, 13 and 14 per cent but it will be 10 per cent, and that will guarantee to the Canadian people that by the year 2020 we will have a Canada pension plan. This is what the Canadian people want. It is what the provincial governments want. It is what the Canadian people will get.

* * *

[*Translation*]

TOBACCO LEGISLATION

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, my question is directed to the Prime Minister.

Faced with Liberal militants who were worried about the survival of cultural and sports events, the Minister of Labour, who is also responsible for the Liberals' election campaign in Quebec, said on the weekend that after tobacco, his government might consider alcohol, to the horror of the President of the Treasury Board who took his arm and motioned him to stop talking. It is unbelievable how far removed this government is from reality.

Does the Prime Minister realize that by letting his Minister of Health, his Minister for Nova Scotia, a man who does not know anything about the economic situation in Quebec, go on like this, his government is turning on a sector that is in good shape in Quebec at the present time? Why is the minister attacking what works in Quebec? Is it because, in the final instance, the Prime Minister is upset when Quebec is doing well?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, first of all, I would like to repeat that we are not taking away the possibility of advertising. We are making regulations to ensure it has the least possible impact on young people in Quebec, those who are most at risk.

It is reported that the average age at which people start to smoke regularly in Quebec is 14. In Quebec, people start to smoke at an earlier age than anywhere else in the country. That is why we are taking steps to try to protect young people against the dangers of starting to smoke at too early an age.

Events can still be held. Advertising will be regulated as it is in France. As the U.S. President said in his State of the Union message a few weeks ago, he intends to do the same. Above all, we must protect the health of our young people. In Canada some advertising will be allowed, although some countries are going to prohibit advertising altogether.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, the Prime Minister is so keen on going ahead with this bill because he wants to save his party and the minister who urged people to vote against the Liberals if the legislation was not passed before the next election. That is the real problem.

Will the Prime Minister agree that his minister's stubbornness is not about health and very much about political concerns?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member for Argenteuil—Papineau said that by voting in favour of this bill at second reading, the official opposition agreed with its objectives, and more specifically with protecting the health of young people under 18.

On December 5, 1996, the hon. member for Lévis said: ''Since we agree with most of the government's objectives regarding a reduction in health costs associated with tobacco use, we will support the bill''. And so on and so forth.

The hon. member for Anjou—Rivière-des-Prairies said that on the other hand, it was obvious that sponsored cultural and sports events as such were safe pursuits that might even encourage young people who wanted to smoke to engage in sports activities.

It was the members opposite who told the Minister of Health in December to go ahead. Today, for purely electoral reasons, without any consideration for protecting the health of young Quebecers, they have changed their minds. Quebecers know that the health of young people is important.

* * *

● (1435)

[*English*]

PENSIONS

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, the Prime Minister knows full well that the Reform plan for the Canada pension plan would protect current seniors and would also make it possible for future Canadians to have a pension at all.

My question is to the President of the Treasury Board. Last Friday the President of the Treasury Board inferred that increasing annual Canada pension plan premiums $1,300 per employee will prevent the program from going broke.

Will the minister now promise Canadians that there will be no further increase in Canada pension plan premiums and that there will be no further decreases in Canada pension plan benefits?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the Reform Party's numbers are usually wrong and they are again in this question. Reformers have not stated how they are going to pay the millions of current seniors or the people over the age of 50 who are dependent on the Canada pension plan for future benefits. How are they going to pay them with their plan?

Their plan will not provide disability or children's benefits. Their plan will not provide a drop-out provision. It will not provide indexation. They will put all the risks in the hands of the workers.

Their pension plan is not the pension plan we have in the Liberal Party. We will support the Canada pension plan and the provinces will support the Canada pension plan.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, Canadians are not fooled by this. When the Liberals are asked a reasonable question and stand up and respond with rubbish and prevarication we can see right through it.

A tax by any other name is still a tax. The Minister of Industry referred to Canada pension plan premiums as a payroll tax. The Minister of Finance has said payroll taxes are a cancer on job creation.

My question to the Prime Minister is how many jobs will be killed by the $10 billion job killing Liberal payroll tax grab?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the answer to that question is their plan will require people to put money into an RRSP.

How many jobs will that kill? It will kill a lot more jobs than the 15 per Canada pension plan. It is a pension plan, an investment plan. They do not understand the difference between a tax and an investment in a pension plan.

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[*Translation*]

REFERENCE TO SUPREME COURT

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, my question is for the Minister of Justice.

Last Friday, the federal government revealed its argument in its reference to the Supreme Court. As always, the language is irresponsible and provocative. All it is capable of doing, in fact, is subscribing to the opinion of an expert, who holds that, and I quote: ''The only way for an entity to secede unilaterally is by traditional means, which involves winning a war of independence, as did Bangladesh—''.

Will the minister acknowledge that his government is acting irresponsibly in taking an extremist position and raising the spectre of civil war?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, first, I would like to point out once again why the Government of Canada sought the opinion of the Supreme Court of Canada.

I would remind the hon. member that the stance taken by the PQ government of Quebec has made this necessary.

The attorney general of Quebec has denied the role of the courts and the Constitution in this debate. As the attorney general of Canada, I have the responsibility of maintaining and protecting the role of the courts and the Constitution. So, the reference to the court has brought out fundamental issues in order to resolve these disputes.

● (1440)

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I would point out that the minister failed to answer this question, which, nevertheless, is in his brief. That is quite distressing.

In its arguments, the federal court also contends that a constitutional amendment would be required for Quebec to declare independence. I would like to understand, for it is vitally important.

Is the Minister of Justice telling us that, if a majority of Quebecers vote in favour of Quebec's sovereignty, a province like Prince Edward Island, which has at best 93,000 voters, could block the democratic will of over five million Quebec voters?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the brief we presented Friday afternoon, including the experts' opinion, sets out the federal government's position on the three questions before the courts.

The experts' opinions support our position, which is that, under both national and international law, a government does not, as the PQ government of Quebec claims, have the right to unilaterally declare the separation of a province from a democratic and independent state.

* * *

[*English*]

SOMALIA INQUIRY

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, my question is for the Minister of National Defence.

In a letter written by General Boyle on March 21, 1996, prior to his testimony at the Somalia inquiry, he declared that the inquiry should not investigate the issue of high level cover-up. Boyle said don't investigate and, surprise, the minister shut down the inquiry before the commissioners could investigate the issue of cover-up.

Out of all people, why did the minister accept and implement Boyle's advice? How can the minister explain that?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the hon. member referred to a letter allegedly written by Jean Boyle in which he said: Do not investigate the cover-up. If the hon. member would send me a copy of the letter I would be happy to respond to the question, and specifically to the quote to which he has just referred.

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, the government should have disqualified Boyle's advice because he was a witness before the inquiry. Boyle wanted the inquiry shut down. The government accepted and implemented Boyle's advice. This defence minister shut down the Somalia inquiry.

Canadians want to know what the government is hiding.

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, to be very honest with the hon. gentlemen, as I say, I will look at the letter when he sends it to me in which Jean Boyle said ''do not'' or ''do'' shut down the inquiry, whatever the quote was.

However, in the time I have been Minister of National Defence, General Boyle did not have much time to give me much advice.

* * *

[*Translation*]

PULP AND PAPER COMPANIES

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is for the President of the Treasury Board.

The merging of two major pulp and paper companies, Abitibi Price and Stone Consolidated, resulted in the creation of that industry's largest company in the world, with sales in excess of $4 billion. However, despite the fact that the majority of plants and workers of this new conglomerate are in Quebec, there is still no guarantee that the corporation's head office will be in Montreal.

Can the minister tell us if his government made representations to convince the new company's senior management to maintain its Canadian head office in Montreal?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, this is a strange question, given that the Treasury Board does not have a say as to where companies set up their head offices.

I should tell the hon. member that, in our system, this decision is up to the companies themselves. They are the ones that decide where they will set up their head offices. This is what will happen in this case.

• (1445)

Mr. Bellehumeur: How reassuring.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, we understand that the President of the Treasury Board is also the minister responsible for Quebec, and we are concerned as to whether he is protecting Quebec's interests.

On October 22, the Prime Minister made the following comment before the Montreal Chamber of Commerce: ''Through work, and in a spirit of co-operation, we can put Montreal back on its feet. We have no choice: we must succeed''.

Are we to understand that, when the time comes to provide concrete support to Montreal's economy, the government will not do anything but resort to empty rhetoric?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, we are protecting Quebec's interests by creating jobs, as we do when

we invest in Bombardier or Pratt & Whitney. We are helping Quebec by providing good government at the federal level, thus lowering interest rates and increasing investments in that province.

We are providing good government, precisely to help Quebecers overcome the uncertainty generated by the opposition's stand on the issue of separation. What creates problems in Quebec is the fact that the opposition spends all its time promoting sovereignty, thus increasing economic uncertainty in Quebec and reducing the number of jobs. Quebec's real interests lie in good government.

* * *

[*English*]

THE ENVIRONMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, my question is for the Minister of Natural Resources.

Presently representatives from 150 countries are meeting in Bonn to draft an accord aimed at reducing global emissions of carbon dioxide. Apparently Canada has said that it will not meet the target of stabilizing carbon dioxide emissions by the year 2000.

Can the minister say what she plans to do to meet both the carbon dioxide reduction commitment made by Canada under the climate change convention and the further reductions promised in the red book in view of the fact that voluntary efforts are proving to be insufficient?

Hon. Anne McLellan (Minister of Natural Resources, Lib.): Mr. Speaker, I thank the hon. member for his question. It is timely, considering that starting tomorrow in Bonn, the world's nations will begin another series of negotiations in relation to the challenge of global warming.

Let me assure the hon. member that my colleague, the Minister of the Environment, and I announced 45 new or enhanced measures when we met with our provincial colleagues in Toronto in December. Those measures include things like green power procurement in federal buildings, enhanced energy efficiency regulations for appliances and small engines.

However, the hon. member is right that is will be very hard for us as a nation to achieve the stabilization goals. But by working with other stakeholders like the provinces, industry and environmental groups, ours is a record of which we can be proud. Ours is a record that reflects momentum and we will continue to work on this difficult global problem.

* * *

HOSPITALS

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, the hospital closures in the Ottawa area are a direct result of the Liberal government's cuts to medicare, in fact 40 per cent in cuts to medicare.

Why does the Minister of Health not just put up a sign on every closed hospital that says: ''This closure courtesy of the Liberal Party of Canada?''

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, the thesis promoted by members of the third party is totally inaccurate.

If one were to read the comprehensive report of the national forum, a body which was appointed by the Prime Minister, it clearly said that Canada has the second most expensive health care system in the world, that our health care system is not underfunded, and that the problems with our health care system have more to do with management than anything else.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, the minister missed one little fact from the health care forum. The Liberals are going down to $11.1 billion, but the forum said to keep the funding at $12.5 billion, which is quite a difference.

The hospital closures are a direct result of the 40 per cent in cuts. The Liberals promised to save medicare. What did they deliver? Hospitals closing.

Why does every hospital not put up a great big brass plaque which states: ''This closure courtesy of the Liberal Party of Canada?''

• (1450)

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, again the hon. member from the Reform Party is somewhat negligent with the facts.

As a result of the economic policies of the government, we have saved provincial treasuries in excess of $1.6 billion on interest rates alone. In addition, for this fiscal year we have provided the provinces $8.6 billion in revenues for equalization.

Because of the Minister of Finance's budget of not this year, but last year, the government has provided not only a cash floor but a minimum of $25.1 billion to the provinces for the purposes of social programs.

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[*Translation*]

CLONING

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, my question is for the Minister of Justice.

These last few weeks, the media have reported several cases of cloning using adult animal cells. Everyone has been able to see the results of a cloning experiment carried out by Scottish researchers

on a sheep called Dolly. Many experts have serious concerns about the possibility of human cloning.

Does the minister recognize that this is a matter of great urgency, given the tremendous progress made in research, and that he must amend the Criminal Code as soon as possible to prohibit human cloning?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, I thank the hon. member for his question because it is a serious and a substantive one.

Members will recall that we introduced legislation to deal with the very subject matter to which the hon. member referred. It is in committee at the present time. The legislation has two phases, phase one and phase two. If we could get the co-operation of the various political parties I am certain we could move in a very expeditious way to have that legislation pass through the House of Commons as well as the upper house.

[*Translation*]

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, can the Minister of Justice undertake to act before the next election and amend the Criminal Code in order to prohibit human cloning, in which case he will have the full support of the official opposition to quickly pass such an amendment?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, the substance and the purpose of the bill to which I referred is to address the kinds of concerns that he has raised.

I only hope that members can focus on this subject matter in a non-partisan way and have it passed expeditiously in the House so that the kinds of fears that he has raised will not continue in this country at least.

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COMMEMORATIVE STAMP

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, unbelievably the French government is going to issue a stamp to glorify de Gaulle's vive le Quebec libre visit .This is utterly reprehensible and is a direct attack on Canadian sovereignty and unity.

Is the government unwilling to defend the country's unity and sovereignty and demand that the French government stop supporting Quebec separatists?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, we are aware that some consideration is being given to a stamp of President de Gaulle but no decision has been taken. The hon. member should tone down his rhetoric and his inflammatory remarks until we get a full explanation.

We have been in touch with officials of the French government to ask for information and an explanation. As soon as we receive that we would be very glad to inform the hon. member.

Once again the Reform Party is jumping the gate too quickly. It should not draw conclusions until the proper information is received. I know the Reform Party does not like to be confused by the facts but in this case we prefer to know exactly what is going on.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, this sounds very much like what was said during the referendum: be happy, keep quiet, do not say anything.

The Prime Minister just completed a visit to France and he said that relations have never been better. Is this stamp an example of the relationship getting better? Will the Prime Minister stand up for Canada? Will he stop catering to the separatists and will he call the French ambassador in and tell him to butt out or get out?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this is the first time I have been accused of being on the side of the separatists.

Some hon. members: Oh, oh.

• (1455)

Mr. Chrétien (Saint-Maurice): I can see the leader of the separatist party smiling. He has never been my biggest problem.

We will wait for the facts. What the Minister of Foreign Affairs said is reasonable. There are rumours about it. There are a lot of rumours about the Reform Party too but we do not believe them all the time.

* * *

[*Translation*]

INTERPROVINCIAL TRADE

Mrs. Anna Terrana (Vancouver East, Lib.): Mr. Speaker, my question is for the Minister of Industry.

[*English*]

I am concerned because the province of British Columbia has announced that it will withdraw from the agreement concerning the free flow of goods and services between Canadian provinces. This is at a time when all of Canada, especially the economy of B.C., is benefiting from freer trade.

Would the minister comment on how he thinks B.C. businesses will be affected by this decision when trying to enter into contracts in other provinces?

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, the issue to which the member refers is the announcement by the province of British Columbia that it will not proceed with

negotiations to extend the application of the internal trade agreement to municipal governments as well as schools, hospitals and administrative agencies of its government.

As was agreed in 1994 when the federal government and the provinces signed the internal trade agreement, it was foreseen that we would complete negotiations to extend that chapter within a year. The third anniversary is now approaching.

This decision is regrettable from the point of view of the benefits that could be enjoyed by British Columbia taxpayers if procurement were opened to firms from other parts of Canada. It is also regrettable because other provinces may choose not to extend the benefits of the agreement to firms based in British Columbia.

It is my hope that the Government of British Columbia, which entered into this agreement in good faith and negotiated by the current premier of the province, will reconsider its position.

* * *

[*Translation*]

FIGHT AGAINST AIDS

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, instead of working ferociously to bring about the demise of sports and cultural events, the Minister of Health should give researchers the money they need to pursue the fight against AIDS.

Can the minister tell the House if the government intends to continue supporting the research and prevention activities undertaken as part of the national AIDS strategy after March 31, 1998?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, yes. we have embarked on a consultation process with various stakeholders, including the advisory group to the minister, on the issue of AIDS and the difficulties that it provides our citizens.

We were hoping to raise the matter in a larger forum with provincial governments as well. As the hon. member knows, funding for the second phase is not due to terminate until March 1998. We have some time in which to line things up in the proper way.

We are giving careful and due consideration to the suggestions that a variety of groups are making, including the hon. member opposite.

JUSTICE

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, 16-year-olds cannot buy cigarettes, 16-year-olds cannot vote but in 1988 the Conservative government reduced the age of consent from 16 to 14.

Liberal proposals continue to do nothing to prevent children from being commandeered by adults for sex. It is no accident that the average age of recruitment for prostitution is 14. What will the justice minister do to protect our most vulnerable citizens? When will he raise the age of consent from 14 to 16?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we have done a wide variety of things with respect to children being exploited through prostitution. One of the issues, but only one of them, is the issue of age.

For example, we put before the House legislation which would impose mandatory minimum penitentiary terms on those who serve as pimps for children in prostitution. It is legislation that will make a difference.

We have worked in concert with provincial attorneys general and authorities throughout the country in a co-ordinated effort to crack down on child prostitution.

• (1500)

On those occasions when I visited cities throughout Canada I have driven with the police in their cars. I have seen the tragic sight of children working the streets as prostitutes. I have conferred with those in the provinces who are working with the social services because this is more than just a matter of criminal law.

I use this occasion to say to the hon. member that I fully share her objectives. We have taken concrete legislative and policy action against children in prostitution and I urge her to join us in those continued—

The Speaker: The hon. member for Mackenzie.

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RAILWAYS

Mr. Vic Althouse (Mackenzie, NDP): Mr. Speaker, my question is for the minister of agriculture.

During the government's move to deregulate the branchlines in our railway system it assured Canadians who lived on those branchlines that the loss of protection to the year 2000 would not matter because they could set up short lines to provide their own service.

We are now finding out that the railways and the elevator companies seem to have an alliance whereby the lines will not be sold without the condition that no grain will move on them.

What does the government plan to do to offset this, now that it has set this program in motion? How will these communities be able to use their short lines if no elevators can be situated on their rights of way?

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the purpose of the new Canada Transportation Act is at least in part to shift the emphasis away from what used to be a policy of branchline abandonment as the only game in town toward a new policy where at least there is the alternative of considering seriously a short line operation where it makes economic sense to do so.

In my province, which is also the hon. gentleman's province, it would be a big help to the short line industry if the provincial NDP government would change the law with respect to successor rights so short lines could exist in Saskatchewan.

* * *

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of Jordan Sokolov, MP, President of Parliamentary Group Union of Democratic Forces of the National Assembly of Bulgaria.

Some hon. members: Hear, hear.

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BUSINESS OF THE HOUSE

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, I rise on a point of order. I should like to designate March 5, March 7, March 10 and March 12 as allotted days pursuant to Standing Order 81.

ROUTINE PROCEEDINGS

[*Translation*]

ORDER IN COUNCIL APPOINTMENTS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to table in the House today, in both official languages, a number of Order in Council appointments which were made recently by the government.

Pursuant to the provisions of Standing Order 110(1), these are deemed referred to the appropriate standing committees, a list of which is attached.

GOVERNMENT RESPONSE TO PETITIONS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 13 petitions.

* * *

• (1505)

[*English*]

WAYS AND MEANS

NOTICE OF MOTION

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, pursuant to Standing Order 83(1) I wish to table a notice of ways and means motion to amend the Income Tax Act, the income tax application rules and another act related to the Income Tax Act, and I ask that an order of the day be designated for consideration of the motion.

* * *

SUPPLEMENTARY ESTIMATES (B), 1997-98

A message from His Excellence the Governor General transmitting supplementary estimates (B) for the financial year ending March 31, 1997, was presented by the President of the Treasury Board and read by the Speaker of the House.

* * *

COMMITTEES OF THE HOUSE

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, I have the honour today to present, in both official languages, the fourth report of the Standing Committee on the Environment and Sustainable Development. It relates to Bill C-65, an act respecting the protection of wildlife species in Canada from extirpation or extinction, and to its reporting with amendments.

The committee wishes to thank witnesses and interested citizens in all parts of the country for their thoughtful contributions to this timely and important piece of legislation.

[*Translation*]

PROCEDURE AND HOUSE AFFAIRS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the 57th report of the Standing Committee on Procedure and House Affairs, regarding the membership and the associate membership of standing committees and standing joint committees.

If the House gives its consent, I intend to move concurrence in the 57th report later this day.

* * *

[*English*]

REFERENDUM ACT

Mrs. Diane Ablonczy (Calgary North, Ref.) moved for leave to introduce Bill C-377, an act to amend the Referendum Act.

She said: Mr. Speaker, it is a pleasure for me to introduce my private member's bill, an act to amend the Referendum Act. This act would allow electors to petition for a referendum on proposed legislation or on constitutional amendment.

The act provides for any questions supported by citizens in this way to be put to the electors. It also sets up procedures for establishing committees to co-ordinate the support for and to co-ordinate the opposition to the question.

Canadian electors are educated, informed and responsible. They seek the democratic means to raise issues of broad economic, social and constitutional importance and ensure those issues most important to them are placed on the legislative agenda.

Similarly the final decision on key issues of significant impact to our future must be given to the electors. The enactment of the bill will strengthen democracy in the country.

(Motions deemed adopted, bill read the first time and printed.)

* * *

● (1510)

[*Translation*]

SUPPLENTARY ESTIMATES (B), 1996-97

REFERENCE TO STANDING COMMITTEES

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, pursuant to Standing Order 81(5) and 81(6), I wish to move a motion concerning reference of supplementary estimates to standing committees of the House.

As there is a lengthy list attached to the motion, if it is agreeable to the House, I would ask that the list be printed in *Hansard* as if it had been read.

The Speaker: Is there consent?

Some hon. members: Agreed.

Mr. Massé: Mr. Speaker, I move:

That the Estimates be referred to the several Standing Committees of the House as follows:

[*Editor's note: the list referred to above is as follows:*]

To the Standing Committee on Aboriginal Affairs and Northern Development
Indian Affairs and Northern Development, Votes 1b, 5b, 6b, 7b, 15b, 35b and 36b

To the Standing Committee on Agriculture and Agri-Food
Agriculture and Agri-Food, Votes 1b, 3b and 10b

To the Standing Committee on Canadian Heritage
Canadian Heritage, Votes 1b, 5b, 10b, L21b, 25b, 40b, 55b, 65b, 75b, 105b and 135b

To the Standing Committee on Citizenship and Immigration
Citizenship and Immigration, Votes 1b, 2b, 10b and 15b

To the Standing Committee on Environment and Sustainable Development
Environment, Votes 1b and 10b
Privy Council, Vote 30b

To the Standing Committee on Finance
Finance, Votes 1b and 40b
National Revenue, Votes 1b, 5b and 10b

To the Standing Committee on Fisheries and Oceans
Fisheries and Oceans, Votes 1b, 2b and 3b

To the Standing Committee on Foreign Affairs and International Trade
Foreign Affairs, Votes 10b, 11b, 15b, 20b and 21b

To the Standing Committee on Government Operations
Canadian Heritage, Vote 130b
Governor General, Vote 1b
Parliament, Vote 1b
Privy Council, Votes 1b, 5b, 6b and 10b
Public Works and Government Services, Votes 5b, 14b, 15b and 20b
Treasury Board, Votes 1b and 10b

To the Standing Committee on Health
Health, Votes 10b, 25b and 30b

To the Standing Committee on Human Resources Development
Human Resources Development, Votes 1b, 6b, 15b, 25b and 40b

To the Standing Committee on Human Rights and the Status of Persons with Disabilities
Justice, Vote 21b

To the Standing Committee on Industry
Industry, Votes 1b, 2b, 21b, 25b, 26b, 40b, 50b, 70b, 90b, 100b, 105b, 110b and 120b

To the Standing Committee on Justice and Legal Affairs
Justice, Votes 1b, 5b, 15b and 20b
Solicitor General, Votes 1b, 30b and 35b

To the Standing Committee on National Defence and Veterans Affairs
National Defence, Votes 1b, 5b and 10b
Veterans Affairs, Vote 10b

To the Standing Committee on Natural Resources
Natural Resources, Votes 1b, 10b, 20b and 25b

To the Standing Committee on Transport
Transport, Votes 10b, 20b, 34b, 38b and 39b

(Motion agreed to.)

Routine Proceedings

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if the House gives its consent, I move that the 57th report of the Standing Committee on Procedure and House Affairs tabled in the House today be concurred in.

[*English*]

The Speaker: Does the parliamentary secretary have unanimous consent of the House to move the motion?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to.)

* * *

PETITIONS

TOBACCO PRODUCTS

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, it is my pleasure to present a petition to the House signed by dozens of my constituents from St. Catharines.

The petitioners call our attention to the devastating impact tobacco has on the health of Canadians, in particular the negative impact of tobacco on young people.

Furthermore the petitioners state their support for the federal government implementing its tobacco control legislation, Bill C-71, and urge the federal government to ensure complete passage of the bill prior to an election call.

NATIONAL HIGHWAY SYSTEM

Mrs. Anna Terrana (Vancouver East, Lib.): Madam Speaker, I have three sets of petitions to present. Two of the petitions concern the state of the highways and the concern demonstrated by several people of British Columbia.

The first set of petitions asks that Parliament not increase the federal excise tax on gasoline and strongly consider reallocating its current revenues to rehabilitate Canada's crumbling national highways.

The second set of petitions calls upon Parliament to urge the federal government to join with provincial governments to make the national highway system upgrading possible.

LITERACY

Mrs. Anna Terrana (Vancouver East, Lib.): Madam Speaker, the third petition concerns literacy.

The petitioners request that all levels of government demonstrate their support for education and literacy by eliminating the sales tax on reading materials.

RU-486

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, I rise to present several petitions today. The first one is signed by people in my riding of Fraser Valley East.

They call upon Parliament not to approve the use of the abortion drug RU-486 in Canada.

CFB CHILLIWACK

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, the second petition is from people who are still upset about the closing of CFB Chilliwack.

They have noted a variety of logical reasons to keep some semblance of that base open.

NUCLEAR WEAPONS

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, the third petition calls for the abolition of all nuclear weapons and encourages the federal government to work toward that end.

● (1515)

SEX OFFENCES

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, this petition bears 881 names, for a total of more than 30,000 names that I have presented on the subject of personal injury crimes and sexual offences, especially involving children.

The petitioners call upon Parliament to do several things to protect our children and those most vulnerable in society, including a national registry of fingerprints, amendments to the Criminal Records Act to prohibit pardons for those convicted of sex offences, and to prohibit for life all those convicted of sex offences against children from holding positions of trust and responsibility.

NATIONAL HIGHWAY SYSTEM

Mr. Bob Mills (Red Deer, Ref.): Madam Speaker, I wish to present to Parliament a petition signed by 56 of my constituents.

The petitioners call upon Parliament to urge the federal government to join with the provincial governments to make the national highway system upgrading possible beginning in 1997.

CRIMINAL CODE

Mr. Andy Scott (Fredericton—York-Sunbury, Lib.): Madam Speaker, I wish to present three petitions.

The first petition is signed by 25 constituents who call upon Parliament to proceed immediately with amendments to the Criminal Code to ensure that a sentence given to anyone convicted of impaired driving causing death would carry a minimum sentence of seven years and a maximum of fourteen.

NUCLEAR WEAPONS

Mr. Andy Scott (Fredericton—York-Sunbury, Lib.): Madam Speaker, the second petition calls upon the House to support the immediate initiation and conclusion by the year 2000 of an international convention which would set out a binding timetable for the abolition of all nuclear weapons.

The petition is signed by 300 residents of Fredericton—York—Sunbury.

CANNABIS

Mr. Andy Scott (Fredericton—York-Sunbury, Lib.): Madam Speaker, the final petition I wish to present calls upon Parliament to legalize cannabis.

The petition is signed by over 100 constituents of Fredericton—York—Sunbury.

NATIONAL HIGHWAY SYSTEM

Mr. Ed Harper (Simcoe Centre, Ref.): Madam Speaker, pursuant to Standing Order 36 it is my pleasure to present two petitions today on behalf of the constituents of Simcoe Centre.

The first group of petitioners request that the federal government join with the provincial governments to make the national highway system upgrading possible beginning in 1997.

AGE OF CONSENT

Mr. Ed Harper (Simcoe Centre, Ref.): Madam Speaker, the second petition concerns age of consent laws.

The petitioners ask that Parliament set the age of consent at 18 years to protect children from sexual exploitation and abuse.

BANK ACT

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Madam Speaker, I wish to present a petition signed by approximately 175 residents of my riding.

The petitioners call upon the government to make certain amendments to the Bank Act to give consumers greater rights and information with respect to the operation of Canadian banks.

INDIAN SPECIFIC CLAIMS COMMISSION

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, I have a petition from the residents of Peterborough riding concerned about the closing of the Indian Specific Claims Commission at the end of this month.

The petitioners feel the commission is extremely important for dealing fairly with aboriginal land claims. They request that Parliament not allow the current employees of the Indian Specific Claims Commission to close down their place of employment.

As taxpayers and registered voters the petitioners feel this important entity should continue to operate.

* * *

[*Translation*]

HIGHWAY SYSTEM

Mr. Philippe Paré (Louis-Hébert, BQ): Madam Speaker, members of the Canadian Automobile Association from the Quebec City area remind us that a large part of the Canadian highway system is substandard. Therefore, the petitioners call on Parliament to press the federal government to work with the provinces to ensure our national highway system is upgraded.

[*English*]

Mr. Jay Hill (Prince George—Peace River, Ref.): Madam Speaker, pursuant to Standing Order 36(6) it is my pleasure to introduce in the House today a petition from residents of Prince George.

They note that the federal excise tax on gasoline has increased by 566 per cent over the last 10 years and that the federal government reinvests in highways less than 5 per cent of its fuel tax revenues.

Therefore the petitioners request that Parliament not raise fuel taxes again and that the government dedicate revenue from fuel taxes to rebuild Canada's crumbling highways.

* * *

[*Translation*]

QUESTIONS ON THE ORDER PAPER

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, the following questions will be answered today: Nos. 4 and 92.

[*Text*]

Question No. 4—**Mr. Breitkreuz (Yorkton—Melville):**

Since the passage of the gun storage laws in Section 86(3) of the Criminal Code of Canada, how many incidents have there been where firearms have been stolen from the Royal Canadian Mounted Police, from Provincial Police Forces, from Municipal Police Forces, from individual police officers, from military establishments and from members of the armed forces in Canada, and for each incident include the date, description and details of each of these incidents complete with the results of the investigation, and with respect to each incident, advise (*a*) whether the incident was a violation of Section 86(3) of the Criminal Code of Canada, and (*b*) whether charges were laid and if not, why not?

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): I am informed by the Solicitor General of Canada and the Department of National Defence as follows.

ROYAL CANADIAN MOUNTED POLICE, RCMP

a) Following is the list of incidents where firearms have been stolen from RCMP establishments and from members of the RCMP in Canada for the period 1993 to 1997:

1. ''A'' DIVISION—95 Sep 07: An RCMP service revolver was stolen from a member's residence. The gun was properly stored. The stolen gun has not been recovered and no charges have been laid.

2. ''B'' DIVISION—97 Jan 16: An RCMP service revolver was stolen from the locked trunk of a locked unmarked police vehicle. The theft is being investigated by the Royal Newfoundland Constabulary and the investigation is ongoing at the present time. The firearm has not been recovered.

3. ''C'' DIVISION—1993: An RCMP firearm went missing during a move in 1993. The weapon was recovered. No further details are available as the relevant file has since been destroyed.

4. ''D'' DIVISION—96 Nov 14: An RCMP gun and two clips were stolen from a duffle bag which was in a locked van in downtown Winnipeg. The theft occurred in Winnipeg Police jurisdiction and has been investigated with negative results. The items still have not been recovered. No charges have been laid.

5. ''E'' DIVISION—Apr 1993: A member reported his firearm missing from his personal effects and it still has not been recovered. No charges have been laid.

6. ''E'' DIVISION—Sep 1996: A member's service revolver was stolen from his residence. The firearm has not been recovered. charges have not been laid.

7. ''F'' DIVISION—93 Mar 27: A member's service revolver was stolen from a locked steel cabinet in his residence during the course of a Break and Enter while the member was away on leave. The revolver has not been recovered and no charges were laid.

8. ''H'' DIVISION—93 Aug 05/06: A member's service revolver was stolen from his residence while he was away on leave and has not been recovered. No charges were laid.

9. ''H'' DIVISION—93 Dec 17: A member's service revolver was stolen from his vehicle while it was parked at CFB Halifax. The gun has not been recovered and no charges were laid.

10. ''H'' DIVISION—94 Apr 21: A revolver was stolen from a briefcase which was left inside the locked trunk of a police vehicle. The revolver was recovered one month later when it was purchased by a Halifax Police Department informant and it was returned to the RCMP.

11. ''J'' DIVISION—95 Dec 23: An RCMP 9mm was stolen from a member's private residence in the city of Moncton, N.B. The theft was investigated by Moncton Police Department and the firearm has not been recovered.

12. ''J'' DIVISION—96 Nov 03: An RCMP 9mm was stolen from a member's residence in Tracadie-Sheila, N.B. The theft was investigated by the Tracadie-Sheila Police Department and the firearm was recovered and charges were laid.

13. ''J'' DIVISION—96 Nov 07: An RCMP 9mm was stolen from a member's private residence in Moncton, N.B. The theft was investigated by Moncton Police Department and the firearm has not been recovered.

14. ''K'' DIVISION—93 Jun 24: Extra firearms were required for training and stored overnight at a gun club within the City of Edmonton where the training was being conducted. The weapons were secured in a vault. When the weapons were retrieved the next day, it was discovered that one service revolver had been stolen. The weapon remains unrecovered. No charges have been laid.

15. ''K'' DIVISION—96 Aug 17: A member's service revolver was stolen from a private residence during a Break and Enter. The revolver has been recovered and investigation for unsafe storage of a firearm is currently ongoing.

16. ''K'' DIVISION—95 Sep 20: A member's RCMP revolver was reported missing. The details of this case are not available at this time as an investigation is ongoing.

17. ''O'' DIVISION—95 Jun 17: A member's revolver sank to the bottom of a lake while the member was on routine patrol on Lake Nippissing. The revolver has not been recovered. No charges have been laid.

18. ''O'' DIVISION—95 Aug 16/18: A member's service pistol was stolen from his residence during the course of a Break and Enter. The service pistol was stored properly at the time of the theft. The pistol was later returned by the thieves who threw the pistol into the member's backyard. No charges have been laid.

19. ''DEPOT'' DIVISION—An RCMP pistol was either lost or stolen approximately two years ago. Further details are unavailable.

20. ''DEPOT'' DIVISION—A recent incident involves an RCMP S&W 5946 pistol which was lost/stolen while in transit with a courier company. An investigation is being conducted with respect to this incident.

b) According to Section 3(1)d) of the Regulations pertaining to Part III of the Criminal Code, the RCMP is exempt from the storage regulations subject to subsection 3(3) of the same Regulations. Section 3(3) states that the exemption applies when firearms are stored in a dwelling house or permission is given by a supervisor.

The RCMP published clear operational directives stating that its members are responsible for the use, safety and storage of their firearms at all times. Any neglect of these directives is considered a breach of the Regulations and is an offence under Section 86(3) of the Criminal Code. When the firearm of a member of the RCMP is lost or stolen, the assessment of the situation includes a decision as to whether or not Section 86(3) of the Criminal Code of Canada has been breached.

With respect to these types of incidents as they pertain to provincial and municipal police forces or police officers, the RCMP's information is very limited. Since other police forces are not required to report to the RCMP incidents of loss or theft of their firearms, the RCMP's Operational Reporting System does not accurately provide information in this regard.

DEPARTMENT OF NATIONAL DEFENCE, DND

a) Following is the list of incidents where firearms have been stolen from military establishments and from members of the Armed Forces in Canada for the period 1993 to 1996:

1. Incident DS-0040—28 Aug 93: A 32 calibre was stolen from a hotel room in which the service member was staying. Pistol was being used for an escort of a large sum of money. An investigation was conducted and the firearm was recovered.

2. Incident DS—0041—17 Dec 93: A 38 calibre pistol was stolen from RCMP officer's car while parked at CFB Halifax. An investigation was conducted and the firearm was not recovered.

3. Incident DS-0517—16 Apr 94: Two 22 calibre rifles were stolen during a Break and Enter from a Cadet Corps storage area. An investigation was conducted and the firearms were not recovered.

4. Incident DS-3212—24 Jul 94: Two 177 calibre air pellet rifles were stolen during a Break and Enter from a Cadet Corps weapons locker. An investigation was conducted and the firearms were not recovered.

5. Incident DS-1989—26 Sep 94: Two 22 calibre rifles and a 177 calibre air pellet rifle were stolen from a Cadet Corps storage area. An investigation was conducted and the firearms were recovered.

6. Incident DS-1400—26 Jul 95: A Luger pistol was stolen from a secure display cabinet within an Armoury. An investigation was conducted and the firearm was not recovered.

7. Incident DS-1164—21 May 95: A Smith and Wesson 32 calibre was recovered by Winnipeg City Police. The hand gun had been stolen from a Permanent Married Quarter at CFB Shilo without the owner's knowledge. Weapon was stored in accordance with Section 86(3) of the Criminal Code. An investigation was conducted and the firearm was recovered. No charges were laid.

8. Incident DS-0525—11 Feb 95: A 410 shogun and a Winchester 30-30 rifle were stolen during a Break and Enter at a Permanent Married Quarter at CFB Halifax. Weapons were stored in accordance with Section 86(3) of the Criminal Code. An investigation was conducted and the firearms were not recovered. No charges were laid.

9. Incident DS-1916—21 Dec 94: A 22, a 357, and a 9mm pistol were stolen from a Permanent Married Quarter at CFB Halifax during a Break and Enter. Weapons were stored in accordance with Section 86(3) of the Criminal Code. An investigation was conducted and the firearms were not recovered. No charges were laid.

b) Since the Canadian Forces are exempt from Section 86(3) of the Criminal Code of Canada, the above incidents (1) through (6) cannot be considered violations of that legislation and therefore, charges were not laid. Incidents (7), (8) and (9) were thefts from private residences in which the weapons were stored in accordance with Section 86(3) of the Criminal Code.

Question No. 92—**Mr. Milliken (Kingston and the Islands):**

What is the total cost to the Government of Canada of the operation of the Investment Canada Act including the cost of any publications thereunder and in what year prior to 1996 was a decision rendered preventing the take over of a Canadian firm by a foreign investor?

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister Responsible for the Federal Office of Regional Development—Quebec), Lib.): The estimated cost of administering the Investment Canada Act in fiscal year 1996/97 is $788,000.

The Investment Canada Act came into force on June 30, 1985. Since that time, no investment proposal submitted under the act has been disallowed.

* * *

[*Translation*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, if Question No. 18 could be made an Order for Return, that return would be tabled immediately.

The Acting Speaker (Mrs. Ringuette-Maltais): Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 80—**Mr. Bergeron:**

With regard to the total budget for the Department of Natural Resources, and for each year since the 1987 fiscal year: (*a*) how much (in actual figures) and what proportion (in percentages) of its research and development budgets have been invested in Quebec, (*b*) how much and what percentage have been invested in Ontario (including the Ontario side of the national capital region and excluding the Quebec side of the national capital region), (*c*) what economic spin-off effects have there been from

the Candu reactors in Quebec, (*d*) what economic spin-off effects have there been in Ontario, and (*e*) what financial commitment has the department made to the neutrino detection project in Ontario, the Triumph project in British Columbia and to Chalk River, Ontario?

Return tabled.

• (1520)

[*Translation*]

Mr. Zed: Madam Speaker, I ask that the remaining questions be allowed to stand.

The Acting Speaker (Mrs. Ringuette-Maltais): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CANADA LABOUR CODE

The House resumed consideration of Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts, as reported (with amendments) from the committee; and of Motions Nos. 11 and 12.

The Acting Speaker (Mrs. Ringuette-Maltais): The hon. member for Wetaskiwin had four minutes remaining.

Mr. Dale Johnston (Wetaskiwin, Ref.): Madam Speaker, since I am not sure how many points I covered when I last spoke I will recap. I also want to raise a point made during question period by the minister of agriculture. In his reply to a question by a member of the NDP, the minister said that if the Saskatchewan government would amend its successor rights it would go a long way to solving the problem with the short line railways and their buyers.

It is a rather strange stance for the minister of agriculture to take when his government is suggesting we should have successor rights in the airline industry. It is strange he suggested that it should not be the same in the railroad industry. We in the Reform Party suggest the section of Bill C-66 that deals with successor rights should be eliminated.

Why should it be eliminated from the bill? We think it complicates things. It does not do what the minister has set out to do, that is to create a balance. It is making legislation for legislation's sake. It is not accomplishing anything.

We also notice the government's amendment to limit the succession rights to the airline securities department. Does it really? Further on we recognize that the governor in council, the cabinet in other words, has the authority to make regulations designating that any other service in any industry would have to comply with the same successor rights provisions. For those reasons we would very much like to see the successor rights portion of the bill removed.

Further, the Sims report from which most of the bill is drafted did not report on the subject. It did not have any consultation with the airlines, the industries or the airports in terms of successor rights.

This is rather ill thought out legislation. It is legislation that may have been brought in to appease certain groups. It is not part of the solution but could be exactly the opposite. It could be part of the problem.

I urge all members of the House to reconsider the portion of the bill that deals with successor rights, specifically clause 47.3 of Bill C-66, and to support the Reform amendment to delete the clause.

[*Translation*]

Mrs. Francine Lalonde (Mercier, BQ): Madam Speaker, I strongly object to the amendments put forward by the so-called Reform Party because the whole issue of successive contracts or previous employers is one of those that cause the most controversy, problems and confusion in labour relations. It is always an extremely sensitive issue.

• (1525)

Section 47.3 improves the situation without going as far as the unions would have wanted. This provision is a rather limited improvement. It is important to mention what it states, for the benefit of our listeners. This provision requires an employer who succeeds a previous contractor as the provider of certain services in the air transportation industry to pay his employees as much as the employees of the previous contractor were entitled to.

We must understand that this issue of contracting out is a very sensitive one and that the intent of the legislation is to preserve a minimum that is unacceptable. It goes without saying that a union always wants to protect its members' jobs. In this case, again in an attempt to control damage, it is provided that the provider of services who succeeds a previous contractor must pay at least equal remuneration.

This is a new provision which seeks to protect the remuneration of unionized workers who might have been adversely affected

following the loss of a contract by their employer. The provision also seeks to ensure that the people working for the supplier who is awarded the contract receive decent wages. It has no impact on the right of a supplier to contract out, provided that the contractors comply with the compensation plan.

While we feel the act does not go far enough, it is nevertheless an improvement and we will strongly oppose the Reform amendment to clause 47.3.

There is also clause 43 amending section 97(a) of the code. New obligations are imposed, including, in clause 47.3, the obligation, for an employer who succeeds a previous contractor, to pay equal remuneration to his employees. The employer must also uphold the conditions of employment while waiting for the board's decision regarding the services to be maintained, preserve the conditions of employment of those employees required to work during a work stoppage to maintain services, and reinstate employees instead of keeping replacement workers. This improvement seeks to make labour relations more civilized. Therefore, we will strongly oppose the amendment tabled by the Reform Party.

The two other amendments also target succession rights. We want to emphasize the fact that this is a mistake. The hon. member must realize that this would not solve anything. It is not true that it would enable contractors to operate with total freedom. Rather, it would create conditions where workers and unions would have no choice but to fight and to use every means of pressure available to them.

• (1530)

Let us not forget that the Reform Party's next to last amendment targets a provision already included in a 1996 act, which also maintained certain rights for workers.

For all these reasons, we are asking the government not to support the amendments proposed by the Reform Party. I would like to support these amendments but, unfortunately, their content as well as the arguments raised by the Reform member give me no choice but to disagree with them.

[*English*]

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Madam Speaker, clause 24 of Bill C-66 adds a provision to the Canada Labour Code which would require an employer succeeding another as the provider of certain services to the air transport industry to pay employees remuneration not less than that which the employees of the previous contract were entitled to receive under the terms of a collective agreement. On the recommendation of the Minister of Labour the governor in council can extend the application of this provision to other industries.

The Reform Party has put forward Motion No. 11 to remove this requirement from Bill C-66. This provision has been included in the bill to address important labour relations matters which not only affect workers in this sector but also impact on the safety of the flying public.

Rather than remove the provision, we are proposing Motion No. 12 to amend it to address some legitimate concerns which have been raised by representatives in the air transportation sector with respect to its current scope. The amendment we wish to make to clause 24 would limit the immediate application of this provision to employers providing airport security screening services.

We ask members of the House to approve this amendment as it will promote competition based on efficiency gains and enable contractors with unionized employees to answer tender calls; reduce staff turnover and ensure that the personnel assigned to the protection of the flying public have the proper training experience; protect the remuneration of unionized workers who can be penalized when their employer loses a service contract.

What this provision does not do is limit the right of employers in the air transportation sector or any other sector to contract for services. As is presently case the right to contract out services would remain subject to the terms of any collective agreement to which the employer is party. The requirement to maintain remuneration levels would only apply to successor contractors.

At present when a business subject to the Canada Labour Code decides to change contractors at the expiration of a service contract there is nothing in the code that protects the employees of that contractor. Consequently, if those employees were unionized and it succeeded in entering into a collective agreement they often lose the monetary benefits they have negotiated and in some cases they lose their jobs. As well, the employees of the employer that wins the service contract often have poor wage conditions.

We recognize that the air transport industry has a legitimate interest in containing costs and staying competitive. Still, the Canadian air transport industry has itself recognized that the turnover of employees assigned to security service contracts has a negative impact on its ability to maintain a skilled experienced work force. Because of problems caused by the practice of awarding successive contracts for services for security services in the air transport sector, the Department of Transport in its capacity as administrator of major airports reached an agreement with the Canadian airlines in 1988. Under the terms of the agreement the airlines were required to include in contracts for preboard security screening services a clause guaranteeing the employees wages and benefits would be maintained if the level provided for in the contract had existed before the call of tenders.

This agreement which was revised in 1992 resulted in a reduced turnover rate for security personnel, improved working conditions and a better security screening system. It is this policy which the bill now seeks to codify. The Standing Committee on Human Resources Development heard the submissions made by the Air Transport Association of Canada which raised concerns about the

new obligations included in the bill. In the association's view since the agreement entered into with the Department of Transport in 1988 solved the problems associated with tender calls for security services, it would be pointless and unwarranted to formalize the agreement as proposed in section 47(3).

• (1535)

Although we commend the airlines for their co-operation in honouring the agreement of the Department of Transport since 1988, we must not lose sight of the fact that some airports have not been administered by the Department of Transport for a few years now. Their numbers are growing.

As a result, Transport Canada has less direct influence to ensure that this policy is respected. With the proposed amendment to clause 24, the provision will apply in the immediate term only to security screening services.

This will codify the contractual obligations that air transport employers have been honouring for eight years and have been recognized as a reasonable method of correcting the problems associated with contract free tendering for security services.

The proposed amendment addresses the concerns raised by the TAC about the advisability of applying this provision to other services contracted out by its members such as fuelling and ground services.

In the association's view, applying this provision to such services could cause more labour relations problems than it would solve. It is usually the airlines that provide these services with the help of unionized personnel.

In view of the submissions made to the committee and the objectives of this provision we are proposing to limit its application to security screening services.

However, the governor in council will retain authority to extend the application of this section to other services and other industries under federal jurisdiction on the recommendation of the Minister of Labour if problems similar to those which arose as a result of changes of contractors providing preboard security screening services in the airport sector occur.

I urge members to support the government motion and retain the requirement in clause 24 of the bill but with a restricted application. This will ensure that workers in the security screening sector are treated with equity. With respect to the remuneration, it will also contribute to ensuring the safety of the flying public.

In addition, there will be a mechanism available to address problems should they arise in other sectors.

[*Translation*]

The Acting Speaker (Mrs. Ringuette-Maltais): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Ringuette-Maltais): The question is on Motion No. 11. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Ringuette-Maltais): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Ringuette-Maltais): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Ringuette-Maltais): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Ringuette-Maltais): The recorded division on the motion stands deferred. The result of the vote shall apply as well to Motions Nos. 41 and 51.

We shall now move on to the motions in Group No. 5, which includes Motions Nos. 13, 14 and 36.

[*English*]

Mr. Proud: Madam Speaker, did you call Motion No. 12?

The Acting Speaker (Mrs. Ringuette-Maltais): We just did Group No. 4, which included Motion No. 12. We are now on Group No. 5, Motions Nos. 13, 14 and 36.

[*Translation*]

Mr. Ménard: Madam Speaker, given that the amendments we are considering were tabled by the Bloc Quebecois, I thought that we were entitled to speak first.

• (1540)

[*English*]

The Acting Speaker (Mrs. Ringuette-Maltais): I will clarify the situation on the motions. In Group No. 4, a vote on Motion No. 11 applies to Motions Nos. 41 and 51. An affirmative vote on Motion No. 11 obviates the necessity of the question being put on Motion No. 12. On the other hand, a negative vote on Motion No. 11 necessitates the question being put on Motion No. 12. So we have to wait for the result on Motion No. 11.

We will now proceed to Group No. 5, Motions Nos. 13, 14 and 36.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 13

That Bill C-66 be amended by adding after line 39 on page 19 the following new Clause:

''25.1 Section 52 of the Act is amended by adding the following after subsection (3):

(3.1) The rationale for the change mentioned in paragraph (3)(*c*) shall include an analysis of the cost of the change, the benefits expected of the change, the effect on the organization of the work place and the proposed time schedule for implementation.

(3.2) The employer shall give the bargaining agent sufficient time to enable the bargaining agent to assess the information provided and shall supply any additional information and technological and financial explanation that the bargaining agent reasonably requests to facilitate the assessment.

(3.3) No alteration may be made to the terms and conditions or security of employment of an employee as a result of technological change unless the employer has complied with this section and an agreement on the alteration has been reached between the bargaining agent and the employer.''

Motion No. 14

That Bill C-66 be amended by adding after line 28 on page 21 the following new Clause:

''29.1 The Act is amended by adding the following after section 68:

68.1 If a collective agreement expires and no new agreement has been made between the employer and the bargaining agent, the terms and conditions in the expired agreement shall continue to apply to the employees in the bargaining unit until a new agreement has been made.''

Motion No. 36

That Bill C-66, in Clause 42, be amended by replacing line 31 on page 32 with the following:

''(*c*) expresses a personal point of view, other than during the period an application for certification as a bargaining agent is being determined by the Board pursuant to sections 28 to 47, so''

He said: Madam Speaker, Group No. 5 refers to three types of amendments. The first consideration relates to technological change, the second to a clause inspired by the situation in Quebec, which stipulates that a collective agreement will continue to apply until a new one has been signed. The third concerns non-targeted workers.

I would like to begin by addressing technological change. As you know, one of the paradoxes of the process we have experienced is that the government claims to have modernized the Canada Labour Code without addressing the thorny and delicate question of technological change. We are well aware that technological change impacts very heavily on the way work is organized.

I would like to give an example close to my heart, which relates to Hochelaga—-Maisonneuve and, by that very fact, I would like to dedicate this example to the people in my community. Some years ago, when I was starting to get interested in politics, there were in my neighbourhood what were termed skilled labourers: machinists, a highly respected job. I am sure the hon. member for Mercier will recall that they were part of what was called the aristocracy of labourers.

Thanks to a totally new production process, a very significant change took place; a punched tape made it possible to change the organization of the work totally, which had an effect on the workers that were required.

What the Bloc Quebecois amendment proposes is to allow the unions the opportunity of having a say on how technological change will be implemented in the work place. The employer is required to give reasonable notice, after which it is stated that, if agreement is not reached on the manner in which technological change is to be implemented, this could go right up to the right to strike.

Technological change is important, because it is estimated that the life cycle of equipment in certain industries on the leading edge of technology may not exceed five years. Associated with these life cycles are major changes in terms of manufacturing processes.

It is hard to understand why the government remained silent on such a topical issue. Especially since the minister himself had put in place a round table, a discussion forum where he was told what lay ahead and what the basic trends were both in the retail trade and in the service sector. In spite of it all, the minister did not say a word on such a major issue.

Before I get to our proposal, I would like to share with you, if I may, what a very important central labour body in Quebec told the committee. I am referring, of course, to the CSN. I want you to know what its representatives made us realize in committee.

● (1545)

According to the CSN, only after a negotiated settlement providing for the right to strike in the event of a dispute has been reached should the provisions relating to technological change be implemented in the workplace. The CSN analysis is premised on the idea that the potential for a dispute exists and that this in itself is important enough to be considered an element in the bargaining process that could eventually lead to the exercise of the right to strike.

The definition of ''technological change'' should be broad enough to encompass all modern technology. It should not be defined in minute detail, but it should be clear what is meant by technological change.

After a reasonable time has elapsed—this is a legal provision found in many bills—the information provided to the union should deal with—that is why it is important to be very clear about the type of information required—all economic, technical and organizational aspects of the employer's plans, including a detailed description of the project, a cost-benefit analysis, the positions affected, a manpower assessment, the impact on work organization, and an implementation schedule.

I hope this brief excerpt from a much longer submission will convince you, Madam Speaker, and the parliamentary secretary, that this is an amendment worth considering and that the government should support it.

I want to discuss another issue before giving the floor to a colleague. Madam Speaker—and I know you have a keen interest in this issue—there is a labour code in Quebec, as in other provinces, but our province has always been something of a pioneer. Quebec never does things by halves. Get ready because, in the future, a fundamental change will take place. But this is not the time to discuss it.

I want to call the house's attention to section 59 of the Quebec labour code. If my information is accurate, section 59 provides what I would call, based on my old notions of law, an evergreen clause. I am not sure whether the hon. member for Mercier will let me say this, because she is much more familiar than I am with labour law, but it seems to me there is something tacit in what is being proposed, something akin to an evergreen clause.

What does this mean? It means that when negotiations are undertaken—and later on we will elaborate on the process proposed by the minister—since currently there is no provision in the Canada Labour Code similar to the one in section 59 of the Quebec labour code, and since the government did not want to include such a provision, workers could be deprived of the protection afforded by the evergreen clause, which provides that a collective agreement is deemed to be in effect until a new one, hopefully a negotiated one, comes into effect.

This is what our proposed amendments seek to provide. These provisions were suggested by a number of witnesses, including the CSN. I fail to see how the government could reject these amendments. One would have a hard time finding arguments against these very sound proposals.

This concludes my explanation. I am very optimistic that the government will support our amendments.

• (1550)

Mrs. Francine Lalonde (Mercier, BQ): Madam Speaker, this group includes three important motions by the Bloc Quebecois. Even if the government is not in agreement with the wording as given, it should at least try to plug some rather sizable holes in the Canada Labour Code.

The first is the absence of provisions regarding the opportunity and the right to negotiate technological change. My colleague, the member for Hochelaga—Maisonneuve, has given us a striking example of what happened in a company whose workers possessed a highly sought after skill, but a skill that became almost worthless following a technological change. This has happened extremely often and will happen increasingly in the future, given the pace of technological change.

Except that, in a business, there is nothing to prevent workers from being consulted about the introduction of new technologies, from being involved, and those who would otherwise be affected, possibly even laid off, from being protected.

Companies that have decided to involve workers in the introduction of technological change have always come out ahead. How many times has extremely costly equipment been bought without consulting workers, only to turn out to be ill adapted, to lead to serious health and safety problems in the workplace, with the result that it was necessary to make adjustments and repairs that were never satisfactory in the end? This has happened time and time again.

So responsible companies, those with experience, know that this is in their interest. I could name several in Montreal's east end who involved the union when introducing technological change, using a bargaining approach, without its being formal bargaining as provided under the code.

What we would expect of the government, which claims to want to modernize the Canada Labour Code, is for it to focus attention on this extremely important matter, for it to help businesses to be proactive, for it to use its judgment and experience, in order to indicate to them that they ought to negotiate the introduction of technological change with the union, when there is one, and when such change could result in a strike. The least that ought to be done is to ensure that there is negotiation. This is not only in the workers' best interests, but in the employer's as well.

We find the bill highly unsatisfactory in this area, as well as many others. In fact, I really wonder if this is a matter of modernizing the Canada Labour Code; to my mind, it is more of a process to make labour relations more rigid, at a time when they need to be made more flexible.

The second motion by the Bloc Quebecois is to ensure that there is not what is called in the jargon ''a legal vacuum''. A legal vacuum is a situation that is quite alarming for unionized workers who have the right to strike or who go out on strike and no longer have any protection whatsoever under their former collective agreement. In a legal vacuum of this type, a company could, for instance, lay people off, and they would have no defence against it. There will, of course, be an attempt to negotiate their rehiring in the back to work protocol, but this simply further complicates negotiations, as well as the settlement and the end of the strike. Thus, there are more opportunities for the law of the jungle to

govern the parties' actions. The purpose of the Canada Labour Code is to ensure that relations are clearly set out. A legal vacuum means reversion to the law of the jungle.

• (1555)

Naturally, each party tries to make use of this law of the jungle, according to its strength. But how much better would it be if the code itself were to provide, in some way, for the old collective agreement to be carried over until a new one replaced it so as to avoid a legal vacuum. In Quebec, the option exists, and, in the public sector, there is no legislative gap whatsoever.

Finally, the third motion of the Bloc is aimed at describing the new freedom. Some will say that the new code gives employers an opportunity to talk to their employees, as defined in the jurisprudence of the Canada board. We, however, are very concerned that this provision does not exclude the period in which an application is made for certification.

This definition or attempt to determine the relationship between employer and employee in terms of information, must exclude the period of the application for certification. I hope the secretary of state will heed my arguments. It is essential that the application period be excluded. In this period, as we know, words do not have the same weight, and an employer's silences and gestures can be pregnant with meaning. Intimidation can take many forms.

We really hope the parliamentary secretary will listen to our arguments and not introduce more problems in labour relations, where there are already enough problems.

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I rise in the House to support the motions of the Bloc Quebecois on Bill C-66, an act to amend the Canada Labour Code. The first motion concerns renewal of the previous collective agreement until the new agreement is signed.

This provision did not exist before in Quebec, and this certainly caused a lot of problems. We were faced with a legal vacuum. Do the employer's management rights apply during this interval? Can the employer fire employees without observing the collective agreement? Finally, thanks to the labour movement's demands, the labour code was amended.

In Quebec today, there is a provision for tacit renewal of a collective agreement until the new agreement is signed and comes into effect. After expiry of the previous collective agreement, it can sometimes take a long time, months and even years, before the new agreement is signed. There must be some degree of stability in labour relations during that time.

The second motion of the Bloc Quebecois concerns technological change. This is a very important question. During the past 20 or 30 years, we have seen spectacular technological changes taking place in business and industry. Of course, employees want to have some control over the technological changes that in most cases affect them to a very considerable extent. On the other hand, employers want to be in full control of these changes.

• (1600)

I agree with the request by the Bloc Quebecois that unions be given reasonable notice before such changes are introduced. Sometimes when technological change occurs, and this has been the case in the past 20 or 30 years, dozens and even hundreds of people have been laid off. People will lose their jobs because new equipment has been purchased and new production processes are being introduced.

Usually when a collective agreement is signed, labour relations and terms and conditions of employment remain stable until the new agreement is negotiated. Most labour codes provide that technological changes can be negotiated even if the collective agreement has yet to expire.

The United States has legal provisions that are sometimes very advanced, and the Canada Labour Code would do well to take a leaf from this legislation. The important thing is to associate workers with the introduction of these changes. Sometimes the changes do not work because they were introduced unilaterally by the employer without the consent of and without prior notice to the workers.

As the hon. member for Hochelaga—Maisonneuve said earlier, the CNTU submitted a brief which contains excellent recommendations in this respect. Prior notice should be given before proceeding with such changes. It is imperative to negotiate. If an agreement is reached, the changes may proceed, but if not, the parties may avail themselves of their right to strike or lock out. It is equally important to agree on the concept of technological change because definitions vary in some labour codes.

We need a definition that is sufficiently broad to cover fundamental technological changes. A notice of technological change must state all the necessary information to be assessed by the unions and the workers, with detailed explanations. This information must include the costs, the impact, especially on the employees, as well as a schedule. This is why I totally agree with the motion introduced by the Bloc Quebecois.

Since I still have a few minutes left, I would like to briefly mention a problem that we have in my riding. I am referring to Zellers, which announced last week that it will be closing its distribution centre in Montreal North and laying off 379 workers. This is a tragedy for Montreal North, where a third of the

population is already unemployed. Poverty in my riding is at a very high level.

Zellers has made huge profits. Along with its parent company, the Bay, its sales exceeded $1 billion in 1995. Zellers now wants to close because the building is too old. In recent years, Zellers has introduced technological changes which have been accepted and implemented by the unions. It now claims that the building is too old. Most of these jobs will go to Ontario, to Scarborough in particular. This closing will generate incredible suffering.

• (1605)

I think the federal government certainly bears some responsibility for this closing. The Liberal government was elected on a promise that it would create jobs, jobs, jobs. Now, jobs are eliminated everywhere, at Greenberg's, at Steinberg's last year, at Eaton's and now at Zellers.

I call on the Minister of Industry to try to convince this company to change its decision and remain in activity in Montreal North. I also plead with the President of the Treasury Board, who pays regular visits to Quebec to tell people that this is the government that created the greatest number of jobs, even if this is not the case at all. There is more unemployment today than under the Conservative government.

Above all, I call on the Minister of Labour, who introduced this Bill C-66 in the House. His riding is next to my riding of Bourassa. He represents the riding of Saint-Léonard and comes over in my riding to play politics, to support the Liberal candidate. He should also take care of problems like job creation and the closing of Zellers in Montreal North. This is a human tragedy. We should all make efforts to ensure that Zellers remains in activity in Montreal North and, most of all, to stop the transfer of jobs from Quebec to Ontario.

I think that is what the federal government says, especially today, as the President of the Treasury Board accused us of creating instability. It is the federal government that is really creating instability, when it says that there is a separatist in Quebec and that it discourages entrepreneurs. This is not true. There is a lot of instability in Korea, but this country has never had as much foreign investment. The same thing is true for China. In China, there are human rights violations, but everybody wants to invest in China.

This is an excuse. I urge the federal government to get involved in these matters to try to keep Zellers in Montreal North.

[*English*]

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, to get back to the topic, the official opposition put forward Motion No. 13, as we heard earlier, in order to amend the process provided in the code for dealing with technological changes introduced while a collective agreement is in force.

One of the amendments proposed would prohibit the employer from implementing the technological changes until an agreement is reached with the union. The process currently provided in the Canada Labour Code applies only when the parties have not included in their collective agreement their own process for dealing with the impact of technological changes on the job security of bargaining unit employees.

Under the statutory process, if the employer and the trade union are unable to agree on the implementation of the proposed changes, the union may ask the board for authorization to serve notice to bargain for the purpose of revising relevant provisions of the collective agreement.

Where such an application is made to the board, the employer may not implement the changes until the board either rejects the application, or an agreement is reached through the collective bargaining process, or the right to strike, or the right to lockout is acquired.

The collective bargaining context has changed since the technological change provisions were first introduced in 1973. At the time, few if any collective agreements included mechanisms to address the impact of technological changes on job security. Today unions and employers routinely include their own mechanisms in their collective agreements designed to address significant changes in the workplace which impact on the job security of bargaining unit employees.

This underlines the party's preference to deal with such changes through processes they design themselves. This also explains why the Sims task force, in reviewing the current technological change provisions in the code, concluded that no statutory changes were needed.

Motion No. 14, the freeze on terms and conditions, put forward by the official opposition, would basically prohibit the employer from changing the terms and conditions of an expired collective agreement after the right to strike and lockout had been acquired so that the terms and conditions would continue to apply until a new agreement was entered into.

• (1610)

Under the provisions of the code, the terms and conditions of an expired collective agreement must be maintained during the negotiation process until the right to strike or a lockout is acquired. After that point in the bargaining cycle, an employer, subject to the continuing duty to bargain in good faith, may change terms and conditions while the employees are entitled to initiate strike action.

The Simms task force carefully examined the issue of what is commonly referred as the freeze period and concluded that an extension of the statutory freeze was not needed. The task force noted that the parties are free to include a bridging provision in their collective agreement providing for a continuation of terms

and conditions of employment beyond the date strike and lockout rights are acquired. However, such bridging clauses cannot be used by an employer to prevent a union from exercising legally acquired strike rights or by a union to prevent an employer from exercising legally acquired lockout rights.

Other changes in the bill will maintain terms and conditions for those employees who will be required to continue working during a work stoppage in order to maintain those activities that are necessary to protect public health and safety or to provide services to grain vessels.

Given the other provisions included in Bill C-66 that will protect the basic rights of employees on strike or locked out to continue group insurance coverage and give them access to arbitration for cases of dismissal or discipline, the extension of the freeze period up to the date of the conclusion of the new collective agreement would not represent a fair balance of the competing rights involved.

The official opposition has submitted Motion No. 36 that would prohibit employers from expressing their views during the period when representation rights are being determined by the board. According to the new paragraph 94(2)(c) which implements the recommendation of the task force, an employer will be deemed not to commit an unfair labour practice by expressing its views so long as the employer does not use coercion, intimidation, threats, promises or undue influence.

Several provincial labour laws already recognize explicitly the employers' right to express their views subject to similar limitations.

Under the current section 94 of the code, it is an unfair labour practice for an employer to interfere with the formation or administration of a trade union or the representation of employees by a trade union. Section 94(2) describes certain permitted employer actions.

Although section 94(2) provides no explicit exception for non-coercive employer speech, the law has never been that employers must remain absolutely silent. Accordingly, the Canada Labour Relations Board, in interpreting the general prohibition of employer interference, has implied the concept of free speech and placed similar restrictions as its provincial counterparts.

Bill C-66 will therefore confirm the Canada Industrial Relations Board's responsibility to balance the employer's freedom of speech with the competing employee's freedom of association which are both guaranteed in the Canadian Charter of Rights and Freedoms. We believe that the board is in the best position to define the parameters of employer free speech and the appropriate standard, taking into account the context in which the speech issue arises and the nature of the collective bargaining relationship.

We are confident that this new provision will in no way diminish the union's exclusive right to represent employees and we therefore ask the members of the House to support it.

[*Translation*]

The Acting Speaker (Mr. Milliken): The hon. member for Hochelaga—Maisonneuve on a point of order.

Mr. Ménard: Mr. Speaker, I am afraid the parliamentary secretary may have unwittingly misled the House. I would like to make sure there is no misunderstanding.

The Acting Speaker (Mr. Milliken): I am sorry, but this seems to be a point for debate, not a point of order. If the hon. member wants to take part in the debate, I believe he has already done so on this group, he will be able to join in the discussions when we debate the next group. If the hon. parliamentary secretary is willing to answer a question, he might do so with the House's permission, but this will require unanimous consent.

Is there unanimous consent for the hon. member to put a question to the parliamentary secretary?

Some hon. members: Agreed.

• (1615)

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): I felt some disbelief on your part Mr. Speaker, but I do want you to know that I only have friends in this House.

The parliamentary secretary implied that Motion No. 14 moved by the official opposition, which derives from section 50 of the Quebec labour code, as I explained, is a clause providing for tacit reconduction of any collective agreement coming to an end so that it remains in force until a new agreement is signed. It is also known as an evergreen clause.

If the interpreters did justice to what the parliamentary secretary meant, he told us that these provisions already exist in the labour code and that all collective agreements are deemed to remain in force until such time as a new agreement comes into effect.

Is the parliamentary secretary still saying that the amendment we proposed is useless because the collective agreement remains in force and because there already is a tacit reconduction clause? Would he be willing to table, for the benefit of the official opposition, the legal opinion which supports this point of view, because it does not agree with testimony given by witnesses we heard in committee.

[*English*]

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, under the current provisions of the code, the terms and conditions of an expired collective agreement

must be maintained during the negotiation process or until the right to strike or lockout is acquired.

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, after reviewing this group of amendments it seems to me that most of the information put forward by our colleagues from the Bloc concerns matters that should be negotiated in a collective agreement.

I agree with the parliamentary secretary that the old agreement should stay in place until such time as negotiations break down and a strike vote or lockout has taken place. I would suggest that it is best for this to remain as it is. I am not willing to support Motion No. 14.

Motion No. 13 is something that should be negotiated between the two interested parties.

In my estimation, Motion No. 36 is very basic. It is about free speech. Some restrictions have been placed already on employers concerning what it takes to certify a union and what does not, what is coercion and what is undue pressure on employees. We must be very careful not to infringe on the rights of people to free speech and expression. In any campaign where for the certification or decertification of a union there will be some lobbying, some campaigning on behalf of both parties. I think that is natural. To not state the pros and cons and the possible outcome which could result is not much different from a political campaign. A scenario has to be laid out, a position and a plan put forward.

I do not see it being much different in these cases. Most of the stuff we are talking about in the three amendments are things that should be negotiated between employer and employee.

• (1620)

[*Translation*]

The Acting Speaker (Mr. Milliken): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Milliken): The question is on Motion No. 13. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

The next question is on Motion No. 14. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

The next question is on motion No. 36. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

We will now debate the motions in Group No. 6.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 15

That Bill C-66, in Clause 37, be amended by replacing lines 40 and 41 on page 25 with the following:

''notice to the employer indicating the date on which''

Motion No. 16

That Bill C-66, in Clause 37, be amended by replacing lines 5and 6 on page 26 with the following:

''notice to the trade union indicating the date on which''

Motion No. 17

That Bill C-66, in Clause 37, be amended by replacing lines 12 and 13 on page 26 with the following:

''subsection (1) or (2), a new notice need not be given by the trade''

Motion No. 18

That Bill C-66, In Clause 37, be amended by deleting lines 16 to 44 on page 26 and lines 1 to 17 on page 27.

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.) moved:

Motion No. 19

That Bill C-66, in Clause 37, be amended by

(*a*) replacing line 19 on page 26 with the following:

''within the previous sixty days or any longer period that may be agreed to in writing by the trade union and the employer, held a secret''

(*b*) replacing line 26 on page 26 with the following:

''has, within the previous sixty days or such longer period that may be agreed in writing by the trade union and the employers' organization, held a''

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 20

That Bill C-66, in Clause 37, be amended by deleting lines 31 to 36 on page 26.

Motion No. 21

That Bill C-66, in Clause 37, be amended by deleting lines 37 to 44 on page 26.

Motion No. 22

That Bill C-66, in Clause 37, be amended by deleting lines 1 to 8 on page 27.

Motion No. 23

That Bill C-66, in Clause 37, be amended by deleting lines 9 to 17 on page 27.

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.) moved:

Motion No. 33

That Bill C-66, in Clause 38, be amended by replacing line 13 on page 31 with the following:

''given pursuant to a provision of this Part, other than subsection 49(1); and''

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 34

That Bill C-66, in Clause 39, be amended by replacing lines 16 to 42 on page 31 with the following:

''39. (1) Subsection 89(1) is replaced by the following:

89. (1) No employer shall declare or cause a lockout and no trade union shall declare or authorize a strike unless the employer or trade union has given notice to bargain collectively under this Part.

(2) Paragraph 89(2) (b) of the Act is replaced by the following:

(*b*) the requirement of subsection (1) has been met in respect of the bargaining unit of which the employee is a member.''

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.) moved:

Motion No. 35

That Bill C-66, in Clause 39, be amended by replacing line 20 on page 31 with the following:

''(*d*) twenty-one days have elapsed after the date''

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 39

That Bill C-66, in Clause 42, be amended by

(*a*) replacing lines 4 and 5 on page 33 with the following:

''(*d*.1) where the requirement of subsection 89(1) has been met, cancel or''

(*b*) replacing lines 13 and 14 on page 33 with the following:

''(*d*.2) where the requirement of subsection 89(1) has been met and the''

Motion No. 44

That Bill C-66, in Clause 45, be amended by replacing lines 42 and 43 on page 35 with the following:

''was entitled before the requirement of subsection 89(1) was met;''

He said: Mr. Speaker, I do not know if you realize it, but we are coming to an extremely crucial and decisive point in today's debate. Until now, we were tempted to be indulgent and conciliatory, but I ask the government to take note that we are entering a period during which we will toughen our stand.

There are limits to what the official opposition can put up with. We may live in a society of law, we may be civilized people, we may believe in the virtues of dialogue, but the fact remains that the government has gone too far. It has gone much farther than what the official opposition can ever put up with. Here I want to directly address, through you, Mr. Speaker, the parliamentary secretary.

The first irritant, and I hope that the parliamentary secretary fully understands what we are talking about, is the 72 hour prior notice, an expression that means something important. Imagine, this takes the form of an obligation. We do not know where this came from, because it was not in the old labour code and, to our knowledge, and we were watchful, this was not asked for by the witnesses.

Moreover, I saw in the ministerial notes that were communicated to us that it is claimed to be a consensus in the Sim report. I hope the government will be able to give us some sources, some evidence, because we will be in the unfortunate obligation to question the integrity, I would even say, the honesty of the government, with regard to its assessment of consensus.

I would like to make a demonstration that will have an premise, a development and a conclusion, as we were taught in the good old days of classical college. Starting from the beginning, I will try to describe the process to you.

Fourth months before the expiry of a collective agreement, because this is always what we are talking about ultimately, it is possible to produce a notice, an intent to bargain, which we call a notice to bargain. In the previous code, it was three months, with Bill C-66, it is four. Therefore, the parties must bargain. Of course, we then understand that there either is an agreement or there is not.

• (1625)

When there is no agreement on the items discussed in the bargaining process, the labour minister is first of all notified that there is no agreement, and then he has a number of courses of action. However, the major new element—and this was something the parties had been asking for—is that the conciliation process can be used only once. This new element means that it will no longer be possible to have two stages in the conciliation process.

Do you follow, Mr. Speaker? I am trying to give a clear lecture, and I will to do so till the end.

A notice to bargain is delivered four months before the expiry of the term of the collective agreement. Either there is an agreement or there is not. When no agreement can be reached, a notice of dispute is delivered. After this notice is delivered, sixty days must go by. This is a maximum, unless, by an exceptional procedure, the parties agree otherwise. During that period, the minister appoints an arbitrator, a conciliation commissioner, a conciliation board or an arbitration board.

Also, a report has always to be tabled. Either there is an agreement or there is not. The parties are brought together. The process is well known. The thing that we must keep in mind, as members of Parliament, is that legislators provide for a sixty day period as a maximum. Again, this is unless, by an exceptional procedure, which is not the conventional procedure, the parties agree on a longer period.

If there is no agreement, and it has happened in the past, in Parliament, and in the private sector, during negotiations, there is a 14 day cooling off period, after which the union regains the right to strike. We cannot emphasize enough that strikes carry a price. It is the last resort, the most meaningful one, and workers do not make use of it before all the other options have been exhausted.

Nobody will go on strike before all other alternatives have been exhausted. You are aware of that, Mr. Speaker, even if you tend to be rather conservative. Everybody in the labour relations community knows that. Witnesses have reminded us of that.

Unions have the right to strike once the minister has ruled that the parties are free to exercise their right to strike or to lock out. During a strike, essential services have to be maintained according to the board's orders. But we have here a gap in the process, something that baffles the mind. It is hard to understand the minister's reasoning. Why is it necessary to have a 72 hour notice when it is the Minister of Labour himself, the very Sicilian member for Saint-Léonard, who releases the parties? Parties are free to act only by ministerial consent. How is this a useful addition to the process?

The parties told us in committee that, during the period between the notice of a labour dispute and the time the right to strike is regained, they want to be able, but not forced, to conduct intensive negotiations.

There is a number of tools and options the Minister of Labour can use. For instance, the minister can appoint a conciliation officer or a mediation officer, or opt for a conciliation board or a mediation board.

Mr. Speaker, a gentleman as vigilant as you are must have realized by now that the 72-hour subterfuge, since there are no other words to describe it, is in fact nothing more than a tactic used to weaken the relationship of power. We know full well that this compulsory advance notice gives the opposing party the opportunity to get organized.

• (1630)

Really, it is all in very poor taste. It is incomprehensible. I do not think I am wrong in saying that the NDP supports the position and amendment of the Bloc Quebecois. I must say that we are stunned and dismayed, because, until now, the process had been pretty well received. First, the negotiation process was shortened, because there was only one step left, and it made sense to have a little more time before the expiration notice. Once the notice to bargain was given, the two parties would start to talk to each other and, if no agreement was reached, the 60-day period kicked in and that period of time gave the minister a number of possibilities. In the end, if still no agreement could be reached, the ultimate option had to be considered. And that ultimate option was a strike. Previously, the cooling-off period lasted 7 days; it now is 14 days. But overall, the witnesses did not seem to be against this process. It was pretty well received, but everything is spoiled now.

In fact, I am trying to contain myself, because this 14-day period will turn into a 21-day period according to another amendment included in another group of motions.

I really do not know what the minister was thinking when he came up with these amendments that are not needed to ensure the balance we used to have and that was well received.

We are concerned about the 72-hour period, because—and I will end on this note—72 hours are enough to weaken a relationship of power that took years to build.

We cannot talk about labour relations without mentioning the balance of power that constantly shifts between the union and management.

I will repeat it without any shame—you know that I am a straight talker—72 hours' advance notice is in very bad taste. The parliamentary secretary would gain in stature if he accepted to intercede with the Minister of Labour. Incidentally, we would like to have our greetings passed on to the minister, because we know that he is very interested in our work here. Everybody knows that.

Through you, I would have only one word of advice for the parliamentary secretary and that would be to make aggressive representations and use all his well known speaking skills to ask the government to remove this clause because it completely upsets the balance the bill had almost reached. Without the 72 hours, the process would have been rather well accepted by the parties.

* * *

[*English*]

TOBACCO ACT

BILL C-71—NOTICE OF TIME ALLOCATION

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, an agreement could not be reached under the provisions of Standing Orders 78(1) or 78(2) with respect to the report stage and the third reading stage of Bill C-71, an act to regulate the manufacture, sale, labelling and promotion of tobacco products, to make consequential amendments to another act and to repeal certain acts.

Under the provisions of Standing Order 78(3), I give notice that a minister of the crown will propose at the next sitting of the House a motion to allot a specific number of days or hours for the consideration and disposal of proceedings at the said stages.

* * *

[*Translation*]

CANADA LABOUR CODE

The House resumed consideration of Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts, as reported (with amendments) from the committee, and of motions in Group No. 6.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, on this group of motions, I will try to remain calm, but it will not be easy.

This bill, I repeat, is supposed to modernize the Canada Labour Code, to take into account different labour relations, to take into account that relations between unions and employers have changed considerably.

• (1635)

Instead of facilitating negotiations and, should they break down, the exercice of the right to strike or to lock out, which can rapidly lead to a negotiated settlement, this bill makes the rules more rigid and makes negotiating and reaching a settlement even more difficult.

In this regard, it is a dismal failure. And one wonders what prompted the minister to completely overlook what could have improved the conditions under which the right of association and the right to strike can be exercised in Canada.

My colleague from Hochelaga—Maisonneuve spoke about the obligation to give 72 hours' notice before the right to strike can be exercised. For my part, I would like to talk about what comes before. What comes before that is the requirement for unions to exercise their right to strike within 60 days of obtaining such right, otherwise they have to go back to their members for another strike vote. This is the provision of this bill that I find most difficult to understand. I was a negotiator at one time and, when I see this proposal, I wonder if those who thought of it have ever been involved in negotiations.

If a union—and let us not forget that several of these unions are national—has just obtained the right to strike, it will start a negotiation process that could take a long time. If, after nearly 60 days, it has not come to an agreement, what will it do? Will it do everything it can to come to an agreement at the risk of exceeding the 60 day limit and losing the right to strike? No. If it is responsible, it will stop negotiating instead of pursuing the negotiations and trying to find a solution. It will stop negotiating and submit a report that will allow it to win another strike vote.

This 60 day rule will hinder the negotiation process instead of making it easier. It will impede the pursuit of a settlement and force unions to hold more strike votes. In the end, as I was saying, it will make the conditions that can lead to a settlement more rigid, less flexible.

When you know that it is the basis of this bill, when you see that the right to strike or the right to lock out cannot be exercised—and I insist because some disputes end up in a lock-out or a strike and, at the beginning, nobody knows what will come first. When you add to that the 72 hour notice rule, it is even more difficult to understand.

• (1640)

When things start to go wrong in a business and work starts to slow down, as a precautionary measure, the employer may be

tempted to lock his workers out to avoid having to keep paying them to produce less. Let us be honest about that.

No lockout action can be taken without giving notice at least 72 hours in advance. Similarly, a union anxious to exercise its right to strike because bargaining is at a standstill will also be subject to a 72-hour notice provision. Moreover, should no strike occur on the date indicated, a new 72-hour notice will have to be given.

Again, this makes the use of these job actions available to either the employer or the workers rigid. Understandably, everyone wants to prevent strikes and lockouts, but sometimes, on matters of principle or money issues translating into matters of principle, one side or the other figures the only way to get what it wants is to use leverage.

In those circumstances, the rules set out in the labour code must help and facilitate a settlement, and not make things drag on endlessly, get in the way of a settlement or even preclude a settlement that could have been reached had it not been for these rules. The fact of the matter is that we are going to end up with a worse Canada Labour Code than the one we had.

That is quite embarrassing. I guess we could say the minister and the parliamentary secretary will have pie in the face, but in the end those who will be stuck with bad rules and a bad labour code are those in the field, those entitled to these services and the businesses that will have to contend with additional problems.

At committee, we tried to get the point across that it made no common sense but, I will repeat it in this place, the way business was conducted in committee in no way does credit to this government.

Legislation is passed a dozen at a time, but the legislation that is passed has no bearing on the code, is of no use to bargaining parties and is not the type that can be subject to arbitration or to a board decision. When it comes to drafting something that will make up a code, the committee should listen to those concerned and to the official opposition when it has something to say on the matter. We did not set out to embarrass the government because ultimately this is meant to serve the public. We have tried to help the government. But we were literally bulldozed out of the way; there is no other way to describe what happened at the human resources development committee.

When all we have is ten minutes to discuss this important segment of the Canada Labour Code reform at report stage, we have no choice but to raise our voices.

[*English*]

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, the official opposition has put forward a series of motions that would remove the compulsory conciliation stage in the new requirements for the acquisition of the right to strike and lockout, abolition of the conciliation process, Motion No. 34.

However, before addressing this motion which would allow the parties to acquire the right to strike and lockout at the date of expiration of the collective agreement without having to file a notice of dispute with the minister or to complete the conciliation process, it is important to stress the role of conciliation in the collective bargaining cycle under the Canada Labour Code.

● (1645)

During the extensive consultation process leading up to the introduction of Bill C-66, representatives of labour and management organizations subject to Part I of the code, while critical of lengthy delays in the current conciliation process, found conciliation itself valuable and praised the services offered by the federal mediation and conciliation service.

The labour-management working group did not recommend that compulsory conciliation be abolished as proposed by the official opposition. It requested that the two stage process be replaced by a shorter one stage process which could take various forms. The official opposition is asking us to ignore the labour management consensus which is reflected in the changes included in Bill C-66.

Extending the cooling off period, government Motion No. 35. While the new conciliation process has received general support by labour and management, some parties have expressed concerns with respect to the duration of the cooling off period that the bill will extend from its current 7 days to 14 days. Finding some merit to these concerns, the government proposes to amend Bill C-66 to increase the duration of that period to 21 days. This is the purpose of Motion No. 35.

The cooling off period is designed to give the parties time to evaluate their respective positions and weigh the consequences of a decision to resort to economic sanctions. During this period pressure on both sides is at its peak and there are high expectations of the mediation that may take place.

Given the changes made to the conciliation process and given the fact that some federal businesses are active over a large geographic area and have nationwide bargaining units that can make the logistics of mediation meetings difficult, some have expressed doubts as to whether the 14 day cooling off period as provided for in the bill will be sufficient to give the parties a serious opportunity to settle their dispute and to have a positive impact on the work of the mediator. This amendment will provide a more realistic timeframe for the mediator to discharge his or her mandate.

Motions Nos. 15, 16 and 17, strike and lockout notice. Under Bill C-66 the right to strike and lockout will be required 21 days after the conciliation is completed, subject to the parties meeting

new requirements regarding the holding of a secret ballot vote within the previous 60 days and giving a 72 hour advance notice.

The official opposition has put forward Motions Nos. 15, 16 and 17 which would delete the reference to the 72 hour notice requirement and the obligation to send a new notice if no strike or lockout occurs at the end of the notice period.

The purpose of the new 72 hour notice provision which implements a recommendation of the tax force is twofold. First, it will allow for an orderly shut down or reduction of operations and alleviate the problems of perishables. Second, it will further focus the parties on serious negotiations and should encourage settlement of disputes.

To those unions which have expressed concern that this new requirement will frustrate their right to strike, we want to point out that Bill C-66 will not require that a new notice be given once a strike or lockout action has commenced, even if it is temporarily suspended. Furthermore, when the other sides begins first with a strike or lockout action the requirement will not apply to the other party.

Some other unions, mostly longshore unions, expressed the view that the 72 hour notice will allow an unfair advantage to the shipping companies and agents in the negotiation process, as it will remove the prospect of ships being held captive during a port work stoppage. This position is echoed by the official opposition.

The major economic impact of a port work stoppage is that the port is closed and the fixed capital remains idle. Such a major impact on important investments is a significant pressure point and a reasonable offset for the loss of income employees must incur during a work stoppage.

We believe that the 72 hours notice requirement will provide an appropriate balance between these two competing interests.

Motions Nos. 18 and 23, strikes and lockout votes. The official opposition is proposing two sets of motions relating to the strike and lockout vote requirement. With Motion No. 18 the vote requirement would simply be removed from the bill, whereas with Motions Nos. 20 to 23 the statute would require a vote but include no conditions for its conduct and no means for voters to challenge its validity.

It is important to stress that with the exception of the current Canada Labour Code secret ballot strike votes are mandatory in all Canadian jurisdictions as a prerequisite for legal strike action.

● (1650)

Although the vast majority of unions subject to the code already hold secret ballot votes before declaring a strike in the absence of a statutory requirement, employees in the bargaining unit who are not union members may be excluded from participating in a major decision which directly affects them.

Second, strike votes are not always held in a timely fashion. In some cases a strike mandate is acquired early in the bargaining process as a means of demonstrating solid employee support for union demands but which may not be a true reflection of support for a work stoppage.

The conditions for a valid vote specified in Bill C-66 reflect the recommendations of the Sims task force. They are similar to provisions found in a number of provincial statutes and they are not onerous.

The vote must be held by secret ballot among all employees in the bargaining unit or among all employers in the association within 60 days prior to strike or lockout action. Eligible voters must be given reasonable opportunity to participate in the vote.

Finally, the union or employer's association must obtain majority support among the employees or employers who participate in the vote.

It is hard to imagine that any democratically held vote would fail to meet these basic requirements. These conditions will simply ensure that such votes are timely, fairly conducted and are based on the entire workplace involved in this dispute.

Government Motion No. 19, extension of the 60 day vote period. Concerns have been raised that the 60 day period for holding a strike vote may cause difficulties in some cases, particularly where employees in the bargaining unit are dispersed across the country or do not work at a specific location.

To address these legitimate concerns, the government has introduced a motion to allow the 60 day validity period for a strike or lockout vote to be extended by written agreement of the parties.

This amendment is consistent with the general approach in Bill C-66 supported by labour and management that legislation should be flexible enough to meet the specific needs of the parties.

Government Motion No. 33, no strike or lockout during the term of the collective agreement. Another amendment that would further improve Bill C-66 is Motion No. 33 which will clarify the scope of the prohibition set out in the new section 88.1.

The only exception to the prohibition on strikes and lockout during the term of the collective agreement under section 88.1 as currently drafted is where a notice to bargain has been served pursuant to a reopener provision in the party's collective agreement.

However, there are other situations contemplated by the code that allow for notice to bargain and therefore full negotiations to take place before the expiry of a collective agreement.

There are also some instances in the current code and in what will be the amended code when the board has discretion to authorize a party to give notice to bargain other than during the last four months of a collective agreement.

This motion adjusts the language of section 88.1 to ensure that where notice to bargain is authorized to be served during the term of an agreement, the parties may acquire the right to strike or lockout once they have completed a conciliation process and met the other statutory prerequisite.

I would ask members to support this motion as well as Motions No. 19 and 35.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, Bill C-66 provides that the right to strike or lockout will be subject to the holding of a secret ballot vote during the previous 60 days and the giving of a notice of at least 72 hours.

This is a very anti-union and unfair provision for workers and unions. The right to strike is being subjected to so many conditions and restrictions that the next step will be to eliminate this right.

First, the right to strike and the right to lockout are put on the same level. However, the right to strike is exercised by a group of workers. There has to be a majority vote. But in the case of a lockout, there is no vote. A company official decides when to lock employees out, which is unfair.

• (1655)

Then, a secret ballot vote must be held. This means that the union must convince workers that the offer is not acceptable, that the ultimate recourse against the employer is to take a strike vote. This is not easy for unions. During my years with the FTQ, the Quebec federation of labour, we had to convince the majority of workers of the need, at some point, for a strike vote.

Meanwhile, the employer who works every day with a group of employees may sometime exert undue and unwarranted pressure to convince them of the opposite, of the fact that they must not go on strike, that working conditions are acceptable, that the offer is an excellent one, etc.

Worse still is the fact that, to have the right to strike, the vote must be held at most 60 days before the strike. This means that if negotiations last for months, and even years, several consecutive strike votes will have to be held. This is unfair for unions. Unions should have the right to assess the situation and to set a date for a strike vote. The union should also be the one deciding when the vote will apply and when the strike will begin.

Not only must this secret ballot vote be held within 60 days of the strike, but an advance notice of at least 72 hours must be given to the employer. This is going too far. One wonders what will happen to the right to strike in Canada, a right that is provided under the Canada Labour Code. For all intents and purposes, it will be almost impossible to go on strike with so many restrictions.

There are conventions under the International Labour Organization that recognize the workers' right to strike. This provision, introduced by the government as an amendment to the Canada Labour Code, goes against the ILO principles that recognize the right to strike.

I wanted to express my absolute opposition to these very unfair and anti-union provisions.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, the member who just sat down tried to claim that these members are anti-union. When I read through their recommendations where they have objection to secret ballot votes, I have to wonder if maybe their amendments are not anti-democratic. What better way to express a view on anything than through a secret ballot.

We talked earlier in other amendments about undue pressure being put on either one side or the other to come to a decision that was considered to be harassment, undue pressure or otherwise excessive convincing. I do not think we can have it both ways. We cannot say that this group is not allowed to express their rights but this group is allowed to express their rights and to put on whatever pressure is necessary so that they can come out with a favourable outcome of their vote.

What are they suggesting, that they have a show of hands only or a mail in ballot? A secret vote is the only way to go.

• (1700)

The government has made some amendments that are worthy of support. I have recommended to our caucus that we support them as they seem to make good sense and are not in any way confrontational. In this particular area we should be doing everything we can to seek a balance and to make sure that one side does not have all the ammunition and the other side just has a shield.

Rather than going on and on in this regard, we would be willing to support Motions Nos. 19, 33 and 35. However I am unable to come up with the proper rationale to support any of the Bloc amendments.

The Acting Speaker (Mr. Milliken): Is the House ready for the question?

Some hon. members: Question.

[*Translation*]

The Acting Speaker (Mr. Milliken): The question is on Motion No. 15. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred. The vote on Motion No. 15 applies to Motions Nos. 16 and 17.

The next question is on Motion No. 18. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

[*English*]

The questions on Motions Nos. 19, 20, 21, 22 and 23 are also accordingly deferred pending the outcome of the vote on Motion No. 18.

The next question is on Motion No. 33. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

[*Translation*]

The next question is on Motion No. 34. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Milliken): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Milliken): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Milliken): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mr. Milliken): The recorded division on the motion stands deferred.

The vote also applies to Motions Nos. 39 and 44. The question will be put on Motion No. 35 if Motion No. 34 is defeated.

We will move on to the motions in Group No. 7, which includes Motions Nos. 24, 25, 28 to 30 and 32. All these motions are deemed to have been moved, seconded and read.

• (1705)

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.) moved:

Motion No. 24

That Bill C-66, in Clause 37, be amended by replacing line 25 on page 27 with the following:

''of the public or the causing of severe economic hardship to the national economy.''

Motion No. 25

That Bill C-66, in Clause 37, be amended by

(*a*) replacing line 20 on page 28 with the following:

''danger to the safety or health of the public or cause severe economic hardship to the national economy, the''

(*b*) replacing line 28 on page 28 with the following:

''or health of the public or the causing of severe economic hardship to the national economy;''

Motion No. 28

That Bill C-66, in Clause 37, be amended by replacing line 8 on page 30 with the following:

''they normally provide to ensure the uninterrupted export of commodities from point of origin to final destination and the tie-up,''

Motion No. 29

That Bill C-66, in Clause 37, be amended by replacing line 9 on page 30 with the following:

''let-go and loading of vessels and the''

Motion No. 30

That Bill C-66, in Clause 37, be amended, in the English version, by replacing line 10 on page 30, with the following:

''movement of vessels in and out of a''

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.) moved:

Motion No. 32

That Bill C-66, in Clause 37, be amended by deleting lines 28 to 46 on page 30 and lines 1 to 6 on page 31.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, I am pleased to speak in support of the amendments contained in group No. 7.

I have received letters from several grain farmers over the past months with respect to Bill C-66. They have said that at the least this piece of legislation would require that grain moves through the port once it arrives there. They said that would help to some extent. There have been many work stoppages over the years. Grain has arrived at port and one thing or another has stopped it from moving. The farmers have said that legislation would help.

Farmers did not know that part of the legislation would make things much worse, the measure to prevent the use of replacement workers. That could lead to a slower movement of grain and more damage to farmers as a result of having their commodity held up en route to port or as it is being loaded on a ship.

Farmers are torn on this issue. I want to speak for them on it. There is a better solution than the one offered in the legislation. The farmers have told me so and I will speak on behalf of the ones who have contacted me.

Grain farmers have suffered for too long. Some have seen their livelihood for an entire year being snatched away due to poor weather conditions. As well, often their grain has either been left on the farm or in local elevators due to some kind of movement disruption. That has happened too often.

One of the first pieces of legislation I spoke on when I came to Ottawa in 1994 had to do with putting grain handlers at the port of Vancouver back to work. It was back to work legislation. We have seen back to work legislation again and again. When we have government interfering, forcing the system to work through back to work legislation, clearly there are problems in the system which have to be dealt with.

I forget the number but there have been something like 20 stoppages over the years I remember. I remember as a very young boy on the farm getting grain ready to go to market and desperately needing the money from the grain to meet day to day expenses, to buy clothes and food for the family. Then I would hear about a stoppage in the grain handling system. There might have been some problem with the railway. More often than not the grain handlers were on strike at the port. Any one of the many links in the system might have broken down. Who paid the price? The captive shippers, in this case the grain farmers who have no other practical way of getting their commodity to the ships so they can get paid. This has happened again and again.

As I said, one of the first pieces of legislation that I spoke on was to legislate the grain handlers back to work. The problem had not been solved.

● (1710)

Will this piece of legislation help? To some extent it will. At least grain that makes it to the port will be moved through the system and loaded on to ships. That is not enough, not close to enough. It is not only grain farmers who are affected by a system that does not come through again, again and again. It is people with many other commodities who have no other way of getting them to port other than by railway. It is a system that breaks down on them again and again and costs them dearly. The legislation does not fix the system.

What has Reform proposed over the three and a half years we have been here? We have proposed many different solutions to the problem. In my second speech in the House in February 1994 I proposed the use of final offer selection arbitration which my colleague has mentioned in the House as a permanent solution to the problem.

Final offer selection arbitration allows for the bargaining process to take place but absolutely prevents a stoppage in grain movement right from the local elevator to the ship. That is the solution farmers need. That is the solution other captive shippers need. Nothing less than that is good enough, and this legislation provides a lot less. With the negatives it is questionable whether it will make things better or worse. On balance it could well make things worse.

We need this change. The Reform member for Lethbridge put forward a private member's bill respecting a final offer selection arbitration some time back in 1994. That bill was debated in the House and I believe it was votable. Had it passed it would have become legislation. Did we get support from the same government that is now presenting this piece of legislation? Did we get support from the Bloc? Did we get support from anybody for that legislation?

We never got support from anybody in the House but we got support right across western Canada from grain farmers who are fed up with having constant disruptions in grain movement that cost them so dearly when they can ill afford it. They are already at

the mercy of the weather and world prices, world prices being low more often than not due to government interference in the market.

It is not just the American government and the European governments that interfere in the market and do not allow the market to work properly. It is also the Canadian government. Canadian governments—Conservative and Liberal—have been interfering for some time. This has led to depressed prices. Farmers have had to deal with all this and with continual disruptions.

It is time for some real change. It is time we put in place final offer arbitration as a way to ensure that captive shippers get their products loaded on to ships in a timely fashion. This legislation will not do that unless we include these amendments and clearly end disruptions in the handling system once and for all. Farmers deserve no less.

In the red book the government included virtually nothing on agriculture. As an afterthought an addendum was added which included a lot of nice things to help make things better for farmers. It is time the government delivered on at least this one.

It is time not to settle for quarter or half measures. It is time to solve the problem. The government has an opportunity to deal with the problem and to say that it will solve the problem completely. Maybe that is overstating the case but it would certainly help in a dramatic way. That is why I speak in support of Group No. 7 amendments. I encourage the Liberal government to finally do something for grain farmers. They are being held hostage by the grain handling system. Right now, once again this year, grain is not moving.

• (1715)

During the elimination of the Crow benefit, the changes to the Canada Transportation Act and the privatization of CN Rail I called again and again for measures, as did my colleagues, that would put competition into the system. It would have fixed the car allocation process. It would have made the system work.

The government did not heed our call for action. Here is a chance for it to make up for that in some small way. It should support this group of amendments that will finally allow for movement of grain right from the local elevator to the ship without disruption. It is the least that farmers should expect from the government.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I really want those who are following what we are doing to realize that, with the amendments proposed by the Reform Party—and I am not using any euphemisms, it is not a figure of style, I mean it literally—we are faced with amendments aimed at reducing the workers' right to strike. We would not have believed it possible for clauses of this nature to be brought forward.

For purely instructional reasons—I cannot be other than instructional since I am next to the hon. member for Rimouski—Temiscouata, who is a teacher—I would simply like to review for those who are following the debate just what is involved.

Clause 87.7(1) of the bill concerns access and services to grain vessels. The entire question of western grain, as we are all aware, even without any connection to the west, is of absolutely vital importance. This is a key sector of the economy.

What the legislator is giving here is a balanced point of view, one which, in committee—and I believe I am correct in saying this—even the ports people, the national stevedoring committee, indicated that they were somewhat in favour of the obligation, the maintaining of this obligation, to load vessels.

To quote the clause in question more precisely: ''During a work stoppage, an employer in the long-shoring industry or other port industry, or its employees, shall continue to provide the services they normally provide to ensure the tie-up, let-go and loading of grain vessels and the movement of the grain vessels in and out of a port''. It is understood that this is where shipping for export is involved, where anticipated high and low demand is a sensitive issue, so it makes sense to maintain such an obligation. I repeat, this clause in Bill C-66 was favourably received by the workers concerned.

A little further it says that unless the parties otherwise agree, rates of pay or any other terms or conditions of employment of the employees assigned to grain vessels during a strike are those provided in the previous collective agreement. I repeat, this is a wise provision.

And finally, on application by one of the parties or on referral by the minister, the board may make any order it considers appropriate to ensure compliance with that subsection. We are told that this new provision implements the proposal by the task force to include such a requirement in the labour code to prevent successive interruptions of grain exports as a result of work stoppages by employers and employees in a port.

Two years ago we, as parliamentarians, experienced the impact of a work stoppage involving the grain industry and the ports.

• (1720)

To avoid repeated work stoppages that can have a serious economic impact without depriving people of their right to strike, we agree with the proposed procedure.

We were surprised, however, to see that in the amendments proposed by the Reform Party, the reference was no longer to grain vessels but to all vessels. As though potash, uranium, steel, newsprint, recycled materials, bulk commodities, spices, and so

forth, should be treated exactly the same way. As though all export or shipping traffic should be treated the same way as the grain sector.

This is frivolous, and it is an unjustified restriction of the right to strike. Several times witnesses, especially for the employer side, came to tell us that we, as parliamentarians, should agree to expand the provisions significantly beyond grain vessels, and every time the official opposition said that this was impossible, that we did not think it was desirable or reasonable.

What reasons does the Reform Party have for wishing to restrict the right to strike or to expand the obligation to provide loading services? We agree with the provisions in the bill that say that in the case of grain vessels, nothing should be allowed to interrupt the loading, tie-up and let-go of grain vessels.

We cannot agree with that, and we cannot agree to generalize the provision contained in Bill C-66.

To do so would impose restrictions on and considerably undermine the rights of workers, and we do not want to be associated with such a process. I believe we will have a chance to see and comment on the scope of the Reform Party's amendments when we consider the next group of amendments, which deal with replacement workers.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, my friend from Hochelaga—Maisonneuve asked rather rhetorically what motivated the Reform Party to present these amendments. I am happy to tell him what our motivation was.

We are in favour of any measure, within reason, that helps the farmers get grain to port, on to the ships and to market. However, why has only grain been given this priority? A lot of other commodities in Canada have to be shipped. Certainly grain is a very important commodity and it fits into another specific category which a lot of others do not. It is a food stuff, a staple which is perishable. That makes it fit into two categories.

There are coal, potash, lumber, plenty of other commodities which may or may not reach port, which may sit in the mill yard or at the mine and be held up because of a rail strike or because of other unions which may be on strike or locked out. It is a work disruption that prevents those products from getting to port and ultimately to market.

I do not have to tell the House that the Canadian economy is rather fragile and needs an infusion or transfusion. The Canadian economy has suffered hit after hit because of work stoppages which resulted in lost markets, of ships going to other ports to get similar commodities because they have been assured they will be loaded.

• (1725)

I do not have to tell members that if a ship is turned away from a port once or twice its owner may say: ''We are tired of that sort of treatment. We are going to make permanent arrangements with another port''. The port of Vancouver has lost business in the past to the port of Seattle simply because Seattle seems to be a more reliable port over a long period of time.

That is why we have introduced these amendments. We also feel that final offer selection arbitration is a good tool, although the Sims task force did not seem to agree with us. It stated that the use of final offer arbitration would create a situation where there would seem to be a winner and a loser. That is possible. However, final offer selection arbitration would also have the effect of having those parties bargain to the point where the winner would not win a lot and the loser would not lose a lot. If the parties knew it could come to that, they would probably reach an agreement before the arbitrator was ever named.

Therefore, I cannot encourage the House strongly enough to consider the use of final offer selection arbitration.

Let me read some comments from standing committee witnesses with regard to this amendment that separates grain as a commodity and does not allow the others.

Donald Downing, president of the Coal Association of Canada, had this to say: ''This amendment cannot be allowed to stand as it discriminates between commodities and makes a special case for one. It suggests the Government of Canada places a priority and a special status on grain that would be impossible for us to explain to our valued coal customers in over 20 countries''. I think that speaks volumes. How would the coal association explain this? ''Yes, it is true that if grain arrives at port that the right to strike has been taken away from the people who load the grain, but if coal arrives at port it is just going to have to sit there and wait''.

I have a couple of other quotes here that I may or may not read into the record but they are on the record of the House of Commons Standing Committee on Human Resources Development.

Section 87.4 allows for the continuation of a service in a strike/lockout situation if there is a danger to public health and safety. That is a good amendment, but I would submit that it needs to have one more caveat attached to it which is that there should be some provision for the protection of the national economy. I suppose one could say that absolutely anything could affect the national economy, but we are talking about things that have a huge effect on the national economy and a huge effect on Canada's reputation as a reliable supplier of these commodities.

My colleague from Vegreville has talked about final offer selection arbitration. I have spoken on it several times today and numerous times in the past. We will probably continue to do so in the future because it is a tool that is not discriminatory to either management or labour. It is a tool that can be used equally by either one.

• (1730)

It is a rather unique situation. It is a tool that, if used to its ultimate, is not used at all. Therefore it is exactly what the situation calls for. What we have now is a situation where the parties are discouraged from reaching an agreement. Maybe discouraged is a bit too strong. At least they are not encouraged to bargain something they can both live with because they know, and the employer is just as guilty as the employees, it is not really necessary to come to terms at this point. ''Let's hold out and we will only be out a few days. We will be legislated back to work''. We have plenty of precedents. They are only out for three or four days. Parliament legislates them all back to work.

What has happened to their right to strike there? That is taking the right to strike or the right to lockout completely out of their tool box.

I really think it is important to the Canadian economy and ultimately to jobs in this country. We all know how important jobs are. Every time we lose an international customer for whether it is coal, grain, potash or lumber we are losing jobs. We simply cannot afford that. I am sure members will agree.

In committee the member for Humber—St. Barbe—Baie Verte secured passage of an amendment that would help prevent work stoppages on the Atlantic ferry operating between North Sydney and Port aux Basques, Newfoundland. In essence it was declared an essential service. It was a great amendment, one that was certainly important to the member who introduced it and to the people of Newfoundland. For one reason or another, perhaps known only to the government, that amendment does not show up.

I would like to express my disappointment. It was a good amendment. It should have been here.

[*Translation*]

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, I would like to speak to the amendments put forward by the members of the Reform Party, because it is important to make the distinction I do not think was made between what they want to do and the intent, even misguided, of the law, which was to recognize that there are essential services.

As you know, regardless of where we look in this country, there are no real miracles. Either strikes and lockouts are recognized and certain essential services maintained for reasons of public health and safety or they are not. In fact, however, no country is able to prevent strikes and lockouts. So most countries have opted for provisions to regulate essential services.

The Government of Canada, which had no such provision in past disputes, is trying to plug that loophole with clause 87(4), which states that if it:

> —is of the opinion that a strike or lockout could pose an immediate and serious danger to the safety or health of the public—

the board may issue an order to decide what activities should be designated and how and to what extent the employer and employees should attempt to come to an understanding.

So, in the event of serious public health and safety concerns, the board will ask the parties to negotiate. And if the parties fail to reach an understanding, the board may decide what must be done.

• (1735)

The Reform Party wants to add ''severe economic hardship to the national economy'' to the provisions on public health and safety, to the imminent and serious danger to the safety or health of the public. They have two amendments to that effect.

Let me tell you that the board would be at a loss to determine what ''severe economic hardship to the national economy'' means. It seems to me that it would be hard to determine, given that, with unemployment soaring to 15 per cent in Montreal, one can wonder what it takes to qualify as severe economic hardship.

This provision does not seem relevant. They did provide an explanation. But the truth is that severe economic hardship cannot be used as a criterion in determining the services that should be considered essential.

The other very important amendment they made does not limit the employees' right to strike or the employer's right to lock workers out by designating some services as essential but by eliminating these rights altogether. That is in section 87.7, and I should point out that an agreement was reached. We were under the impression that both the unions and the employers in the long-shoring industry agreed with the contents of section 87.7, which states:

> During a strike or lockout not prohibited by this Part, an employer in the long-shoring industry, or other industry included in paragraph (*a*) of the definition ''federal work, undertaking or business'' in section 2, its employees and their bargaining agent shall continue to provide the services they normally provide to ensure the tie-up, let-go and loading of grain vessels and the movement of the grain vessels in and out of a port.

I know that the unions were in agreement because of their past experiences with lockouts and special legislation that was imposed on them when they were prepared to continue loading grain vessels. I know, I gave evidence to that effect and I can attest to it here because, as it happens, I was the critic on this issue when the final offer mechanism was used to settle a dispute, and I know that employers took advantage of the fact no such provision existed. Sometimes the employers are right, sometimes the unions are right,

but in that particular case, the employers clearly played a dirty trick on the unions.

The unions representing the longshoremen were prepared to continue loading the grain. Day after day, they repeatedly told us in the House that grain, and not potash, coal, or any other raw materials, was to be loaded into vessels or should we say unloaded, but this was not included in the amendment.

So, to remove the fact that they meant grain vessels and to change this section, as they are doing, means that dockers could never strike no matter what type vessel was involved. Clearly, this provision is impracticable. As I said at the beginning, everybody knows in the end that options exist.

● (1740)

Either we restrict the right to strike and to lock out by invoking essential services, or else we prohibit them. If we prohibit them, we know that we are opening the door to illegal strikes and lockouts which complicate the situation, and are against the rules.

In this second section, Reform members remove this ''essential services'' aspect. This aspect is related to grain vessels and interested parties agreed that for grain vessels, the right to strike would not exist. Services for grain vessels are essential, but other port activities will be limited by the definition of essential services.

I understand the pressure exerted on grain producers, but it seems to me that this issue, about which we heard a lot, is answered in clause 87.7. As for other producers, the government is trying to prohibit the right to strike or lockout, with the result that it will be done illegally and in conditions that we do not accept. The idea is to provide for some essential services in the labour code.

I will end on an interrogative or humorous note. I am leaving it up to members opposite to choose the term that best applies. The committee proposed an amendment to clause 87.8. This amendment provided that the freight and passenger service between Port-aux-Basques, Newfoundland, and Nova Scotia should be considered an essential service. I see that this small amendment proposed by the committee without the minister's approval was withdrawn by the minister at report stage. I imagine Liberal members will have something to say about this.

[*English*]

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I want to enter into the debate today to talk about the provisions that my colleagues in the Reform Party have mentioned. The amendments we are trying to propose here today would ensure final offer binding arbitration for the situation in the grain and transportation industry, in the whole delivery system for what is a very important part of the Canadian economy, the export market.

I would argue whether it is in the national interest or not but it is very important for continuing service in the domestic markets as well. With tongue in cheek I must chastize my colleagues from the Reform Party who talked so much about the grain producers, which is worthwhile. I know many grain producers.

I would like to talk about the necessity to provide an assured transportation system for the feed industry. The feed industry in a province like my own relies extensively or maybe exclusively on the ability of the rail system to deliver feed in a timely fashion to the west coast for the use in our own feed industry.

West of the Rockies in my area in the Fraser Valley we probably have the biggest concentration of the chicken and dairy industry. There are hundreds of chicken, dairy and hog farmers all relying on a grain system and delivery system that will give them what they need in a timely fashion.

I mention this because this is not a theoretical discussion about the importance of assuring this system is not interrupted for any length of time.

● (1745)

The feed industry in the lower mainland has been denied access to grain delivery from the prairies. It has had to resort to trucking grain from Alberta to the Fraser Valley to try to keep chicken farmers and the rest of the farm industries in my area from running out of feed for their livestock.

They have heard every excuse under the sun. It has been blamed on the weather, a lack of locomotives, farmers, being unable to spot cars in the prairies and who knows what. I do not know if the minister knows. He certainly has not done a whole lot to help them out.

It is an example of a system that both export and domestic markets rely on being interrupted for whatever reason. Not only does it hurt our reputation abroad. It also hurts our ability to look after our own industries. Whether it can be blamed on the weather or on the government, it points out the necessity of having an assured supply of grain delivered to the west coast.

If the government is not prepared to entertain the idea of final offer binding arbitration it needs to do something to reassure the feed industry in my area will somehow be able to intervene to make sure it gets grain.

There are not enough trucks available in British Columbia to haul grain in the amount required to look after the industry in the lower mainland. The grain has to be trucked all the way from Alberta, maybe 700, 800 or 900 kilometres one way, to the feed mills in the Chilliwack area in order to sustain the industry on an

ongoing basis. They cannot hire enough trucks. Maybe the hon. member has enough trucks to help out, but farmers in my area cannot hire enough trucks to get that much feed delivered.

As grain cars back up across the prairies and on sidings at Boston Bar, tantalizingly close but still not delivered to the feed mills, we see the crisis develop in a hurry in the lower mainland.

I ask the government to consider what we are proposing today. We do not want to see our domestic market hung up because somebody threw their hands up in the air and walked away from a labour dispute. We have to be able to say that from production to delivery there is a system exporters can count on. Equally important and certainly even more important in my riding is the ability to know we can rely on the transportation system day in and day out, year in and year out, to get feed to the feed bins.

If we cannot do that in British Columbia I can tell the House what will happen. The agricultural industry which relies on the grain from the prairies will die a slow, withering death in British Columbia. Over the last two or three weeks we have seen an industry begging for some kind of government intervention to provide enough grain to feed the chickens. They should be able to rely on that and if they cannot they will do what they have to do.

They are telling me that if they cannot rely on the grain delivery system into the lower mainland, they will have to take their industry somewhere else. To tell farmers in the lower mainland that they are just not wanted is unacceptable. There should be some way to assure them that the export market important. We should encourage diversity and value added in the agricultural industry. We should encourage the feed industry and exports.

● (1750)

If I can use an agricultural term, one thing feeds on another and together it creates a critical mass of agricultural industries from suppliers to machinery dealers, to machine shops, to people such as Ty-crop in my area that has sprung up around an agricultural industry because of a certain critical mass there. They have become internationally known. All those things are at risk if the government does not assure a supply of grain to farmers.

Over the last few days some of the grain stuck on sidings in Boston Bar, sniffing distance away, have come to market. The inability to spot cars on the prairies and the inability to guarantee delivery have the whole feed industry in a turmoil. The industry needs that assurance.

By not assuring farmers of the future and of that supply farmers will start voting with their feet and with their cheque books. They will leave an area of uncertainty for an area of assurance. They will either move to the prairies, move to the states or move somewhere if they cannot count on our delivery system.

I urge the government to consider these amendments which will assure timely delivery to the feed industry. It will help producers and consumers, in this case the feed industry, to do the job the Canadian government and the rest of us have asked them to do. I ask the government to consider these amendments in the light of what I have presented today.

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, Bill C-66 introduces for the first time in the Canada Labour Code provisions which will require the maintenance of activities necessary to prevent immediate and serious danger to public health and safety during work stoppages.

My colleagues in the Reform Party are proposing by Motions Nos. 24 and 25 to extend the application of these provisions to a much broader range of activities by making economic hardship to the national economy a criterion for requiring parties to maintain services during a work stoppage. Bill C-66 also introduces a requirement for employers and employees in the ports to continue to provide services to grain vessels in the event of a work stoppage.

The aim of this proposal is twofold: to ensure the continued movement of grain exports and to reduce reliance on legislative interventions to terminate and resolve port-labour management disputes. The Reform Party is seeking to extend the application of this provision to all commodities exported through the ports. These changes to Bill C-66 would effectively remove strike and lockout rights from large numbers of employers and employees subject to the code.

Let us recognize this approach for what it really is: a denial of free collective bargaining rights for large numbers of workers and employers in the federal labour jurisdiction, an approach more commonly associated with less democratic societies. We all know how successful such states have been in solving their economic and social problems.

Representatives of both labour and business told the Sims task force that they want to be able to frame their own agreements rather than have third party solutions imposed upon them. In their view third party solutions have had a history of failure, particularly when the issues in dispute involve significant changes to traditional practices.

The Sims task force examined the issue of maintenance of activities and concluded that the right to strike or lockout should not be removed from any group of workers or any employer subject to the code. The task force recommended that the code include specific provisions for the protection of public health and safety during work stoppages. With respect to the appropriate criteria for

determining which activity should be maintained, both labour and management support protection of public health and safety as a criterion.

The maintenance of activities provisions in Bill C-66 balance the collective bargaining rights of employees and employers subject to the code with the public's right to protection of health and safety. They represent a fair and equitable approach which has the support of both the labour and management parties.

I will now turn to the grain provision. Grain has been declared for the general advantage of Canada. It is a multi-billion dollar industry which exports to over 70 countries worldwide. The livelihood of 130,000 farmers and their families depends on Canada maintaining its reputation as a reliable exporter. These interests must however be balanced with the rights of labour and management to determine fair terms and conditions of employment through collective bargaining.

● (1755)

Since 1972 there have been 12 work stoppages in west coast ports which have disrupted grain exports. Nine of these work stoppages have involved longshoremen and their employers. Only three have involved grain handlers. One of these was limited to Prince Rupert and as such did not affect major terminal elevators in Vancouver.

Requiring the continuation of port services to grain vessels will therefore eliminate the major source of disruptions to our grain exports due to work stoppages in ports. However, as it is limited to services to grain vessels in the ports, it will not remove the right to strike or lockout from any group of employees or employers.

When grain exports are interrupted due to work stoppages pressures are immediately brought to bear on Parliament to adopt emergency legislation. In the past Parliament has intervened quickly to end and resolve disputes in the ports which have affected grain exports. This does not contribute to sound labour-management relations in the ports. The parties have come to expect Parliament to intervene. They have developed negotiation strategies around this assumption. This removes responsibility from the parties engaged in a collective bargaining dispute to resolve their own problems. It enables the parties to blame the government and ultimately Parliament for any consequences of an imposed settlement they perceive as adverse to their interests.

The proposal in Bill C-66 preserves the right of workers and employers in all sectors to engage in collective bargaining while providing protections to Canada's grain industry. It is the equitable approach suggested by the Sims task force and widely supported by the grain producers.

As the Minister of Labour indicated when he introduced the bill and repeated before the standing committee, the provision with respect to services to grain vessels will be subject to review in 1999, at which time stronger measures could be considered if necessary. The parties should therefore take the opportunity to make these provisions work.

The amendment adopted by members of the standing committee would require the continuation of ferry services between Port aux Basques, Newfoundland and North Sydney, Nova Scotia, in the event of a collective bargaining dispute. The government has introduced a motion to remove this requirement. I would like to explain why the provision is inadvisable from an industrial relations point of view.

While committee members heard from a number of groups with interests in tourism and economic development in Newfoundland, they did not have an opportunity to hear from labour and management on this issue or to examine the industrial relations implications of the provision.

First, it is important to note there has not been a legal strike or lockout involving employees providing ferry service between Port aux Basques, Newfoundland and North Sydney, Nova Scotia and their employer, Marine Atlantic, since the corporation began operating the service over 23 years ago. Marine Atlantic and the union representing the employees have always been able to reach an agreement on terms and conditions of employment without resorting to work stoppages.

Second, this issue did not surface during the lengthy process of the review of part I of the Canada Labour Code which included cross-country consultations by an independent task force and subsequently by the Minister of Labour. This is unfortunate since there would have been an opportunity for a more careful examination of a serious issue, that is the removal of strike and lockout rights for a group of employees and their employer. At first glance one might think the impact of this provision would be the same as the requirement in Bill C-66 for port services to grain vessels to be continued in the event of work stoppages. However that is not the case.

The requirement with respect to port services to grain vessels does not remove the strike and lockout rights of any bargaining unit of employees or any employer. Only port work related to grain vessels would have to be continued in the event of a work stoppage. This would affect a small portion of workers in any bargaining unit in the ports. The employer and the union would still be able to exert economic pressures throughout the strike or lockout action.

However, in the case of ferry services by May of this year when ferry service between Prince Edward Island and the mainland will cease the only year-round ferry service run by the current employer, Marine Atlantic, will be that between Port aux Basques and North Sydney. If the requirement to maintain this service is not revoked, employers and employees will not be able to exert economic pressure to resolve a collective bargaining dispute.

There are other changes in Bill C-66 which adequately address concerns raised before the standing committee without removing the rights of parties. The parties operating ferry services would be required to maintain services necessary to prevent immediate and serious danger to public health and safety. The new time limited one stage conciliation process will reduce the length of bargaining and encourage earlier settlements. In addition, the new requirement for a 72-hour advance notice of a strike or lockout action will prevent unexpected disruptions to service.

● (1800)

It seems to me to be somewhat heavy-handed to remove legitimate rights from a group of workers and their employer in anticipation of the possibility that a situation which has not occurred in over 23 years could happen. The removal of strike and lockout rights may have the undesirable effect of undermining the positive labour-management relations which have enabled the union and the employer to resolve collective bargaining disputes without resorting to work stoppages. Poor labour-management relations can negatively impact on the quality and reliability of the services.

I urge members to support the government motion to delete the provision with respect to the maintenance of ferry services. I am confident that the other changes to the bargaining process in Bill C-66 are sufficient to address any perceived problems with respect to ferry services between Newfoundland and Nova Scotia without removing the collective bargaining rights of the parties.

Mr. Jake E. Hoeppner (Lisgar—Marquette, Ref.): Mr. Speaker, I had not intended to speak on this issue today but I have heard a number of comments and I thought I would just add a few thoughts on this issue.

When I heard the hon. member from Fraser Valley talk about how his farmers were short of grain, it really astounded me. I look at statistics and see that the turnaround of a grain car in 1908 to the port at Vancouver was 21 days and today it is 19.5 days. That is one and a half days less.

I know the trains are going about four or five times faster than they used to. I know that elevators load cars about three or four times faster as they used to. Why do we have only a one and a half day shorter turnaround?

I am astounded when I hear that the farmers in British Columbia are suffering just like the grain farmers in Manitoba because they cannot move their product. The farmers in the Fraser Valley cannot feed their animals to produce money or to increase the economy. It astounds me when nobody talks about $1 million a day demurrage charges for ships sitting in port which is due to somebody's ignorance, mismanagement or inefficiency.

How can a country continue to prosper when we have this type of economy? What the government reminds me of is that if it had a spoke come out of a buggy wheel, it would shoot the horse. That is the way this government solves problems.

The government passed laws doing away with transportation subsidies, saying that everything would go smoothly from here on. Do you know something, Mr. Speaker? I had nine miles of hopper cars sitting empty in my constituency all summer and fall. No grain was being moved. Tell me why. We have a record carryover of feed grain on hand right now. Why did those chickens in B.C. not get that grain when they needed it? I wish somebody could explain that to me. The CPR agent came to see me. He said: ''Jake, we had 50 miles of empty hopper cars sitting around all summer up till the harvest time''.

We had a record carryover of grain and the chickens are starving in B.C. Is this something that we in the opposition are creating or is this something the government is not looking after? I would like to know. If we run our country in this direction we will not even have a dead horse to shoot. It will die before we get the gun out.

It is important that we finally realize that trucks move six or seven times faster than they did in the early 1900s. Grain cars can be loaded faster. Trains can move faster. There is a problem somewhere. Somebody is not doing his job using these implements or these tools. Who is it? It is not thin air. It has to be either management or labour.

The people who produce the products to be moved have increased their production 10, 15 and 20 times. They are not getting rewarded for it, nor are the farmers who are producing in the value added industries like chicken, dairy and hogs.

● (1805)

I wish the government would start realizing that farmers vote. If we do not have farmers, the other people who vote will not be eating very long and might not be voting either. It may not just be a matter of debating this issue in the House, it is a matter of doing something. The grain is there, the vehicles are there and the special value industries are there but something is not working. We had better find the problem.

I know in my farm operation if the tractor or the combine is sitting it is because the guy who is supposed to drive it is not around. That is what is happening to all our industries that are supposed to move the grain. Somebody is not around.

When I hear in my constituency that the railway workers have to be brought by limousine half way down toward Winnipeg and then the train sits for six or seven hours waiting for another limousine to come from Winnipeg to bring out another crew, I can see why we do not get anything moved. This is the reason we are having problems.

It is high time that we started realizing that if these value added industries are not going to be successful, like my hon. friend from Fraser Valley says, they are going to move. They are not going to stay around. When they move there will be no more taxes for the government to collect and no more industries providing jobs. Let us get on the ball and do something.

Why are we not succeeding? I would say it is because we have a Liberal government on that side and Reform on this side. However, that will change in the next election. Then things will start running smoothly. We will move grain and feed the chickens and we will not have to shoot the horse any more to solve the problem.

* * *

MOTION TO EXTEND HOURS OF SITTING

Mr. Bob Kilger (Stormont—Dundas, Lib.): Mr. Speaker, pursuant to Standing Order 26, I move:

> That the House continue to sit beyond the ordinary time of adjournment for the purpose of considering of Bill C-66.

[*Translation*]

Also I ask the unanimous consent of the House in deeming the recorded divisions and the votes on any other motion necessary to dispose of the bill at report stage to have been requested and deferred.

The Deputy Speaker: There are two matters to settle. First of all, the government whip is moving that the House continue to sit beyond the ordinary time of adjournment for the purpose of considering Bill C-66.

[*English*]

Will all members who object to the motion please rise in their places.

And fewer than 15 members having risen:

The Deputy Speaker: There not being 15 members rising in objection to the motion, the motion is adopted.

(Motion agreed to.)

[*Translation*]

The Deputy Speaker: The House has also heard the hon. government whip's suggestion. Is there unanimous consent?

Some hon. members: Agreed.

* * *

[*English*]

CANADA LABOUR CODE

The House resumed consideration of Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts, as reported (with amendments) from committee; and of the amendments.

The Deputy Speaker: Is the House ready for the question on Group No. 7?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 24. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

• (1810)

[*Translation*]

The Deputy Speaker: The recorded division on Motion No. 24 stands deferred. The result of the division on Motion No. 24 will also apply to Motion No. 25.

[*English*]

Mr. Kilger: Mr. Speaker, I rise on a point of order. I had no intention of causing anyone to err, in this instance my colleagues from the Reform Party. Certainly it was understood that the request for unanimous consent would be applicable to Motions Nos. 8, 9 and 10.

I would also willingly offer the same co-operation on the group presently before the House, Group No. 7, if the members of the Bloc would also consent to have that vote deferred until tomorrow when all those matters will be dealt with.

[*Translation*]

The Deputy Speaker: Is there unanimous consent?

Some hon. members: Agreed.

The Deputy Speaker: The question is on Motion No. 28. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 28 stands deferred.

The next question is on Motion No. 29. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 29 stands deferred. The result of the division on Motion No. 29 will also apply to Motion No. 30.

The next question is on Motion No. 32. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 32 stands deferred.

We will now proceed to Group No. 8, which includes Motions Nos. 26, 31 and 42.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.) moved:

Motion No. 26

That Bill C-66, in Clause 37, be amended by replacing line 6 on page 29 with the following:

''the trade union, direct that final offer selection arbitration be used as a method of''

Motion No. 31

That Bill C-66, in Clause 37, be amended by replacing line 26 on page 30 with the following:

''make an order directing the parties to adopt final offer selection arbitration as a method of resolving the issues in dispute between the parties for the purpose of ensuring the settlement of the dispute to''

Motion No. 42

That Bill C-66, in Clause 45, be amended by replacing line 10 on page 35 with the following:

''final offer selection arbitration as the method of resolving those terms,''

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, I am pleased to speak to Group No. 8 amendments. This group calls for the use of final offer selection arbitration to settle disputes so there will not be strikes or lockouts in the system in the future.

I would like to start by reminding members on the government side of some things that have taken place over the past three and a half years leading to this legislation, how they were dealt with, the impact they had on the farming industry in particular, but also on other industries where there are captive shippers. Then I will talk about what the amendments in this group would do to help alleviate some of the problems caused by the lack of action on the part of this government over the past three and a half years.

Three major pieces of legislation have come before the House which have had a huge impact on grain movement over the past three and a half years. The first was the elimination of the Crow benefit, thus requiring farmers to pay the full cost of freight when they had been paying less than half the cost. When this legislation was passed, we agreed to support it if some changes were made that would make things better.

Later, the new Canadian Transportation Act was passed. Again, my colleagues and I called for some changes that would improve the act so the system would work better. Then came the legislation that led to the privatization of CN. My colleagues and I called for a series of amendments that would have made things work better.

What do we have? We have the Crow benefit eliminated, farmers paying the full cost of transportation. Is the system working better? Ask some of our colleagues from Saskatchewan and Manitoba. They know that farmers once again are stuck with grain in their bins and in piles on the ground because they cannot move it. The system is not working. It is failing from one end to the other.

I have many farmers in my constituency who will not be able to seed a crop this spring because they have not been able to sell last year's crop. The system is broken. Grain is not moving. It is sitting in bins. It is sitting in piles on the ground and these farmers are desperate for money.

What have members opposite done to head off this problem, which was most predictable? I predicted it in committee and in the House when we debated every one of the pieces of legislation that should have made things better for farmers when they are moving grain. They did not.

When the government called for eliminating the Crow benefit, we called for changes that would put competition into the system before the act was passed, before the subsidy was removed. We called for a system of incentives and penalties to be put in place so that we would know grain would be moving as it should be moving. Reform called for changes that would ensure that the system would work before the money was taken away. This government ignored our calls for change. As a result it was very predictable, once again in western Canada, we would end up with a situation where grain is not moving and farmers are wondering where they are going to get the money to seed their crops this spring. There will be many who just will not have the money.

• (1815)

The banks are not going to lend them the money this spring because it has been too many years where grain has not moved and they do not have the money to make their debt payments on time. This year is going to be the end of the line for more farmers in my constituency. I have had some of them come to talk to me about this issue. It is a frustrating feeling when they ask what can be done and I say I do not know.

When the Crow benefit was being eliminated we called for these changes that would have put competition in the system. It would have made the system work better. It would have made it so that if the railways did not deliver we could deal with the problem in a meaningful way.

When the new Canadian transportation act was being put in place Reform called for changes that would allow captive shippers to put pressure on CN to make it deliver. The government ignored those pleas. We called for final offer selection arbitration to be put into that legislation and it was ignored.

When this government put forth legislation to privatize CN we called for changes that would have put competition into the system so that the changes would have been made to make the system work better before the legislation was passed. Those changes were not made so here we are today with Group No. 8 amendments once again calling for changes that would at least help in some small way to alleviate the problems that have arisen. This government has acted completely irresponsibly in the past legislation.

If another example is needed of how the government has acted irresponsibly, at the transport committee the chair, the Liberal member for Winnipeg South, when the change was proposed that would have made it so that farmers would not be held hostage to these huge pilot fees, thousands of dollars a day going to a pilot to help guide the ships through the St. Lawrence Seaway system, and the Bloc MPs said they did not want this to change because it is good for people in Montreal, the chair of the committee and the Bloc left—this was just before the Christmas break—and the member for Winnipeg South made a deal. As a result farmers are still left paying this absolutely atrocious pilot fee for every ship moving through the St. Lawrence system and that is just unforgivable. We have had these things that have been done wrong over the last three and a half years.

I believe that the Reform has put forth constructive recommendations to make things work better. We are doing that once again with these Group No. 8 amendments. At least we can help make up for some of the lack of action over the past three and a half years and make it so that we will not have strikes or lockouts in the system so that farmers' grain and the commodities from other captive shippers will move right through to port and indeed until they are loaded on ships and out of port.

We cannot afford to keep building this reputation of being an unreliable suppler of goods. Things are so bad in the grain industry, because of stoppages, because Canada has not been able to supply time after time grain that the customers have ships waiting for, that customers are giving up on us. They are going south to Seattle to other ports where they know the commodity will be delivered when it should be delivered. Canada is no longer a reliable shipper. Japan and other countries that pay top dollar for our commodities are giving up on us.

• (1820)

So who are the losers? The Canadian business people, farmers and people in other industries who depend on the system to work to get their commodity from the producer to the ships loaded for market.

Western Canadian grain farmers are tired of this happening again and again. It was so predictable and we did predict it. We said changes had to be made to fix up the car allocation system and put in place a system of incentives and penalties as in the case of the privatization of CN and the Canadian transportation act, using final offer selection arbitration to make sure that stoppages are not allowed to happen. That is just about the fairest method we can use.

We are not talking about ending the collective bargaining process. We are talking about making the collective bargaining process work better. That is what final offer selection arbitration does. It gives workers and management a chance to work things through. Hopefully things will never get to a point where there will be a need for final offer selection arbitration.

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, I am certainly getting an opportunity to speak to final offer arbitration today and it is a good thing.

I would like to begin by saying that I do not want the government to see us as being too soft an opposition. It has always been my point that we should not oppose simply to oppose. We agreed to extend the hours on a gentlemen's agreement. Members are here in the Chamber to deal with legislation. Our intention is to improve the legislation, not simply to oppose for the sake of opposition.

I would like to point out something the member for Hillsborough said in his remarks. He said he felt this was doing away with the collective bargaining process. I could not disagree with him more. As a matter of fact, every time back to work legislation is used in the House the bargaining process is usurped. It is not served well by back to work legislation and I think exactly the opposite is true of final offer selection arbitration.

Just in case there is still some misunderstanding between the member for Hillsborough and me on this point, I would not mind going over it one more time. We have advocated a final offer selection arbitration not as a tool to strengthen one bargainer's hand over another but one that can be used equally. As I pointed out the last time I spoke to this, when used to its ultimate, it is not used at all.

Both labour and management know there is no such thing as a long strike duration under these circumstances because Parliament will have pressure applied to deal with back to work legislation, which none of us cares to do. I do not think there is a member in the House who enjoys having to deal with back to work legislation. So why do we do it over and over again? Why not adopt a measure that will actually enhance the bargaining process, present the tools so that disputes can be settled by the parties rather than by others, which is always the best resolution.

I could go on and on about the good points of final offer selection arbitration. Suffice it to say we see this as something that will enhance the process. I cannot emphasize that enough.

I know the hon. member for Hillsborough has his political points to score, but he must admit at some point that this is a reasonable solution to a problem facing Canadian shippers and has a tremendous impact on the Canadian economy.

• (1825)

As I mentioned the last time I spoke to final offer arbitration, healthy economies and particularly primary economies create healthy job situations. With primary economies there are endless opportunities for value added. If we have problems shipping our commodities then we have problems, as my colleague from Vegreville pointed out, with production of commodities. In the case of a farmer, if he cannot sell his crop—he has to have input costs for the next year—if he cannot get the cash flow for the input costs he is really in a catch-22 situation. Not only is that farmer in a bad situation but the people who are employed as a spin-off from the agriculture are in a bad situation as well.

When that happens then ultimately the Government of Canada, which is in a rather precarious situation as far as finances are concerned and needs every penny of revenue that it can get, is also in a precarious situation because those people who are not working are certainly not paying taxes.

That is kind of a roundabout way, but it all fits together as far as resolving the work stoppages whether they are lockouts or whether they are strikes. A work stoppage is a work stoppage and it ultimately interferes with getting the product to market. And getting the product to market is what drives our economy. It is what keeps our economy rolling, and the spin-off benefits from all these primary sectors, certainly in the value added area, are very significant.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is Motion No. 26. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The division on the motion stands deferred.

The next question is Motion No. 31. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The division on the motion stands deferred.

The next question is Motion No. 42. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The division on the motion stands deferred.

[*Translation*]

We will now proceed to debate on motions in Group No. 9.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 27

That Bill C-66, in Clause 37, be amended by adding after line 9 on page 29 the following:

''(9) Nothing in this section authorizes an employer to use the services of a person who was not an employee in the bargaining unit at the commencement of the strike or lock- out to perform all or part of the duties of an employee in the bargaining unit on strike or locked out.''

Mr. Dale Johnston (Wetaskiwin, Ref.) moved:

Motion No. 37

That Bill C-66, in Clause 42, be amended by deleting lines 35 to 46 on page 32.

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP) moved:

Motion No. 38

That Bill C-66, in Clause 42, be amended by replacing lines 38 to 40 on page 32 with the following:

''behalf of an employer shall use the services of a person''

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 40

That Bill C-66 be amended by adding after line 22 on page 33 the following:

''42.1 The Act is amended by adding the following after section 94:

94.1(1) No employer or person acting on behalf of an employer shall use, thereby undermining a trade union's representational capacity, the services of a person who was not an employee in the bargaining unit on the date on which notice to bargain collectively was given and who was hired or assigned after that date to perform all or part of the duties of an employee in the bargaining unit on strike or locked out.

(2) The use by an employer of the services of a person described in subsection (1) is deemed to undermine the trade union's representational capacity.

(3) Where a trade union alleges that an employer has contravened subsection (1), the burden of proof that the use by the employer of the services of a person described in subsection (1) does not undermine the trade union's representational capacity is on the employer.

(4) In any case arising under section 87.4, no employer or person acting on behalf of an employer shall use the services of a person who was not an employee in the bargaining unit on the date on which notice to bargain collectively was given and who was hired or assigned after that date to perform all or part of the duties of an employee in the bargaining unit on strike or locked out.''

Mr. Dale Johnston (Wetaskiwin, Ref.) moved:

Motion No. 43

That Bill C-66, in Clause 45, be amended by deleting lines 24 to 33 on page 35.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, this group contains an essential motion by the Bloc, one which ought to have come from the government itself. I refer to the proposal to prohibit replacement workers, or ''scabs'', the anti-scab or anti-replacement worker clause.

This clause is sorely lacking in a bill which has pretensions of being modern, which is supposed to establish new working conditions for businesses which require worker participation if they are to be productive. If one reads current management manuals, that is what they all say, but the revamped labour code will not have that effect, but indeed the opposite.

The fact that there is no clause, no section to prevent the use of replacement workers—their use is legalized to some extent instead—accentuates the temptation to resort to violence to solve problems. This is found throughout the code, which is decidedly far from modern.

As I have said several times already, and I repeat, in 1977 the Parti Quebecois of the time, and its Minister of Labour, Pierre-Marc Johnson, adopted anti-strikebreaker legislation despite the loud objections of a number of employers. These clauses brought about the social peace for which everyone today takes the credit.

When Premier Bourassa was re-elected in 1985, he was pressured by employers to drop the clause, which had been adopted by the Parti Quebecois, but he took care not to do so.

● (1830)

He told employers in no uncertain terms that labour peace was now a fact, that it was worth a lot and that government was not about to backtrack and reinstate conditions that had led to violent strikes that went on forever.

I used the word violent, and we should realize that when workers have a union, often after a hard time getting certification, and the bargaining process is unsuccessful, they must go on strike. For instance, when there is a strike and workers see that other workers are being hired—I have nothing against people who take that kind of job because we know jobs are scarce—to replace those who are

on strike because they want to improve their circumstances and get the respect and the recognition their union deserves.

When other workers are hired to replace these strikers, to remove any leverage they have, to ensure that goods produced before the strike are shipped or whatever else has to be done, inevitably some workers are going to get very angry. When these strikes go on for any length of time, circumstances may cause them to do things they should not.

For society as a whole, using replacement workers is bad, it sets a poor example and adversely effects labour relations. If there is a settlement, there may be deep wounds that leave lasting scars. This has nothing to do with what we call new labour relations. This is more like the law of the jungle.

So a labour code does what? It tries to make the bargaining process as civilized as possible. At this point I can inform hon. members who think they can solve everything with their final offer that they have not the remotest idea what labour relations are all about. We must recognize the fact that in a company, especially in big companies and increasingly in small businesses, workers want to bargain collectively with their employer, and for this purpose they want to be recognized as a unit. The unit can then negotiate in good faith with the employer and, if need be, avail itself of the right to strike.

However, they want to negotiate on the basis of their own needs, and not play heads or tails with the employer's proposals and some union plan. It would take too long to explain that this can never be a solution and can never replace the bargaining process.

To get back to replacement workers, there is a huge gap in this bill, and in committee we again begged the government to do something and we made our own proposals to ensure that at the very least, when essential services are at stake, the use of replacement workers is prohibited.

Here, however, the bill is so twisted that an employer, and I have read the text over and over, could both force strikers to work in order to provide essential services and use replacement workers.

● (1835)

This would be one of those moments of conflict I mentioned that nobody should have to face.

Unfortunately, this bill recognizes replacement workers and does not prohibit their use, even in this totally untenable situation where strikers in essential services would have to work together with replacement workers. The only provision we can view positively to any extent, and I hesitate to say so, because the other omissions are so serious that the fact of saying that the workers in the bargaining unit before the replacement workers must be rehired will not soothe many wounds.

It is sad, more than sad, it is shocking to see that, when the minister promised—and it is a promise that affected the promise to modernize the Canada Labour Code—rather than modernize the Canada Labour Code, instead of adapting it to new labour relations, to permit new labour relations, instead of considering unions for what they are—ever more reasonable partners in the management of businesses—the Canadian code establishes rules that will quickly bring back the law of the jungle, repeatedly throughout the bill.

It is sad and shocking, but worse than that, it will produce effects the government will regret. However, it is not the government that will regret it, but rather the people who will have to deal with it. That is the really annoying part.

In closing, I would simply like to say that, as far as employment insurance is concerned, we predicted there would be a mountain of problems. Now we have them, and the minister, in a panic, is forced to announce improvements here and there, because, quite simply, it did not make sense. The government does not listen. It is arrogant; it thinks it knows everything and produces bill after bill that even it knows will not achieve the aims set for them.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, we are talking about replacement workers and how the CIRB will be the sole determiner of whether or not replacement workers can be utilized.

This is one of those situations that I would say is neither fish nor fowl. It is not a replacement worker ban and it is not a wide open market either. It is rather putting the responsibility on to the CIRB which I am sure will be very heavily lobbied by union representatives to see any sort of action taken by the employer as being detrimental to the union.

This is a serious infringement of employers' rights. It is sort of de facto anti-replacement worker legislation and yet it is not.

On November 5, 1996 the *Globe and Mail* quoted Nancy Riche as saying:

> I would go so far as to suggest that anybody who does work for a member union understands the representative capacity of a union.

● (1840)

She went on to say:

> None of the bureaucrats are going to agree with me but we will have to wait and see. The new board will rule.

They will do everything they can to say that the employer has taken action that will somehow undermine the union. They will pressure the board to find in their favour.

I understand the Bloc has put a lot of pressure on the government to come up with this idea. While the Bloc would have us believe that nothing but a total replacement worker ban would be sufficient, in true level fashion it has found some way to do it in a half-hearted manner and turn it over to the CIRB which very likely does not particularly want this aspect of the bill. I should not speculate but it is very tempting to do so.

There are ultimate tools, the strike being one and the lockout being another. Then there are lesser tools that both management and labour have. One of the tools that management has is the right to continue to operate when labour services have been withdrawn.

We will hear people trying to rationalize that anti-replacement worker legislation leads to far more harmonious labour negotiations than no anti-replacement worker legislation. That does not always bear out. As a matter of fact they would be hard pressed to prove that point to me.

I refer back to the Sims task force entitled ''Seeking a Balance''. This is not part of the balance. This is a lopsided balance. Replacement worker legislation does not level the playing field. Anti-replacement worker legislation tips the scale on the side of labour.

If Bloc members use the model they are used to at home in the province of Quebec, they would say there must be a total, outright ban on replacement workers. That is the difference between a totally labour oriented party and one that is not totally labour oriented. Certainly labour should have rights, the right to strike, the right to withdraw services, the right to organize peacefully and so forth. The Reform Party admits that and agrees.

We must never get into a situation where labour can hold management hostage or where management can hold labour hostage. If we are truly seeking a balance we would accept the amendment the Reform has put forth today requesting that the provisions for anti-replacement worker legislation be withdrawn from the bill.

As I mentioned before, the CIRB will be charged with making a decision and will be pretty busy. It will receive a lot of representation from the labour unions that any use of management or anybody who tries to run the shop because labour has been withdrawn undermines the representational capacity of the union.

• (1845)

Here again, I do not want to prejudge what the board is likely to do. We saw an example in Ontario not very long ago where a similar board decided in favour of labour. A union was certified. The latest vote was 151 against certification and 43 in favour.

If that is any indication of how the CIRB would operate, it is incumbent on us to accept Reform's amendment and withdraw that section of the code.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I am in agreement with my Reform colleague's speech on one point, the fact that our amendment concerning replacement workers says a lot about the kind of party we are.

We must admit that there is a lack of courage on the government side, since this does take courage. When government members were in the opposition, they were vociferous, they spared no energy, no word was strong enough to demand provisions prohibiting replacement workers.

Of the Reform Party we must say that it is not courage it lacks, but sensitivity. If it had not been for the Bloc Quebecois, this issue would not have been raised during today's debate.

The issue of replacement workers is not a recent concern for the Bloc Quebecois. The member for Richelieu introduced a private member's bill dealing with this very thing. The member for Bourassa and the member for Saint-Laurent followed suit.

It is incredible that we still have to justify, to explain why antiscab legislation, which prohibits the use of replacement workers, is an element of paramount importance to the balance we must always strive for in labour relations.

Why is a piece of legislation banning the use of replacement workers so important? Because it has to do with the violence and the length of labour disputes. Recently I looked at some statistics compiled by a professor of industrial relations regarding the bill passed in 1977 in Quebec. I had to laugh when the minister told us in committee that since there was no consensus we could not proceed. Do you think for one moment that there was a consensus in Quebec in 1977 when the government of René Lévesque, a most courageous man, decided to go ahead? Of course not.

Contrary to some of my colleagues, I was not very old in those days. If you recall, in 1977, when the Lévesque government went ahead with this, the Conseil du patronat threatened to go to court, the Liberal Party believed that it would be the first shot in a civil war. There was an atmosphere of fear that was nurtured by some very specific, clear-cut groups, whose immediate interest it served.

But once the Liberals were in office, do you think they challenged the antiscab legislation? Of course not. They realized it could not only make disputes more civilized, but also allow some kind of balance to be struck.

It takes some doing to come and tell us today that they could not go ahead because there was no consensus, because the necessary conditions were not met.

• (1850)

If this government had had the courage of its convictions and had stood by the positions taken when it sat on this side of the House, it would have endorsed the amendment proposed by the Bloc Quebecois. But it is not going to happen now because, on this issue as on many others, the members opposite lack the political courage required to take a position of their own.

A study conducted by a number of industrial relations experts shows that, Quebec in particular, but three other provinces as well, still have, for the most part, antiscab provisions. There was Quebec, British Columbia, Ontario. This meant that 50 per cent of Canada's labour force was protected by antiscab legislation.

When there are laws such as the ones I am describing, conflicts are resolved more quickly. This goes without saying, because the legislation forces the parties to negotiate. It also results in less violence. In those provinces where there are antiscab laws, the duration of conflicts was, on average, 35 per cent shorter than elsewhere. This means something after all. Yet, this Parliament still refuses to accept Quebec's position, which could have been beneficial to all workers.

What is worse is the hybrid, half-baked formula being proposed by the government, which thinks that the Canada Labour Relations Board will have to develop regulations and guidelines that woul allow it, when the union's representation duty will be undermined, to issue an order providing that replacement workers cannot be used.

We cannot imagine a more weird and crazy scenario than the one proposed by the government. At what point will it be determined that a union's ability to represent its members has been undermined? Is the objective to prohibit the use of replacement workers? This is absolutely crazy. It does not make any sense. No witness said anything of the sort. Could the minister tell us who, among university professors, unions, militants and workers, supported such a solution? Of course not, because it is a hybrid solution where one tries to play both ends against the middle, as is too often the case with the legislation put forward by the government.

It is rather disappointing and we would have liked for the government to take into consideration what is being done in the Province of Quebec, where section 109 of the Quebec Labour Code recognizes as an unfair practice the use of replacement workers by an employer. The Canada Labour Code clearly defines what is an unfair practice. An unfair practice, as defined, is an allegation that an employer, a trade union or an individual has taken part in an activity that is prohibited pursuant to the Canada Labour Code. And then a number of examples are given. At least six of them are traditionally linked to unfair practices.

Section 24 stipulates that no employer shall, after notification that the application for certification has been made, alter the conditions of employment, since this is considered an unfair practice. To negotiate in bad faith is clearly an unfair practice. We saw, closer to home, that such a recourse can be used. In the dispute opposing them to Air Canada and national airlines, regional carriers Air BC, Air Nova, Air Ontario and Air Alliance invoked section 50 in referring to the last negotiations.

A third example is employer interference in union business. It is also prohibited as an unfair practice.

• (1855)

For the union, failure to provide fair representation can be cause for legal action, as can failure to provide members with financial statements, although a bit unusual, and a certain number of prohibitions set out in section 95.

Since our historic entry into the House of Commons—and you will not often see an official opposition as dynamic as the one before you—we have made representations to successive labour ministers in order to ensure that our message is heard. One day, we will leave this Parliament and we will speak as equals within a true partnership. We would have liked, as a team of parliamentarians, to be able to say with pride that one of the contributions we made to this debate, a milestone in our time as the Bloc Quebecois team in the House of Commons, has been to convince English Canada and the government of the need to make labour relations more civilized and to adopt anti-scab legislation.

We are not admitting defeat. There are still a few weeks left before we are, perhaps, able to ask Quebecers once again for their vote. There will be another referendum, that is certain. I see the member from British Columbia, who has very definite ideas on a number of topics I would prefer not to get into. I can and I wish to tell her personally not to force me to go door to door in her riding. She knows very well that I am particularly fond of Vancouver.

I do not know if this is a human being in front of me. I heard loud shouts coming awfully close—

The Deputy Chairman: Unfortunately, the member's time is up.

[*English*]

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, I will speak to the Group No. 9 amendments. Many people over the last four years since I became involved in politics, and even before, have told me that unions are a bad thing and if they had their way they would outlaw unions completely. I have had many people tell me

that unions are so powerful they do extreme harm to the economy. I respond to them by saying that I do not agree at all.

I believe that unions play a very useful role. I believe that collective bargaining must be allowed to take place wherever it possibly can. I believe that under certain circumstances we have to find a more efficient and more useful mechanism for solving a problem. Those are cases when innocent victims are involved who are neither labour or management. Of course several different groups fall into this category, grain farmers among them.

When members of the Bloc say that in all cases labour and management have to work it out no matter how long the strike might last, are they really thinking about the other people who are involved in certain situations? In particular, people who in many cases in the past have lost their businesses, their farms, have suffered severe economic hardship as a result of both sides, labour and management, causing stoppages.

● (1900)

This is the case with grain farmers and any other captive shippers. We have to take a look at solutions to the problem of one disruption after another which are usually settled by back to work legislation. Such legislation without a doubt does not involve labour-management negotiations.

In the grain handling industry 19 times in the last 20 years the House has brought in back to work legislation to end a dispute. Labour and management have given up on the process. We have proposed the use of final offer selection arbitration so that there will be no work stoppage and so that labour and management do negotiate to the final agreement, hopefully never using the final offer selection arbitration. However, knowing it is there is important.

This group of amendments deals with replacement workers. Of course members of the Block feel, and I think I am being fair, that there should be no case where replacement workers can be used. I believe in Quebec it is the law that replacement workers cannot be used.

The legislation does not say that replacement workers will not be used. Instead in a roundabout way it states that the Canada Industrial Relations Board will decide whether replacement workers will be allowed or not. It is very unclear to labour and management what situations would warrant the Canada Industrial Relations Board's deciding whether replacement workers would be used. This kind of uncertainty cannot possibly be good for labour or management. Therefore we cannot support any of these amendments that would outlaw the use of replacement workers entirely.

While we do want the collective bargaining process to take place, I have defended it to many people who say that it should be outlawed, that the unions are just too powerful and harm the economy. I have defended the absolute necessity for collective bargaining to be available to labour and management and I will continue to defend it. However, there are situations where we must be able to get round it.

Certainly this solution of using the Canada Industrial Relations Board to determine when replacement workers should be allowed is totally unacceptable.

It should be obvious to members of the government and of the Bloc that the way to solve the problem is to never have these work stoppages in the first place, especially in industries where innocent victims are the ones who pay the dearest price. Of course, grain farmers are one group that has paid the price 19 times in the last 20 years. It has cost many of them their businesses and their livelihood of choice as a result of these continual work stoppages in which they have no say. They are left out. They truly are innocent victims.

In cases where there is a captive shipper or a group of victims the obvious solution is to never let the stoppage take place. We have suggested using final offer selection arbitration as a way of providing that outcome.

This group of amendments is one that would not be supported by farmers. I do not think we would find one farmer in western Canada who would support this amendment that would outlaw replacement workers.

● (1905)

I have some letters from constituents who said things like this. One is from Myron Zajic from Edgerton, Alberta in my constituency: ''I am writing to you in support of the amendments to the labour code which prohibit the longshoremen from striking in Vancouver and Prince Rupert. I am an Alberta grain farmer and I have been appalled by the number of times we have been held hostage over grain handling disputes at the west coast. To maintain our foreign markets and to keep the flow of grain moving and keep our agriculture economy going we must stop these interruptions. Please support this amendment''.

The next one is from Dale Hallett from my constituency who made this comment about labour disputes on the west coast: ''Labour disputes on the west coast, one, disrupt the flow of grain; two, increase direct cost to grain producers; three, damage Canada's reputation in world markets;'' a very important point that he has brought up, ''and four, impair the economy of Canada and western Canada in particular''. He said support that amendment.

I have a stack of letters of people who have said to support that amendment. They certainly would not be telling us to support Bill C-66 if they knew that part of this bill gave that kind of power, the kind of power to outlaw the use of replacement workers, put into the hands of the Canada Industrial Relations Board. They would not support any piece of legislation that would do that. They will not support this piece of legislation for that reason and others.

If we can get our amendment supported which would put in place final offer selection arbitration, it changes the game. That would prevent many of these stoppages and would help to solve the problem for the long term, not just tinkering. This legislation does provide a bit of useful tinkering in that it would at least ensure that grain which reached the coast would be loaded but it has no impact whatsoever on getting that grain from the local elevator to the coast in the first place.

It does not solve the problem and on balance when we look at this group of amendments and the other group of amendments it is going to take that final offer selection amendment to be supported for this legislation to really provide any positive change at all.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, the subject under discussion is one very close to my heart. The replacement worker question is one that has been long debated in our society and one that has been solved in Quebec and in British Columbia. Unfortunately, in Ontario the legislation was repealed.

My major criticism of Bill C-66 is its lack of real anti-strike-breaker clauses. The minister tells us that the Sims commission was unable to reach a consensus, but there has never been a consensus anywhere on anti-scab legislation. The government must have the courage to table a bill on replacement workers. I shall come back to this later. Professor Rodrigue Blouin tabled a minority report in which he comes out clearly against replacement workers and in favour of anti-scab legislation.

The minister tells us that there was no consensus, and that is true—there never will be. He must get moving and have the courage to table a true anti-scab bill. I believe that a consensus is developing in this House. Last year, we voted on an anti-scab bill and it was very narrowly defeated. Some Liberal members even voted in favour of this bill, which had been introduced by a member of the Bloc Quebecois.

• (1910)

The absence of anti-scab provisions proves that the Liberal Party of Canada, that this government has moved to the right. This government listens more and more to employers and less and less to the labour movement, the unions and the workers.

The Bloc Quebecois is the only party that truly defends the interests of the workers. It is the only party that voted against back-to-work legislation for railway workers. Of course the Reform Party is against anti-scab provisions. This party represents the right, the extreme right of Canada.

The bill prohibits the employer from introducing practices aimed at undermining the ability of a union that is on strike or locked out to represent its members. In what cases will these provisions apply? We do not know. We can give an example. If an employer refuses to bargain while using scabs, the Canada Industrial Relations Board may prohibit the use of scabs.

Proving a case is very difficult. It must be done before the Canada Industrial Relations Board. It must be proven that it is an unfair practice. The notion of unfair practices will vary depending on the case and the circumstances. Furthermore, this practice must aim to undermine the ability of the union to represent its members. In what cases, in what circumstances? We do not know this either.

Anti-scab provisions, and this has been proven in Quebec and British Columbia, and in Ontario when it still had such provisions, contribute to labour peace and make for better labour relations. Their absence contributes to violence on the picket line. We have seen that wherever there are strikes and employers use strike breakers there is violence on the picket lines.

I saw it at the Ogilvie flour mills in Montreal, a few months ago, at Pratt and Whitney in Longueuil, at Westinghouse. There was confrontation between the company's permanent employees and the strike breakers from outside replacing them, confrontation that was brutal at times.

I am sensitive to this. I felt it important to introduce a bill, Bill C-338, to prevent the use of strike breakers. It is also meant to protect the employer in certain circumstances, and provides for maintaining essential services in a company.

A balance must be maintained between the parties, when negotiations are going on. Generally, the employer is in the better position, with its management rights, and workers and unions are not so well off. Anti strike breaking legislation restores the power relationships between the parties in negotiation.

In 1976, the Government of Quebec had the courage to introduce a bill, which came into force in 1977. As the member for Hochelaga—Maisonneuve has just pointed out, management opposition was fierce. Everywhere, everyone was expecting the worst. Nothing happened.

• (1915)

Quite the contrary, antiscab provisions in Quebec have contributed to shorten work disputes. There is less violence on picket lines and we have unprecedented labour peace. I believe it is also the case in British Columbia.

There were also such antiscab provisions in Ontario, but the new Conservative government, which represents the interests of employers and the right wing, has unfortunately repealed those provisions. I think this decision will be proven wrong in the future and there will be more conflict, more violence. Disputes will be harsher in the absence of antiscab provisions.

I said earlier that members of the Sims task force could not agree on antiscab provisions. Naturally, two members, Sims first, decided that it was not a good idea to introduce antiscab provisions. There was also Professor Rodrigue Blouin, from Laval University, who incidentally is one of the key experts in industrial relations in Quebec, in Canada and in North America.

He is one of the most well-known arbitrators in Quebec and says in his minority report: ''I submit that the general principles underlying our system of collective labour relations are such that the presence of replacement workers during a legal strike or lockout is illegitimate''. This is taken from page 138 of the report ''Seeking a Balance'', the review of part I of the Canada Labour Code.

He continues on page 154, saying: ''The possibility of a strike or a lockout still remains the cornerstone of the collective bargaining system today. However, this economic confrontation is only possible between two clearly identified parties that are under the obligation to bargain in good faith. Therefore, as soon as a bargaining agent is certified, the employer of the workers that are being represented can no longer refuse to negotiate a collective agreement, but this does not necessarily mean that he has to reach one. After a certain period of formal negotiations, there may be, in the absence of a settlement, a break up in the collective dialogue and a setting off of an economic conflict. At no time during this process a third party may intervene, except in the cases specifically provided for by the legislation''.

I submit to you that Professor Blouin is very well acquainted with the situation in Quebec, which has been a very positive experience. The results have been exceptional and no one in Quebec is thinking about repealing the legislation, not even the employers who had campaigned against it. We have some statistics showing that the industrial relations situation has greatly improved in Quebec.

[*English*]

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, I am pleased to be able to say a few words on group No. 9 of the report stage amendments to the Canada Labour Code.

I very much support the comments made by the hon. member for Mercier, the hon. member for Hochelaga—Maisonneuve and the hon. member for Bourassa regarding replacement workers. I support their Motions Nos. 27 and 40 in this group. I hope they will support my Motion No. 38 which is also in this group.

The issue of replacement workers, that is anti-scab legislation, is important in the context of Canada Labour Code amendments. The minister has received a great deal of information regarding the prohibition of replacement workers. To me and my colleagues in the New Democratic Party, the minister should have taken steps to outright prohibit the use of replacement workers.

• (1920)

Like our friends in the labour movement, New Democrats are deeply disappointed that Bill C-66 does not contain a general prohibition on the use of replacement workers.

The object for us must be to end a practice that subjects trade union members to insult and unfairness and stacks the labour relations deck in favour of management.

During testimony before the standing committee which studied Bill C-66 the CLC said it held strongly the view that strikes and lockouts accompanied by the employer's use of replacement workers give rise to several negative and unnecessary strains on the labour-management relationship.

These include prolonged and more bitter conflicts, more strikes and lockouts, increased picket line confrontations and violence, less free and meaningful collective bargaining, problems that render resolution of the dispute more difficult.

In addition to a specific amendment such as the one I have put before the House today, New Democratic Party MPs and the CLC have long advocated a prohibition on the use of replacement workers during a strike or lockout that would contain a very few specific elements.

These elements include the prohibition of the use of both bargaining unit and non-bargaining unit employees or any person including those persons who exercise managerial functions; the prohibition of the use of persons engaged, transferred or hired after the earlier of the date on which the notice of desire to bargain is given and the date on which bargaining begins; the prohibition of contracting work in or out of the establishment; the providing of protection from discipline for any person who honours the picket line; and the development of an enforcement mechanism that would include permission for the union to enter and inspect the employer's premises in the company of a government labour relations officer and representative of the employer.

Opponents of a replacement worker prohibition frequently raise the spectre of increased unemployment, incidents of strikes and imbalance of bargaining power.

The province with the longest experience with an anti-scab provision is the province of Quebec where the evidence does not support bargaining power imbalance as reflected in wage settlement.

In the 17 years, that is 1978 to 1994 inclusive following the introduction of anti-scab provisions, increases in basic wage rates and collective agreements in Quebec were higher than the Canadian average in only six years.

It is perhaps not surprising the task force member from Quebec, Mr. Rodrigue Blouin, having witnessed first hand the province's experience with anti-scab legislation, was the one who issued an

eloquent minority report advocating a prohibition. His opening comments in that minority report are quite strong.

As quoted earlier, Mr. Rodrigue Blouin indicated:

> I submit that the general principles underlying our system of collective labour relations dictate that the presence of replacement workers during a legal strike or lockout is illegitimate. Their use must hence be declared illegal.

Let me continue that quote for just a moment:

> The use of replacement workers undermines the structural elements that ensure the internal cohesion of the collective bargaining system by introducing a foreign body into a dispute between two clearly identified parties. It upsets the economic balance of power, compromises the freedom of expression of workers engaging in a strike or lockout, shifts the original neutral ground of the dispute and leads eventually to a perception of exploitation of the individual.

I continue the quote:

> The conclusion to be drawn from my analysis is that there is on the whole a situation of illegitimacy that Parliament must condemn in no uncertain terms.

I have read very carefully the minority report of Mr. Blouin. I am quite taken by his analysis and his conclusion which reads:

> Parliament has a duty to restore the delicate balance necessary to ensure that the collective bargaining system achieves its purpose. The presence of replacement workers is an intrusion into an economic dispute that takes place in the workplace in accordance with a public policy designed to promote industrial democracy. This policy is negated by replacement workers.

● (1925)

I am reminded of the minister's own testimony before the standing committee in this regard. In responding to questions from committee members, the minister said that an important priority of the government was to let the collective bargaining process function. I argued, just as did Mr. Blouin, that the one element of the legislation which prevented collective bargaining from functioning well was the provision about replacement workers.

That is why I support an outright prohibition on the use of replacement workers. That is why I have proposed and am supporting the amendments in front of us today in this grouping which, if passed, would for all intents and purposes prohibit the use of the services of a person who was not an employee in the bargaining unit on the date on which notice to bargain collectively was given.

The Sims report highlights several high profile disputes in the federal sector, including the dispute at Giant Mines in Yellowknife with its tragic circumstances and Canada Post's use of replacement workers in 1991 which resulted in several confrontations.

Sims, however, does not recommend the prohibition of replacement workers because he believes measures to mitigate the threat to job loss that replacement workers pose will be sufficient to prevent potential violence on the picket line. There is very little evidence to support that contention despite the compromise Sims proposes is acceptable in the absence of an outright prohibition.

In conclusion, I was greatly disappointed the government in the initial drafting of Bill C-66 or in the amendment process of the standing committee did not provide for a general ban on scabs in the amendments to the federal labour code. The government had the opportunity to end the confrontations in strikes and lockouts but failed to grasp this opportunity.

Obviously 20 years of history of such legislation in the province of Quebec provides the necessary information we need to assess its worthiness. It is time the federal government took the necessary steps to ban replacement workers from disputes within its own jurisdiction. The amendments before us provide the opportunity to do just that. I urge their support.

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, you listened over the last while to the speeches of members from all sides. You will understand that one of the most sensitive issues we had to look at as we drafted amendments to the code was without a doubt the issue of replacement workers. As has been said by almost everyone, not only did it divide labour and management but the members of the task force were unable to reach a consensus on it.

Bill C-66 will not impose a general ban on the use of replacement workers as requested by the Bloc in its Motion No. 40 and by the NDP in its Motion No. 38. Nevertheless, the code will not be silent on this matter as the Reform Party proposes in its Motion No. 37.

It is important to mention that the unions and employers subject to the Canada Labour Code, although deeply divided on the regulation of the use of replacement workers, recognized in their submissions to the task force that the use of replacement workers was not a legitimate practice if its purpose was to get rid of union representation or undermine the role of the union rather than to achieve an acceptable collective agreement.

When asked to comment on the task force's recommendations, management and labour while maintaining their opposing positions on the issue of replacement workers recognized nonetheless that the majority recommendation of the task force was an acceptable compromise.

Therefore, under the proposed subsection 94(2.1) of the Canada Labour Code, if it is demonstrated that the employer is using replacement workers to undermine the union's representational capacity, the employer's conduct will constitute an unfair labour practice. The Canada Industrial Relations Board will be given a discretionary power to require the employer to stop using replacement workers for the duration of the dispute.

Some claim that the use of replacement workers could in itself constitute proof of the employer's intention to undermine the union's representational capacity. If this was the result the government had sought, the bill would have been worded to prohibit the use of replacement workers without making reference to the employer's purpose in doing so.

• (1930)

A number of parties that appeared before the standing committee claimed that the terminology used to describe this new, unfair labour practice did not reflect the spirit of the task force majority recommendation. Specifically, some employers claimed that the phrase ''undermining a trade union's representational capacity'' was too broad and could be interpreted as prohibiting the use of replacement workers under any circumstances, regardless of the employer's purpose in doing so.

They therefore asked that the wording of the bill reflect the task force majority recommendation and stipulate that employers can legitimately use replacement workers in pursuit of legitimate bargaining objectives. The committee did not act on these requests for good reason. This new prohibition is worded in the same way as the other prohibitions in the code referring to improper motivation. However, the union will have the burden of proving that the employer's intention in using replacement workers is to undermine the union's representational capacity and it will not benefit from the reversal of the burden of proof.

We are confident that the new Canada Industrial Relations Board, which will draw its membership from management and labour, will have the necessary expertise to develop criteria for providing and applying this new provision.

Finally, Motion No. 27 which was put forward by the Bloc prohibiting the use of replacement workers with bargaining unit employees has to maintain services necessary to protect the safety and health of the public. We believe that such prohibition would only generate unnecessary litigation.

What the proposed amendment envisages is a somewhat bizarre situation in which an employer not only seeks to have services maintained by bargaining unit employees, but also to recruit replacements to work alongside them. Add to this unusual circumstance a trade union ready to negotiate the maintenance of services by its members and to accept that they will be working with replacements doing bargaining unit work. In all an eventuality which is to say the least unlikely.

If the parties do not agree on the maintenance of services issue, it will be up to the board to resolve the matters and to decide on a case by case basis just what services should be maintained, who should perform them and finally to devise and an order which makes industrial relation sense.

We therefore ask the members of the House as a fourth replacement workers provision of Bill C-66 as drafted—as it represents a fair balance between the parties opposing but legitimate interests—the employees right to be represented by a union and negotiate their working conditions collectively and the employer's right to keep their business viable during a work stoppage.

[*Translation*]

The Deputy Speaker: Pursuant to the agreement reached earlier today, all motions in Group No. 9 are deemed to have been put to the House, and any divisions are deemed to have been requested and deferred.

The question is on Motion No. 27. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 27 stands deferred.

The question is on Motion No. 37. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 37 stands deferred.

The question is on Motion No. 40. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The recorded division on Motion No. 40 stands deferred.

[*English*]

We will now proceed to the motions in Group No. 10.

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP)

Motion No. 46

That Bill C-66 be amended by adding after line 25 on page 36 the following:

''48.1 Section 107 of the Act is repealed.''

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved:

Motion No. 47

That Bill C-66 be amended by adding after line 25 on page 36 the following new Clause:

''48.1 Section 108 of the Act is repealed.''

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP) moved:

Motion No. 48

That Bill C-66 be amended by adding after line 25 on page 36 the following:

''48.1 The heading before section 108.1 and section 108.1 of the Act are repealed.''

Motion No. 52

That Bill C-66 be amended by adding after the heading ''Public Service Staff Relations Act'' on page 43 the following:

''80.1 The heading before section 90.1 and section 90.1 of the Public Service Staff Relations Act are repealed.''

Motion No. 53

That Bill C-66 be amended by replacing lines 25 and 26 on page 43 with the following:

''81. Part I of Schedule I to the Act is amended by''

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, Group No. 10 deals with section 107 and in some ways with section 108 of the act. Section 107 is the area of the labour code that deals with ministerial intervention.

I agree with my colleague who introduced this motion that probably this is not the way to handle this. At the time the problem arose with the restructuring offer put forward by Canadian Airlines, we suggested that changes be made to section 108 of the act rather than have this piecemeal approach where the minister can intervene and order a vote.

• (1935)

When a restructuring proposal is put forward, we are certainly not advocating that the collective bargaining process be usurped in any way. We are saying that it was not obvious to us which way Canadian employees would vote, but it was entirely obvious to us that they should have the opportunity to do so. It was obvious that they wanted that opportunity. The rest of their colleagues had the opportunity to vote on the restructuring proposal and we felt it was at the very foundation of democracy to allow them to have the vote.

I would agree with my colleague from the Bloc that section 107 could be done away with provided that section 108 is strengthened to allow union members to vote on a restructuring proposal put forward by their employer.

I have a private member's motion on the Order Paper that would strengthen section 108 and would allow employees of any union the opportunity to vote on a restructuring offer—and I stress the word restructuring—by their employer.

We have spent quite a lot of time today discussing the grain shipping aspect of the amendments to this bill. As my colleague from Vegreville pointed out, I suppose that a lot of people have encouraged him to vote in favour of the amendment put forward by the government. At first blush one might say that it is an improvement, that it appears to guarantee getting our grain to market. It does not. We know it does not guarantee anything except that the grain in the terminals would be loaded on to the ships. That is a point that bears repeating. We want to ensure that it is perfectly clear.

As far as sections 107 and 108 are concerned, it is down to a basic democracy. No road blocks should be put in anyone's way. If employers want to put a restructuring offer to their employees, then the employees should have a right to vote on it. There should be no pressure on them from the government to vote any particular way, but at least they should have the opportunity to express their views. If they would like to turn down the restructuring offer, that is well within their right. They would have to think about the consequences either way, whether they vote in favour or not in favour of the restructuring offer.

I know my colleagues would like to speak to this and I believe I have my remarks on the record.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, with respect to motions in Group No. 10 amending Bill C-66, I will vote in favour of the motion eliminating the minister's power to order a vote on the employer's final offers. I fully agree with this motion. To act otherwise would be undue political interference in labour relations.

Allowing the Minister of Labour to order a vote is contrary to free bargaining. Normally, the minister, in particular the minister of this government, will use his powers on the employer's side. This is why it is unacceptable to give such power to the Minister of Labour.

● (1940)

We must give both parties enough freedom to establish their power relationship as they see fit. The political authority must not exercice undue pressure on the unions. Only the unions, in particular the negotiating teams, must determine the right moment to submit offers to their membership.

In closing, I would like to talk briefly about the preventive withdrawal from work for pregnant women and nursing mothers. Unfortunately, there is no provision to amend the Canada Labour Code to protect pregnant women within the federal public service or in other jobs under federal jurisdiction.

There is an increasing number of women in the labour market. In 1993, they accounted for 40 per cent of workers, as opposed to only 35 per cent in 1971. Of course, the number of work accidents involving women has increased since there are more women in the work force.

The Public Service Alliance of Canada has launched a campaign, which I support, for the introduction of provisions in the Canada Labour Code to ensure healthy working conditions for a pregnant woman or a nursing mother by reassigning her, within the reasonable limits of her abilities, to jobs that pose no threat to her, the foetus or the child she is nursing. We must reduce the risks that can affect both the parents and their children.

The whole issue of working conditions that can have a detrimental effect on the reproductive system has been neglected for too long. The effects of work on pregnancy, including on the health of the mother who experiences important physiological changes and on the health of the foetus, have not been given serious consideration. Not much more attention has been paid to the relationship between work and sterility, miscarriages and birth defects.

If we improve working conditions so that pregnant or nursing women can work without risk, all workers will be better for it. When risks associated with a pregnant or nursing woman's job cannot be remedied, measures will have to be taken to make reassignment possible for the whole pregnancy or nursing period. Otherwise, the pregnant or nursing woman must be entitled to paid leave until the end of her pregnancy or nursing period.

Precautionary cessation of work is a very important issue and I call upon the government to introduce a legislation on it.

[*English*]

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, I am rising to speak again on the final group of report stage amendments to Bill C-66. I am presenting a couple of amendments which delete sections 107 and 108.1 and a similar section in the companion act, the Public Service Staff Relations Act.

One of the amendments before us tonight relates to section 107 of the Canada Labour Code which I am proposing to delete from the code. Section 107 reads:

> The Minister, where he deems it expedient, may do such things as to him seem likely to maintain or secure industrial peace and to promote conditions favourable to the settlement of industrial disputes or differences and to those ends the Minister may refer any question to the Board, or direct the Board to do such things as the Minister deems necessary.

● (1945)

For some members of the House this section will be immediately recognizable because it is the section of the code that the Minister of Labour used to justify his interference in the Canadian Airlines negotiations with its employees who were or are members of the Canadian auto workers.

I am proposing the deletion of this section of the code today because there has always been concern that this section could be wrongly used and the case in point simply proves the point.

The Deputy Speaker: Is the hon. member proposing an amendment?

Mr. Taylor: No, Mr. Speaker, I am simply following the amendment before us. I am proposing the deletion of this section of the code because there was concern with the section. It is just as it was outlined in the text.

The minister's action over this dispute with the Canadian auto workers and Canadian Airlines substantiates the argument that labour's rights can be abused if this section of the code is used and therefore it should be removed from the code to prevent any further abuse of workers or their rights.

Some have even argued that the use of section 107 in the case of Canadian Airlines and the CAW was illegal because the parties to the contract were not in the process of regular collective bargaining with regard to their contract. However, the fact that this section could be trotted out and used so quickly to remove any semblance of real bargaining only proves how dangerous it is if it is to be used improperly.

I do not want to debate the issue at stake in that dispute to any length tonight but I do want to remind members of the House, and those who are listening or watching or who are reading this that the federal Minister of Labour in the middle of the company's reorganization negotiations with the union, in this case the CAW, ordered

the Canadian Labour Relations Board to conduct a vote of CAW members on a company offer that was still being discussed by the elected leadership of the union.

The minister used section 107 ''to seek industrial peace'' and in so doing interfered directly in the negotiations between the company and its employees. It was an unprecedented move which throws into doubt the entire collective bargaining process in areas of federal jurisdiction.

The only way left to guarantee, secure or maintain confidence in the process is to delete this section of the code so that it can never be used in this fashion again. It was not only an unprecedented move but it was also almost impossible to carry out.

The Canadian Labour Relations Board ordered to carry out this directive, this vote of CAW members, had to scramble like ants under foot to try to figure out how to do it. Of course, it did not have to conduct the vote in any case because negotiations continued and in the end a supportable agreement between Canadian Airlines, the CAW membership and the Government of Canada was reached using collective bargaining, using the table for the discussions.

At the time in the House of Commons I said we were offended by the decision of the Minister of Labour to force a vote of CAW members at Canadian Airlines, which we called an unprecedented and shocking attack on workers' rights. At the same time, we said we recognized the minister's attempts to use the Canada Labour Code to protect the bungling of the Minister of Transport who seemed not to understand the real crisis facing Canadian Airlines or who chose to ignore it.

I said New Democrats recognized that the real issue at stake at the time was and still is the stability of an industry which has demonstrated that it cannot regulate itself. In taking that position I acknowledged that we care about the jobs at Canadian Airlines. We cared about the future of the industry but we were concerned that by focusing only on the concessions being demanded of the working people that the job and industrial security we all desired would be lost in the long term.

For those who remember my statement, I concluded by saying that if the federal government wanted to be involved in Canadian Airlines restructuring, it should leave the collective bargaining to the affected parties and go to the table with a real package that addresses the real problems in the industry. Obviously given the situation today that is exactly what they should have done then.

The Minister of Labour has said in relation to the amendments to the Canada Labour Code proposed by the government that the legislation is here to support the collective bargaining process within the federal jurisdiction. Obviously section 107 stands in the way of effective collective bargaining and therefore, by the minister's own standards, I say it should be removed.

• (1950)

Also, in the amendments before us today I am proposing the removal of section 108.1 for similar reasons. This section was introduced in December 1992 by the former Conservative government without warning or consultation with the labour organizations in Canada. Ironically, the rest of the legislation, Bill C-101 at the time, into which this section was incorporated, dealt with matters under Part III of the code, not Part I which we are now dealing with, which had been subject to extensive consultations with both labour and management.

Labour took the position then and continues to say today that this section represents an unwarranted intrusion into the collective bargaining process by a third party. New Democrats agree. Today, through our amendment to Bill C-66 on the floor of the House of Commons, we ask that section 108.1 be deleted. I urge support for this resolution.

The clause, as I said, was introduced without any consultation. Implicit in the clause is the belief on the part of the government that the union or bargaining team does not represent the interests or the will of the membership. By interfering in the process the minister is saying that he knows better than the elected and accountable union executive or bargaining team what is in the best interests of the union membership at the bargaining table. Such an anti-democratic interference should have no place in legislation enacted by the House of Commons.

To suppose an arbitrary decision by the Minister of Labour is a superior process to the democratic structures of trade unions is offensive and calls into question the sincerity of the government's commitment to the collective bargaining process. It calls into question the commitment of the government to upholding the rights of the democratic workplace, institutions and trade unions themselves. It must be repealed.

I should also mention that the existence of this provision in the code poses a severe threat to the fundamental right of workers to withdraw their labour. By giving the minister the right to intervene at any time, including after notice to collective bargaining has been given, it effectively allows the minister to circumvent the free collective bargaining process as well as the right to strike.

In conclusion, I submit that under these circumstances I can only hope that the members of the House who believe in the concept of free collective bargaining will join me in supporting these amendments so that these particularly objectionable clauses in the legislation can be removed.

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, I would like to address the series of motions put forward with a view to repealing a number of current provisions of the Canada Labour Code. These include, as has been

mentioned, sections 107, 108 and 108.1 of the code, as well as section 90.1 of the Public Service Staff Relations Act.

Section 107 of the Canada Labour Code authorizes the Minister of Labour to do things which seem likely to maintain or secure industrial peace and to promote conditions favourable to the settlement of industrial disputes. For those purposes, the minister may refer questions to the Canada Labour Relations Board or direct the board to take necessary actions.

During the task force review of Part I of the code, which included extensive consultations, there were no representations from either labour or management with respect to section 107 of the Canada Labour Code. When the Minister of Labour held consultations, meetings across the country, this section was not raised.

In November of 1996 the Minister of Labour directed the Canada Labour Relations Board to conduct a vote among the employees of Canadian Airlines International, who were represented by the Canadian auto workers, to determine whether or not they would accept the restructuring proposals of their employer. The minister's ability to act last November assisted in the resolution of a serious situation which threatened the jobs of thousands of workers and the future of Canadian air carriers.

I believe members would agree that section 107 is a potentially powerful tool and should be used sparingly when there is no other apparent avenue to follow. It would, however, be folly to remove such an option which may offer a solution to those tricky labour relations problems that occur when the parties find themselves in a hole and do not know how to stop digging.

The Bloc has also put forward an amendment to repeal section 108 of the Canada Labour Code. This section authorizes the Minister of Labour to establish an industrial inquiry commission with the appropriate powers to investigate industrial relations matters.

I am a little puzzled as to the Bloc's motivation for seeking a repeal of this provision, as the issue was not raised during the extensive consultations leading up to the introduction of this bill.

Industrial inquiry commissions have been appointed by ministers of labour over the years to examine important labour relations issues and make recommendations. In some cases, commissions have been instrumental in assisting parties to resolve difficult issues and conclude collective agreements.

In other cases, commission recommendations have formed the basis for new industrial relations policy. I fail to see any legitimate reasons for removing from the code the provision that allows the Minister of Labour to appoint a commission to inquire into significant industrial relation issues within federal jurisdiction.

Finally, amendments have been put forward for the repeal of current provisions in the Canada Labour Code and the Public Service Staff Relations Act with respect to final offer votes.

Section 108.1 of the Canada Labour Code allows the Minister of Labour to direct that an employer's last offer be put to the employees of the bargaining unit for a vote if the minister believes it is in the public interest to do so.

There is an equivalent provision in section 90.1 of the Public Service Staff Relations Act, the legislation regulating collective bargaining in the federal public service.

As these provisions have never been used federally, there is no reasonable basis for seeking their appeal due to misuse. The key reason invoked by unions in support of repealing this provision was that they were adopted in 1993 without prior consultations with the parties.

This is no longer the case. The question of last offer votes was raised during the extensive consultations with labour, management and other interested parties prior to the introduction of Bill C-66.

The Sims task force thoroughly examined whether the last offer vote provision in the code should be modified or repealed. Unions unanimously sought its repeal while employers asked that the provision be modified to require a last offer vote in any dispute at the employer's request, as is the case in a number of jurisdictions.

While the task force reported that it found no convincing evidence supporting expanding the provision to allow unfettered employer requests for last offer votes, it also recommended against repeal of the current provision.

In its view the power of the minister to direct last offer votes should be retained to be used when there are genuine grounds to exercise the option in the public interest.

The overall package of recommendations of the Sims task force was endorsed by both labour and management as balanced. Bill C-66 respects that balance. The repeal of section 108.1 of the code was not included in that package and should not be added to this bill now.

With respect to the equivalent provisions of the Public Service Staff Relations Act, the task force mandate did not include a review of the Public Service Staff Relations Act. Bill C-66 does not include any substantive amendments to that act.

To close now, I would like to add my thanks to the people who took part in the debate today, report stage of Bill C-66.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 46. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The division on the motion stands deferred.

The next question is on Motion No. 47. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The division on the motion stands deferred.

The next question is on Motion No. 48. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The division on the motion stands deferred.

The next question is on Motion No. 52. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The division on the motion stands deferred.

The next question is on Motion No. 53. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: The division on the motion stands deferred.

The House will now proceed to the taking of the deferred divisions.

Call in the members.

[*Translation*]

And the division bells having rung:

The Deputy Speaker: At the request of the chief government whip, the recorded vote is deferred until tomorrow, after government orders.

[*English*]

It being eight o'clock, more or less, we stand adjourned until tomorrow at 10 a.m.

(The House adjourned at 7.58 p.m.)

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Monday, March 3, 1997

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