



CANADA

House of Commons Debates

VOLUME 141 • NUMBER 134 • 1st SESSION • 39th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, April 17, 2007

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, April 17, 2007

The House met at 10 a.m.

Prayers

• (1005)

[English]

PRIVILEGE

PARLIAMENTARY PRECINCT

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, I would like to take this opportunity to respond to the question of privilege raised by the member for Lanark—Frontenac—Lennox and Addington on March 29 concerning the issue of files left behind in the offices of the Leader of the Opposition when this office was occupied by the Conservatives and the Alliance before them.

The member for Lanark—Frontenac—Lennox and Addington wanted assurances that the said files had been returned and that none of them had been distributed. In the question of privilege, he also wanted confirmation that these leftover documents were treated with extreme respect.

First, I wish to confirm that all remaining documents were returned to the sergeant-at-arms on April 10.

Second, I can also confirm that these documents were not copied or tampered with in any way. Only one Liberal researcher looked through the files in question and this one staffer is prepared to state under oath that he did not copy or mishandle the said documents in any way.

I would also like to address the allegations made by the member for Lanark—Frontenac—Lennox and Addington that the documents in question were already packaged and waiting to be shipped. The only labelled box contained videotapes of the 2004 Conservative election ads and all other materials were found in desk drawers and cabinets. These have also been returned.

Once again, I can assure the hon. member that all documents in question have been returned to the sergeant-at-arms and were treated with extreme respect.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, on March 29 I did raise a question of privilege and today I would draw your attention to information relevant to this matter.

None of the information that follows was available to me on March 29 and I was therefore unable to place it before you at that time. It is my belief that this information demonstrates that the primary responsibility for the fact that the documents in question were retained for over a year, inspected in detail and selectively shown to assembled media lies with staff at the office of the Leader of the Opposition, acting, at least in part, with the knowledge and consent of the Leader of the Opposition himself.

Mr. Speaker, I had mentioned the Leader of the Opposition in the letters in which I notified you on March 29 that I would be rising later in the day on a question of privilege but at that time I was not yet aware of the degree to which the Leader of the Opposition and his staff had taken the lead role in this matter. That degree has now been made clear to me and I will seek to make it clear to you.

First, it is clear that one or more staffers at the office of the Leader of the Opposition retained my personnel file in the full knowledge that its contents were personal information and, moreover, that they looked inside my file, as well as inside the files of each of the 33 other individuals in their possession. The following facts demonstrate this quite clearly.

At a news conference on March 26, the personnel records were spread out in the foyer of the Wellington Building for the media to inspect and for cameras to record. A glance at the resulting video footage, which the Liberal Party posted on its website, shows that while OLO staff made a cursory effort to hide the really personal information and to expose just the top part of individual personal records, such a display could scarcely have been made without the persons who were handling the documents seeing their contents.

I can think of no case in Canadian history where personnel documents have been treated and displayed in such an unseemly manner. Over and over again in the footage, the word “confidential” is clearly stamped at the top of the documents that the Liberals were displaying to the cameras, along with the names of the persons being reviewed and, in some cases, the name of the reviewer and some additional details. I should note that the Leader of the Opposition allowed this footage to remain on his party's website for several weeks and it is still posted there even as we speak.

In fact, this morning the Liberal Party launched its new website to much fanfare and made sure to retain and to continue to display these confidential personnel files on the new website. Included as a new feature of the website is the capacity for website users to zoom in and examine the visible parts of the documents online at higher degrees of resolution.

Privilege

At the March 26 news conference, the hon. member for Ajax—Pickering, who had been the Liberal lead spokesman on the matter, gave the following detailed description of the contents of the files which he could not possibly have done unless the files themselves had been examined in detail. He said, “What we are returning today consists, among other things, of 174 personnel evaluations over five years of 34 different employees containing deeply personal information. In our opinion, this represents a gross negligence that the government could leave this much, 174 personal evaluations containing very detailed information on employees, comments by their managers, comments by researchers, comments by 10 sitting MPs and by other members of Parliament not currently sitting”.

We should not, however, conclude from his detailed description that the hon. member is the primary culprit here. In an article in the March 26 edition of *The Hill Times*, the hon. member's executive assistant was paraphrased as saying that a few individual files from the much larger stash of 30 boxes worth of documents were only passed to the member on March 21. Apparently they were given to him on the basis that the hon. member has a reputation among Liberals for being aggressive. That was his executive assistant's choice of words, not mine.

Additionally, in a press release dated April 4 and posted on his website, the hon. member for Ajax—Pickering made the following statement, “At no time did I read the contents of any of the personnel files. In fact, I had no contact whatsoever with these files other than at the news conference. I am told the personnel files were found lying in drawers and that once researchers discovered what they were, they were put aside and not read”.

Of course, the member made a similar indication in the House today.

If the member never had any contact with the contents of the personnel folders and was only involved with any of the recovered Conservative documents during a five day period between March 21 and 26, then the only way he could have had such detailed information about the contents of the personnel folders would have been if the opposition leader's researchers had read through these files and had provided him with the details that he repeated in front of the cameras. This means, of course, that when the same researchers told the hon. member that they had set the personnel files aside unread, they were not telling the truth.

● (1010)

The form in which the files were discovered by the Liberals is of considerable importance. Opening boxes that are addressed to someone else and rifling through the contents is closely akin to intercepting and opening someone else's mail which is, of course, against the law. This is presumably why the Liberal whip told Mike Duffy on March 26:

This wasn't field mail that got misdirected that we opened under the cover of darkness. These were memos that were lying there....

It is by no means certain that the documents were simply lying there.

Here we have to contend with three mutually contradictory versions of how the documents fell into Liberal hands. All three of these versions were provided by the hon. member for Ajax—

Pickering. In version one, all the files were found in boxes. In version two, some of the documents were in boxes and some were loose. In version three, none of the documents were found in boxes.

Here is version one as summarized on PoliticsWatch.com on March 26. The report states:

The Liberals discovered the documents in the research bureau that the Tories vacated "three months" after the election, according to [the member for Ajax—Pickering].

[The member for Ajax—Pickering] said the Liberals didn't get around to sifting through the boxes of abandoned documents until recently because it was not a "priority" at the time.

The Liberals incorrectly assumed the boxes contained nothing but garbage.

That directly contradicts what he said today.

Here is version two as reported by Juliette O'Neil of CanWest following the March 26 news conference at which the boxes of documents were shown to the media. She said:

The Liberals said some of the documents were found in drawers of offices abandoned by the Conservatives and others were in boxes.

Here is version three in the form of a direct quote from the hon. member for Ajax—Pickering in the April 2 edition of *The Hill Times*:

These were files and documents that we found in files and desks. The boxes that they were put in were left behind as empty boxes that may have been used, but most of these were just files that were left in drawers, left on tables, and left in haphazard ways all around the office.

To be precise about things, there is a fourth version.

Back on March 22, when it was still a secret that the Liberals had boxes of Conservative documents in their possession, a press release was issued by the hon. member for Ajax—Pickering, which I believe is still on his website, stating that he was “referring to documents that came anonymously into his possession”.

I think we can just dismiss this fourth version of things as a simple invention since, within days of the claim of anonymous informants, the hon. member's executive assistant was boasting that his boss had been handed these documents by opposition researchers because of his reputation for aggressiveness.

Which of the other three versions is correct remains unclear to me. I do not really trust the responsible parties to tell the truth about whether the law was broken and by which individuals unless they are compelled to do so before a committee of this House.

I must say, however, that the version of this situation which seems most likely to me does involve all or most of the boxes being in files. It seems likely to me that in the course of the exchange of research office space between the incoming and outgoing governments, the movers made a mixup and some of the boxes were rerouted to their point of origin rather than to their intended destination.

I participated in a similar rotation of office space in 1997 when the research staffs of the Reform Party and the Bloc Québécois exchanged offices. I recall that the situation with boxes coming and going was inherently confusing. Because one set of offices had to be emptied before the contents of the other could be brought in, it was necessary to leave pallet loads of boxes at marshalling points in the lobby of the Wellington Building overnight where the only security was that they were shrink wrapped.

Privilege

As the researcher assigned to the national unity file at the time, I was in possession of documents that I felt were sensitive and in the end, just to be sure I would see them again, I dressed in jeans, found a dolly and moved my own boxes myself.

In February 2006, similar concerns for an efficient move in which no documents would be left behind caused the office manager of the Conservative offices to take certain precautions about leaving documents behind. As the final stage of moving out of their old offices, a small crew of Conservative staffers did a final sweep through the Wellington Street offices that they were leaving. I am informed that they systematically went through filing cabinets and desk drawers, affixing a post-it note to the front of each drawer after it was checked as a visual confirmation that it was empty and calling out to each other as they confirmed that each individual office had been emptied of all documents.

One staffer relates how she even took care to remove errant clothing items that had been left behind and to return them to their rightful owners. This same staffer tells me that she recognizes her own handwriting on the address label affixed to one of the boxes that was returned by the Liberals.

• (1015)

Unless I have been lied to by the people who described this process to me, then the documents recovered by the Liberals really are, to use the words of the Liberal whip, “field mail that got misdirected” and was “opened under the cover of darkness”. That means the law has been broken by the Office of the Leader of the Opposition, which has been in possession of stolen property.

Under such circumstances, it is not just the personnel files that must be answered for. I had the chance last week to go through some of the boxes of material that have been returned, not the personnel files, but other boxes. In one box, I found a number of confidential documents that I had written after I became a member of Parliament.

These were not documents intended for Liberal eyes. It was not their right to see these documents even if the documents had been left behind as the result of the kind of “gross negligence” that the hon. members for Ajax—Pickering and Notre-Dame-de-Grâce—Lachine spoke of at their press conference when they were returning the boxes.

To be clear, this was private correspondence and private memoranda. Therefore, it is astonishing that nobody on the Liberal side is denying that the Liberals read through it. Indeed, a March 26 news story states that a “researcher, whose name the Office of the Leader of the Opposition would not release, had been slowly working on the thousands of pages of documents left behind by the Conservatives”.

The reading of this mail represents a further unlawful violation of my privacy. It also fills me with concern on a further point. One of the media reports of the March 26 news conference states the following:

[The hon. member for Ajax—Pickering] said the Liberals are keeping approximately 10 other boxes of documents the Tories left behind... As for the remaining 10 boxes, [the hon. member] said the Liberals would continue to examine the contents to ascertain whether or not there's anything in them in the “public interest”.

Unless I am mistaken about how these boxes fell into Liberal hands, this too is possession of stolen property. As well, these documents are likely to be materials that cannot be examined without violating privacy rights, just as my memos could not be examined without violating my privacy. Also, all of this is being done with the full knowledge of the Leader of the Opposition. It is being done by people on his payroll and it is being done on premises under his control.

This means that the Leader of the Opposition is guilty at this moment of facilitating actions that are an ongoing contempt of Parliament, unless, of course, as the hon. member for Ajax—Pickering says in contradiction to his earlier statement in the House today, there are no additional boxes of materials and those 10 boxes were yet another fabrication that he himself made up on March 26, and which, I might add, the Leader of the Opposition took no effort to refute at any time or, as far as I can tell, check into, although of course I am not privy to everything that went on over there.

Mr. Speaker, there is a final reason why I believe you should refer this as a matter of privilege and of contempt of Parliament to the Standing Committee on Procedure and House Affairs. The very people who have retained these documents for over a year, who have characterized them as deeply personal and who have characterized the unintentional misplacing of these documents as gross negligence and a matter of deep concern, felt free to keep them and free to abuse them in this manner.

The hon. member for Ajax—Pickering went so far as to say at his March 26 news conference, “If I’m one of the 34 people who had my personnel files left behind I’d be having a lot of questions and I’d be very upset”.

I am one of the 34 people whose personnel files were left behind, I am very upset, and I actually do have a lot of questions.

Specifically, I have the following seven questions that can be answered only if the responsible parties are compelled to appear before a committee of Parliament to provide answers that make sense, rather than the mutually contradictory accounts we have been given up to this point by the hon. member for Ajax—Pickering.

Number one: were the personnel files found in drawers, as he now claims, in which case their sensitive nature would have been obvious at once? If so, why were these personnel files kept knowingly for a full year?

Number two: were any of the documents, including correspondence from me to other MPs, found in boxes, in which case, effectively, the researchers were intercepting and reading misdirected mail?

Number three: which researchers participated in these acts and which members of the opposition leader's staff knew about the fact that this was ongoing and failed to act to stop it?

Number four: were any of the documents photocopied, scanned or otherwise reproduced?

Number five: when did the Leader of the Opposition become aware of the fact that his staff had possession of these sensitive documents, and why, upon achieving this knowledge, did he fail to act?

Routine Proceedings

Number six: why is the Leader of the Opposition continuing to allow private correspondence to be read by his staff right now, unless it turns out that the latest version of the facts by the hon. member for Ajax—Pickering is the real one? In that case, he would have to explain why he allowed the implication to exist that they had compromising documents they were going through in the “public interest”.

• (1020)

Number seven: why is the Leader of the Opposition allowing images of confidential documents to be displayed on his website and will he remove them at once?

Mr. Speaker, if you find there is a prima facie case that the Leader of the Opposition or members of his staff have breached my privileges, or that their actions may put them in contempt of Parliament, I will be prepared to move the appropriate motion.

The Speaker: The Chair thanks the hon. member for Lanark—Frontenac—Lennox and Addington for raising this issue in the first place and the hon. member for Ajax—Pickering for his contribution to the matter.

I will review the arguments put forward by both hon. members and will see, if I can, some of the things that are apparently in the public domain in respect to this matter. But I have to say right off the top of my head on this that in my view this sounds like a complaint, and I have not heard a lot in terms of which privilege the hon. member claims as a member of Parliament has been violated by this.

He may have some personal claim for having material put into the public domain that was private, but that is not a matter of privilege as I understand the rules relating to privilege in the House. And so I am somewhat concerned on this issue and I can assure him that I will review the matter, but I make that preliminary observation that I have not heard a lot that has tied this into one of the privileges that members enjoy, which is my concern.

Legal breaches of the law do not constitute breaches of privilege of the House. They are separate issues. He may be able to assert that the law has been broken in some respect, which I heard frequently, I think, during the course of his remarks. But I am not sure that those breaches of the law necessarily constitute a breach of privileges of members of the House, which is the only area in which I have some say or control and I am able to assist the hon. member by finding that he has a privilege and therefore that the matter could be referred to the committee.

So in the circumstances, as I say, I will look at everything the hon. member has said. I think I have heard enough at the moment, because the hon. member has presented twice on this. The hon. member for Ajax—Pickering has given his remarks. I think we will leave the matter at this point. I will look at the documents to which he has referred, as far as I can, and come back to the House with a ruling in due course.

ROUTINE PROCEEDINGS

[English]

STATUS OF WOMEN

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, I am pleased to rise this morning to speak to the importance of encouraging the greater participation of women in our democratic system of government.

In a democratic country, the governing body must endeavour to reflect the population that it is elected to represent, and Canada's diversity can best be served with the same diversity in the House. We will be enriched by the contribution of a true mix of the unique experiences, backgrounds and skills that our citizens possess.

Recognizing the contribution to be made by women in government must be promoted and encouraged. Canadian women have contributed to the building of our country in countless ways. They have had a significant role to play in our history and must have a key role in determining our future.

Consequently, today we stand to support the efforts to promote the increased participation of women in elected office. We must work together through non-partisan measures to ensure that women have an equal opportunity when it comes to serving in public life.

Canadian women have the skills and insight to make a meaningful contribution to the work of government at every level. They deserve the same opportunity to earn a seat in the House, not through special dispensation, but on merit.

The government does support every earnest effort to increase women's representation and their participation in politics. Because we recognize and welcome the contribution of women in this role, it was the Conservative Party that elected the first woman in the House of Commons as well as the first woman prime minister.

As we work together and continue our efforts to encourage more women to run for elected office, we must also ensure all Canadians that as a government we recognize our responsibility to address their issues and needs.

That is why our Minister of Indian Affairs and Northern Development is working to provide matrimonial property rights to aboriginal women and to have their rights recognized under the charter. That is why our Minister of Health provided \$300 million in our budget to support a national vaccine program to protect Canadian women from cervical cancer. That is why the women's programming budget at the Status of Women has been increased to \$20 million, the highest ever since its inception.

As we work to promote the increased participation of Canadian women in government, we must always recognize that it is the responsibility across all government, and the responsibility of every elected member, to serve every Canadian, men and women.

• (1025)

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, I welcome the opportunity to speak on the minister's statement on Equal Voice's Canada challenge.

Routine Proceedings

Twenty-five years ago, women fought for equality under the Charter of Rights and Freedoms and women are indeed equal under the law, but this does not mean that women automatically have equality in all aspects of society. In fact, the opposite is true.

The fact remains that the Conservative government is making it worse. The government removed equality as part of the mandate of the women's program, which in the past has funded advocacy and equality seeking organizations. The government removed political and legal rights from the mandate of the women's program. That one decision is evidence that the government will fail to act on Equal Voice's Canada challenge to elect more women.

The Conservative Party consists of only 11% women, the lowest of any party in the House of Commons and, in any case, the House has a mere 21% women overall. The United Nations believes there needs to be at least 30% to make a significant change in public policy for women.

The Liberal leader has made a commitment to surpass that number. The Liberal leader has taken his commitment to women's equality one step further by pledging to have more women in cabinet, committing to have an equal number of men and women in the Senate, and increasing the numbers of women appointed to executive positions at crown corporations.

The Liberal Party of Canada is the party of the Charter of Rights and Freedoms and the 1970 Royal Commission on the Status of Women. It is the party that established a Status of Women department. We have a proud history and a record of supporting women's rights and fighting for true equality.

The Liberal Party of Canada will be there for Canadian women. The Liberal Party of Canada will fight for the rights of oppressed women around the world. The Liberal Party of Canada will meet the Canada challenge.

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, we have reason to be pleased today, since the action taken by the Equal Voice organization encourages us to address the issue of women's participation in politics. This is unfortunately the only reason to be pleased, when it comes to addressing this issue.

The lack of women in politics is particularly worrisome and we cannot, as a democratic society, merely stand by and observe this phenomenon. We all have an obligation to act, and we must act immediately.

The statement made by the Minister of Canadian Heritage and Status of Women smacks of cynicism. While we listen to the party congratulate itself, only a little over 10% of its candidates, specifically 38 out of 308, during the last election were women, which demonstrates how little importance it places on women's participation in politics. This party does not stop at merely discouraging women from entering politics. It now muzzles women, preventing them from defending their rights and expressing their discontent with this backward-thinking government. This party, with only 11.2% female elected representatives, is inhibiting the progression of the House of Commons towards equality.

While progressive countries such as Sweden and Norway have reached female representation levels of 45.3% and 37.9%, Canada, because of the Conservatives, has slipped to 48th place, with barely 20%.

The Bloc Québécois, whose caucus is 33% women, had the highest number of elected female members of any federal party in Quebec in the last election. But this is not enough. Our party is actively working to increase the number of female members and will run more female candidates in the next election. This is the commitment we are making today.

The multi-partisan organization, Equal Voice, reminds us that, "Political parties can be catalysts for change. All that is required is political will on the part of party leaders to make a difference."

The only political will the Conservatives have shown was to muzzle women by abolishing the court challenges program and by changing the eligibility criteria for the women's program. If they want to take on the Equal Voice challenge, and we strongly encourage them to do so, they must reinstate these two programs, as they were when the Conservatives came to power. We will then see how serious their political will is. The Bloc Québécois has that political will, and we are committed to making a difference and encouraging more than ever the vital participation of women in political life, by maintaining this objective of parity, which may seem bold, but really, is only natural.

• (1030)

[*English*]

Mrs. Irene Mathysen (London—Fanshawe, NDP): Mr. Speaker, I would like to thank the minister for her statement, but unfortunately, with all that she has done to set back women's rights in Canada, that would be disingenuous. In fact the minister closed 12 regional offices of Status of Women Canada, cancelled the policy research fund, eliminated the word "equality" from the mandate of the women's program, placed severe restrictions on access to funding, and her government cancelled the court challenges program.

I will only say that I hope she truly means what she just said, that electing women is a priority and the Conservatives take it seriously. I have my doubts, but I suppose we can all hope.

I am proud to confirm that the leader of the NDP will also be accepting the Canada challenge later this afternoon during members' statements. Our party has made huge strides in nominating, supporting and electing women to the House of Commons. The NDP constitution ensures women are represented in nomination races. Our campaign team demands that women run in ridings they can win and we have great results to show for this work.

Forty-one per cent of our caucus is female. To date, 42% of our nominated candidates are women. With regard to leadership in the House, the leader of the NDP has appointed the first female House leader, finance critic and defence critic in NDP history. NDP MPs fought and won the right to have a House committee on the status of women.

Routine Proceedings

I also feel compelled to correct the record. The minister has perpetuated a Conservative claim to the first woman elected to this House. In fact, history and *Hansard* will confirm that Agnes Macphail was certainly not a Conservative. A committed pacifist and a progressive, she fought for seniors pensions, farmers' rights and social democratic causes like prison reform. She was a founding member of the CCF. Most people forget that she was also one of the first two women elected to the Ontario legislature. I certainly hope the minister will check her history books and refrain from tarnishing the good name of Agnes Macphail who was a proud social democrat.

Like never before, women in Canada and our sisters around the world are breaking gender barriers with skills and innovation. We are entering traditionally male dominated fields and achieving great success at the highest levels in both the public and private sectors.

Later this afternoon the House will hear commitments from all party leaders to elect more women. This is a step in the right direction but it is not enough. We need more than words in the House. We need action. Simply appointing female candidates is not an appropriate response.

The participation of women must be part of a party's structure and policy. I challenge every single member of the House of Commons to help elect more women, speak to young women's groups and encourage them, reach out to women who should share this floor with us, help them to win their nominations and help them get elected.

I know the NDP will never rest until 51% of our candidates are women.

* * *

• (1035)

COMPETITION ACT

Mr. Brian Masse (Windsor West, NDP) moved for leave to introduce Bill C-425, An Act to amend the Competition Act and the Canadian Environmental Protection Act, 1999 (right to repair).

He said: Mr. Speaker, I am proud to bring forward a bill that I believe all members can support. It is the right to repair bill and looks at two different acts, the Competition Act and the Canadian Environmental Protection Act.

This bill is important because of the change in the auto industry with regard to on-board diagnostic equipment. That change has led to a number of different servicing requirements that are necessary.

I would point out that the Canadian auto industry is not alone in terms of the consequences of this bill. Similar legislation in the United States and in Europe has adapted different techniques to deal with the fact that this new type of technology creates problems for people and consumers who service their vehicles. Hence, this bill would allow the proper process and procedure so that independent automobile associations could procure the data, tools and materials necessary to fix vehicles.

It is important for competition as well as for the environment. That is one of the reasons that Pollution Probe and the Canadian Automobile Association are supporting this bill. I would suggest that

all members of the House get behind this bill in order to have a good, progressive change.

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

* * *

[Translation]

CANADA EVIDENCE ACT

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ) moved for leave to introduce C-426, An Act to amend the Canada Evidence Act (protection of journalistic sources and search warrants).

He said: Mr. Speaker, it is always a great pleasure to introduce a private member's bill for the first time.

I have chosen an issue which has concerned me since the late 1960s and which, unfortunately, is still ongoing. I am referring to the protection of journalistic sources and a civilized way of conducting searches, which sometimes must be done at media premises.

The purpose of this enactment is to protect the confidentiality of journalistic sources. It allows journalists to refuse to disclose information or a record that has not been published unless it is of vital importance and cannot be produced in evidence by any other means.

It establishes specific conditions that must be met for a judge to issue a search warrant to obtain information or records that a journalist possesses and sets out the way in which a search must be conducted to protect that which must be protected.

It also allows journalists to refuse to disclose the source of the information that they gather, write, produce or disseminate to the public through any media, and to refuse to disclose any information or document that could identify a source.

However, a judge may order a journalist to disclose the source of the information if the judge considers it to be in the public interest, having regard to the outcome of the litigation, the freedom of information and the impact of the journalist's testimony on the source.

In conclusion, the purpose of this bill is not to confer privileges on a journalist but to protect journalistic activity, which is essential to ensure a just and truly democratic society.

Routine Proceedings

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

* * *

• (1040)

[English]

PETITIONS

VISITOR VISAS

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I have three petitions to present in the House of Commons today.

The first petition is with regard to visa permits for the Republic of Poland. The current policy is there is a restriction and the petitioners are calling for Parliament to lift the visa requirements for the Republic of Poland.

It is important to point out that the European Union includes part of the Republic of Poland. In fact, Polish soldiers are serving with Canadians in Afghanistan.

The petitioners call upon Canada to lift the visa requirements. The Minister of Citizenship and Immigration could move quickly on that with consensus of the House.

AUTOMOBILE RECYCLING

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, the second petition is with regard to automobile recycling.

There is a series of chemicals in different automobiles, including shredder residue. These chemicals contaminate our environment. The petitioners are calling for the dismantling and recycling of automobiles. It is very important to thank the CAW for this petition. Auto recycling creates jobs for Canadians and cleans up the environment. Auto recycling is a good practice and is being done in many other nations.

SENIORS

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, the final petition is a series of petitions in the hundreds calling for greater support for seniors by the government. The petitioners are calling for the elimination of discrimination on the eligibility requirements. In particular, the petitioners want an amendment to the Old Age Security Act regulations and policies to eliminate the 10-year residency requirement for the OAS and GIS.

The petitioners are well aware there is a poverty gap in Canada that is growing and that seniors are being harmed by these issues. The petitioners are calling upon the government to act. This would be consistent with the NDP motion that called for a seniors charter of rights which motion passed in this chamber.

[Translation]

SUMMER CAREER PLACEMENT PROGRAM

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, it gives me great displeasure to table a petition this morning about the summer career placement program.

It gives me no pleasure to table this petition because by their signatures, people in my riding are criticizing changes to the summer career placement program, specifically, this year's \$10 million in cuts, as well as other expected cuts.

This was an excellent program because it enabled young people to find a summer job in their field. Now the government has changed everything, including the decision-making process. Even the Minister of Labour, at home in the Saguenay—Lac-Saint-Jean region, criticized the new Canada summer jobs program because decisions about subsidies would no longer be made in the ridings and in the regions, but in Montreal and Ottawa.

Here are another hundred signatures against the new program.

[English]

VISITOR VISAS

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, I am pleased to present two petitions. The first petition is from 65 members of the Polish Canadian community in my riding. The petition calls for the lifting of the requirement for visitors visas for people coming from Poland. Poland is now part of the EU and Poland uses all of the same biometric passport technology and other secure passport identification that other EU countries use.

The lifting of the visitor visa requirements would increase family visitation, tourism, cultural exchanges, trade missions and is strongly supported by my community which has a large Polish Canadian component.

FEDERAL MINIMUM WAGE

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the second petition has 387 signatures. The petitioners are calling for the federal minimum wage to be reintroduced and raised to \$10 an hour. The minimum wage was abolished in 1996 under the previous Liberal government. A minimum wage of \$10 an hour would just approach the poverty level for a single person. If a minimum wage were established at the federal level, the influence would extend beyond workers in the federal jurisdiction because it could serve as a best practice for labour standards across the country. The petition calls for passage of my minimum wage Bill C-375.

[Translation]

SUMMER CAREER PLACEMENT PROGRAM

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, this morning I am tabling a petition from non-profit organizations in my riding, Brome—Missisquoi, including the Learning Disabilities Association of Quebec and municipal recreation and volunteer committees.

This petition was signed by 143 members of NPOs who find this loss of jobs for youth a great shame and who deplore the fact that decisions about jobs for all of Quebec will be made not in each region where people are more familiar with the choices to be made for each student, but by bureaucrats.

These people are very disappointed with the new program and are asking the government to bring back the old program.

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•(1045)

[English]

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

RAILWAY OPERATIONS LEGISLATION

MOTION THAT DEBATE BE NOT FURTHER ADJOURNED

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, with respect to the consideration of the motion under government orders, Government Business No. 15, I move:

That the debate be not further adjourned.

The Speaker: Pursuant to Standing Order 67.1 there will now be a 30-minute question period. I invite hon. members who wish to ask questions to rise in their places so the Chair has some idea of the number of members who wish to participate in this question period.

I will start with the hon. member for Davenport.

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, let me start by saying that although we will be supporting the motion under Standing Order 57 and also Bill C-46, we have serious concerns about how the government has handled this situation. Obviously all of us are concerned that prolonging the CN strike has a serious economic impact on our country. This is a very important service to many communities.

The strike has been ongoing for quite a long time and we want to know where the government was. Where was the minister? It seems that the minister has been missing in action. The minister should have been there to bring both parties to the table to resolve this issue from the beginning so that we would not be in the situation we are in today. The fact that we are voting on this closure motion and also subsequently voting on Bill C-46 in many ways indicates the failure by the government to bring about a resolution to the strike.

I want to know what steps the minister has taken. How many times has he met with both parties? What attempts has he made to bring a resolution to this strike?

[Translation]

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, the principle of free collective bargaining is accepted by all parliamentarians. However, when a 14-day strike at Canadian National paralyzed Canada's economy and our exports dropped by \$1 billion in February as a result of the dispute between CN and the United Transportation Union, our

government had a responsibility to act when it saw that the parties did not seem to be able to reach an agreement. Hon. members will recall that after Bill C-46 received first reading, the parties reached an agreement in principle.

However, the members voted nearly 80% not to ratify this agreement, and workers are now holding rotating strikes across the country. We have heard from a number of companies that are affected by these strikes and are afraid they will not be able to move their own goods within their company.

Under the circumstances, how long should we wait? Should we wait until 5, 10, 20 or 30 rotating strikes have taken place? How long should the government wait and let the economic situation deteriorate before taking action? We told the parties that the government would do what it had to do, given that an agreement did not seem possible. We are going to proceed with this bill.

There is nothing preventing the union from reaching an agreement with management. Even though the bill will come into force, the parties can still reach a settlement, in which case it will take precedence. But we are determined to protect Canada's economy.

•(1050)

[English]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I must say that every time in Parliament that we rise for a question period on a topic such as this which involves closure on a bill that is before the House, or will soon be before the House, it is an occasion that we should treat very seriously because as parliamentarians we are here to debate legislation. We are here to promote public discourse. We are here to put forward various perspectives and points of view.

When a governing party brings in a closure motion, which is what we are now dealing with today, to ram through legislation in an act of desperation, we have this 30 minute period to question why indeed this is happening. I am very pleased to rise today to question the minister and the government as to why they are now, at this point, bringing in closure on the back to work legislation.

It begs a question. Back to work legislation is a very serious issue. The situation involving CN and its employees has been dragging on for months. The members of the union have very legitimate issues around health and safety, which we will get into when we debate this bill. However, to deny workers a legitimate right to negotiate and to go back to the table, to force through legislation and bring in closure on top of that, and to rail this through Parliament in a few hours, which is what is going to take place today unless it can be held up, is a very serious matter.

I want to question the government on the principle and on the grounds of democratic process. It is using this very heavy-handed and blunt instrument of closure to force through this legislation that will deny workers the opportunity to negotiate in good faith.

We have seen CN locking out workers. We saw union members legitimately reject a tentative agreement. They have a right to do that. That is part of the Labour Code. That is part of fair collective bargaining and negotiations: the right of a membership to make its own estimation as to whether or not it agrees to a tentative agreement.

The members decided they did not like that tentative agreement and they voted it down resoundingly. They now, I believe, have a right to go back into the process and get into negotiations, and the minister's office and the government should be facilitating that. They should be using all of their resources to ensure that that happens, not using this hammer and saying, "We give up on this now. We are just going to roll over and do what CN wants us to do. We are going to bring in this back to work legislation and more than that, we are going to use a second hammer to bring in closure and make sure we march it through Parliament as quickly as possible".

We in the NDP, on principle, find that to be offensive. We find it to be anti-democratic. We find it to be in violation of the basic principles around labour fairness in this country.

I would like the government to respond to that in terms of how it justifies what it is now proposing and putting forward before this House, these very drastic measures to railroad through this legislation.

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Speaker, hon. members must understand that the parties have now been in talks for 19 months. Along the way, we organized our team of mediators to assist the parties. In February, an agreement was reached between Canadian National and the United Transportation Union with the help of our mediators.

Once the agreement was signed, the employees went back to work immediately. We appreciate that they did this, and it is entirely to their credit. However, when the union members democratically decide not to accept the agreement bargained by their leaders, the government cannot allow the economy to be paralyzed every day because of a rotating strike happening in one place or another. When there is a rotating strike in one place, that place is not the only one that feels the impact. In fact, it has a Canada-wide impact.

On Saturday, the parties continued to bargain, and no light can be seen at the end of the tunnel. In the circumstances, it is the responsibility of the members of this House to take action, and to enact a law, because they can see that the parties are not able to reach an agreement at this time. The parties will still be able to bargain. Over the next three months, if they reach an agreement, that agreement will prevail. If there is no agreement, our arbitrator will ask each party to state its position regarding the agreement. Our arbitrator will then decide between A and B, with no middle ground. He will decide between A and B. We believe that this is what we have to do to solve this problem.

The Canada Labour Code was revised in 1999. Parliament did not have to step in again in any way to enact back-to-work legislation. In 2000, Canadian National ratified an agreement. It ratified another agreement in 2003. At present, that does not seem to be possible. In February, there were 14 strike days, an extremely long time, all

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because of a conflict between an American union and the Canadian union that the two parties do not agree on. Who has paid the price for this problem? The Canadian economy, and the employees whose wages were not paid.

The law we will enact is in the interests of our country's economy, in the interests of the employees, and in the interests of the proper operation of our rail service. It will also mean that the United States and other countries will be able to see that this country is operating properly and that they can count on a fully functioning transportation system.

● (1055)

[*English*]

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, on behalf of the Liberal Party, I guess all of us are rather frustrated that we find ourselves in this particular position. On basic principle, we would all hope that collective bargaining would achieve a desired outcome that would not involve the Government of Canada insinuating itself into a situation that is, at the same time, local as it is macro.

I listened to the minister's answers, and I recall the days that we sat on the manpower and immigration committee when we were looking at resolving a lot of issues dealing with human resources. I know that his heart appears to be in the right place and he wants to take the appropriate actions. It is very non-partisan of me to say that, and I kind of hesitate to pay him a compliment, although he is quite deserving.

He must feel as frustrated as I that his erstwhile allies on the NDP side, who claim to have a righteous position on principle, have eschewed the opportunity offered to them to take a look at the greater interests of people working everywhere in the country. It must be terribly frustrating for him. I feel badly for him.

Before I start to shed a tear, I would like to tell him that the next time he is sitting at the cabinet table to take a look across—and I do not know what the seating order is—but to take a look at his other erstwhile ally, and that would be the Minister of Transport, who has also absolved himself of the great responsibility of looking at the transportation infrastructure needs of this country that led to this mess in labour relations at CN with its employees.

I am not going to pick sides between CN and the union. As I said, from our perspective we are looking at a situation that says that the country is crying out for the intervention of Parliament in a situation that has wide, national impact. While we do not want to see the government come in with a heavy hand, we have to, at this point, get to the nub of the matter. Are we going to ensure that people get back to the table or not? I think that is what the NDP would like us to consider as its sole position.

I am hoping that the Minister of Labour will agree that the measures that he is about to take are going to ensure that people get back to the table and reassess their position. It might not be the philosophical position that the NDP and its moralist rant would like to see happen, but those members have been wrong before many times, so it has become a bit of a litany.

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I am wondering whether the minister has already taken the measures necessary to alert both parties that this kind of measure that Parliament is considering today is expected to receive their immediate attention, so we can get on with taking care of the nation's business and that they can be full partners in that, not like their erstwhile parties way off to the left of the fringes.

• (1100)

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Speaker, what did the parties agree to in February? They agreed to a 3% increase and a lump sum of \$1,000 and they were going to take a year to negotiate their collective agreement. The employees, the union members, have the right not to accept this offer and to decide that it does not satisfy their expectations.

However, what should we as parliamentarians be thinking about? We have to consider that we cannot be in a situation where one morning one area is shut down and the next morning it is another, and the day after that, another, and so on, indefinitely. We have to take action. We are not requiring anything in terms of a collective agreement. The two parties have to sit together at the table and come up with an agreement that works for them.

This is what we are saying: if after three months the parties still do not have an agreement, the arbitrator will ask each side what it wants and he will choose one of the two proposals, not up the middle, but either A or B. The parties can certainly agree. If they come to a mutual arrangement then there is no problem; in fact, that is preferable. However, our responsibility is to ensure that the trains are running, that they are delivering goods to businesses, that our seaports are able to export and that things are operating smoothly from end of the country to the other.

Allow to name a few of these businesses. Yesterday alone we received 78 phone calls from business people and businesses asking us to take action. It has been like that for a few days now, since the decision was made to have rotating strikes. They included Superior Propane in Calgary, Western Grain Elevator Association in Winnipeg, Nutrinor in Saint-Bruno, Keystone Agricultural Producers in Winnipeg, Tembec in Abitibi, Campotex in Saskatoon, Canadian Federation of Agriculture in Ottawa, Canadian Grain and Oilseed Exporters Association in Winnipeg, the Port of Halifax, and the list goes on.

I understand why the Liberal Party is supporting us because, indeed, everyone comes to realize that it is our responsibility to take action. That is what we are doing in the best interests of the employees, of our economy and of railway operations in Canada.

[*English*]

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I listened very carefully to the comments of the minister. I have great concern with the issue of the whole concept of the government to "protect the health of the Canadian economy". It seems this is the only legislation that can be dealt with by a fast track method and it could trample on workers' rights. Those principles are very important for our party.

Every time the Liberal member for Eglinton—Lawrence speaks there seems to be a widening credibility gap when he talks about the moralist rant of the NDP. This is coming from a member who was

willing to take money for his leadership bid from children. Every time the member gets to speak in the chamber, the credibility gap is only surpassed by the prosperity gap in our country.

It is important to note that this is absolutely not the truth about what the NDP is talking. We are talking about a set of principles and rules for workers, and they understand that through legislation passed in the chamber. For the minister to do an act like this and then close debate is very important.

I am concerned about what has taken place since the workers have gone back to work after the failed last attempt at negotiations. We had looked at rotating strikes and also lockouts by CN.

The issues that have been raised by some of the business interests are very important. They are very sincere in many respects and they relate to a lot of different businesses and Canadian consumers across our country, but they have to be done in balance. CN actually locked out a series of workers.

If we are to talk about protecting the health of the Canadian economy, one only has to look at the past budget. For example, I recently had meetings with our domestic auto manufacturers. They were calling for the government to stop the Korea trade negotiations. That is more important to them. Why is there not legislation to protect the health of the Canadian economy relating to that?

Why is Korea sending a delegation on Wednesday when we know the government's budget has caused General Motors to cease investment in Canada? The fee rates that the minister's colleague in industry and finance introduced penalized domestic auto manufacturers and provided a massive subsidy to Toyota, and the RX in particular, at the expense of Canadian domestic vehicles. General Motors has responded by saying that it will not invest in Canada right now. It is all on hold because of the minister's policies.

Where is the minister going with this legislation? Does he really understand that is not only the sole issue being asked to be worked upon?

As to the role of CN in this, has the minister done due diligence to ask it what it has done and why it has locked out certain locations? That is important. It seems that it has shifted to the burden of the worker alone where these are workers' rights. However, at the same time, CN is obliged to come forward to explain why it has locked workers out, and that is important. This is what we are talking about. Legislation at the end of the day is being usurped by the current action.

• (1105)

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Speaker, what does the New Democratic Party want? When it becomes clear that two groups cannot reach an agreement, at least not in the foreseeable future, and that Canada's economy is suffering a little more damage every day because of rotating strikes, it is our responsibility to act.

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I would like to point out that in February, the strike lasted 14 days. Why? What happened then? There was a conflict between the American and Canadian branches of the United Transportation Union. When the strike began, Canadian National went to the Canadian Industrial Relations Board, saying that the president of the Canadian union did not have the right to call a strike—only the American union could.

When the matter came before the Canadian Industrial Relations Board, the Americans refused to recognize the lawyer who was negotiating. They wanted their own lawyer. Five days passed while the lawyer representing the American union prepared the case. For those five days, Canada's economy was paralyzed as everyone waited to find out whether the strike was legal. In the end, those 14 days of strike action reduced our exports by about \$1 billion. That is what it cost Canada's economy. That is why, as soon as it becomes clear that the parties cannot find a solution, we cannot let things go on.

As for these rotating strikes, are we supposed to wait 32 days, 64 days, or 100 days? We must act now. We know—we can see that the situation is deteriorating. It is our responsibility to act, and we are doing so in the best interest of all parties, in the interest of the employees and in the interest of our country's economy.

[*English*]

Hon. Joseph Volpe: Mr. Speaker, I rise on a point of order. I wanted to be polite and not interrupt the debate on a point of order until the minister had spoken because he has conducted himself like a gentleman. This is a little less than I can say about other colleagues, especially since we have entered into the area of muckraking with the member for Windsor West.

Elections Canada, which is an arm's length organization that monitors what members of Parliament do in terms of election, examined just his allegation and I am prepared to table the letter. It is unbecoming of a member from the House to attribute or allege behaviour that is dishonourable. I will table the letter from Elections Canada that addresses the issue of age of contributors and the legal presumptions due to family relationships or shared address of contributors. It exonerates anything that my campaign for the leadership did in terms of fundraising.

I ask the hon. member to live up to the word “honourable” and avoid making such smearing comments. These drive-by smears do not help anybody out. If he is a gentleman, he will withdraw the comment. If he is not, he will live with it.

• (1110)

The Deputy Speaker: The hon. member knows that he cannot just table a document. He has to have the unanimous consent of the House to do that.

The point of order has been made. The member is seeking to table a document. Is there unanimous consent to table that document?

Some hon. members: Agreed.

An hon. member: No.

The hon. member for Parkdale—High Park.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, every time there is a labour dispute obviously there are complicating

circumstances. If the situation were easy and clear-cut, the parties would work it out themselves.

Here we have the situation of a private corporation in very difficult bargaining with its bargaining agent. Surely where there is a situation where the agreement is not being achieved by the two parties and that is creating an impact on the economy, the appropriate response by the government is not to come down with a sledgehammer. The appropriate response on the part of the government is to work with the parties to see where the roadblocks are and to do everything possible to assist those parties to come to a freely negotiated collective agreement.

If there were no economic impact in a dispute, I guess one would have to ask what pressure does either party have in taking either lockout or strike action. There is always consequences in a dispute.

The question, though, is will these parties have a democratic right to find a freely negotiated solution with, ideally, the assistance of the government, or will the government come down in an untimely fashion and take away that democratic process by forcing this vote with closure today?

It is not a good precedent for the government to embark on this course of action and I would urge it to reconsider.

[*Translation*]

Hon. Jean-Pierre Blackburn: Mr. Speaker, I would again like to remind the House of the serious economic consequences that the whole country felt as a result of the 14-day strike.

There were serious consequences for the Canadian Wheat Board, for chemical producers, for the Port of Vancouver, for automobile manufacturers, for farm producers and for operators in the forestry sector. All these stakeholders in our economy were greatly affected by the recent strike in February.

I would also point out that the NDP member thinks that Canadian National is a tough negotiator. Perhaps. Others feel that the union is asking for too much. Maybe so. At some point a decision must be made. We can not allow the parties to jeopardize the Canadian economy because of this dispute.

Our preference is that the parties should reach an agreement. Our legislation will force them to sit down together and discuss the issues. They will have three months to reach an agreement. If they are not able to do so, the arbitrator will ask each of the parties to provide a final offer and the arbitrator will decide. That is what is known as final offer selection. The arbitrator will choose either the offer of party A or of party B. The decision can not be in between the offers; it must be either offer A or offer B. Written into the bill, this puts a certain amount of pressure on the parties to reach an agreement. We believe this legislation is in the best interest of the employees, the Canadian economy and the carrier, Canadian National.

Again, I repeat that we would have preferred that the parties agree between themselves. However, since that does not appear to be possible, the government has a duty and responsibility to act.

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[English]

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I have been following this strike situation very closely, being that my region is dependent upon rail. We haul all kinds of forestry products. We haul sulphuric acid from the smelters, out of the Horne smelter in Rouyn-Noranda and the Kidd Creek smelter in Timmins.

Last week we had a massive train derailment in our region. The Blanche River was contaminated when numerous cars containing sulphuric acid turned over. It was an Ontario Northland line, which is a provincial line. We have had other derailments of our acid trains, and it is of great concern in our region.

I looked at the issues of transportation safety. We have seen a massive increase in train derailments since 2002. The Transportation Safety Board has had very few indepth studies of these accidents and there have been very few prosecutions. Serious questions have been raised about how a company like CN can make the kind of money it does. Questions have been raised about whether there are adequate crews working on the line and whether adequate measures have been taken to ensure that these very long freight trains, which run across the country, have the adequate staffing to support them to ensure public safety.

Therefore, when we are talking about ordering the workers back to work, they have been the canaries in the coal mine, to use the overused expression. They have been the ones speaking out consistently about the lack of support by CN to ensure that we have safety on the ground with adequate ground crews.

What steps has his government taken? It has sat on the sidelines through this dispute?

We are talking about issues of public safety and about ensuring that the CN workers have the support. Are enough workers on the ground to ensure there is adequate safety in rail transportation in our country?

•(1115)

[Translation]

Hon. Jean-Pierre Blackburn: Mr. Speaker, I emphasize again the scale of the impact on the Canadian economy, on our farmers, forestry operators, automobile manufacturers, and the whole of the chemical and petroleum industry. Some remote communities were not even receiving food and fuel that were essential for their continuing operation.

In such a situation, our government is obliged to act. It has a duty to act from the moment that the parties have refused to reach an agreement and there is no indication of a settlement of the dispute or good will between the parties. It is in this context that I ask the opposition parties, the Bloc Québécois, the Liberal Party and the New Democratic Party, and the independent members to support the government.

It is perfectly obvious that we can not allow this situation to continue. It is in everyone's interest. Moreover, the parties will have time to discuss the issues and to negotiate an agreement during the coming months.

[English]

The Deputy Speaker: The time for questions on the closure motion has expired.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I rise on a point of order. We would like to submit for your consideration that it is inappropriate and out of order for us to proceed to the vote and the point of order is predicated on the following.

The motion itself reads in part that the bill:

—shall be disposed of as follows: (a) commencing when the said bill is read a first time and concluding when the said bill is read a third time, the House shall not adjourn except pursuant to a motion proposed by a Minister of the Crown...

Mr. Speaker, our difficulty is that this motion, if passed, would have the House deal with this bill from first reading through to third with no interruption until it is concluded.

The difficulty, as we see it, is that this bill was already dealt with at first reading on February 23 and, therefore, there has already been an adjournment between what technically and formally has been the first reading and we would argue then that technically we are on second reading. Therefore, it is not possible for the House to comply with the motion given that we have already had an adjournment that has broken the process that the bill outlines.

To support that, Mr. Speaker, I would bring to your attention chapter 12 of Marleau and Montpetit at page 474 where it says in part, referring to the requirement and duty of the Speaker to ensure that everything is in order, “—and that it contains no objectionable or irregular wording”.

Given the fact that the wording not only does not work in compliance, it cannot possibly work as being actual wording that is acceptable. Basically, the wording is imperfect. Imperfect bills are not allowed to go through.

Therefore, Mr. Speaker, with both those things in mind and with the supporting evidence, we would ask you to consider that the bill is out of order and needs to be ruled on appropriately.

•(1120)

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, the matter before the House immediately is not the bill itself but rather the motion before us and that we proceed to a vote on the procedural motion that we are debating in this regard. I, therefore, do not see any substance to the argument that has just been made by my friend and I see no obstruction to us continuing to proceed on this matter.

The Deputy Speaker: Are there any further interventions on this particular point of order?

At this point, the Chair intends to take the point of order under advisement. It does pertain to the motion, not to the motion before the House at the moment but the motion which the motion before the House at the moment pertains to and therefore the Speaker will have an opportunity to rule on the point of order and on the admissibility of the motion in a timely way but not at this particular time. At this time the Chair is obliged to proceed to the taking of the division on the motion now before the House.

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The question is on the motion. 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 yeas have it.

And five or more members having risen:

The Deputy Speaker: Call in the members.

• (1210)

After the taking of the vote:

The Speaker: Order, please. Something unusual has happened, unprecedented in my limited experience in the House.

The hon. member for Bramalea—Gore—Malton voted, but he was not seated in his seat. His seat has been moved. He did not know and I just discovered this, so might I propose that the hon. member's vote be allowed to count in the circumstances, since it was a genuine mistake on his part and of course on mine. He should have been seated farther down the chamber, let us put it that way, in another seat, and since the actual seat location was not particularly important to this matter, we might allow him to vote even though the rules require that a member be in his own seat to vote, which is why I am being technical about the matter.

Is it agreed?

Some hon. members: Agreed.

The Speaker: Then we will hear the results of the vote.

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 152*)

YEAS

Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	André
Arthur	Asselin
Bachand	Bagnell
Baird	Barbot
Barnes	Beaumier
Bell (North Vancouver)	Benoit
Bernier	Blackburn
Blais	Blaney
Bonsant	Bouchard
Boucher	Bourgeois
Breitkreuz	Brisson
Brown (Leeds—Grenville)	Brown (Barrie)
Brunoogge	Brunelle
Byrne	Calkins

Cannan (Kelowna—Lake Country)	Cannis
Cannon (Pontiac)	Cardin
Carrie	Carrier
Casson	Chan
Chong	Clement
Coderre	Cotler
Crête	Cummins
Cuzner	D'Amours
Davidson	Day
DeBellefeuille	DeI Mastro
Demers	Deschamps
Devolin	Dhaliwal
Dhalla	Dion
Doyle	Dryden
Duceppe	Dykstra
Epp	Eyking
Faille	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Folco	Freeman
Fry	Gagnon
Galipeau	Gallant
Gauthier	Godfrey
Goldring	Goodale
Goodyear	Gourde
Gravel	Grewal
Guarnieri	Guay
Guergis	Guimond
Hanger	Harper
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Holland	Ignatieff
Jaffer	Jean
Jennings	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell
Keddy (South Shore—St. Margaret's)	Keeper
Kenney (Calgary Southeast)	Khan
Komarnicki	Kotto
Kramp (Prince Edward—Hastings)	Laforest
Laframboise	Lake
Lalonde	Lauzon
Lavallée	LeBlanc
Lee	Lemay
Lemieux	Lessard
Lévesque	Lukiwski
Lunn	Lunney
Lussier	MacAulay
MacKay (Central Nova)	MacKenzie
Malhi	Malo
Maloney	Manning
Mark	Marleau
Martin (Esquimalt—Juan de Fuca)	Mathews
Mayer	McCallum
McGuinty	McGuire
McKay (Scarborough—Guildwood)	McTeague
Ménard (Hochelega)	Ménard (Marc-Aurèle-Fortin)
Menzies	Merasty
Merrifield	Mills
Minna	Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)	Mourani
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Nadeau	Neville
Nicholson	Norlock
O'Connor	Obhrai
Oda	Ouellet
Owen	Pacetti
Pallister	Paquette
Paradis	Patry
Pearson	Perron
Petit	Picard
Plamondon	Poilievre
Prentice	Preston
Proulx	Rajotte
Ratansi	Redman
Regan	Reid
Richardson	Ritz
Robillard	Rodriguez
Rota	Roy
Russell	Savage
Scarpaleggia	Scheer
Schellenberger	Scott
Sgro	Shiple
Silva	Simard

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Simms	Skelton
Smith	Solberg
Sorenson	St-Cyr
St-Hilaire	St. Amand
St. Denis	Stanton
Storseth	Strahl
Sweet	Szabo
Telegdi	Temelkovski
Thibault (West Nova)	Thompson (New Brunswick Southwest)
Toews	Tonks
Trost	Turner
Tweed	Valley
Van Kesteren	Van Loan
Vellacott	Verner
Vincent	Volpe
Wallace	Warawa
Warkentin	Watson
Wilfert	Williams
Wilson	Wrzesnewskyj
Yelich	Zed- — 244

NAYS

Members

Angus	Bell (Vancouver Island North)
Bevington	Black
Blaikie	Charlton
Chow	Christopherson
Comartin	Crowder
Cullen (Skeena—Bulkley Valley)	Dewar
Godin	Julian
Layton	Marston
Martin (Winnipeg Centre)	Martin (Sault Ste. Marie)
Masse	Mathysen
McDonough	Nash
Priddy	Savoie
Siksay	Stoffer
Wasylycia-Leis- — 27	

PAIRED

Members

Emerson	Gaudet- — 2
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The Speaker: I declare the motion carried.

[*English*]

GOVERNMENT BUSINESS NO. 15

The House resumed from February 23 consideration of the motion.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

The Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And five or more members having risen:

The Speaker: Call in the members.

• (1300)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 153*)

YEAS

Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	André
Arthur	Asselin
Bachand	Bagnell
Baird	Barnes
Batters	Beaumier
Bell (North Vancouver)	Benoit
Bernier	Blackburn
Blais	Blaney
Bonsant	Bouchard
Boucher	Bourgeois
Breitkreuz	Brisson
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Brunelle
Byrne	Calkins
Cannan (Kelowna—Lake Country)	Cannis
Cannon (Pontiac)	Cardin
Carrie	Carrier
Casson	Chan
Chong	Clement
Coderre	Cotler
Crête	Cummins
Cuzner	D'Amours
Davidson	Day
DeBellefeuille	Del Mastro
Deschamps	Devolin
Dhaliwal	Dhalla
Dion	Doyle
Dryden	Duceppe
Dykstra	Epp
Eyking	Faille
Fast	Finley
Fitzpatrick	Flaherty
Fletcher	Folco
Freeman	Fry
Gagnon	Galipeau
Gallant	Gauthier
Godfrey	Goldring
Goodale	Goodyear
Gourde	Gravel
Grewal	Guarnieri
Guay	Guergis
Guimond	Hanger
Harper	Harvey
Hawn	Hearn
Hiebert	Hill
Hinton	Holland
Ignatieff	Jaffer
Jean	Jennings
Kadis	Kamp (Pitt Meadows—Maple Ridge—Mission)
Karetak-Lindell	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Khan
Komarnicki	Kotto
Kramp (Prince Edward—Hastings)	Laforest
Laframboise	Lake
Lalonde	Lauzon
Lavallée	LeBlanc
Lee	Lemay
Lemieux	Lessard
Lévesque	Lukiwski
Lunn	Lunney
Lussier	MacAulay
MacKay (Central Nova)	MacKenzie
Malhi	Malo
Maloney	Manning
Mark	Marleau

*Government Orders***RAILWAY CONTINUATION ACT, 2007**

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC) moved that Bill C-46, An Act to provide for the resumption and continuation of railway operations, be read the second time and referred to a committee.

He said: Mr. Speaker, the Canada Labour Code and our labour legislation allow us to strike a balance between the parties' rights to collective bargaining and the use of tools such as strikes and lockouts. When the parties do not reach an agreement within a reasonable timeframe and the Canadian economy is seriously affected as a result, the government not only should act, but has a duty to act. We are at that point now.

As you are aware, the tentative settlement reached on February 24 between Canadian National and the United Transportation Union was not ratified by 79.44% of the employees. I therefore must introduce the Railway Continuation Act, 2007, today. This bill provides for the immediate resumption or continuation of the railway operations of the Canadian National Railway Company.

The members of this House know that the February strike at Canadian National by the 2,800 members of the United Transportation Union had an enormous impact. This work stoppage had serious economic consequences across the country. The Canadian Wheat Board, chemical producers, the Port of Vancouver, auto manufacturers, farmers, potash mines and forest and automotive industry stakeholders have all told us how the strike affected their operations.

It is hard for me to take this step today. I would have preferred it if the parties had reached an agreement themselves, and that is why I did everything possible to help Canadian National and the union in their negotiations. But as many members know, the negotiations were long and complicated, lasting 19 months. I would like to take a few minutes to describe the process.

The collective agreements in question cover 2,800 drivers, yardmasters, and trainmen and yardmen. Bargaining to renew these collective agreements has been taking place since September 1, 2006, when the notice to bargain was given. I appointed two conciliators on November 20, 2006, and meetings have been taking place since December 14. The collective agreements expired on December 31, 2006, and failing an agreement the parties were released from the conciliation process on January 19, 2007, that is, three months ago. I then appointed two mediators to try and help the parties to conclude an agreement before they acquired the right to strike or lockout. However, on February 5, 2007, the union announced that the members had voted in favour of a strike to support the union's demands, and the strike began on February 10.

Martin (Esquimalt—Juan de Fuca)
Mayes
McGuinty
McKay (Scarborough—Guildwood)
Ménard (Hochelaga)
Menzies
Merrifield
Minna
Moore (Fundy Royal)
Murphy (Moncton—Riverview—Dieppe)
Nadeau
Nicholson
O'Connor
Oda
Owen
Pallister
Paradis
Perron
Picard
Poilievre
Preston
Rajotte
Redman
Reid
Ritz
Rodriguez
Roy
Savage
Scheer
Scott
Shipley
Simard
Skelton
Solberg
St-Cyr
St. Amand
Stanton
Strahl
Szabo
Temelkovski
Thompson (New Brunswick Southwest)
Tonks
Tweed
Van Kesteren
Vellacott
Vincent
Wallace
Warkentin
Wilfert
Wilson
Yelich

Matthews
McCallum
McGuire
McTeague
Ménard (Marc-Aurèle-Fortin)
Merasty
Mills
Moore (Port Moody—Westwood—Port Coquitlam)
Mourani
Murphy (Charlottetown)
Neville
Norlock
Obhrai
Ouellet
Pacetti
Paquette
Pearson
Petit
Plamondon
Prentice
Proulx
Ratansi
Regan
Richardson
Robillard
Rota
Russell
Scarpaleggia
Schellenberger
Sgro
Silva
Simms
Smith
Sorenson
St-Hilaire
St. Denis
Storseth
Sweet
Telegdi
Thibault (West Nova)
Toews
Trost
Valley
Van Loan
Verner
Volpe
Warawa
Watson
Williams
Wrzesnewskyj
Zed— 240

NAYS

Members

Angus
Bevington
Blaikie
Charlton
Christopherson
Crowder
Dewar
Julian
Layton
Martin (Winnipeg Centre)
Masse
McDonough
Priddy
Siksay
Wasylycia-Leis— 29

Bell (Vancouver Island North)
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Chow
Comartin
Cullen (Skeena—Bulkley Valley)
Godin
Keeper
Marston
Martin (Sault Ste. Marie)
Mathysen
Nash
Savoie
Stoffer

PAIRED

Members

Emerson

Gaudet— 2

The Speaker: I declare the motion carried.

Government Orders

Canadian National management then attempted to continue offering essential services, such as food and fuel delivery in remote regions, but it was all very difficult. On February 20, I decided to send our senior mediator to Montreal and I asked the parties to work with her to try and reach an agreement. I am referring to Elizabeth MacPherson. Fourteen days into the strike, the parties found some common ground with our other mediator, Laurent Lessard, and Ms. MacPherson, and the workers went back to work. We appreciate the fact that they acted promptly for the sake of railway transportation operations and the resumption of economic activity. They did not delay and we took note of this.

• (1305)

[*English*]

However, last week on April 10, a majority of the union membership rejected the tentative settlement reached between both parties. CN rail workers have since resumed strike action, engaging in rotating withdrawals of service.

Many Canadian businesses struggling to recover from the last strike will once again face costly disruptions. We all know that in just a matter of a few days in February the strike was felt right across this country.

In the Pacific region, mill owners were faced with not having enough raw materials or no means of shipping their finished products. In the north, Canadian workers, owners and investors in the mining industry waited anxiously for much needed fuel. In the prairies, where grain owners have already been reeling from a difficult fall and winter season, the strike meant that no grain was moving.

In Ontario and Quebec, factories and industries struggled to find ways to manage having inventory accumulate while contending with slowing supply lines. In some cases workers were laid off or given reduced work schedules. Continuous uncertainty in the supply chain is the very element we are up against as a result of the rejection of the tentative agreement.

There seems to be little chance of ratifying an agreement at this time. The government and the millions of Canadians who have already been affected by the CN Rail dispute will not stand for any more disruptions to our economy and to our livelihood.

The legislation that we are moving forward today, the Railway Continuation Act, 2007, ensures the continued operation of CN Rail. This act also extends all previous collective agreements between CN and the UTU until the coming into force of new collective agreements to replace them.

[*Translation*]

The bill also provides for that the final offer selection process will be used to settle the issues in dispute by the parties. What is a final offer? Following three months' negotiations between the parties, if there are still points of disagreement, the arbitrator will ask each party to make its offer, and the arbitrator will choose either the union's or the employer's proposals. There will not be an amalgam of the two proposals; it will be one or the other.

This forces the parties to reach an agreement. This is what we call the final offer. I repeat:, the arbitrator must choose between the

employer's final offer and the union's. The arbitrator's decision becomes the new collective agreement. It should be pointed out, however, that passing this bill does not in any way prevent the parties from continuing to negotiate and reaching an agreement. The bill actually expressly provides that the parties can at any time agree to conclude new collective agreements. We hope that the parties will continue to negotiate to resolve this conflict before the arbitrator has to decide the issue, but without paralyzing the economy and while continuing to work for everyone's sake.

With this legislation, arbitration costs may be recovered in equal parts from the employer and the union. Furthermore, the legislation states that any contravention may result in fines of up to \$1,000 for individuals, up to \$50,000 for officers of both parties, and up to than \$100,000 for the employer and the union if they do not respect the stated conditions.

The act would come into force 24 hours after it receives royal assent, making it possible for workers to be fully informed of its provisions and consequences. I would like to ensure that the members of this House truly understand that our government supports the collective bargaining process, which is fully covered by the current provisions of the Canada Labour Code. A settlement negotiated by the parties is always preferable to a solution imposed by the government. But when nothing works, it is our duty and our responsibility to act in the common interest and in the interest of the sound management of the economic well-being of our country.

The case before us is a good example of the importance of providing a balanced and stable legislative framework. The Canada Labour Code was thoroughly reviewed in 1999. Unions and employers were very involved in the exercise, which led to the amendments adopted in 1999. The current provisions of the code are the result of compromise and consensus, resulting in the well-balanced framework of the Canada Labour Code, part I. The results are evident: the government has not had to use back-to-work legislation since that time. Before the act was amended in 1999, this instrument of last resort— that is, back-to-work legislation— was used much more frequently. In fact, CN and the United Transportation Union have since renewed their collective agreement without a work stoppage.

In 2000, they reached an agreement through a conciliation process. Similarly, in 2003, an agreement was reached with the help of mediation. However, the current situation has become unique, which is why we must act. Railway operations are crucial to the Canadian economy and the well-being of all Canadians. Railway operations have become essential, not as defined by the Canada Labour Code, because this is not yet affecting the health and physical well-being of the public, but in the sense of the health of the economy. Railway operations play a crucial role in the functioning of Canada's economy. Additionally, our government is determined to ensure that Canada's reputation as a leader in the global economy is not tarnished, and that our country continues to be perceived as a place where businesses can depend on a railway network that is a reliable and efficient means of transport.

Government Orders

•(1310)

It is our responsibility to intervene when the stability of our economy and the livelihood of thousands of workers are at risk. Government intervention in this dispute is now inevitable. This is why we are proposing this bill here today. The provisions of the bill would allow for a fair and rapid resolution of the dispute. Our message is clear: we have made every possible effort to allow for settlement through collective bargaining, but we are not willing to stand by and watch this labour disruption jeopardize the Canadian economy.

I urge all members of this House from all political parties—the Liberal Party, the Bloc Québécois, the NDP—and independent members to support this position, in order to pass this bill as quickly as possible.

I would remind the House that, regardless of this bill, there is nothing to stop the two parties from reaching an agreement. If they manage to do so, that agreement would take precedence. We must take action. We cannot continue to endure rotating strikes. The 14-day strike in February meant \$1 billion lost in exports. Thus, it meant \$1 billion out of \$5 billion for the month of February.

I would like to reiterate that we encourage Canadian National, the employees and the union to negotiate and reach an agreement themselves. We must take action in the interest of the healthy functioning of Canada's economy.

•(1315)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the NDP cannot vote in favour of this bill because it gives CN managers a blank cheque. We have seen what this bad management has caused in communities across the country; I will come back to that later.

My question is simple. The government had a choice to make. We know full well that the safety of our railway is the major sticking point between the workers and the management of this company.

My question for the minister is simple. Has he talked to the Minister of Transport about resolving the railway safety problems that communities have been dealing with for years now? Have they tried to find solutions to satisfy the workers who are concerned about the growing number of accidents across the country?

Since the main problem is safety, did he talk to the Minister of Transport about what the government could do to resolve the safety issue? That is the problem. The problems raised by the minister are not the crux of the problem. This is a matter of safety in our railway operations. Communities have to deal with the accidents that occur across the country. Have there been discussions to resolve these differences, instead of simply telling the companies that we will impose what they want?

Hon. Jean-Pierre Blackburn: Mr. Speaker, what does the hon. member want? Would he like the Canadian economy to be paralyzed for months and months because of a strike, because from the union's standpoint at Canadian National, we know there was a dispute between the American union and the Canadian union? Would the hon. member like the economy to be paralyzed and for us to wait indefinitely?

People are writing in to us. Some of them may even come from his own riding.

[*English*]

This includes Potash Corporation of Saskatchewan, Sultran Ltd. in Calgary, Superior Propane in Calgary, Western Grain Elevator Association, West Fraser Timber in Vancouver, Nutrinor in Saint-Bruno, Keystone Agriculture Producers in Winnipeg, Tembec in Abitibi, Canpotex in Saskatoon, Canadian Chemical Producers' Association in Ottawa, the Canadian Federation of Agriculture in Ottawa and others.

Just yesterday our office received 78 phone calls from people asking us to please proceed with this. They need security in transportation and they need the economy going well. We answered the people from across Canada. We said that it was their responsibility, my responsibility and our responsibility to act for the health of the country

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I have an important question to ask the minister about his bill.

When he appeared before the Standing Committee on Human Resources Development to speak against Bill C-257, one of his arguments went like this, “You can see how well balanced my current legislation on replacement workers in the Canada Labour Code is working. Since it came into effect in 1999, there has been no need to pass back-to-work legislation”.

I would like the minister to explain something to me. We still have the same legislation on replacement workers, which is not really any legislation at all. Employers only need to pretend to negotiate in order to hire as many scabs as they want. But that was the argument he used. He still has the same legislation today. There is still no anti-strikebreaker bill, unfortunately, but the minister is obliged to introduce back-to-work legislation.

Hon. Jean-Pierre Blackburn: Mr. Speaker, if the anti-strikebreaker bill that the hon. member introduced had come into force, the employees would not have been able to return to work between February 24 and April 10, even though the parties had reached an agreement in principle around February 24, because they would have had to wait for the results of the vote to be made known. We would have been without trains for two months.

How could the country function without trains? Would the hon. member please explain to the House why she could possibly want this to happen? Even though replacement workers can be used, it is not always easy to find them. People do not necessarily have the skills needed for the job. It is not easy to find people. That is why it is important to maintain a balance between employers and employees in the Canada Labour Code. It is working quite well.

Despite everything, though, sometimes particular situations arise where it becomes apparent that the parties do not want to reach an agreement and we cannot ensure that there will be good service for the economic health of the country and we have to assume our responsibilities. That is what we are doing here.

Government Orders

• (1320)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, the minister is talking about situations where there would be no trains and no service. But that is precisely what we have with all the problems we are seeing at CN because of bad management.

The government did not encourage talks with the Minister of Transport. That is absolutely absurd. So what have we seen for the last several weeks? No trains in Kamloops, Pickering, Montmagny or Fraser Canyon, precisely because of that bad management and lack of safety in the rail system.

What I am hearing from the minister is that the Conservatives have done absolutely nothing to settle the issue regarding those discussions and those disputes with the workers, who in fact want to have a safe rail system. The managers of the companies in the United States simply want to make big profits. So it is their responsibility to take measures that could have settled these disputes.

If I understand correctly, there has not been a single discussion about the question of safety and the escalating accidents we are seeing everywhere. What he is doing here is writing a blank cheque that will encourage more accidents, will encourage the stoppage and shutdown of the rail system across the country, because we will have even more accidents, since they have not solved the core problem.

Why have they not held a single discussion to solve the core problem in these disputes, which is the safety of our rail system?

Hon. Jean-Pierre Blackburn: Mr. Speaker, the Canada Labour Code allows employees to strike. It also allows employers to order a lock-out. That is the principle of balance enshrined in the act. When there is a strike, which the unions are entitled to engage in, and which they call, we have an opportunity to conduct conciliation, followed by mediation and, ultimately, arbitration. At present, that is in the law and that is what we are going to do. We are going to allow the parties to do it. We are going to force them to bargain so that they can reach an agreement.

If one of the parties wants to abuse its powers, thinking that it can force the other to come around to its view, then it risks hitting a bump in the road. Why? Because under our legislation, after three months, if the parties have not agreed, if they have not reached an agreement, they will have to submit their offer. The union will submit its offer based on what it wants, CN management will submit its own offer, and the arbitrator will decide. The arbitrator will select offer A or offer B, but not something between the two.

No one wants to find themselves in that situation. We believe that it is in the parties' interests to sit down, bargain and come to an agreement, while keeping our economy functioning. That is what our legislation does, it provides for our system to function properly.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I would like to ask the Minister of Labour a question. We saw in his presentation and in his responses that he is thinking about the interests of workers in his plan. I would hope so.

I would like him to explain as briefly as possible whether his plan is compatible with all the existing regulations in the free market for resolving workplace conflicts between management and employees in a company. Can he tell us if the system he is suggesting we

consider today, as parliamentarians, is compatible with all the other means available in the free market? Yes or no?

• (1325)

Hon. Jean-Pierre Blackburn: Mr. Speaker, during this dispute between the two parties, we made our conciliation services and then our mediation services available, providing the parties with the best people we could offer. They worked hard and an agreement was reached between the representatives of the union and of Canadian National. However, perhaps because of a dispute between unions—this is the right of the workers—the workers decided they were not satisfied with the agreement. They had a 3% annual increase, they had a \$1,000 signing bonus and they had one year to discuss. They refused this.

Balance is important here. It is extremely important. One party cannot crush the other. Both parties must come to an agreement that is in the best interests of everyone, to keep the country running smoothly. With this in mind, we must now take—

The Acting Speaker (Mr. Andrew Scheer): I am sorry, but the clock has run out.

Resuming debate, the hon. member for Davenport.

[*English*]

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, let me first begin my remarks today by pointing out that the bill we are debating here today is quite frankly the worst way in which labour disputes should be resolved. However, there are times when it is clear that the parties to a labour dispute hold positions that are so utterly irreconcilable there is virtually no reasonable prospect of a resolution being attained.

This reality alone is sufficient for consideration of government intervention. However, let us add to this the fact that today we are dealing with a strike that has the potential to significantly impact the lives of Canadians across the country, as well as our economy, and there is really little option but to intervene. It is indeed a last resort whose time has come.

From the very beginnings of our country, the dream of a national railway linking all parts of Canada was a recognition of the very unique challenges that face us geographically and economically. Our reliance upon our national railway system is undisputed. The realities expressed by Sir John A. Macdonald at the very birth of our nation are the same realities that we continue to understand today. The railway has been an integral part of this country's success, both as a nation and economically.

All of this brings us to the Canadian National Railway strike that began on February 10. Looking back to the beginning of this strike, we cannot help but wonder how anyone could be surprised at how this strike has come to the point where government intervention is unavoidable.

Under Canada's labour code, employers and their union representatives are required to designate which employees are essential prior to a strike being authorized. This process did in fact take place in the case of Canadian National and it is simply inconceivable that both parties would agree that there were no essential workers at CN.

Government Orders

Let me reiterate this statement: the two parties to this labour disruption, CN management and the United Transportation Union, both agreed that there were no essential employees who would need to continue working in the event of a strike.

As members can imagine, this agreement was challenged by the former Liberal labour minister. However, in view of the law, the Canada Labour Code, and the fact that this was mutually agreed upon by both parties, the agreement was confirmed by the Canada Industrial Relations Board: no essential employees.

Since there would be no essential employees in place in the event of a strike, it was simply inconceivable that Canadian National would be able to fulfill its essential duties to Canadians or its business customers. In effect, the die was cast long ago as to how this strike would end.

One can only wonder why the employers in this case would have agreed to such an understanding. If it was indeed simply a strategy to solicit government intervention, then it was wrong, short-sighted and irresponsible.

To this, we can add the obvious difficulties that are currently taking place within the union representing Canadian National employees. As soon as the strike commenced, we quickly witnessed a scenario where the union in Canada was at odds with its international leadership, the latter indicating that it had not authorized the strike to commence and therefore the strike was not sanctioned.

The confusion associated with such a revelation obviously added to the difficulties in resolving this labour dispute. I would also question why, in view of the realities of the situation between Canadian National and the union, the government would wait so long before becoming directly involved in efforts to resolve this issue.

In a country like Canada, vast in geography and sophisticated economically, few would reasonably argue that the rail system in this country was anything but essential, all of which leads us to why we are supporting the back to work legislation today. Let us look at how this strike is impacting Canadians and our economy.

The Canadian Wheat Board informs us that the CN strike threatens the shipment of 10 million tonnes of grain. In fact, delays have already caused grain suppliers \$150,000 per day in fees charged by ships stuck in the ports of Vancouver and Prince Rupert, British Columbia. The president of the Wheat Board, Mr. Greg Arason, has called upon the government to invoke this back to work legislation.

• (1330)

When the strike began in February, it was not long before one of our major industries was affected. Last February, only days passed before the Ford Motor Company was forced to close its plant in St. Thomas, Ontario. Ford and the other major automobile manufacturers are reporting that the same pressures are facing them once again as this strike begins again.

The Mining Association of Canada has expressed the same concerns. Due to the nature of its business and where it takes place,

the mining industry clearly has a significant dependency on rail transportation.

Fertilizer producers across this country have also expressed their concerns in view of the coming spring season when their products will be most in demand.

We also recall that in February the rail strike was blamed for increasing gasoline prices for Canadians due to the pressure the strike created in the marketplace. This will surely come to pass once again.

In my home city of Toronto, there is continued uncertainty with respect to GO Transit, which transports hundreds of thousands of commuters each day. Even though there was an agreement in place to keep the Canadian National employees in place during the strike, this uncertainty is clearly of significant concern to those who use this commuter railway service.

Communities across the country rely on rail service. This is particularly true of smaller and more remote communities that rely on rail service for all sorts of commodities, supplies and transportation needs.

These are but a few examples of the dependency Canadian individuals and Canadian industries have on rail transportation. It is indeed our economic lifeline.

As I have said, back to work legislation is really our last resort. However, it is not unprecedented. In fact, since 1950 the federal government in this country has invoked back to work legislation over 30 times. In six of those instances, back to work legislation has been used for the rail industry.

Over the years, governments have clearly recognized the importance to our country of the railway industry for both the personal and the economic interests of Canadians. The need for this legislative approach is reinforced by the statement of the stakeholders themselves.

Just yesterday, Canadian National issued a statement indicating that "CN has concluded that a national collective agreement with the UTU cannot be reached". From the union we heard over the weekend that "the UTU has no choice but to turn up the heat in their selective and targeted strike action".

It is obvious that both sides to this labour disruption are becoming more entrenched rather than working together in agreement. One side is saying there is no hope of an agreement and the other is talking about escalating its activities. Quite frankly, Canadians and the Canadian economy cannot continue to countenance these positions.

Having said all of this, I must confess to being disappointed in the government's handling of this issue. Long before the strike began on February 10, the minister and the government understood the essential nature of railway services in Canada.

Government Orders

As I have already stated today, there are questions to be asked of the government. Why would it have left this to the very last minute, so to speak, before the issue appeared on its radar screen? Why would the government have allowed the brinkmanship to escalate to this level before bringing these two parties together to find a resolution that might have avoided the situation in which we now find ourselves? These are important questions for which the government must be held to account.

However, our decision to support this back to work legislation is a reflection of our commitment to put Canadians first. We much rather would have preferred to see the issue between Canadian National and its employees resolved through the normal channels of collective bargaining, but clearly the time for this has passed.

The bill introduced by the government receives our support not because it is prudent action on the part of the government, but because it constitutes a last resort that cannot be avoided. While supporting the passage of this bill, we encourage the government to be more prudent in the future in advance of labour situations like this strike.

Today we will support this bill because it represents the best interests of Canadians and acts to ensure that there is not an overwhelming disruption of our economic interests. I am hopeful that this issue will be resolved in a fair and equitable manner following the process set out in the legislation. We will certainly continue to follow this issue closely.

• (1335)

[*Translation*]

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, I listened carefully to my hon. colleague's speech, and that of the Minister of Labour, concerning the back to work legislation for CN employees. The official reason given for this bill has to do with avoiding further damage to the country's economy. In principle, that is a valid argument. Yet, I am a member of the Standing Committee on Transport, Infrastructure and Communities and we are in fact just now beginning a review of railway safety. We are learning that, for reasons of profitability, the number of workers on trains is often reduced to a strict minimum and all decisions are made based on how rail companies can reap the greatest profits. This all goes on with the okay of, or unmonitored by, the Department of Transport, which is responsible for ensuring safety. Once again, it is the monetary aspect, the money factor, that supersedes everything else.

I would like to ask my hon. colleague how he can logically support a bill that simply forces workers back to work despite the dangerous conditions that exist on railways, rather than having a bill or a government that is devoted to improving the safety of our rail system. This would prevent the senseless loss of lives, both on railways and in the communities through which our railways run, as we have recently learned in committee. I now give the floor to my hon. colleague for his response to my question.

Mr. Mario Silva: Mr. Speaker, I want to thank my colleague for that question. I have a great deal of respect for CN employees and the excellent work they have done for our country and, of course, to develop our economy and our market.

But quite honestly, we are in a very difficult situation now, and we have no choice but to support this bill. Not only is our economy at

risk, but the situation between the employer and the employees is untenable.

The situation at present is difficult and, as members of this House, we have a duty to shoulder our responsibilities and adopt this bill.

[*English*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I do not understand the Liberal stance on this. I simply do not understand.

The member should know that we are now facing a situation whereby, because of CN's horrible management, we are facing derailments, collisions, fires and explosions, escalating to a rate of three to four a day now, because of what happened under the Liberals and the Conservatives when they simply gutted safety conditions.

The employees at CN said, "Enough is enough". They said, "We have to restore some safety standards". What we are seeing here in the House now is three parties saying that this is fine, that they do not want to see more safety, that they do not want to see those safety concerns addressed. They are saying that they want CN's position, the management position, imposed and simply given a blank cheque.

I cannot understand why the Liberals are supporting the Conservatives on doing something that we know will lead to a state of permanent uncertainty in our railway network. There are three to four accidents every day, any one of which has the potential to shut down portions of our system. When the employees said no to this, that the situation had to be addressed, the Conservatives said no, they were not going to touch safety, no sir, they were going to give a blank cheque to Hunter Harrison and CN's American management.

Why are the Liberals and the Bloc supporting these measures that will lead to permanent insecurity in our railway system?

Out there, Canadians expect us to make intelligent decisions based on the facts. We have seen escalating derailments and escalating safety problems. The employees want to see that addressed, but the government is imposing a settlement and basically imposing CN's management decision on the employees, which will lead to problems right across the country.

Why are the Liberals supporting the Conservatives on what is bad public policy, bad for communities from coast to coast to coast and bad for the employees of CN who want to have safety issues finally addressed?

• (1340)

Mr. Mario Silva: Mr. Speaker, being a New Democrat in this House means being in the easy chair. It means never having to take responsibility for anything, being critical of everything and not worrying about what will happen to the economy of the country or what decisions will take place.

Government Orders

If the hon. member is really concerned about giving a blank cheque, then maybe he could propose an amendment or perhaps his party could bring in a private member's bill banning all back to work legislation, which his party has so far not done. Perhaps the NDP could say that if there is no settlement within three to five months it will support back to work legislation. Instead, those members like to take the easy road.

They will not bring in any of those amendments or make any of those decisions. All the NDP members like to do is criticize what is happening in the House. They basically say that we should allow things to happen and that even if it takes a year or two there is nothing we can do. They do not want to be responsible in the House.

There are times when issues can be addressed but the reality is how long that will go on. We have a problem here. Even though I am fully supportive of my colleague's argument about safety and of the argument of putting the blame on CN, there is a lot of blame to go around here. To blame only one side is totally unfair.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I wonder whether the member for Davenport understood the minister's position to be that the mediator would only consider one side. In final offer selection, did the member understand the minister to say that the government would select the side of the company or did he understand the process to be one where the arbitrator would take one side over the other and make a decision based on all considerations for only one side and that maybe that decision might be for the union, in other words, on behalf of the employees?

Is it the member's understanding from reading the legislation and from the minister's presentation that the mediator's position has not yet been determined and that we ought to await the final selection? Is that the position that he understood?

• (1345)

Mr. Mario Silva: Mr. Speaker, obviously all of us in the House understand the message in the bill. The member is absolutely correct. We have a situation where the arbitrator, after hearing all the evidence, has a very good opportunity to agree with the union and with the workers. There is a great opportunity when this decision comes back for that to take place.

There is a mechanism in place that will be followed and respected and we should be very encouraged by that particular position.

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, before I speak directly to C-46, I would like to explain how we got to this point.

How is it that back to work legislation for the railway sector is being introduced in this House when the Minister of Labour has repeatedly boasted publicly in committee and here in this House that since this House passed legislation on replacement workers in 1999, there has been no back to work legislation? He said that that proved the replacement worker legislation, which is now part of the Canada Labour Code, was effective. How is it that this legislation is no longer effective?

The current replacement worker legislation is a sham, because all an employer has to do is keep negotiating or pretend to negotiate with a union in order to hire as many replacement workers or scabs

as it wants. That was one of the minister's lame arguments against anti-scab legislation.

Yet this back to work legislation is before us today precisely because there was no anti-scab legislation. And I will tell you why: it is a question of balance.

There are two parties in any negotiations: the management and the union. Negotiation takes place between these two sides. When one party goes in search of replacement workers, looks for new people, new players, that throws the situation out of balance. Moreover, when these new players, these replacement workers, these strike-breakers go past the picketing strikers every morning on a bus and thumb their noses at those unionized workers, the picketing strikers who are having a hard time paying the rent and paying their bills, there is no balance anymore.

When, in addition, the police force lends its weight to the employer and the replacement workers, it becomes three against one and that can not work. The present legislation is not balanced. We see now that this is another example of the lack of balance. The absence of anti-scab legislation is another reason that CN management is so arrogant. It is because there is no anti-scab legislation that CN management has adopted its current strategy, which is not working, by the way. They have not negotiated seriously because there is no anti-scab legislation. They thought they could hire as many replacement workers as they wanted and that they could continue to deliver the goods everywhere.

Unfortunately, that is not what happened. CN had based its whole strategy on hiring replacement workers that it expected to recruit from among retired employees and American workers. But that strategy proved to be ineffective. In addition, it is because there is no anti-scab legislation that CN management hired scabs, realized that was a failure, and now asks for back-to-work legislation to compensate for its failed bargaining strategy based on arrogance toward its unions, confrontation with its workers, and scorn for the work they perform and for their safety.

CN management came before the Standing Committee on Human Resources and Social Development and the Status of Persons with Disabilities to speak against the anti-scab legislation, which it opposed. They expressed their concerns. It was clear that their approach was more anti-union than anti-scabs. They were told that, in any event, they could not have replacement workers because their workers were too specialized. In fact, when CN management opposed the anti-scab legislation its concerns were distorted by an anti-union bias.

Government Orders

It is not anti-scab legislation, but a labour dispute that CN management is worried about. And the solution is not special legislation; the solution is a balance of power between management and the union; the solution is respect for the workers and their union representatives; the solution is negotiations that respect each party and that is what anti-scab legislation allows, and that is why Quebec has had union peace for 30 years. I cannot resist a little aside: I must say that the Liberals, given their position in favour of this back to work legislation and against the anti-scab legislation, have adopted the same logic as the Conservative government.

The Bloc Québécois is not in favour of Bill C-46 in principle. To the Bloc Québécois, any agreement that is negotiated is better than one that is imposed. The Bloc Québécois therefore still hopes the employees and the employer will find a solution that satisfies both parties. The Bloc Québécois is closely monitoring the various stages of the negotiations and notes that talks between the parties have not completely broken off.

● (1350)

When a dispute drags on and negotiations stall, sometimes it is better to implement a process to settle the dispute before it becomes completely bogged down, but we are not in that situation yet.

In 1995, the Bloc Québécois opposed back to work legislation for employees of CN and other railway companies because it did not include any real mediation mechanisms, it did not give employees a chance to express their view, which is highly important when something affects them so critically, and the legislation prohibited the employees and the employer from coming up with a new collective agreement themselves.

Although Bill C-46 is different, the Bloc Québécois finds it has similar shortcomings since it would immediately implement an arbitration process even though negotiation is still possible. Generally speaking, the Bloc Québécois feels that there has to be a balance of power between the employees and the employer. It is this fair balance that gets them to engage in serious negotiation. But there are no provisions for negotiations in this bill.

The Bloc Québécois wants to ensure that workers will not be on the losing end of this process. It is clear to the Bloc Québécois that the Minister of Labour is backtracking on his position that he would not intervene in this dispute. He is doing exactly what his government has done on issues like the environment, where the government brought back a watered-down version of the programs it abolished, and agriculture, where the government rejected the Bloc Québécois' solution to milk protein imports, then appropriated that very same solution.

Although the title does not exactly say so, the sole purpose of Bill C-46, An Act to provide for the resumption and continuation of railway operations, is to resolve and end the labour dispute. Upon coming into force, the bill will create an arbitration mechanism that prevents the parties from using pressure tactics. The bill prohibits strikes and lock-outs until an arbitrator's decision constitutes the new collective agreement.

The Bloc Québécois is well aware of the logistical and economic problems arising from labour conflicts, especially in rail transportation. However, it is clear that in this case, the problems are still quite

small. For example, passenger transportation in the urban centres of Montreal and Toronto has been maintained because the union has given the company verbal assurances that it will continue to protect commuter train services in both regions during the rotating strike.

The same goes for goods transportation—which might be called an essential service—because managers have taken on a large role in providing that service. CN has indicated a number of times that it would do everything necessary to maintain client services, but that it cannot guarantee that there will be no service disruptions. Therefore, this does not mean either total or even partial paralysis.

Obviously, the economic issue is an important one. Various industry stakeholders, such as the Canadian Wheat Board, the Western Canadian Shippers' Coalition, and the Canadian Chemical Producers' Association, have legitimate concerns, but we have to be realistic. Any labour conflict is bound to have an economic impact.

When the Minister of Labour received the 78 calls from representatives of companies asking him to intervene and create this special legislation, I would hope that he redirected them to CN management to ask it to negotiate in good faith.

Economic impacts are not the only things to consider. There is the need to respect everyone's rights, including employees' right to strike. The Minister of Labour's great haste in this situation, his desire to have back to work legislation adopted today, while negotiations are still a possibility, are puzzling, especially since this same minister said there is currently a balance between employees and employers in the Canada Labour Code. Now, at the first sign of trouble, he wants to intervene and resolve the conflict with special legislation.

Yet all of Canada's labour relations laws, with the exception of the right to use replacement workers, are based on free negotiation. Instead of immediately imposing an arbitration mechanism, which could end up pleasing no one, the Minister of Labour should take advantage of the employer's openness to focus on mediation, to encourage it in that direction. Mediation is what eventually leads to a negotiated collective agreement, and thus better labour relations between employees and their employer.

● (1355)

Can the minister really set aside this option after only about twenty days of strike action, when there is still hope of arriving at an agreement by mutual consent? It seems that he is pushing for the same solution adopted by the Liberals in 1995 when they immediately imposed arbitration. The Minister of Labour is becoming involved a little too late in this mess. He should have shown leadership a long time ago and forced the parties to bargain in good faith. The government not only has the responsibility to intervene, but also to anticipate and take the measures needed to avoid problems such as this one. One of the measures would have been to vote in favour of anti-scab legislation, which would have created a balance between the parties. It is too late now. It is too late, at least for the time being.

*Statements by Members**[English]*

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, having used FOS, final offer selection, in negotiations when I was head of a trade union, there is one thing I would note about choosing to use that type of third party arbitration.

If it is a very simple issue that has led to the impasse, such as strictly wages, then it can be a very effective tool. If the impasse has come about because of complicated work rules, or workplace safety and health, or benefits such as child care or a dental plan, then final offer selection is a very crude instrument to use. When the arbitrator is put in the position of choosing one side or the other but not parts of both, and the union is asking for workplace safety and health rules and the company is offering a pay increase of 5¢, those issues are not apples and oranges, they are very much apples and oranges. It is difficult for the arbitrator to make a simple ruling.

I do not understand how the Bloc can support the use of final offer selection when some form of interest arbitration would be more suitable for this particular labour impasse.

[Translation]

Mrs. Carole Lavallée: Mr. Speaker, I think that this is not a good day for the NDP. Not only did they miss their opportunity to speak a little earlier, but they made us vote twice in a row. The NDP member who just spoke and the member before him—I am sorry, I cannot remember which ridings they represent—believe that the Bloc Québécois will support the Minister of Labour's back-to-work legislation. I know that the interpretation services here are excellent and that when I speak French they usually provide a very good translation. Therefore I will repeat, for the benefit of the NDP member who just spoke, that the Bloc Québécois does not intend to support the Conservative government's back-to-work legislation. He may wish to ask another question in the same vein, but I repeat it in the hopes that this time he has understood.

[English]

The Acting Speaker (Mr. Andrew Scheer): We will move on to statements by members. The hon. member for Saint-Bruno—Saint-Hubert will have eight minutes left in her questions and comments period after question period.

The hon. member for Pitt Meadows—Maple Ridge—Mission.

STATEMENTS BY MEMBERS

*[English]***GEORGE MUSSALLEM**

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Mr. Speaker, I rise today to celebrate the life of a Maple Ridge icon, George Mussallem, who passed away a week ago today at the age of 99.

George, like his father Solomon, had a long history of service to our community. He was involved with the Boy Scouts, having started the movement in Maple Ridge and Pitt Meadows in 1947. He was a Sunday school superintendent at the local United Church. He was elected to four terms in office as a Social Credit MLA, serving with distinction between 1966 and 1983.

George set a good example for future politicians to follow, always putting the interests of his constituents first. The door of his constituency office was always open to us. His constituency office was in a unique location, inside his family's auto dealership, Mussallem Chevrolet Cadillac Limited, which stood as a landmark on the Lougheed Highway for 87 years.

I know my colleagues will join with me in extending our condolences to George's family and friends. George made our community and province a much better place and we mourn his loss with them.

* * *

● (1400)

COURT CHALLENGES PROGRAM

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, as we celebrate the 25th anniversary of the Canadian Charter of Rights and Freedoms today, we must not forget that the charter belongs to the people of Canada and not to the governments.

It is regrettable that today, archaic laws that do not comply with the charter continue to deny justice and the right of citizenship to hundreds of thousands of Canadians. It is a travesty that the government refuses to eliminate legislation that denies Canadians their rights.

Supreme Court Chief Justice Beverley McLachlin stated, “many Canadian men and women find themselves unable, mainly for financial reasons, to access the Canadian justice system”.

The court challenges program provided Canadians with the means to challenge laws or legislation. Its elimination by this neo-conservative government is a denial of charter rights for most Canadians.

It is shameful that on the 25th anniversary of the charter the government believes that justice in Canada depends on the size of one's pocketbook and not on the merit of one's case.

* * *

*[Translation]***VIRGINIA TECH UNIVERSITY**

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, April 16 will live in memory as a sad day in history, the day 32 people, including Jocelyne Couture-Nowak, a teacher from Quebec, were murdered at Virginia Tech University in Blacksburg, Virginia. The person who committed these murders took his own life. This campus shooting is said to be the deadliest in United States history and comes in the wake of shootings at educational institutions around the world, including the shooting at Dawson College in Montreal last September.

There is no explanation for such acts of violence, which leave only sadness, bewilderment and bitterness. We need to find a solution so that our students can be safe at school. This is one more act of violence that seems to be linked to easy access to firearms, and it bolsters the Bloc Québécois' argument in favour of maintaining the gun registry.

Statements by Members

My colleagues and I offer our condolences to the victims' families and friends at this difficult time.

* * *

[English]

EQUAL VOICE

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, today I rise to offer my support to the Equal Voice Canada challenge. Canadians want women elected in numbers equal to men in the House of Commons.

I am proud of our NDP history. The first woman elected to this House was a social democrat. The NDP is the only party to pass a comprehensive strategy to elect women.

Women are needed in the House of Commons to bring the issues of their communities to the fore. Women's voices change the political agenda. All parties need clear political will, leadership and real measures to elect women, 50% women in their parties and in the House of Commons.

Women and men in the NDP have shown this leadership. Our NDP caucus is 41% women now, a historic high. We need another 10%, however, to reach our goal and we are headed there. I can feel the difference. We do things differently.

Why will the Liberals and Conservatives not do things differently? I am sure that they could put women first, as the NDP has done, and if they could do it, the entire House of Commons, in fact Canada, would be better for it.

Might I add that the NDP's initiative in support of real electoral reform could help us all get there.

* * *

UKRAINE

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, 15 years ago Ukrainians overwhelmingly chose to once again become an independent nation. The following day Canada, under the leadership of our prime minister, the Right Hon. Brian Mulroney, was the first country to recognize the newly sovereign Ukraine.

This Wednesday night, the Order of Kniav Yaroslav the Wise is being awarded to the Right Hon. Brian Mulroney by Ukrainian President Victor Yushchenko for Mr. Mulroney's "defining personal role in Canada's recognition of the independence of Ukraine and considerable contribution to the development of Ukrainian-Canadian relationships".

Building upon the foundation of independence, the Ukrainian people have steadily strengthened their democratic institutions.

I wish to congratulate the Right Hon. Brian Mulroney on receiving this honour and the people of Ukraine for the great accomplishment 15 years ago, as well as for their continued determination to embrace their future within the world of democratic nations.

● (1405)

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, while the 25th anniversary of the Charter of Rights and Freedoms is a happy and proud occasion for all Canadians, it is unfortunate that the Conservative government does not share in the enthusiasm for a document which enshrines our rights and protects all Canadians.

Time after time the charter has come under attack by Conservative members of Parliament who view this vital document as a roadblock rather than an expression of the values that place Canada among the most progressive nations in the world.

It is sad when the Chief Justice of the Supreme Court is forced to publicly defend the charter since the current Minister of Justice and his government seem unwilling to stand against those who attack our judiciary and scrap the vital programs which provide necessary accessibility to our justice system.

The official opposition reaffirms its support for the Charter of Rights and Freedoms and looks forward to the day when the Government of Canada respects the rights of all Canadians as enshrined in the charter.

* * *

HUMAN RIGHTS

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Mr. Speaker, human rights are the foundation of Canadian values. Some Canadians believe that Canada defined human rights, but quite the contrary, human rights define Canada.

People from all over the world came to Canada to escape political oppression, religious discrimination and the lack of opportunity in their homelands. These settlers of our country defined our rights and values, how our society should be structured with law and order and the freedom for all citizens to pursue their individual enterprise.

Sadly, the people who met these settlers, the first peoples of this land, were not extended the same freedoms of this new Canada. The Indian Act discriminated against the first peoples of this land. The new Canada tried to change the culture and language of these first peoples.

Our government, led by our Minister of Indian Affairs and Northern Development, has tabled Bill C-44 which would amend section 67 of the Canadian Human Rights Act and once and for all avail the same rights to Canada's aboriginal people that non-aboriginal people have enjoyed since Confederation.

I ask all members to support the bill to remedy this injustice to aboriginal people.

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[Translation]

PATRIATION OF THE CONSTITUTION

Mrs. Vivian Barbot (Papineau, BQ): Mr. Speaker, 25 years ago today, a constitution was forcibly imposed on Quebec.

Statements by Members

At the time, with the exception of Louis Duclos, the federal member for Montmorency—whose name should go down in history—the members of this House from Quebec voted in favour of that law, demonstrating that defending their own people took second place for them. Fortunately, now there are Bloc Québécois members, for whom Quebec comes first.

Our predecessors fought for recognition of our people and equality for Canada's two founding peoples. Instead, Canada imposed its Constitution on Quebec. Today, the ball is in the federalists' court. We, the Quebec sovereignists, want all the powers of a sovereign nation. Until then, we will take back all the powers Quebec can get. Quebecers have tasted freedom, and anyone who tastes that fruit can never have enough of it.

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[English]

SENATE APPOINTMENT CONSULTATIONS LEGISLATION

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Mr. Speaker, today we are celebrating the 25th anniversary of the Canadian Charter of Rights and Freedoms. The charter includes democratic rights for each and every Canadian citizen.

I would like to speak about Bill C-43 today. Bill C-43 is an act to allow electors to choose whom they would like to represent them in the Senate. The Canadian Charter of Rights and Freedoms includes democratic rights for all Canadian citizens. Why then should there be any questions in regard to Bill C-43?

Canadians from coast to coast to coast should have the democratic right to have their say on who sits in the Senate of Canada. Bill C-43 would give them that right.

I call on all 307 of my colleagues to support the bill, to modernize our democracy so that our great country will be a true reflection of what its citizens desire.

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[Translation]

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, it is appalling that the Prime Minister and his Minister of Justice missed the conference marking the 25th anniversary of the Canadian Charter of Rights and Freedoms.

The Charter is an integral part of the Canadian identity. As part of our Constitution, it is the fundamental law of the land. It is a basic guarantee of the rights and freedoms of all Canadians. Because of the Charter, we can all live in peace in this great, beautiful country we call Canada, knowing that our government has the duty and the responsibility to protect us against any threat to our fundamental rights and freedoms. In exercising these rights and freedoms, we have built a society that has become a great place to live.

The Charter protects us against abuses. Everyone in this House has a duty to defend it against those who would weaken it and infringe on our rights and freedoms.

● (1410)

[English]

ABORIGINAL AFFAIRS

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Speaker, on this the 25th anniversary of the creation of the Canadian Charter of Rights and Freedoms, I am very happy to note this government's significant progress on human rights issues, particularly the rights of aboriginal people.

For instance, we have introduced Bill C-44, An Act to repeal section 67 of the Canadian Human Rights Act. Bill C-44 proposes a fair, realistic approach to ending nearly 30 years of discrimination that, in many cases, prevented aboriginal people living and working on reserves from filing complaints under the Canadian Human Rights Act.

I also want to talk about the progress we are making on the difficult question of matrimonial real property on reserve. This issue is a serious injustice that often creates suffering for first nations women and children.

Under the guidance of Ms. Wendy Grant-John, a consultative process to identify a legislation solution was undertaken last fall. This process has been completed and Ms. Grant-John's report will be available shortly.

I am very proud of these initiatives and we intend to continue working to ensure that the human rights of all Canadians are respected.

* * *

TRADE

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, today I call upon the Minister of Industry and the Minister of Labour to move and implement and act to protect Canadians.

The most important thing we need to do is to protect jobs against the Korea trade deal that is happening right now. We have to do that with a coalition to work on the bankruptcy protection act

This legislation has been available and the government has yet to move on it. Between 10,000 to 20,000 workers go each year without their wages being paid and their pensions protected. The government needs to move on the act right away.

It is necessary because the Minister of Industry has not paid due respect to the manufacturing industry. We have lost 200,000 jobs in Ontario and Quebec, and the minister has done nothing to enact a strategy.

We call today to make sure that there will be a strategy like the NDP green auto strategy that would protect jobs and make sure vehicles are manufactured in Canada, and second, that the minister will actually make sure that the Korea trade deal does not affect Canadian auto workers and that we have a fair trade deal.

Statements by Members

A fair trade will only make sure that we will strengthen our job protection for Canadian workers as opposed to what the government is doing by offshoring our jobs. With the current budgetary allocation, it is actually sending Canadian money overseas. That is wrong and that is why General Motors is cancelling announcements in Canada right now.

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[Translation]

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, today we are celebrating the 25th anniversary of the Canadian Charter of Rights and Freedoms. It is a milestone in our history that all Canadians can take pride in.

Since that historic day in 1982, the Charter has become one of the strongest symbols of Canadian identity.

[English]

The rights and freedoms that are protected by the charter are guaranteed to all Canadians regardless of their age, race, gender, national or ethnic origin, religion, mental or physical ability or sexual orientation. Not all nations have this privilege.

Though many of us take these rights and freedoms for granted sometimes, we must always try to live up to the standards that we have set for ourselves.

As Canadians, we have a responsibility to pause to reflect on the influence and legacy of this day, and especially to celebrate one of the greatest Canadian achievements.

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[Translation]

ABITIBI-TÉMISCAMINGUE INTERNATIONAL FILM FESTIVAL

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, on April 11, 2007, the Festival du Cinéma International en Abitibi-Témiscamingue was awarded the Mercuriades prize, given by the Quebec federation of chambers of commerce.

The festival distinguished itself in the leisure and culture category for the outstanding quality of its content and the originality of its related events, by highlighting the talent and resources of Quebec society.

Over the past 25 years, the Festival du Cinéma International en Abitibi-Témiscamingue has become invaluable to those who work in the film industry, both in Quebec and internationally. The festival presents films from around the globe to an audience of devoted movie goers. The visionary founders of this regional film festival did the right thing, and it has become a force to be reckoned with.

On behalf of my Bloc Québécois colleagues, I would like to congratulate Jacques Matte, Louis Dallaire and Guy Parent, the founders of the Festival du Cinéma International en Abitibi-Témiscamingue, who have made it the success it is today.

●(1415)

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, I am proud to lead that party that, 25 years ago, gave Canadians the Canadian Charter of Rights and Freedoms.

The very essence of the Charter affirms that equality among all Canadians—men, women and children—is the keystone of our democracy.

[English]

Well before the charter, Canadian women struggled to see their rights recognized, including the right to run for office, but now, having this right is not enough.

The fight for equality starts at the heart of our democratic institutions. We need more women in Parliament and in government to ensure that the voices of all Canadians are heard. The Liberal Party is committed to that.

* * *

[Translation]

MEMBER FOR SHERBROOKE

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, yesterday we learned that the member for Sherbrooke used the resources of the House of Commons for commercial advertising.

In fact, in the past few days 270 residents of his riding received mail addressed to them from the office of the Bloc member. When they opened it, they found a brochure from a Sherbrooke business. This was paid for by Canadian taxpayers.

After repeatedly denouncing the Liberal culture of entitlement, and patting themselves on the back for asking more than 450 questions about the sponsorship scandal although they could not put an end to it, we have the Bloc Québécois using taxpayers' money for business purposes. The last thing Quebeckers want is a windbag misusing taxpayers' money.

Quebeckers can be reassured. Thanks to the Conservative government, the Federal Accountability Act ensures that there is greater transparency and will help Canadians regain confidence in the integrity of the democratic process.

* * *

WOMEN AND POLITICAL PARTICIPATION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the low participation rate of women in politics is a blemish on democracy in Canada and Quebec. As democratic people, we cannot sit idly by; we all have an obligation to take action immediately.

Women compose 33% of the Bloc Québécois caucus, making it the federal party in Quebec with the highest number of women elected in the last election.

But that is not enough, especially since the Conservatives, through their inaction, are decreasing the percentage of women in this House, lowering it to 48th in the world, as the multi-partisan organization Equal Voice points out.

The organization also says, "Political parties can be catalysts for change. All that is required is political will on the part of party leaders to make a difference".

The Bloc Québécois has that political will and we are committed to increasing the number of female candidates from our party in the next election. In the spirit of a truly representative democracy, we are challenging the other parties to do the same.

ORAL QUESTIONS

[English]

GOVERNMENT PROGRAMS

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the Law Commission, the court challenges program, federal funding for legal aid, and a fair and non-partisan judicial selection process, all cancelled by the Prime Minister in an attempt to undermine the charter.

Why does the Prime Minister not use this historic day to correct his mistakes and reinstate these measures that are so important to the integrity of the Charter of Rights and Freedoms?

• (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the question from the Leader of the Opposition is important. However, if you do not mind, I would like to take a minute to say a couple of words about the tragedy yesterday in Virginia.

[Translation]

We have learned that a Canadian was among the victims in Virginia yesterday. I am sure that the thoughts and prayers of everyone in this House are with her and her family.

[English]

When we saw the events overnight, it is really almost impossible to comprehend why an individual would take his own life and that of so many others in this way. I think we can all say that our thoughts are with all the victims, their families and the community.

[Translation]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the official opposition would like to join the government in conveying its condolences to the families affected by this terrible tragedy.

[English]

I now give the Prime Minister the opportunity to answer my first question.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Leader of the Opposition knows we have a difference of opinion on the efficacy of some of these matters. They may be important things to lawyers, but I look at some of the things this government has done to promote rights in this country, like addressing the historical injustice of the head tax, dealing with victims of hepatitis C and the residential schools legacy.

Oral Questions

We brought in measures to protect the rights of women and children from acts of criminality. I think probably most important of all, we have a piece of legislation before the House to protect and extend the most important right of all, the right to vote and the right to vote for the representatives in the Senate of Canada.

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the Prime Minister did not answer my question at all.

[Translation]

I repeat: the benefits of the Charter are too valuable to let people undermine it because of negligence or spite. There are too many battles to be fought, too many rights to be won.

Why, then, does the Prime Minister want to take away Canadians' ability to defend their Charter rights? Will he take advantage of the opportunity provided by this day of celebration to reinstate the court challenges program?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government believes that instead of paying lawyers, we must act to protect citizens' rights. This government and those that preceded it supported the Charter of Rights and Freedoms. All parties in this House supported it. Today, we continue to support it.

[English]

This party has a proud history of human rights protection, not just with the charter, but beginning of course with the first legislative act: the Bill of Rights of Mr. Diefenbaker in 1960. It is an important legacy that this party defends.

* * *

CHARTER OF RIGHTS AND FREEDOMS

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, I ask the Prime Minister to show that he is in the tradition of a progressive Conservative.

The Prime Minister must find a way to celebrate the charter, instead of being mute about it. A good way to show that is to say that he will make sure that all Canadians have access to the benefits of the charter, whatever the size of their wallet.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the hon. Leader of the Opposition talks about being mute on rights. Where was he when the historic injustice of the Chinese head tax was not fixed? Where was he when the Air-India inquiry was never properly constituted? Where was he when a residential schools agreement was never signed? Where is he when we are trying to pass legislation to protect the rights of women and children from criminals in the country? Where was he when we recently agreed to the United Nations rights on the declaration of the disabled?

The government is acting on rights, unlike the record of that government which did not get the job done.

• (1425)

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I rise in some astonishment. I am still waiting to hear the Prime Minister of Canada, in the House, welcome the Charter of Rights and Freedoms as an enhancement of our liberties. I have not heard it.

Oral Questions

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, obviously the deputy leader of the Liberal Party was not listening to my answer in French when I said precisely that. In fact, not only does this party support the charter, I, as some of us know, have been in court on a number of occasions to actually promote human rights in the country.

I am glad, as a government, that we are able to actually advance some of these rights.

* * *

[Translation]

AEROSPACE INDUSTRY

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, many countries make a point of helping their aerospace industry. When Brian Mulroney was prime minister, he took concrete action to help the aerospace industry, especially in Quebec, where the industry is concentrated. However, there are four representatives from Quebec in cabinet and they cannot even lift a finger to ensure that Quebec receives its fair share of the aerospace contracts.

How can the Prime Minister justify that his Minister of Industry, who comes from Quebec, lowered Quebec's share of the spinoffs for all future contracts to 15% when Boeing had set Quebec's share at 30% for the C-17s?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, we have already indicated and I will say again that this government will not tell Boeing who to conduct business with. Why? It is quite simple. The primary goal of this government is to ensure that the Canadian Forces get the better equipment they need at the best possible price.

Telling Boeing who to do business with would not be economically viable. It would increase the cost of military procurement on the backs of Canadian taxpayers. Unlike the Bloc Québécois, this government does not score political points on the backs of Quebecers.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, this government is not telling Boeing what to do, Boeing is telling this government how to spend taxpayers' money. That is the reality.

We are not afraid of standing up for Quebec. In the words of Sue Dabrowski, the general manager of the Quebec Aerospace Association:

The federal government has a responsibility... We must [use the economic spinoffs] to protect the industry in Quebec, exactly as the government did to protect the auto industry in Ontario.

What is the Prime Minister waiting for to stand up and ensure that Quebec receives its fair share?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, I am surprised at the Bloc Québécois' criticism. The Bloc Québécois should read its own platform before criticizing our military procurement for our soldiers. If we relied on the Bloc Québécois platform, there would not be any industrial spinoffs for Quebec since the Bloc Québécois is against the procurement of cargo planes. It is a very simple equation: no C-17 planes, no economic spinoffs for Quebec.

The Bloc Québécois is being truly inconsistent on this.

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the Minister of Industry keeps saying that Quebec's aerospace industry will be able to hold its own, be competitive and get sub-contracts for Boeing's C-17 aircraft.

How can the minister demonstrate such bad faith knowing that his government gave the contract to Boeing without issuing a call for tenders, and knowing that Boeing's activities compete with Quebec's industry rather than complementing it?

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, we decided to do business with Boeing for one simple reason: it is the company that can provide what our military personnel need.

It is important to consider that we want Canadian businesses to keep positioning themselves for the long term in Boeing's supply chain. We want the economic spin-offs to be good and effective for all parts of Canada.

Unlike the Bloc Québécois, we are working in the best interest of Canadians, especially Canadian taxpayers.

● (1430)

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, a spokesperson for Boeing said that the company was having problems giving sub-contracts to its competitors in Quebec. By failing to require that 60% of the economic spin-offs from this contract end up in Quebec, the Minister of Industry has put the Quebec aerospace industry in a very difficult position. He should admit that his colleague, the Minister of National Defence, is a far better lobbyist for the aerospace industry in Ontario and western Canada than he himself is for Quebec's aerospace industry.

Hon. Maxime Bernier (Minister of Industry, CPC): Mr. Speaker, rather than try to convince Quebecers that it is useful here in Ottawa, the Bloc Québécois should congratulate our government for all of the business opportunities we have made possible for aerospace companies in Quebec and Canada. Canadians will benefit from economic spin-offs totalling more than \$13 billion over 20 years.

Before it gets too critical, the Bloc Québécois should ask itself what it could have done for the aerospace industry. The answer is simple: nothing.

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AFGHANISTAN

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the tragic events at Virginia Tech University bring back memories of the shootings at the École polytechnique and Dawson College. It is truly shocking. We offer our condolences to the family of Jocelyne Couture-Nowak and the families of all the people who were wounded or killed at Virginia Tech.

When the Minister of National Defence is talking about a deployment in Afghanistan that could last 15 years, the Prime Minister has a duty to table his plans. Will the Prime Minister wait until the last minute again to unveil his plans for Afghanistan to Canadians?

Oral Questions

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this Parliament has approved the mission in Afghanistan until February 2009. If the government wants to extend that mission, it will obtain Parliament's support.

[English]

Hon. Jack Layton (Toronto—Danforth, NDP): Let us hope, Mr. Speaker, the Conservatives do not do it the same way they did last time, with a last minute motion and a debate that was not permitted to be fully conducted by the Canadian people. That is not the right way to set this sort of strategy.

This kind of improvidence we have seen before. The Department of National Defence has just missed a deadline in Federal Court to respond to a case started by Amnesty International with regard to the treatment of Canadian prisoners in Afghanistan. The government could not even follow the simple court rules, so it is now having to ask for an extension. The Minister of National Defence has already had to apologize on this general matter.

Which is it to the Prime Minister? Is it incompetence or is the government trying to hide something?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I am not sure I follow the details of the question.

Let me just say this. We understand that the New Democratic Party has been opposed to the mission in Afghanistan since it was undertaken in 2001. The fact is this government, the United Nations and this Parliament believe this mission is important for the Afghan people, for the United Nations and for our national interests.

While our men and women in uniform are there and in dangerous circumstances pursuing our interests, they deserve the support of all members of the House.

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ROYAL CANADIAN MOUNTED POLICE

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, testimony at the public accounts committee is proof positive that the government needs to appoint a full judicial inquiry to investigate the RCMP pension scandal. Four different witnesses; four different stories. The committee will continue to do its work at public accounts, but a judicial inquiry has the powers necessary to get to the bottom of this issue for the benefit of the RCMP officers, and they deserve this.

The public accounts committee yesterday passed a motion calling for a full inquiry. When will the minister from the government call for a full judicial inquiry?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, once again, we have said very clearly that we want to get answers quickly. We want to find out exactly what took place. We do not want to handle this situation the way the previous government did by ignoring it. We have a process in place to do that. An independent investigator has been appointed. His work begins. He will be reporting in June.

If among the things he reports or suggests is that there should be a more formal inquiry, then we will proceed with that, but we would like to get some answers right away. The RCMP deserves that and the people of Canada deserve that.

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, that is not good enough. The longer it takes for the minister to call a judicial inquiry, the longer it will take for the RCMP officers to get the answers for which they are asking.

Four separate witnesses yesterday, including one who has already given conflicting testimony, told four different stories. It is time for a full judicial inquiry. The RCMP know it. We know it in this Parliament. The Canadian public knows it. It seems the government does not know it.

When will it call for the full judicial inquiry? It is necessary.

• (1435)

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, one of the key individuals who has testified at the committee has already said that he is pleased with fact that we are going ahead with an investigator this way, and wants to get answers.

I wish we would get some positive assistance on this rather than this full anger we hear. I wish there had been the same type of anger from the member opposite when the former minister of public safety said:

—let me reassure everyone in the House that there is no conduct on the part of the commissioner that needs to be investigated.

I wish that kind of ire had been directed toward the then minister so we could have had answers then instead of now.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, since March 28, Liberals have been calling for a full judicial inquiry into the RCMP pension scandal. Yesterday the public accounts committee endorsed this call even though Conservative members on the committee abstained from voting on the matter. Yet the minister continues to stonewall, blocking full accountability for an organization that just happens to be deciding whether to investigate him for the Jim Hart scandal.

When will the minister do the right thing and call for a full judicial inquiry into the RCMP?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, all of this feigned irritation coming from the Liberals would be funny if it were not so pathetic. Where were they when all these events were unfolding while they were in the government?

The Conservative members on the committee yesterday said very clearly that if it turned out, following the report that we will get in June, that a more formal inquiry was needed, then so be it. However, members here and the RCMP and Canadians want answers as soon as we can get them. We do not want to wait two or three years. We want the answers now and that is what we intend to get.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Mr. Speaker, the hypocrisy of this. Yesterday we learned, despite the minister's denials, Mr. Zaccardelli gave him a full briefing on what happened months ago. In *Maclean's*, on March 29, the former Conservative public accounts chair said, "I would rather see a judicial inquiry".

Yesterday's highly conflicted testimony reinforces that a non-arm's length, powerless investigator, who reports to the minister, will be unable to get to the truth.

Oral Questions

When will minister stonewall call a public inquiry, or does he plan to ignore the will of the committee?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, if the member opposite, rather than running around the Middle East crying for the delisting of Hezbollah, had focused on things that were going on here at home, we might have had answers more rapidly on this. This is why we have a process in place that will get to the bottom of it.

When I was talking with then commissioner Zaccardelli, I asked him about this. I did not give a carte blanche clearance as the previous minister of public safety did. I asked questions on this when the Auditor General brought this forward and I said that there would be follow-up, unlike the Liberals who did nothing.

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[Translation]

THE ENVIRONMENT

Mr. Marcel Lussier (Brossard—La Prairie, BQ): Mr. Speaker, the Groupe interprovincial et industriel sur les réductions de gaz à effet de serre submitted a position paper to the government in February, calling on the government to work within the Kyoto protocol, for both strategic and financial reasons, and to immediately establish a carbon trading market.

How can the government, which received this report two months ago, continue to delay agreeing to the demands of this group, which has demonstrated that even private enterprise is ahead of this government when it comes to protecting the environment?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, we have been very clear. We have a real action plan for reducing greenhouse gases.

A few months ago, we began giving details of that plan. We made a number of announcements in the budget, including between \$4 billion and \$5 billion of new money towards supporting our environment.

We also indicated that we will regulate industry for the first time, and we will be presenting this action plan over the next few days.

• (1440)

Mr. Marcel Lussier (Brossard—La Prairie, BQ): Mr. Speaker, the government wants to establish a carbon trading market only within Canada. However, this would constitute a very serious handicap for our businesses that would like to deal on the international market.

Will the government admit that the reason it insists on denying Canadian businesses access to the international carbon market is because it refuses to set absolute targets consistent with Kyoto, which is an essential condition to joining the international market?

Hon. John Baird (Minister of the Environment, CPC): Mr. Speaker, I would like to say very clearly that it is not in our best interest to purchase credits from countries such as Russia, where there have not yet been any reductions in greenhouse gases. This is something that the Bloc Québécois supported in this House, but this is not something we intend to do. We are going to announce the other part of our program in the very near future. The members will have all the necessary details and will determine if they will support

our plan, which will bring about real reductions in greenhouse gases. This is something that the Bloc Québécois has not been able to do in the past 15 years.

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NATURAL RESOURCES

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, this government keeps saying it will respect the jurisdictions of Quebec and the provinces. Yet government officials are holding secret meetings to discuss the bulk sale of water.

Is the Minister of Natural Resources planning on taking the advice of environmental groups, which are demanding that the government withdraw from any talks concerning the bulk sale of water?

[English]

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, I can assure the member that there are no secret meetings, no in-camera meetings going on. If she has some information that she would like to bring forward, we would be more than happy to look at it.

[Translation]

Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ): Mr. Speaker, I would remind the minister that Quebec already prohibits the bulk export of water, and that this comes under Quebec's jurisdiction.

Could the Minister of Natural Resources explain how he can justify talks on a subject that is not even within his jurisdiction?

[English]

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, again I can reassure the member there are absolutely no meetings going on. I have had no meetings with anyone, so she is sadly mistaken.

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[Translation]

AFGHANISTAN

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, we cannot say that the Minister of Defence is a model of clarity.

He says that we are in Afghanistan to seek vengeance and that we will remain until progress becomes irreversible. He is now talking about violent conflicts such as Afghanistan for the next 10 or 15 years.

In his nostalgia for the cold war, he is spending \$650 million on tanks that he wants to send to Kandahar, a strategic error if ever there was one.

Can the Minister of National Defence tell us, rather than always having to clarify his position, whether or not his real intention is to have Canadian troops remain in Afghanistan beyond February 2009?

[English]

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, I am glad the member opposite brought up the mission. The mission of our soldiers is to counter the Taliban.

Oral Questions

Today, in Kandahar City, the Taliban attacked a UN convoy killing five people. Yesterday, they attacked a Danish aid group.

There are opposition parties in this Parliament that want us to pull out our troops right now and leave all those people in the hands of the Taliban and we will not do that.

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, the Conservative cabinet is not ready to discuss the Afghanistan mission's future but it is ready to spend billions of dollars on equipment, like tanks, for the purpose of the mission.

However, there is a problem. The problem is that most of the equipment will not be ready for the troops in the timeframe of the mission. The only way to use them would be to extend our military presence in Afghanistan past February 2009.

Will the defence minister come clean for once and tell us that his real intention is to stay in Afghanistan past February 2009?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, unlike the previous government, we are committed to rebuilding the armed forces and providing our soldiers, sailors and airmen in Afghanistan with all the equipment they need to survive and to be safe.

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, Canadians want to know how and when Canada's mission in southern Afghanistan will conclude.

Yesterday, the minister tried to hide his true intentions after blurring out that we would be bogged down in Afghanistan for 10 years.

Why does the government not have a coherent exit strategy for this mission? Has the minister advised NATO that it should start looking for troops to replace Canadians past 2009?

•(1445)

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, I am pleased that the member opposite has brought up the mission.

I want to point out that today the human rights organization pointed out that the Taliban has killed over 700 Afghan people and that we cannot allow that murderous regime to succeed. That is why NATO, UN countries and ourselves are there to prevent their activities.

[*Translation*]

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, if the Minister of National Defence is speaking in good faith when he says that the Canadian Forces will leave southern Afghanistan in 2009, he has the duty to so inform our allies.

Has the minister notified NATO that Canadian troops will withdraw in 2009, and if not, what is he waiting for?

If this government is sincere in its intentions, why wait until the last minute to send a clear message?

[*English*]

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, in case I did not mention the Taliban, the Taliban have gone into a number of villages and killed all the men because they considered them to be opposed to their mission. We and NATO will

not allow these kinds of atrocities to occur. We will not allow the Taliban to return and persecute women and carry out public executions in soccer stadiums.

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INTERNATIONAL COOPERATION

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, every year malaria kills more than one million people and more than 900,000 of them are in sub-Saharan Africa. In Africa, this disease kills more children per year than any other disease.

This morning, the Minister of International Cooperation announced a concrete program that aims to distribute bed nets on the African continent. Could the minister please tell the House more about this very important initiative?

[*Translation*]

Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC): Mr. Speaker, I thank my colleague for his question.

The fight against malaria is one of our government's priorities. This morning I announced that Canada will provide \$20 million to the Canadian Red Cross for a program to distribute 2.5 million free bed-nets in Africa.

Canada's new government has already invested more than \$46 million in the fight against malaria.

According to Canadian Red Cross authorities, an estimated 53,000 to 88,000 lives may be saved by this program.

* * *

[*English*]

ROYAL CANADIAN MOUNTED POLICE

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I think the Minister of Defence has an awful lot of nerve standing in his place today and saying that the reason he is running roughshod over a proper, democratic, full public inquiry is because he wants answers quickly. In fact, he said that he wanted answers "right away", answers "quickly", answers "now". If he was so interested in moving so quickly, why did it take him two weeks to appoint the head of this investigation?

Yesterday, the standing committee said that this ad hoc approach would not work. The committee is asking and calling for the minister to bring forward a full public inquiry. Will he agree with the committee today?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I appreciate my colleague, the Minister of Defence, rising to the call for action because the question was directed toward the Minister of Defence, but the Minister of Defence actually deals with defence issues and he is not on the file, though I know he is concerned about this file.

Oral Questions

I would just like to reiterate, with the rise in temperature we are hearing from the NDP on this, that we are moving on this. To locate somebody in less than two weeks with the type of credentials that we have, someone who was able to clear his calendar and be available is commendable and I congratulate the person for doing that. We are moving quickly on the rest of the file also.

• (1450)

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, fair enough but I would just say that there is no defence for inaction in this case.

Sam Steele must be spinning in his grave. The government's ad hoc investigation cannot compel or protect witnesses. It will not report to Parliament and it is not even public. Yesterday, former Commissioner Zaccardelli acknowledged that the appointed head of the investigation had numerous professional relations with senior RCMP officers in the past. How can this be considered neutral?

Will the government launch a proper inquiry or is this just one pension-gate cover-up piled on top of another?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, let me separate a couple of the issues.

First, I tabled a report here yesterday related to the pensions. It showed that those funds are safe and sound with \$13.2 billion in the members' funds. The rate of return on the two separate investment agencies respectively are 7.7% and 19.1%. The fund is in good shape.

If the members disagree with the process we are taking, that is one thing, but let us be clear that all the people of the RCMP who the investigator wants to call will be called and the report will be made public. It could not be any other way.

* * *

[Translation]

PUBLIC WORKS AND GOVERNMENT SERVICES

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, the Minister of Public Works is preparing to award a \$400 million contract to a former client of his and the government says that there is no conflict of interest here. Incredible.

The unelected Minister of Public Works holds shares in a firm considered a strategic partner of the company that will get the contract. This company was also one of the minister's clients for a number of years. They even worked together, including on a \$330 million transaction in 2004.

Is that not enough to conclude that there is at least an appearance of a conflict of interest or a potential for it?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, the minister has not been involved, whether directly or indirectly, in the evaluation process for the awarding of this contract or any other contract since he became Minister of Public Works. In addition, there cannot possibly be a scandal here, as my hon. colleague asserts, because no contract has been signed yet.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, the minister is pretty far away from here and does not have a chance very often to come and see us. Maybe that is why he has not had an opportunity yet to tell his colleagues and his parliamentary secretary in particular that he is up to his eyeballs in conflict of interest.

Now I know why the minister has not had time to run in a by-election. He is far too busy handing out contracts to his pals.

Will the government show some backbone and investigate this immediately because it fairly reeks of a conflict of interest?

[English]

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, in spite of the energy invested in that question, there are very few facts in the question that was asked.

There is no problem here. All the processes have been respected by the minister in charge. All the processes have been respected. Everything is going exactly as it has been in the past. There is no problem here whatsoever.

We are obeying all the rules that have been put in place and this is going forward precisely in the appropriate manner.

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FOREIGN AFFAIRS

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, last Saturday, *W-FIVE* aired the results of its investigation into the Ianiero murders in Mexico.

The show confirmed inconsistencies in the police reports. However, the attorney general of Quintana Roo stated that Cheryl Overall and Kimberly Kim remain principal suspects. The report states that the women were never suspects and that no blood was ever found in their room.

Why has the Prime Minister not demanded that Mexico clear the names of these clearly innocent Canadians?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, as the hon. member knows, I met with both of those individuals and it is extremely unfortunate that they have found themselves caught up in this web and this very sordid investigation that has been underway for some time now in Mexico as a result of the murder of the Ianiero family.

However, as he knows well, the government has very little control over the press and the reporting of this particular incident, which is where the difficulty lies. The member can quote officials both past and present on what has been said about this case. It is an ongoing murder investigation and we cannot control how the press report this.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Mr. Speaker, the April 14, 2007 *W-FIVE* thorough investigation of the Ianiero case revealed major discrepancies between the claims of Bello Melchor Rodriguez, the attorney general for the state of Quintana Roo, and the police report.

I would like to know whether the Minister of Foreign Affairs believes that the Mexican judicial authorities are acting in good faith. If not, what will he do to ensure that Canadians are protected and that justice will prevail?

• (1455)

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, I thank the hon. member for his question and his interest in this file which I know is sincere. The difficulty of course is that this is an investigation that is taking place in another country. Just as we would not have investigators from another country come to Canada and tell officials here how they should conduct themselves, there is very little we can do other than to provide assistance and meet with officials, which we have done at the highest levels.

We have raised this issue with the President of Mexico. We will continue to provide consular support. We will continue to probe and push the Mexican officials to do this investigation properly and to see that it is finally brought to a conclusion and the perpetrators are arrested.

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[Translation]

QUEBEC CITY'S 400TH ANNIVERSARY

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the head of the committee for Quebec City's 400th anniversary celebrations claims that the Minister of Foreign Affairs is considering the possibility of inviting Queen Elizabeth to the festivities. Not many people in Quebec would like to have her attend the 400th anniversary celebrations, and they certainly do not want to pay for her visit.

Does the Minister of Foreign Affairs intend to tell us that there is no such plan?

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, as far as I know, no invitation has been sent by the committee to Her Majesty the Queen.

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PAILLÉ REVIEW

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Speaker, in response to my question yesterday on the scope of the mandate given to Daniel Paillé concerning the granting of polling contracts, the Parliamentary Secretary to the Minister of Public Works and Government Services answered that the government had nothing to hide.

Are we to understand from the parliamentary secretary's response that from now on the new mandate of the Paillé investigation will cover all polls, those of the Liberals as well as those of the Conservatives, up to and including 2007?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, the period we are talking about extends from 1990 to 2003. This is the period in which the problems identified by Sheila Fraser occurred. This is the mandate given to us by Canadians. We are keeping our promises to Canada's taxpayers.

Oral Questions

[English]

FISHERIES

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, lobster fishermen in the Northumberland Strait are facing a crisis and this government is refusing to act. Landings have collapsed, costs have skyrocketed, and thousands of families are facing bankruptcy.

A licence retirement plan is the only immediate solution to avoid this disaster and give younger fishers and coastal communities a chance to survive. Fishermen also worry that the permanent access they were given to snow crab will be ripped out of their hands at a time when they need it most.

Will the minister confirm that crab sharing will remain and will he undertake an immediate lobster licence retirement plan to save these communities?

Hon. Loyola Hearn (Minister of Fisheries and Oceans, CPC): Mr. Speaker, the member raises a good question. We are very aware of the conditions in the Northumberland Strait. In fact, some time ago, led by the fisheries minister from Prince Edward Island, with his counterparts in Nova Scotia and New Brunswick, we convened a summit in Prince Edward Island to deal with this very topic.

A number of pertinent committees were set up to look at all the aspects of the failure of the fishery in the Strait and a report on that should be in very soon.

In relation to the other issue he raises, we are also very much aware of this and in fact have asked for some advice on it. I will be letting the member know very soon—

The Speaker: The hon. member for Essex.

* * *

THE ENVIRONMENT

Mr. Jeff Watson (Essex, CPC): Mr. Speaker, back home in Essex the issue of clean air and cross-border pollution is very important to the quality of life of my constituents. Last week the Minister of the Environment was in Washington, D.C., to fight for better air quality between Canada and the United States.

Could the Minister of the Environment please tell this House about this important step in helping to clean our air and provide a cleaner environment across this continent?

Hon. John Baird (Minister of the Environment, CPC): What a great question, Mr. Speaker. Indeed, we are seeking to build upon the work that has been done in the past on the Canada-U.S. air quality agreement. We want to reopen the agreement and strengthen the provisions for particulate matter to help ensure that the air Canadians breathe is free from pollution, particularly particulate matter.

The Liberal Party, in committee on Bill C-30, stripped the important clean air parts of Bill C-30 and replaced them with its carbon tax, something that will do nothing for young children with asthma and the elderly who have to stay in on smog days caused by Liberal inaction.

Oral Questions

● (1500)

GOVERNMENT CONTRACTS

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, every time the Conservatives talk about health, Canadians are left with more questions than answers. A lot of people are asking if the \$300 million exclusive contract was awarded to Merck Frosst for the HPV vaccine because a Conservative lobbyist who used to work for the Prime Minister was on the file.

The Canadian Revenue Agency says Merck used tax havens in the Barbados to hide profits. The IRS in the United States is also investigating Merck for back taxes. Why is this government giving Merck millions of dollars and not collecting the billions owed to Canadian—

The Speaker: The hon. Minister of Finance.

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, we are very proud to take a step in the budget to support this vaccine for women and girls across Canada. It is the first vaccine that can actually prevent cancer. This is an important step forward.

I was pleased to be at the Ottawa Hospital yesterday, at the Shirley Green centre for women's health, to make the announcement. This is an important step forward. There is one vaccine available now. Another manufacturer is developing another one.

The important thing is that thousands of Canadian women and girls will not die from cancer because of this vaccine's availability.

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, a cancer vaccine is very important for women, but why in this case is the government letting big corporations out of paying their fair share? Why is the Minister of Health rewarding a company that has evaded \$2 billion in Canadian taxes?

I am not sure if Conservative staffer turned pharma lobbyist Ken Boessenkool was the reason Merck got the money, but I do know that Merck owes Canadian taxpayers over \$2 billion. Did the minister meet with Boessenkool? Did the minister consider the issue of the tax havens when making his decision?

Hon. Jim Flaherty (Minister of Finance, CPC): No, Mr. Speaker, I did not meet with Mr. Boessenkool on the subject.

I can say that I met with Liz Ellwood yesterday at the hospital. She is a 24-year-old victim of the papillomavirus, HPV. She has suffered from it and she said thanks to me on behalf of the women and girls in Canada and to this government and this Prime Minister for supporting the availability of this vaccine across Canada.

* * *

AGRICULTURE AND AGRI-FOOD

Mr. Gary Merasty (Desnethé—Missinippi—Churchill River, Lib.): Mr. Speaker, farmers in southwest Saskatchewan have been plagued by consecutive droughts and are in need of urgent relief, but they are being told they have to wait and see what happens with the implementation of the federal-provincial cost-shared disaster relief program.

These producers are in urgent need of cash. The Minister of Agriculture has the power and the money to provide emergency funding now under the Farm Income Protection Act.

What is the minister waiting for? When will he stop hiding behind his phony fight with the province? When will the minister allow his parliamentary secretary to deliver to his constituents?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, the parliamentary secretary from Saskatchewan delivers the goods for Saskatchewan day after day and week after week, and thank goodness, because the only Liberal representative left in Saskatchewan barely understands what a farm looks like.

Let me tell the member that right now we are working on prospects for the drought area in southwestern Saskatchewan. We are working with the Saskatchewan government. I have put forward a disaster relief framework that all the provinces have now agreed to. We are working on the funding formula for that as well.

We are aware of those problems, not only in southwestern Saskatchewan, but in Peace River and in northern Ontario as well.

* * *

ABORIGINAL AFFAIRS

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, the Liberal Indian Affairs critic is criticizing this government's commitment to Pikangikum First Nation. She claims the situation on the reserve is this government's fault, instead of acknowledging that her party did nothing for 13 years.

She balked at the minister's suggestion last December that the Standing Committee on Aboriginal Affairs and Northern Development visit that first nation, but instead was in favour of committee members taking a trip to New York.

Our government is taking real action to improve the lives of aboriginal women, children and families. Can the Minister of Indian Affairs share with the House his findings on his trip to Pikangikum First Nation last week?

● (1505)

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, no Canadian could visit Pikangikum and not be moved.

This is a community of some 2,000 people. After 13 years of Liberal government, they have no water connections and no sewer connections. They have no hydro connections. They have a school with 700 children in it that was built for 300 children.

Last week while I was in Pikangikum I announced that this government is going to deal with those issues. We will be spending \$46 million over the next four years.

I would caution my hon. colleagues opposite who are braying at the moment, because their record on this file is one of gross negligence and shame.

* * *

[Translation]

RIMOUSKI EAST WHARF

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, there is a problem at the wharf in Rimouski East. Transport Canada is neglecting its infrastructure, and Fisheries and Oceans Canada is abandoning users of the part of the wharf it owns.

This inaction is delaying work that is vital to the economic development of the riding and the region. While the ministers are passing the buck, companies are dealing with infrastructure that is not at all suited to the economic activities of our marine technocity.

Is the Conservative government prepared to fund a study to find a real solution for the people in our community?

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, of course, we are always concerned about the economic development of the region. I was glad to see that my colleague was in attendance last Thursday when the Government of Canada gave \$15 million to the Régie intermunicipale to rebuild the wharves in Trois-Pistoles and Les Escoumins.

We are going to continue our efforts to make real progress for our community, not only through my department, but also through the Economic Development Agency of Canada.

* * *

[English]

POINTS OF ORDER

COMMENTS BY MEMBER FOR WINNIPEG CENTRE—SPEAKER'S RULING

The Speaker: Order. I am now prepared to rule on the point of order raised by the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons concerning the alleged use of unparliamentary language by the hon. member for Winnipeg Centre on Friday, March 2, 2007.

[Translation]

I would like to thank the hon. parliamentary secretary for raising this matter, the hon. Chief Government Whip, the hon. member for Acadie—Bathurst, and the hon. member for Winnipeg Centre for their interventions.

[English]

On March 2, 2007, during the debate on the motion for concurrence in the 11th report of the Standing Committee on Agriculture and Agri-Food, the hon. member for Winnipeg Centre referred to the hon. Minister of Agriculture and Agri-Food as “Il Duce”, compared the minister to Mussolini and characterized the minister's actions relative to the Canadian Wheat Board as “fascism”.

March 2 being the sitting day immediately preceding the two-week March break, the hon. Parliamentary Secretary to the Leader of

Speaker's Ruling

the Government in the House of Commons rose on a point of order on March 21, 2007, to take issue with the language used by the hon. member for Winnipeg Centre. The hon. parliamentary secretary cited page 150 of Beauchesne's 6th edition, which lists the word “fascists” among those considered to be unparliamentary. He continued, and I quote from page 7714 of the *Debates*:

The fascist regime committed untold atrocities during World War II and for any member of this House to compare another member to anyone in the fascist regime is unconscionable.

In his intervention, the hon. member for Winnipeg Centre stated that it had not been his intention to call the hon. minister a fascist, but rather to imply that he had acted like one by virtue of decisions he had taken in respect of the Canadian Wheat Board.

Quoting from page 143 of Beauchesne's 6th edition as follows, “An expression which is deemed to be unparliamentary today does not necessarily have to be deemed unparliamentary next week”, he maintained that the words he had used were no longer as “volatile and emotionally charged” as they had once been. He invoked the principles that in these matters the Chair must consider the context in which the disputed remarks were made and whether or not they created disorder in the chamber.

[Translation]

I undertook to review all of the relevant statements and submissions and to return to the House with a ruling on the matter.

One of the most basic principles of parliamentary procedure is that proceedings in the House be conducted in terms of a free and civil discourse (Marleau and Montpetit, pp. 503-4).

The Chair has often reminded hon. members of their concomitant duty to use their freedom of speech in a responsible fashion and to exercise moderation in their choice of language.

● (1510)

[English]

On the occasion in question, in my view there is no doubt that the term “fascism” is unparliamentary when used to refer to the actions of a member of Parliament, and the corollary references comparing the member to Il Duce and Mussolini only exacerbate the problem. In making this determination, I looked carefully at both the context in which these expressions were used and at their immediate and potential effects on the ability of this House to conduct free and civil discourse.

In the opinion of the Chair, the inappropriateness of this language was in no way mitigated by the context in which it was used.

Admittedly, the immediate reaction to the comments in question was somewhat muted and the hon. member for Winnipeg Centre has drawn the attention of the Chair to this circumstance. However, in considering whether or not his remarks created disorder in the chamber, the Chair cannot look only at the immediate reaction of those present in the chamber.

Points of Order

In a ruling given on December 11, 1991 found at pages 6141 and 6142 of the *Debates*, Mr. Speaker Fraser reminded members that offensive remarks can linger and have a suffocating effect on the fair exchange of ideas and points of view. Anything said in this place receives wide and instant dissemination and leaves a lasting impression. Offending words may be withdrawn, denied, explained away, or apologized for, but the impression created is not always as easily erased. He went on to comment:

—few things can more embitter the mood of the House than a series of personal attacks, for in their wake, they leave a residue of animosity and unease.

That residue is the soil from which disorder springs and it is incumbent on the Chair to discourage language so provocative in character that it positively nourishes disorder.

So, once again, I appeal to hon. members on all sides of the House to choose their words with greater care. A reasonable degree of self-discipline is not a luxury; it is indispensable to civilized discourse and to the dignity of this institution.

Whatever the hon. member's intentions may have been, the Chair is not in doubt that this language is provocative and under the circumstances, I find that it is also unparliamentary and I ask the hon. member for Winnipeg Centre to withdraw his remarks immediately.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I would never knowingly show disrespect for the House of Commons by using language that I know to be unparliamentary. Now that you have clarified that in your view the remarks I made on March 2 were in fact out of order and unparliamentary, I do withdraw those remarks and I apologize to the House of Commons and to the minister in person.

ORAL QUESTIONS

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, today in question period one of our members asked a question of the Minister of Finance regarding the loopholes that were evident in the back taxes that were not paid by a certain corporation.

In his response, the minister mentioned visiting the Shirley Green hospital yesterday. I just want to correct that for the minister. It is the Shirley Greenberg hospital. She is a well-known member of our community and I just wanted to clear the record for him.

[*Translation*]

STATEMENTS BY MEMBERS

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, in response to accusations by the hon. member for Louis-Hébert that I used public money to advertise for a company, I would like to provide some clarifications.

First, let me point out that it was the result of an unfortunate error that this pamphlet ended up in one of my mailings. Second, as soon as I found out about this situation, I immediately took the necessary measures to reimburse the House for the cost of the mailing.

Unfortunately, the Conservative members often do not get all their facts straight before asking questions.

• (1515)

[*English*]

BILL C-52—BUDGET IMPLEMENTATION ACT, 2007

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I rise today on a point of order in relation to Bill C-52, the budget implementation bill.

It is my view that a portion of that bill is drafted in a way that is not in keeping with the practices and customs of this House, that the bill attempts to exempt itself from our rules regarding parliamentary scrutiny of subordinate law, and does not even comply with the government's own internal rules on proper drafting of legislation.

The part of the bill I am referring to is clause 13(1) at page 20, line 16. It amends section 122 of the Income Tax Act and bears the bill subclause number (2)(b) and deals with the issue of income trusts and how they are to conduct themselves for tax purposes over the next four years, until the year 2011. For ease of reference, the margin heading reads "Application of Definition SIFT trust", which is the short acronym for income trusts.

A notice of ways and means motion on the subject of income trusts was tabled in the House during the afternoon of October 31, 2006 and was concurred in a few days later. The intent of that ways and means motion was in part to impose a 31.5% tax on income trusts starting in 2007, but that for existing income trusts the start date would be 2011.

On December 21 the government released a draft bill for consultation on this issue. However, the clause in question today never appeared in that draft bill. The implementation of the ways and means motion is now found in Bill C-52. Subclause (2)(b) of the bill found on page 20 referred to earlier reads as follows:

the first day after December 15, 2006 on which the trust exceeds normal growth as determined by reference to the normal growth guidelines issued by the Department of Finance on December 15, 2006, as amended from time to time, unless that excess arose as a result of a prescribed transaction.

This clause which I have just read deals with transitional tax measures involving how a large segment of the Canadian economy and billions of dollars of taxpayer assets are to be governed under our tax laws for the next four years, and yet this is proposed to be administered by way of a reference in legislation to guidelines only, which themselves are no more than a press release. I have a copy of that press release that sets the guidelines which I am prepared to table today. Worse yet, this press release, according to the clause in question, can be amended from time to time, as I have just read.

The bill is silent on any mechanism for amending these guidelines or press releases and there is no official or specified repository of this information. What we have in this clause, in effect, is a delegation of subordinate law, not by regulation nor by ministerial directive, but by press release.

Points of Order

This action of the government, that is to say to apply a tax burden or levy against a group of taxpayers using a so-called guideline or press release, is unprecedented. As a matter of fact, the only reference I could find to a budget implementation bill using guidelines dates back some 11 years to 1996 and dealt with the reimbursement of a conservation expense. In other words, the 1996 initiative gave money back to the taxpayer. For the benefit of the Chair, this was clause 66.1(6) of that bill. The situation now before the House is the reverse.

Let me remind the House that the contents and consequences of using that news release are not minor in nature. They are very broad in scope and have a large impact on this broad group of taxpayers involving billions of dollars. The news release itself says, "The deferred application of these measures is conditional on existing," and income trusts are referred to by using the acronym SIFT, "respecting the policy objectives of the proposals".

Materials released with the minister's announcement indicated that, for example, the undue expansion of an existing income trust might cause the deferral to be rescinded. This introduces a whole layer of conditions, at least some of which appear totally arbitrary in nature and which the taxpayer must fulfill in order to benefit from the 2011 delay date of tax liability set out in the bill, and yet the bill is silent on these conditions. They appear nowhere in the bill, only in the news release.

• (1520)

The news release includes the concept that if the conditions are not met, the minister, by some unknown authority, can cause the taxpayer's deferral to be rescinded. That would actually result in a tax increase to the taxpayer. That is a new power found only in the news release, that the minister could by some unknown authority rescind a taxpayer's deferred status and somehow force the person to pay the tax sooner than the bill would otherwise have him or her do. That increases the tax burden.

What we are trying to prevent is a situation where the minister or his officials conclude, based on a news release or guidelines, not as a matter of law, that this or that condition in the news release is not being met or has been amended and then is not being met and so, almost by a fiat, a taxpayer's deferral is rescinded. The taxes would be imposed on the person sooner than the 2011 date that Parliament has set out and the taxpayer would be left wondering why and how all this could happen.

Marleau and Montpetit's *House of Commons Procedure and Practice* reminds us at pages 686 and 687:

In 1950, Parliament adopted the *Regulations Act*, which decreed that all "orders, regulations and proclamations..." would be systematically and uniformly published and tabled in the House.

This language is from the *Regulations Act*, 1950. I ask rhetorically, how does the scheme described in the bill herein comply with these practices. Clearly, they do not. It attempts to exempt itself from those rules.

Erskine May's *Parliamentary Practice* also has references defining statutory instruments.

Our current *Statutory Instruments Act* provides clear direction regarding subordinate law, offering instructions in areas such as the

coming into force date, the means or instruments by which the coming into force will be achieved, the method to be used to publish the subordinate law, and even Parliament's role in the revocation of the instrument should it be found not to be in compliance.

Again, the so-called guideline tax measure referred to in the budget implementation bill also appears to exempt itself from parliamentary scrutiny.

I want to briefly turn to the oversight issue. Marleau and Montpetit at page 688 describes the authority of the Standing Joint Committee for the Scrutiny of Regulations to "scrutinize any statutory instrument made on or after January 1, 1972". Statutory instruments are referred to therein as:

—any rule, order, regulation, ordinance, direction, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution or other instrument issued, made or established...in the execution of a power conferred by or under an Act of Parliament.

Clearly, Parliament intended that important issues such as the one found in the budget implementation bill, should be manifested in a statutory instrument subjected to parliamentary oversight and not left to the status of a guideline or press release which can be amended from time to time by an unidentified government official with a computer and a printer.

Again, referring to the *Statutory Instruments Act*, the Standing Joint Committee for the Scrutiny of Regulations is mandated to report to this House to ensure that instruments conform to 13 criteria of good governance. I draw the attention of the Speaker to criterion number 7, which requires compliance with the act with respect to transmission, registration or publication.

How are members of this House to know whether or not one of the minister's guidelines, which can be amended from time to time, was even published, let alone whether or not it conforms to the rules?

Criterion number 11 guards against an unusual or unexpected use of the powers conferred in enabling legislation. Again, in this case, members will not have the tools to make such a determination because a press release was used.

• (1525)

Clearly in this clause and perhaps others, the government has attempted to create subordinate law by press release in a way that is not accountable to anyone and certainly not accountable to this Parliament. This is not a proper and accountable way to legislate, particularly for a government that proclaims or touts accountability as an attribute of its administration.

Government Orders

Finally, this part of the budget implementation bill does not even conform to the government's own rules on proper legislative drafting. I have in hand a copy of the Privy Council Office document entitled "Guide to Making Federal Acts and Regulations", which I am prepared to table as well. Page 3 of the document describes what it considers to be proper subordinate law-making. Suffice to say this bill, or at least the clause I have referred to, does not even come close to adherence to those rules governing the making of subordinate law. Given the historic strictness with which the House imposes on tax measures, these vague and arbitrary provisions should be treated as out of order and a nullity. This is taxing by press release.

I conclude by inviting the Chair to review this submission and to rule that the clause in the budget implementation bill is out of order and cannot be proceeded with in its current form. A bill with references such as this should not be accepted in principle and read a second time. This clause, and any other clause or subclauses ancillary to it, should be struck from the bill and ordered reprinted.

If the government insists on proceeding with the objectives of this clause, as wrong-headed as some members may think they may be, it could do so by way of a separate, properly drafted bill dealing with its scheme for taxing income trusts to which the transition rules are central, which the government seemed to be prepared to do last December in any case and which a committee of the House endorsed earlier this year. Obviously, we would expect that the new bill would be properly drafted and conform to the rules of the House.

Given that Bill C-52 could be voted on at second reading fairly soon, I would ask the Chair respectfully to rule on this at the earliest possible opportunity.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, very briefly, the government will want to respond to the intervention by the hon. member and will do so as quickly as possible after reviewing the objections raised by the member for Scarborough—Rouge River.

The Speaker: I thank the hon. parliamentary secretary for his comment and the hon. member for Scarborough—Rouge River for his argument. The Chair is happy to have a little time to consider this rather technical argument. I must say my head is spinning now from hearing it, but I will do my best to follow the argument by rereading the remarks of the hon. member for Scarborough—Rouge River in due course. I look forward to the comments from the hon. parliamentary secretary when he is ready.

GOVERNMENT ORDERS

[Translation]

RAILWAY CONTINUATION ACT, 2007

The House resumed consideration of the motion that Bill C-46, An Act to provide for the resumption and continuation of railway operations, be read the second time and referred to a committee.

The Speaker: Prior to oral question period, the hon. member for Saint-Bruno—Saint-Hubert had the floor to respond to questions and comments about his speech.

The hon. member for Burnaby—New Westminster.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, in the House today, the Bloc Québécois and the Liberal Party have allied themselves with the government.

The Bloc says it might vote against this bill later today, but everyone knows that the Bloc Québécois supported the government's closure motion. The only reason we are having a closed debate, a forced debate in so little time, is that the Bloc and the Liberal Party supported it. Of that there can be no doubt.

The Bloc cannot say that it is against the bill and then support closure. It has been the government's ally on this back to work legislation, which means that not only are workers in Quebec not being served by this Canadian Parliament, but also, Quebecers will be forced to put up with the problems, collisions and other accidents that happen on our rail network. The Bloc helped the government impose this legislation, so try as it might, it cannot vote against the bill in the final stages and claim that it was not an accomplice. It is an accomplice.

My question is a simple one. Why did the Bloc vote with the Conservatives in favour of the decision made by CN managers in the United States? What this decision will impose on workers in Quebec is not at all in Quebecers' best interests.

• (1530)

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, this is really not the NDP members' day. They are a pitiful sight.

Not only did they demand this morning that we all vote twice, but they made us come back to vote because they had forgotten that they wanted to speak against the closure motion. We might have expected them to speak, because they were responsible for the 308 members of this House meeting this morning to vote. We took a half-hour of our time to come to the House to vote. And we might have expected them to speak again to motion 15. But they said nothing and they did nothing. They did not understand that this was the time for them to speak. So things are not going well for them now.

Earlier, before question period, another colleague from the NDP had also not really understood that the Bloc Québécois did not support Bill C-46, An Act to provide for the resumption and continuation of railway operations.

Government Orders

As I said a moment ago, the Bloc Québécois does not support Bill C-46 in principle. I reiterated this earlier to another colleague from the NDP because I thought he might not have been listening. We know that the French to English interpretation services in the House are excellent. So the only reason why his colleague before him had not understood was undoubtedly because he was not listening. And now another colleague from the NDP is rising. Clearly they are having a bad day, so we are going to try to move on.

On the question of CN's management, it is important to recall what they said when they addressed us at the Committee on Human Resources, Social Development and the Status of Persons with Disabilities on February 8. In fact, it is important to note how the Vice-President and Chief Legal Officer of CN saw matters at that time. At the time, the situation was heating up at CN and the strike was in full swing.

Of course, CN management spoke against the anti-scab bill. In fact, it said that "this would mean a return to a system where any nationwide railway work stoppage would inevitably require government intervention". They cannot be said to have had a lot of vision.

This is what the Vice-President of CN said: "First, the commuter rail service in Toronto and Montreal would quickly grind to a halt." We know that this is not what happened. He said that it would lead to "traffic jams and great inconvenience". We know that this is not true and we have not seen great inconvenience.

In short, CN management cannot be said to have had a lot of vision in these disputes. They have very little understanding of the consequences and repercussions that labour disputes in their company can have. So we can see why they have exhibited such a serious lack of respect in bargaining with their employees and the employees' representatives.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I would like first to congratulate my colleague from Saint-Bruno—Saint-Hubert on her excellent speech about this bill, which she really summarized well. It seems to me that it was all very clear for those who were listening, though not for the others.

I would like, though, to ask her two small questions to clarify something. Could she tell me whether it is absolutely necessary to resolve the dispute by passing a bill today and why today?

I would also like my hon. colleague to enlighten us on whether there might have been some other way of approaching this. In the event that this legislation does not pass today, what could the minister do or what should he have done to settle the dispute?

• (1535)

Mrs. Carole Lavallée: Mr. Speaker, I would tell my hon. colleague that there were many other ways of dealing with this dispute. Special back-to-work legislation should be the last resort considered. I mentioned some other approaches in my address a little while ago. First, if there had been anti-scab legislation, there would have been a balance of forces and CN management would not have acted so arrogantly and with such little regard for its employees and their safety. Many other things should have been done in advance.

The Minister of Labour should also have shown leadership far earlier and ensured that the parties were talking to each other and, most importantly, that CN management showed some regard for the

union representatives. It should have sat down at the bargaining table and negotiated seriously instead of thinking up some phoney strategy like hiring replacement workers and retired people to fill in for the striking workers and thereby merrily brushing them off.

[*English*]

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I am quite appalled by what I see here this afternoon. We have the Liberal Party and the Bloc Québécois helping the Conservative government do something that we know is not in the interest of Canadians. We know full well that this is not in the interest of Canadians because they are telling us that they are increasingly concerned about the escalating accident rate, the loss of life, communities devastated and environments destroyed. CN has refused to treat any of those safety issues.

Now, after the employees are crying out to Parliament to take action so they can start addressing these safety issues, we have Bill C-46.

What does Bill C-46 do? It allows the government to hand over a blank cheque to the CN management to impose whatever final agreement it wants to see. The government will be given, through final offer selection, the right to appoint the person who will impose this settlement. Employees at CN have been trying desperately to have members of Parliament from the four corners of the House recognize the safety issues that have arisen over the last few years and that have reached a critical point in the last few months. Instead they are completely forgotten.

The government has the right through this legislation to impose whatever situation CN decides to put forward. There is no arbitration. There is no negotiation. There is an imposition by American management in the United States on what conditions the railway will function under.

It is absolutely appalling that any party would try to impose safety standards through CN management. What is most appalling is earlier today we saw the Liberals and the Bloc Québécois support closure so we cannot have a full debate on this issue and we cannot have a full addressing of the issue of safety, even though we have seen problems across the country. Instead we are simply going to hand over a blank cheque to CN management in the United States to decide what the future of our rail system for CN is going to be.

What has it done so far? We are giving these rights to CN management to decide on safety issues. That is the major point of contention. Employees have not hidden that. They have been raising this concern for months and months and years. Over the last five years we have seen a rapid escalation in the number of accidents, derailments, collisions, fires and explosions. Over the past five years they have escalated at CN.

The former Liberal government did very little. The Conservative government has done nothing to address this issue of safety. Instead of addressing it, instead of having the Minister of Transport sit down with the Minister of Labour and work out some way of addressing these legitimate concerns raised by employees, we have Bill C-46 being imposed with the support, as they say the accomplices, of the Liberal members and the Bloc members.

Government Orders

What happened earlier this year? After we had seen this rapid escalation over the past five years, we saw a spike up, a doubling, of main track train derailments since January 2007. What does that mean?

Let us look at some of the examples over the last few weeks. On January 4, CN rail engine crew had to be rescued from B.C.'s Fraser Canyon after a locomotive plunged down an embankment. On January 8, 24 cars of a 122 car freight train derailed in Montmagny, Quebec, about 60 kilometres east of Quebec City. On March 1, a CN freight train was derailed in Pickering, which disrupted train service on the Toronto-Montreal-Ottawa corridor and disrupted commuter rail service in the Toronto area. On March 4, grain was spilled near Blue River, B.C. On March 10, train traffic along Canadian National's main freight line through central New Brunswick was disrupted by a 17 car derailment.

We are seeing derailments across the country. What we have had from CN management is utter contempt for Canadians. It is not addressing it at all.

● (1540)

The employees have implored us through their actions to say that the government needs to take action. Safety issues are the number one concern. Instead of addressing any of those safety issues, we have the Minister of Labour handing over a blank cheque to CN management.

It is not just the employees, and Canadians generally, who should be concerned about this. We know that shippers are facing, increasingly, these roadblocks and obstacles. Because successive governments, Liberal and Conservative, did not take action on safety and on these derailments, we are seeing a permanent state of uncertainty in our rail transport system where we know any day there are three to four major accidents, any one of which can shut down rail service.

To say that we are helping shippers by ramming through this draconian legislation, with the support of the Liberals and the Bloc Québécois, rather than addressing the fundamental safety issues that the employees have said are their chief concern is ludicrous. We have seen shippers shut down as a result of these various accidents, collisions, derailments, fires, explosions, and the government has taken no action at all.

This leads to the question: Why has the government not taken action? Why did the government not, months ago, start to address safety concerns?

It is throwing its weight around now, imposing a situation where CN management decides how safe the system will be based on how many executive bonuses it wants to pay and what it wants the profits to be for CN in the United States. There has been absolutely no consideration given to Canadians, not even to shippers, who have been complaining about the increasing number of derailments, who have been complaining about the increasing concerns that parts of our rail system is being shut down because CN has not been treating safety as a major concern.

There was one thing the government did, and that was to actually do a safety audit at CN Rail. After prompting and pushing from the NDP, it was finally released. Let us just read some of the conclusions

of that audit. This is an audit that was conducted in 2005 and it was held onto by both Liberals and Conservatives.

The two-phase audit revealed problems with both targeted safety inspections and with CN safety management practices.

Investigators found a number of safety defects in CN's equipment, defects that could cause derailment, personal injury or property/environment damage.

Auditors found a significantly high rate of safety defects on the locomotives they inspected, with problems ranging from brake gear defects to too much oil accumulated on locomotives and fuel tanks.

The audit recorded a number of different system and brake gear defects and defects with the cars themselves, including 27 occurrences of an unsecured plug-type door.

The audit also found more than a third of the locomotives inspected violated parts of the Labour Code regarding trains. Problems included: out-of-date fire extinguishers, incomplete first aid kits, and missing protective covers on electrical equipment.

The report also found that many front line employees say they felt pressured to get the job done. It said current practices allowed locomotives with safety defects to continue in service.

The audit revealed in part, and commented, the view of many employees and front line supervisors who reported that they felt pressured in regard to productivity workload and fear of discipline to get the job done, compromising safe railway operations.

We have an escalating accident rate, collisions, derailments, fires and explosions. We have concerns raised by employees about the lack of safety standards and the government's only action, rather than addressing that, was to hide a report for a year until the CBC pressed for a release and the NDP pressed for a release. And then, instead of dealing with any of those safety issues, the government brings in this draconian legislation to help CN management in the United States decide what the rail system is going to be like even though we know that escalating rate hurts shippers and hurts people across this country. The escalating rate of railway accidents means that parts of the system are shut down virtually every week.

We would have a permanent state of uncertainty in our railway system if this bill were to pass. Rather than addressing the safety issues, rather than acting responsibly, this government acts absolutely irresponsibly. Whether it is a wheat farmer on the Prairies or whether it is a company in Ontario, what this would mean if we were to allow CN management to impose its low safety standards on Canadians is a permanent state of uncertainty in our railway system.

Government Orders

• (1545)

Mr. Gordon Rhodes, who is a long time locomotive engineer, the only survivor of one of the most egregious recent accidents where two CN employees were killed due to CN's poor safety management practices, was at the transport committee yesterday. Here is some of what he said about safety management in his testimony, which is the first of what we certainly hope will be many opportunities to inquire into the low safety standards that we are seeing with CN.

Mr. Rhodes said:

—I can speak about the fact that from my experience working for CN when it was Canadian-owned and my experience working for BC Rail, and now we've gone to CN again which is American-owned, the contrast is immense...When you opened up your rules books, when you opened up your timecards, safety was number one when it was Canadian-owned.

Now it is not. He talked about the lack of proper enforcement:

I think that Transport Canada has dropped the ball and I'm not pointing fingers at individuals, it's the system.

He is referring to a system that has been put in place of course by the Liberals and continued by the Conservatives.

He went on in his testimony:

How does a bridge fall down with a train on it? Sorry, I'm emotional as I've been part of something very awful. I've witnessed two of my friends die right in front of me. Why? Because people don't want to hear the truth. People are afraid to talk about the truth because the truth is going to cost money.

Mr. Rhodes, in his testimony yesterday at the transport committee, went on to say:

I'm not American, I'm Canadian and I used to be proud to call my company Canadian National Railroad back in the 1980s. Now I'm not even allowed to. I'm supposed to say CNR. What's this?

Referring to the American management, he said: "They're telling us how they're going to run things". In referring to government and to members of Parliament around that table at transport committee, he said: "I think it's time you guys tell them how it's going to be run".

That is part of the message from Mr. Rhodes, the only survivor of one of the many accidents that CN has had, an escalating accident rate over the last few years. These problems were identified through the safety audit and identified by the employees who have, in a real sense, said to parliamentarians, "You have to help us with this. Communities are being devastated. Environments are being destroyed. Lives are being lost. You as parliamentarians have to help us with this".

Instead, in three corners of the House, we are seeing three parties, the Conservatives, the Liberals and the Bloc, saying to employees that they do not care about that, that they are not going to address any of those safety issues. They do not care about the communities that are devastated. They certainly do not care about the shipping problems that happen as a result of the devastation of these derailments, collisions, fires and explosions. They are not going to address any of those issues.

They are going to toss the entire weight of the government behind a plan to simply hand a blank cheque to CN management to decide really what it wants to have as a railway. They are not going to impose any standards. They are going to impose a piece of

legislation that allows CN management to keep its big executive bonuses and decide what the future of the rail system is going to be.

I certainly hope that every single member of this House reads Mr. Rhodes' testimony before they vote on this draconian legislation brought in by the Conservatives. He speaks to what should be important to every member of Parliament here: the safety and the continuation of our rail system, and not allowing CN management to decide what the rail system is going to look like. He said:

CN has gone in the opposite direction and they're very adversarial. I call it the poisoned work environment because that's what it is. Nobody wants to go to work there. Everybody's counting the days, the months and years, till they're gone, they're out of there, and that's not the way it was, and that's not the way it was at B.C. Rail. [...]

The way I look at it is this: CN is a big multinational corporation. Their railway goes from Mexico to Canada. They have amalgamated many or absorbed, and I don't know the proper terminology, but they've bought many railways and they've absorbed them into their system. They're experts at doing that. The problem here is that they absorbed one railway that they had no expertise on. They thought they did, but they don't. Their arrogance is what happened in the sense that they came in, they took our GOI, General Operating Instructions, with 50-some years probably of railroad knowledge of how to run trains on that track, but you're going to do it our way because we want it all homogenized. We all want it one way and that's it. They didn't listen to anybody, they just ploughed ahead with their system.

• (1550)

Their system, as we know, was running railcars and locomotives that were appropriate for the Prairies and the mountains of British Columbia, with the loss of life that resulted from that foolish managerial move, foolish, shortsighted, irresponsible and reckless. That is, indeed, the company to which the Conservative government wants to provide a blank cheque.

It is saying, "Sure, you have been reckless and irresponsible, you have disregarded safety standards, but here is a blank cheque. You decide whatever you want. The sky is the limit. We are going to impose it on the employees of CN. We are not going to listen to their safety concerns. We are not going to listen to the concerns of Canadians from coast to coast, no, sir. We are simply going to allow you, as CN managers, to keep your executive bonuses and American managers can impose whatever solution they think is appropriate".

Mr. Rhodes talked about the difference between the United States and Canada. He said, for example, that in the United States there is no requirement yet to have a safety alerter on the head end of the train for the engine man, a dead man's switch. In the United States there was no requirement for the SBU, which is the replacement for the caboose.

Transport Canada insisted there be an emergency release feature, which means that as an engine man I can release the air brakes, set up the brakes from the tail end, release the air out of the train and the brakes will all be set up. In the United States that is not required because it is an extra \$1,000 a unit. Six men died back in the 1990s in the United States because of this.

Mr. Rhodes said it was not better in the United States than here. The safety standards were better here. Of course, our system is eroding and declining. That is exactly why we have had this very clear direction from employees of CN to start addressing these safety issues. Instead of addressing any of these safety issues, we have the draconian legislation being brought forward today.

Government Orders

CN employees are imploring us to look at the safety issues. Communities in the Fraser Canyon, Montmagny in Quebec and across this country are saying safety has to be put back on the agenda. The employees had only one way to do this and that is by pushing the collective bargaining process to start bringing the safety standards back up to what Canadians want to see.

Instead of the government in any way being responsible by looking at the bigger picture and saying that CN has been irresponsible and that it is going to address the safety concerns because it knows those are the chief problems and if addressed we know that there will be an agreement, instead of doing any of that, we have what we have before us today, Bill C-46. Bill C-46 imposes whatever CN wants on the employees. With final offer selection, it is simply giving a blank cheque to impose whatever lack of safety standards it prefers to see, a blank cheque which is completely and utterly irresponsible.

• (1555)

[Translation]

It begs the question: why did the Bloc Québécois support this entire process of a forced return to work? We know very well that the people of Montmagny, Quebec were seriously affected by the company's lack of safety measures. We know very well that CN's employees have been deeply affected by what the CN managers did.

The Bloc preferred to support the Conservative government and be its accomplice. It is clear, now, that this bill will be imposed, likely because of this action, this support, this complicity on the part of the Bloc and the Liberal Party.

[English]

To conclude, the chair of CN in the United States receives over \$1 million a week in salary. Canadians deserve much better than Bill C-46. They deserve to have Parliament listen to them.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my colleague's discussion about what is at stake here and our obligation as members of Parliament to get serious about the issue of safety with rail transport because we have seen a disturbing escalation across the country of railway accidents and a complete lack of a plan or accountability from the government, the Transportation Safety Board and the CN in terms of addressing the growing number of derailments, locomotive accidents, fires, spills and the threat that poses to Canadian citizens.

What I am interested in bringing home today in my question is the issue of the growing gap we are seeing right now. We see it everywhere in our country this prosperity gap where these unaccountable CEOs with their golden parachutes and all the special gifts they get and whatever money is given to them is considered completely reasonable, whereas honest working people are nickel-and-dimed time and time again by governments like that and its supporters in the Bloc Québécois who support any budget the government puts out. The CEO for CN is making \$56 million a year. The gap between what he makes and basically what anyone else makes is \$56 million a year.

In light of this incredible gap between these mandarins of industry who are being treated, feted and protected by people like the Conservative Party and its friends in the Liberal Party, and the gap

with ordinary working people who are out trying to make an honest living and pay their taxes, how does the member feel that is playing into this CN role when a man who is making \$56 million a year cannot even guarantee safe rail transport in this country?

Mr. Peter Julian: Mr. Speaker, the hon. member is absolutely right. The CEO not only has over \$1 million a week in benefits, the Liberals and the Conservatives have just given him a blank cheque in terms of labour negotiations to impose whatever kind of low safety standards he wants to see. CN has been given a blank cheque from the Conservative government, supported by the Liberals, of not only \$1 million a week, but he not only passes go, he collects a blank cheque from Canadians.

I think Canadians would be appalled if they realized the implications for shippers, for example, to have that permanent state of uncertainty now that will be established. As the accident rate continues to grow, we will see more and more rail shutdowns because CN finds it more profitable to cut safety standards and have more accidents. It does not hurt its bottom line. In the end, it made the calculation and lower safety standards means more profit.

Obviously there is a fundamental problem but it begs the bigger question. We have seen with the banks and with the petroleum companies which have \$1 billion a year handed over to them even though they made over \$30 billion in profits in 2005. The Conservatives and Liberals see eye to eye on all of this. Working families are completely forgotten. What about middle class Canadians? No, do not take them into consideration.

It is time for a solid merger between the Liberals and Conservatives. They should get together and form one party because there is no difference between the Liberals and Conservatives. They all think the same way, which is to hand it over to the big companies. Since that is what they believe, we would suggest that they merge and Canadians will decide between the NDP's vision of this country and the Liberal-Conservative vision of the country.

• (1600)

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I have been in the House for quite some time and I understand the difference between relevance and irrelevance when it comes to debate.

I can recall, if members do not mind me regaling with an anecdote of a very competent colleague of mine who, when we were opposition, had this very intense issue with which he was completely seized. It was about turning to ethanol fuels. Every debate in which he engaged was about nothing except ethanol and ethanol fuels. One day we were talking about banking and he stood and said, "Mr. Speaker, my colleague, who is responsible for finance, knows everything you need to know about banking and I will let her speak. Let me talk to you about ethanol".

This reminds me of my colleague from Burnaby who is on the transport committee with me. I do not think I heard him say one thing about labour relations, which is what the bill is supposed to be about. He talked about safety.

Government Orders

I look forward to having a debate later on about safety and the railways as we attack the Minister of Transport, Infrastructure and Communities. I am delighted that the member for Burnaby—New Westminster has decided that will be our target for today. Like him, I look forward to doing that.

However, I want to ask him if he will acknowledge that what he did was introduce an entirely different element. When I make an intervention, I guess I will speak about how we work for working families because I did not hear how he will do that under the bill.

Mr. Peter Julian: Mr. Speaker, that is where the hon. member and I differ. We are hitting the exact issue that is most fundamental to this whole discussion.

We have had 18 months now of CN employees saying that we must improve safety standards and CN management saying no way, that it will not do that. CN management has been stonewalling. We now have a piece of paper in front of us, Bill C-46, that gives CN management the right to impose whatever final agreement they want to see.

Labour relations have been poisoned at CN because CN management refuses to deal with the fundamental issue, which is the issue of safety.

Broader than this is the fact that most Canadians are also concerned about the safety issues. We see rail shutdowns, people dying, environments devastated and communities threatened because CN safety practices have, to say the least, declined. To say the most, they have probably been gutted because the American corporation just does not understand that things must be balanced more appropriately rather than always thinking of executive bonuses and the million dollars a week they want to pay to the CEOs.

Most Canadians are actually concerned about safety. Most Canadians want to see a safer rail system. Most Canadians in British Columbia where I come from are concerned about the accidents and the loss of lives that we are seeing because CN is not being a responsible corporate citizen. Instead, we have this legislation which, instead of labour relations, imposes through CN management a blank cheque to do whatever they want to do in the coming months, which is why this is bad policy and bad politics. It is bad public service and that is why the NDP is voting against this bad legislation.

• (1605)

Mr. Charlie Angus: Mr. Speaker, I was fascinated to hear in my hon. colleague's speech earlier about the \$56 million a year that the CEO gets and then, on top of that, that fact that the government is now giving him a blank cheque in order to impose his agreement on CN.

I guess the question in the simple street vernacular of the time could be: Who is your daddy? What a situation we have here. We have an industry that has been running itself into the ground beside the tracks because of its accident rate. We have had workers asking again and again for some standards on safety and we have a CEO making \$56 million a year. The government, with support from the Liberals and their friends in the Bloc, are forcing closure on any of the issues around safety and allowing CN a blank cheque to write a new contract.

What does my colleague make of this?

Mr. Peter Julian: Mr. Speaker, in short, this is bad. Simply put, no member of Parliament, if they are responsible, should be voting for this legislation. If they are thinking about the needs of their communities, the needs of the shippers and about the loss of life that comes from this escalating accident rate, no member of Parliament should be voting for the legislation.

I am perplexed, as I am sure the hon. member is, as to why the Bloc supported closure to push this thing through and why the Liberals are supporting the legislation when Canadians are concerned about safety and when the employees have said that we need to deal with safety as a Parliament.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I thank all hon. members for clarifying the issues. The issues are divided into two parts. One, of course, is the safety issue, which has nothing to do with the bill but we will address it and I want to address it, especially because it was raised by my colleague on the committee. The other one, of course, is the economic package. The economic package is subdivided into two parts: one that deals with the specific situation, and that is CN workers and CN itself; and the other one is the implications of that economic package on the rest of the economy.

Since my hon. colleague from Burnaby—New Westminster wanted to address the issue of whether or not shippers would agree, I have a list of about 20 of them who approached me in my office about what we ought to do. While we have a labour relations situation, negotiations have been collapsing with CN and their workers. I will not comment on why negotiations have collapsed but they have collapsed.

Now we have the Grain Growers of Canada, which employs some 70,000 people, and all their members have asked for a resumption of service. Otherwise, those 70,000 employees will be put at great disadvantage and may be out of a job.

For example, Canfor Pulp and Paper, which is in my colleague's province, would employ some 7,300 people and about another 2,200 independent contractors. It will be completely out of business if it does not get access to the service that CN is supposed to provide. I will say more on that in a moment.

Millar Western Forest Products Limited, with a mere 275 employees, which is not as important as the 2,800 at CN, but its employees have families that they too must support.

For example, Maple Leaf Foods has come forward and said that this collective agreement is not just about CN and its employees, that it is about its workers as well. Some 24,000 families depend on each and every one of its workers and if this collective agreement is of import to the people at CN and its workers, then it is important, as my colleague said, to everybody else that works for Maple Leaf Foods.

Government Orders

Let us talk about the Forest Products Association, 20 associated members around the country, many of whom rely exclusively on CN to get their product to market. They came forward and said that they need that service. They said that they cannot be held hostage by the differences between the management and the employees of CN. They demanded that the Government of Canada, which included all the parliamentarians, the Parliament of Canada, come forward and take care of Canada's collective interests which includes all of them.

The Canadian Wheat Board is not next door to my riding but it claims to represent some 65,000 to 70,000 growers, farmers and their families. It cannot get its product to market because CN employers and CN employees cannot come to an agreement. What does the Wheat Board do? It turns to the Parliament of Canada, to the Government of Canada and asks that we get those people back to work and that we have them find a solution that is consistent with the best interests of all Canadians.

If we are talking about shippers, about other employees or about other employers who are dependent on this service, then we need to keep those people in mind as well. We should keep in mind, for example, the Western Canadian Shippers Coalition, a coalition just in western Canada that has 280,000 people who depend on the activity of all of those shippers. It is saying that if we cannot get that service that it will not be able to provide work for its people.

What do we tell all of those families? Do we tell them that we will not be involved or do we tell them some airy fairy story about the way that relationships are going? We are in fact saying, and this is a collective "we" in this instance, that there are various ways to achieve a negotiated settlement, one being final offer selection because they have not been able to reach a decision on their own.

A final offer selection means that one side gives us its best and the other side gives its best and our arbitrator will pick the one that he or she considers to be the most appropriate.

• (1610)

Will it necessarily mean that it is going to be appropriate to choose the union model or the management model? We do not know. They have not been presented yet. I think it is a little bit of a red herring to talk about the salary of the CEO of Canadian National, because of course everybody is offended when they hear that somebody is making \$56 million. I do not think there is a parliamentarian here who makes more than \$150,000, other than cabinet ministers. I do not want to begrudge anyone what they earn, but it does not come close to \$56 million.

Does the man deserve it? Does he merit it? I do not know, but that is not the issue. The issue is whether we will allow all these hundreds of thousands of people who work in the economy of Canada and other industries the opportunity to continue to work as a result of the solving of a problem that is resident in Canadian National and its employees' union.

What caused that collapse? I really do not know. I know that they have turned down a series of offers as they have gone through this. I think every parliamentarian understands that when parties get into negotiations there are some things upon which they can agree and some things upon which they do not agree, and when there is a final decision and they vote, they turn it down.

My colleagues in the NDP are constantly speaking about the auto industry. By the way, as a little bit of an aside, I was pleased to be the minister responsible for putting together a \$500 million auto package. It was the very first time in 20 years that the Canadian government entered into an agreement to ensure that there was an investment with the auto industry to keep jobs in Canada. It was worth \$500 million and it tied the province of Ontario to doing a similar investment, so that was \$1 billion.

Therefore, I am putting that forward because I think that makes me perfectly qualified to be able to talk about, for example, the Ford Motor Company. It came forward and said on February 23 that it had already had to shut down its car plant because of the strike at Canadian National and it could not continue to delay parts shipments across the boarder.

It asked us what we wanted it to do. Did we want it to tell its head office that it could locate assembly plants south of the border because it could get access to the parts and to the final product? Or did we want to ask the government to make sure that everybody addresses their labour issues in a fashion that is consistent not only with their personal interest, legitimate as it may be, but with the interests of all Canadians?

I am really quite surprised that the Conservative government has actually finally moved on this.

Mr. Speaker, I know that might offend you, but it is nothing personal.

We wish that we had not come to this and that the government had given an indication much earlier. To its credit, the government did that about four weeks ago, and so here we are, but the macroeconomic indicators are the ones that we have to deal with. The mining industry, the forestry industry, the automotive industry, the chemical sectors and the farming industry all predict slowdowns and closings if their rail service is not restored. We need to have it restored. It must be restored.

As an example and only as an example, in eastern Canada industries rely almost exclusively on CN for any rail service to access their market. Their only other choice, of course, is trucking.

I have already given the House a list of the people in western Canada who say they cannot get their goods and products to market unless CN comes back to deliver that service. In an environment where there is a shortage of some 30,000 long haul truck drivers in this country, eligible, qualified and capable truck drivers, they do not have another option. If we want to get our products to market, we need to have that service continued.

If we want to guarantee the jobs to Canadians everywhere in this country we need to make sure that service is provided. For a party, and it does not matter whether it is on the left or right of a spectrum, or whether it is sane or insane, to suggest that the rest of the country can be held hostage by one particular company and its employees is absolutely shameful.

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•(1615)

It is equally shameful to expect that a company can get people at the last minute, whether they are management or not, to fill the jobs of qualified employees and provide a service that is safe. It is unconscionable. We are not talking about people moving checkers across a checkerboard. We are talking about employees who must have training that is absolutely and completely perfect to ensure the safety of both people and product. We are not getting that now.

That is why earlier on in the day I had a reluctant compliment for my colleague, the Minister of Labour, because he at least tried to approach this in a dispassionate fashion. He wanted to deal with this on the labour side. I said that was fine.

We in the Liberal Party believe in negotiated settlements. We believe in negotiation, in the collective bargaining system, but we also believe in responsibility. If this represents a responsible approach, and we are not predicting which side of the final offer solution the arbitrator is going to come to, what we do need is something to go forward. That is what has happened. We have started to talk about safety issues and infrastructure. Transportation infrastructure has been absolutely crucial to the building of this country.

Mr. Speaker, I know you are always attentive on history lessons. I am not going to begin one, but if it were not for transportation issues and the way they have been addressed by governments in the past, including my own government of the past, we would not have had the building of this country. The new government is fond of saying that for 13 years the Liberals did not do anything while it has done everything in the last 13 months. It appears that it has not done anything in 13 months. In fact, we are now up to this situation.

I know that my colleague from Burnaby says CN has three accidents per day. I think the actual figures are that every third day there is an accident on a primary line, and it is not something that is acceptable. Is this part of the collective agreement and the collapse of the collective agreement? While it may be part of the negotiations, those were not the ones that I heard were voted down.

We should be talking about the Minister of Transport who is not even in the discussions about what to do to maintain the viability of our transportation infrastructure in this country.

When I gave an indication a moment ago about eastern Canada's almost complete reliance on CN and its system, I could have said the same thing about many other parts of Canada. For instance, B.C. Rail was bought out by CN and now we have the predominance of CN in that particular market as well.

If we cannot ensure that the rail infrastructure provides a competitive and efficient system of delivery for all of our shippers, then we are putting the jobs of hundreds of thousands of Canadians in jeopardy. There are 320 communities around the country that rely almost exclusively on the industries that are dependent on Canadian National for delivery of product to market.

So when the NDP asks what we would do when those communities are in jeopardy, there is only one thing that we on the Liberal side can say and do. Every one of those 320 communities and every one of the families in those communities is as valid and as

viable a Canadian as any other. We have a commitment and a legal obligation as parliamentarians to ensure that the lifeblood of a thriving economy is part and parcel of their lives as well.

•(1620)

I do not want to address the standard of living and quality of life issues. I am just talking about actually having a job to go to so that people can make decisions on a daily basis about how to care for their families, how to keep their communities growing, and how to keep that bond, the glue, that makes Canadians Canadian, that makes Canada a viable entity and a country that is first in the world.

When we talk about infrastructure and transportation, we also need to address the issues that, to the credit of some members, have been raised here, and yes, they have to do with safety.

It is absolutely shameful that the Minister of Transport has over the course of the last several months completely ignored the exhortations of members of the committee to appear before the committee and address the safety issues, especially as they relate to CN. They have nothing to do with the collective bargaining process that has been ongoing for several months, but they have everything to do with the responsibility of good government and management on the government side for a minister who is responsible for the maintenance of the infrastructure and who is absolutely responsible, legally responsible, for the safety of rail travel in this country.

Those committee members and I, as a member of that committee, have been demanding that he appear and address those issues. In fact, colleagues on both sides of this House will recall that I raised this issue in debate about a month and a half ago.

As for the person who responded when I said that we have been looking for the audit on CN, which was conducted by the government, to be made public and to be made available to the committee for study, and which a national television program aired, that person said the minister could not and would not give it because the company, CN, forbade him to.

It is absolutely ludicrous. Let us imagine that a minister of the Crown puts forward moneys and a mandate for an inquiry and then will not release it because the company that is under investigation says no, he cannot do it. I asked the company why it was putting this constraint on the minister and it said it was not.

I raised it in the House. Not the Minister of Transport but the Minister of Labour leaned forward and, to paraphrase, said, "The hon. member is the first one who has raised this. Why does he not ask the Minister of Transport?"

Two days later, the report appeared on the website. It is available for everybody. Here is what it said. After that first inquiry, which was available to the minister in spring of last year in draft format, transport officials sat down with CN officials and they went through a list of incidents, accidents and contraventions of the code and asked what CN was going to do to change that. CN committed to a series of changes.

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Six months later, there was an audit to see the extent to which CN had complied with that report to which it had signed off. The minister refused to release that audit. I did not see the NDP ask for it.

We got it. If people were to read that audit today, they would see damning evidence that CN management has created a climate, a culture, of non-compliance with the agreement that it had already struck.

So if my hon. colleague wants to address an issue of collective bargaining in that context, let us do it and let us put the Minister of Transport on the carpet, but let us leave this issue for what it is. It is a collective bargaining situation that has enormous impact on the rest of Canada and which we need to ensure gets resolved so that the millions of Canadians who are dependent on this agreement, whenever it is struck, can continue with their lives.

• (1625)

Let us not forget as well that the Parliament of Canada and the Government of Canada are not imposing a solution on either side. Through its arbitrator CN will pick the better of the two offers when they are put forward. We have a right and an obligation to ensure that process continues while the benefit to the commonwealth of all Canadians is taken care of.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I had the fortune, or misfortune, of being at the not so recent Liberal leadership convention and there was not as much emotion or energy put forward by many of the speakers there as has been encapsulated in the last 20 minutes. I lament the fact that the octaves used, the approach and the passion on this one issue, never mind the ambition toward the leadership, was absent. It is too bad that the delegates and Canadians watching missed that type of performance. It was Parliament on the Thames. It was remarkable in terms of the depth and misinformation which was wrapped in the deep worry for the children and orphans as was almost alluded to in my hon. colleague's speech.

There are two important questions.

• (1630)

Mr. Jeff Watson: Tiny Tim.

Mr. Nathan Cullen: We will not reference Tiny Tim yet, but it might come later in his answer to my question.

The important issue being raised by the CN workers that live in my riding in northwestern British Columbia, CN being one of the main rail lines and an increasingly important one, has been consistently in respect of safety. The member talked about what came forward from the report that had been sat on and not addressed by the current government and the issues we raised in the last Parliament when his party was in government. Consistently we were hearing from the ground, from the drivers and engineers, that this was a problem and that there would be consequences to these cutbacks in safety, not just consequences in terms of the environmental and human costs but also consequences economically.

The shippers in my region have consistently and with growing concern raised the issue of inconsistent rail service. Freight traffic is delayed. The member talked about the auto industry. One of the leading complaints from the auto industry with respect to rail to this point is that it just cannot get good service as the profits for this

company have soared over the last number of years and the personal profits of its CEO have certainly soared to some \$50 million a year.

My hon. colleague clearly cares deeply and passionately for the workers, their families, their children, their children to be and generations past and forward, but if one of the issues being raised by workers is that the safety standards have fallen so low, as has been reported, then clearly that is the issue they have raised at this moment with the government. Instead, his party has chosen to support railroading and bulldozing them and saying, "Those just simply do not matter. Figure it out. We will talk about it later".

How can he reconcile these two absolutely opposite views of the need to have a safe and dependable rail service in this country both for our economy and the families that depend on that economy?

Hon. Joseph Volpe: Mr. Speaker, I suppose that when one is in an environment where the word "adversarial" approaches commonplace, one takes compliments however they appear, backhanded or not.

I am glad that the colleague opposite attended a Liberal convention and that he has now been impressed with the passion of the commitment of Liberals, those who succeeded in leadership and those who succeeded in supporting leadership. I guess he was so successfully influenced by that that he is wearing red today. He probably has a Freudian desire to be part of a party, a nation-building organization that actually has some objectives that are nationwide. It must have come as a complete surprise to him to actually see people debate things that are of interest to all Canadians. It is good for him; it is a maturing environment and I suppose he will be happy to be part of that process.

Let me address the substance of whatever kernel of question there might have been in his intervention. I am assuming he really does think that the collective bargaining that collapsed had everything to do with rail safety and nothing else, and that those 2,800 employees at CN were concerned with rail safety and nothing else. I am assuming, because I want to attribute positive motive to what he said, that those 2,800 employees were concerned about the impact of railways on the environment through which they travel and nothing else. I have to assume as well that he and his merry friends are also only concerned about the environmental impacts and nothing else. Then I guess I would also be living in the fairyland which they call home.

The truth of the matter is that the collective bargaining struck an impasse because the entire package was not to the liking of the membership.

Do we as parliamentarians support the principle of collective bargaining in order to achieve a negotiated settlement between management and employees? Of course we do. Do we as parliamentarians support the right of all Canadians to benefit from the economic activity of others, directly and indirectly? Of course we do. That is why we are here, but perhaps the colleague opposite has yet to grasp that concept and continues to adhere to a position that is inconsistent with the reality of today.

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•(1635)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I want to thank the hon. member for his informative speech. It is very important that we as parliamentarians share our insight and our knowledge about the sensitivities that have to be taken into account, particularly as I think we all share a common view that there must be respect for the collective bargaining process and that there is a balance that has to be struck.

I do not for a moment think that parliamentarians are going to be swayed by rants about how much somebody makes in a particular position. I do not believe it is relevant to the debate. There have been questions from a couple of members relating to the safety of the rail system and obviously its impact not only on the workers but on the public and certainly the best interests of other stakeholders.

I wonder if the member could comment for other parliamentarians and Canadians at large about the processes that take place within the rail industry that are regulated to ensure that proper maintenance, monitoring and reparations are made as necessary to ensure that the rail system is safe if it is operating.

Hon. Joseph Volpe: Mr. Speaker, I do not want to alarm my colleague or any Canadians following the debate about some of the things that need to be done in order to ensure that rail safety complies with the expectations of all Canadians, whether they are shippers or whether they are travellers.

The fact of the matter is that the Government of Canada, through the Minister of Transport, has the legal obligation to ensure that safety measures are complied with and that safety measures are observed and imposed. The Parliament of Canada through its transport committee is considering a particular bill that has more to do with aviation but we have brought into the picture the issue of transportation via the railway system.

The hon. member ought to be comforted by the fact that at least Parliament is being vigilant to ensure that the Minister of Transport abides by his legal obligations to ensure that Canadians have a safe network of rail travel. There are difficulties and the committee is trying to keep the minister's feet to the fire, so to speak, to ensure that he meets those obligations.

My hon. colleague from Mississauga will remember the time when there was a derailment in Mississauga with some rather hazardous material on board. The minister at the time took measures to ensure that we would have appropriate train transportation that would safeguard rural communities.

I might end off with this as well. We still need to take a look at the interests of all employees, whether they work for CN or they work for someplace else. The port of Vancouver, people at the port of Prince Rupert, the organizations in Richmond, all came before members of committee, and I am sure before the government, and said that those shippers in British Columbia—

Mr. Brian Fitzpatrick: What about the workers in Canada?

Hon. Joseph Volpe: —and I am sure the member from Skeena probably has them in his riding, cannot access those eastern markets. The—

The Acting Speaker (Mr. Andrew Scheer): We are going to have to move on. The hon. member for Timmins—James Bay on debate.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I am very pleased to speak to this very important issue. It speaks to a number of areas of vital importance for Canadians.

At the outset, I was quite surprised to hear the Liberal Party say that the CEO of CN made \$56 million a year. That is completely irrelevant to this discussion. In fact, it cheapens the debate to talk about how much is made at the top. What it signals clearly is how much is being paid out in dividends and how much people are making off the CN line, while the issue of safety is relegated to one of those dead-end tracks. For New Democrats to talk about this incredible disparity and gap is somehow beneath the discussion, but it is very pertinent to the discussion.

I am going to speak about four areas with respect to the bill. There is the issue of safety, which we as New Democrats have raised consistently in this debate. There is a discussion of the need for an infrastructure plan that addresses our industrial capacity and how one part of the country can work with another. There is the question of accountability, both at CN and the government. Then there is the issue of the fundamental right of collective bargaining and how that has to be respected.

I and many Canadians are very close to the whole idea of railways. There is something in our psyche where the sound of the rail hearkens us back to something. I will talk about my family's background in the rails. My mother and father's families either worked in the mines or on the rail lines.

My great-grandfather, John P. McNeil, worked on the Sydney Flyer, bringing the train back into Cape Breton. John P. was apparently quite the man in his day. He claimed he could always tell someone who was bringing booze into Sydney because a man who carried alcohol in his bag put that bag down with just a bit more care than if it were full of underwear. In fact, my grandfather picked up on that. When he would go on a trip, my grandmother would ask him how long he would be away. If he said he was getting a one bottle satchel, that was for one night. If it was a two bottle satchel, that was for the weekend. If it was a four bottle satchel, he was going home to Cape Breton.

My grandfather, like so many men of his generation, left Cape Breton on the CPR. In fact I still have his card. When he was age 17, he travelled on a CPR card to work in the mines of Porcupine. The mines were opened by another railway, the TNO, the time is no option railway, which is now the ONR line. When it was founded, it was built in a very interesting manner. It was built to stop the francophone settlement in northern Ontario. The good burghers of Upper Canada were afraid of all the francophone Catholics coming over the upper part of Lake Témiscaming and had to put some English settlers there. When they hit mileage 103 of the railway line north of North Bay, they hit the largest discovery of silver in North American history, and that opened the mining camps of the north. That is just a side issue, but it shows how much our history is tied up in the railway.

Government Orders

I live at mileage 104. If any people watching TV want to visit me, I am up the street on the rail line from the largest discovery of silver in North American history. Every night the train goes past my house. It carries the sulphuric acid which come from the Rouyn-Noranda smelter and the Kidd Creek smelter. We can hear that train coming it seems like hours in advance of its passing because it is hundreds of cars long.

This leads me to the issue of safety. When a train that long is carrying sulphuric acid, we need to ensure the proper working people on that line to ensure safety. If that train goes over, it is a very serious issue. We just had a spill in the Ontario Northland line this past week and a half on the Blanche River. A sulphuric acid train went over spilling into the Blanche River, causing great concern because it is right in the middle of our dairy farming belt.

●(1640)

Therefore, the issue of safety, when we talk about trains travelling across such a massive distance, is very crucial. It is crucial in terms of this debate because we have to talk about a management philosophy, the philosophy of reinvesting in the infrastructure, which is the second point of my whole discussion today. The management philosophy about safety is important.

I do not want to mix apples and oranges for the folks back home. The sulphuric acid spill accident, about which I spoke, was on the Ontario Northland line, which is not a CN line, but I spoke about it in terms of the issue of safety. When we look at the CN lines and the cars that run on them, some of these trains are two kilometres long, carrying everything from hydrochloric acid, chlorine, sulphuric acid. When we think of all our little towns across the Prairies where the trains run right behind people's backyards, safety has to be number one. These are in a sense two kilometre long missiles carrying these kinds of gases and acids.

When I speak about my number one concern, and that is the issue of safety, we can look at the safety audit that was done on CN Rail. It said that there were numerous problems with safety inspections and with CN's safety management practices. Again, we are getting back to the whole issue of a corporate philosophy.

The auditors found a "significantly high rate of safety defects", in the order of 54% on the locomotives they inspected, with problems ranging from freight gear defects to too much oil accumulated on locomotive and tanks.

The auditors identified issues relating to rail defects, ranging from damaged rail to rail where there were numerous cases of missing bolts and cracked splice bars.

Train crossings in the audit were another major problem, with 26% of the crossings inspected had inadequate sight-lines. The majority were unprotected crossings. They found major problems all along.

The second phase of the report saw that many front line employees said they felt pressured to get the job done. The audit said that current practices allowed locomotives with safety defects to continue in service.

This leads me to the number three issue that I will speak about, which is accountability. The issue of safety has been raised and the

threat that it poses. Since 2000, we have seen a massive escalation in the number of rail accidents on the CN lines. We are not talking about an accident here or an accident there. Any accident of these rail cars with what some of them carry is serious enough. However, when there is incident after incident it goes back to the whole issue of a corporate culture that has to be addressed.

I bring this up today because these are the issues about which the rail workers have spoken. They are concerned about this. I would venture to guess this is part of the problem of the breakdown in relations between management and workers at CN. People on the front line are growing increasingly concerned about the corporate culture, in terms of safety, from the U.S. corporation that is running CN.

Let me talk about the last two months or so.

On January 8, 24 cars of a 122 car freight train derailed at Montmagny, Quebec, 60 kilometres east of Quebec City.

On January 14, there was a derailment near Minisinakwa Lake in northern Ontario, dumping more than 30 cars, one containing paint supplies, into the water.

On February 28, hydrochloric acid spilled from cars on the CP Rail line that went off the tracks in the Kicking Horse Pass canyon.

On March 1, a CN freight train derailment in Pickering disrupted VIA service on the Toronto-Montreal-Ottawa corridor and commuter service into Toronto.

On March 4, grain was spilled near Blue River, British Columbia, two hours north of Kamloops, when 27 cars in the westbound train fell off the track.

On March 10, rail traffic along CN's main freight line through central New Brunswick was disrupted until the next day by a 17 car derailment in the Plaster Rock area.

On March 12, 3,000 VIA passengers had to board buses on the first day of the March break after train service in the Toronto-Montreal-Ottawa corridor was disrupted after a CN freight train derailed near the station in Kingston.

That is quite a sorry little record in the space of only a few short months.

●(1645)

When we ask about accountability of CN management, we have the CEO getting paid \$56 million a year. Obviously, the investors think he is doing a good job, which leads us to the growing gap between management and workers at CN because questions of safety have been raised. The question of having adequate staff along the lines has been raised. Yet we see a massive increase in accidents. Therefore, we have to speak about what kind of corporate culture exists in CN where one man gets paid \$56 million a year while the workers have to deal with trains that jump off the tracks at an alarming rate.

That is the issue of safety.

Government Orders

There is also the issue of accountability with government. We have seen very little in terms of a government response to growing concerns of public safety. I do not want to speculate about the threat of a major derailment with chlorine gas in an urban area, but we have to start realizing that if something is not done, something could happen.

We are not seeing any action from government. The Transportation Safety Board review rates of accidents are shockingly low. Yet when we talk about what is at stake, we would expect that any of these accidents would involve major inquiries and an examination at every step along the way to ensure that these things did not happen again, but it is not happening.

What we have in this situation is a growing gap of discontent between the people who are on the front lines, the people who are literally risking their lives, and members of upper management, who are paid \$56 million a year.

The Liberal Party tells us that a CEO makes \$56 million a year is irrelevant. The average Canadian should not bother themselves about that. The little peasant peons that make up the Canadian public should not worry about how these mandarins live in their upper echelon chambers with their \$56 million a year payout. I am not speaking about this man in particular, but if any of these CEOs really botch it in particular, they are guaranteed a golden parachute. The average Joe and Josephine citizen back home does not get a golden parachute if they botch it at work. If they botch it at work, they are gone. They are down the road. Of course they are not getting \$56 million a year, but then they are also not responsible for safety records like we see at CN.

The second issue about we have to talk about is the need for an industrial infrastructure plan for our country so we look at transportation as a whole.

The hon. member for Eglinton—Lawrence talked about how we were competing against truck driving. That is true. He said that there was a shortage of 30,000 truckers in the country. I live in a part of the country where many families are fed by truckers. Many of my neighbours are truckers. It is interesting, this race to the bottom that we see in the trucking industry. I have truckers telling me that they are having to compete against workers now who are being brought in on HRD projects. Trucking companies do not want to pay a proper rate to haul trucks. Now, suddenly, there is a shortage. Is there a shortage of truckers or is there a shortage of truckers who are willing to drop the price down below what Canadians would do it?

That is the time we see Conservatives intervening in the economy. They do not intervene to help build an economy. They think that is all kind of socialist mishmash. However, when it comes to driving the rates down by bringing in truckers to work at lower rates than an average Canadian could afford, that is a good use of our taxpayers dollars, according to the Conservatives. Bringing these workers in on work contracts is good.

A good friend of mine, who a truckers trying to make a living, applied for a job in a trucking company. It offered him the kilometre rate. He said that he would love to work for the trucking company, but he already had a mortgage on his house. He would have had to

take out a second mortgage just so he could work for it. That is unsustainable.

• (1650)

So rail is having to compete against trucking and the trucking rates are being subsidized and driven down with cheap labour. The question is how can we ensure a proper transportation infrastructure when rail with its fixed costs has to compete against trucking continually? We end up with nickel and diming. Rail transportation has to nickel and dime continually in order to meet this race to the bottom against trucking. That is simply not sustainable.

I do not see why we have HRD projects to bring in truckers to compete against our own truckers. We do not have a shortage of truckers in this country. A lot of young people want to get into trucking and they should be paid the going rate.

Mr. Paul Szabo That's not so. There is a big shortage.

Mr. Charlie Angus: Mr. Speaker, my Liberal colleague says there is a big shortage. I know many people in northern Ontario who would drive a truck but they are not going to drive a truck at the rates that are being paid right now. We have an unfair distorted market thanks to the Conservative government subsidizing industry at the expense of working people.

I am raising this because it is creating pressure on our rail lines which have very large fixed costs. Not only do they have very large fixed costs, but their CEO expects a \$56 million a year payout and their shareholders across the U.S. are expecting very high returns on their investment. Once again there is pressure on the bottom line and of course the working families are the bottom line. Unfortunately in this case the bottom line is safety.

Do we see a poisoned atmosphere between management and workers at CN? Unfortunately we do, but it is something that has to be addressed because it is speaking to a larger issue. This is not simply a battle between management and workers. This is not simply about imposing a baseball arbitration and everything will be all right. The disparity that we are seeing in terms of a common vision at CN between workers and management speaks to a much larger problem that is growing in this country, a lack of a transportation vision for this country, a lack of commitment to make the necessary investments in transportation, whether it is in rail or roads, or in my area, for example, in airports where numerous small airports are facing shutting down.

The Conservative government has a laissez-faire attitude toward transportation. It is one area of our economy we cannot simply have a laissez-faire attitude toward because the distances between our regions are vast. As someone who has had to travel from one end of the country to the other many times for my work, I can tell the House that it is quite daunting just to cross the province of Ontario, or cross the Prairies which can sometimes take up to 10 or 12 hours between each major urban centre. Transportation is vital to maintain a viable economy in this country.

Government Orders

This debate we are having today about bringing closure with Bill C-46 is really a debate about the larger issue. CN workers are crying out and saying, "Enough". This is a company that has not put the necessary investments into its infrastructure. This is a company that is paying its CEO \$56 million a year. This is a company that is giving dividends to shareholders across North America. Meanwhile the people on the front lines who are doing the work, who are putting their lives at risk with these train derailments, are not enjoying the prosperity that the CEO and the dividend shareholders are enjoying.

There is obvious anger, which of course brings us to the issue of collective bargaining, the fourth point in my conversation today. Collective bargaining is a very important right. It is a right that was fought for in many communities. The right to collective bargaining was won in my own riding in 1941 in the Kirkland Lake gold strike. Members of the Mine, Mill and Smelter Workers union stood out on the line month after month through the winter in 1941 and won the right to collective bargaining. After that strike the federal government recognized the right to collective bargaining. That was a hard won right. There was never a strike in any of those years where we did not hear the same kind of claptrap we are hearing from government officials about shutting this down and how essential it is.

• (1655)

Sometimes working families have to draw the line. As the hon. member for Parkdale—High Park said today, there has never been a strike that did not have an economic impact. That is what strikes are. They have economic impacts on both sides. The fact that we are facing that today is too bad, but we have to stand up for the right of collective bargaining.

• (1700)

Mr. Brian Fitzpatrick (Prince Albert, CPC): Mr. Speaker, I have listened to the NDP members speak about the ownership of CN and the CEO. CN is still a listed Canadian company and it trades on the Canadian stock market. I am quite sure that the biggest shareholders in CN would be private pension funds which represent unions across the country, public pension plans such as the Canada pension plan that invests for the future of Canadians, and a group called the Ontario Teachers' Pension Plan, which is one of the biggest, most diversified shareholder public companies in Canada.

Maybe I do not like that CEOs get that kind of money, but that is a fact of life in the market system. When we look at major corporations throughout the world, the CEOs command tremendously attractive remuneration. It is a product of the market system. I know one thing. If they do not produce, they get fired and they are down the road. It is a very demanding line of work.

I am wondering where the NDP members are going with this kind of argument. Are they going back to their Regina manifesto, the founding principle of their party which advocated basically that the entire economy and the means of production should be owned by the government, that we should get rid of this free market capitalistic system? Is that what the member is saying by alluding to these facts about the ownership of these companies and the salaries of the CEOs, that we should be moving back to the old socialist principles on which his party is based?

Mr. Charlie Angus: Mr. Speaker, I always enjoy my hon. colleague's interventions because he does remind me that there is still fear of the Bolsheviks out there, at least in his riding.

I would like to take him up on what he is saying. He said that if one does not produce, one gets fired. Fair enough. That is something that working people know in every industry in this country. It is a rule that exists everywhere in this country, except if one is the CEO of a large corporation. If the CEO does not produce, the CEO does not get fired. The CEO gets a golden handshake with a massive golden parachute and a payout of millions and millions of dollars. We have seen that with corporation after corporation. Let us have a bit of accountability here.

What we have seen in terms of these packages that have been given to CEOs over the last 10 years is that it has not created productivity in the workplace. In fact, look at the 1990s when there was massive downsizing in corporations across the country, firings of thousands of workers in operations that were viable, that were done because the CEOs were being paid in stock options. Every time there was a major downsizing, there was a blip in the market and it allowed their own personal stock options to increase. If that is an example of the free market, I would say there is something not quite free about that.

What we have been arguing for is a fair market. We want to ensure that corporate CEOs are accountable not to the shareholders but to society as a whole. We do not see why they should be getting \$56 million a year and it should be written off as a normal tax expense.

If companies want to pay that kind of exorbitant, outrageous fee to people who simply are not worth it, and I will repeat it, who simply are not worth it, that is a corporate decision they can make, but they should be fully taxed on it, because they could easily put that money into investing and growing their corporation and being much more viable in the long term. However, we have created this culture of entitlement, a culture actually, to switch gears, of which the Liberal Party has always been in favour, but this is outrageous entitlement, \$56 million a year for the kind of service we have seen.

I would like to ask the hon. member, given the recent outrageous number of derailments that we have seen at CN in the last three months, whether he would consider \$56 million a year to be a little rich for a CEO of a corporation with that kind of record.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, through much of the speech by the member for Timmins—James Bay, he reminded Canadians of the importance of rail not only to industry but to the Canadian cultural fabric and the importance of the presence of the rail system in this country not only in the construct of the Canadian federation but in the day to day lives of ordinary Canadians.

In part of his speech he dwelled on the trucking industry and how these two carriers compete for moving freight across Canada. Since he lives near a rail line, mile 104 I believe of the rail line north of Timmins in his great riding, would he not agree that it would be far better for the environment and the distribution of goods across Canada if we took more freight off the trucks and put it back on the rails where it belongs?

Government Orders

I cannot help but think that it is more economical and realistic to have one locomotive pulling 200 cars than to have 200 individual trucks breaking down our Trans-Canada Highway and running roughshod over our roads, as we know it, and belching out diesel at a much higher rate. Could he speak for a moment about the relative advantages and merits of putting freight back on the rails where it belongs and keeping trucking to a bare minimum, as it were, for the secondary distribution of freight?

• (1705)

Mr. Charlie Angus: Mr. Speaker, my colleague makes an excellent point. Where I live the rail line now runs from Moosonee to Toronto. It is a dedicated line for freight and passengers as well. It runs through blizzards. When the highway is shut down, trains can still travel, if they are maintained and the lines are kept up. This is an excellent form of transport.

My house sits in front of highway 11, which is the national transportation route for trucking. Many people who have driven it comment that it looks like moose pasture. There are two lanes all the way up basically from North Bay to Nipigon. It is insufficient, given the amount of rock cuts and turns, to be hauling transportation goods along that corridor.

My colleague brings up a really interesting point. It was the Conservative government under the former famous prime minister, Mr. Mulroney, who had pretty much given up on rail transportation. It was so 20th century and it was time to move on. "We do not need a national dream any more; in fact, let us get rid of our national dream and sign on with the Americans. Let us get rid of our national passenger rail service across this country". That was the pointy headed view of the Conservative Party. It thought that the free market would step in and suddenly there would be all kinds of other transportation.

In the city of Timmins where passenger service was no longer available, the idea was to rip up the tracks because tracks were yesterday's news and a road could be built where the tracks were. For 20 or 30 kilometres coming into the city of Timmins there are no tracks any more. Now we are finding there are some things that were so much easier to transport by rail than by truck.

In many parts of the country the tracks were pulled up because we were told that rail was no longer relevant and truck traffic would cover it and it has not. In many areas where the rail lines were pulled out and where passenger service was let go, there is now a real awareness that this is something we should have been investing in and building because this is what the 21st century economy is moving toward.

In Europe there are high speed trains and in Canada there is a patchwork of services, most of them inadequate for covering great distances. Yet Europe and Japan are moving forward with trains. We have let so much of this lag because, as I said in my speech, there has been no vision for transportation infrastructure in this country.

A laissez-faire attitude in a country the size of ours is simply unacceptable. It is an example, I would suggest, of the fundamental lack of vision we have seen in the Conservative Party throughout its history, whether it was the Avro Arrow, whether it was the shutting down of all the military bases under Mulroney, whether it was the

shutting down of the national dream and our passenger service, whether it was killing the Wheat Board today.

Mr. Pat Martin: The freshwater fish marketing board.

Mr. Charlie Angus: Exactly. It is simply a party that, once it is done, we spend years trying to rebuild the damage it has done from its shortsighted interventions, hopefully short lived interventions in our national political life.

Mr. Don Bell (North Vancouver, Lib.): Mr. Speaker, I am here today to say that I support Bill C-46.

The concern I have, both as vice-chairman of the transportation committee and one who instituted last October a motion passed by that committee with respect to rail safety, is with air, water and rail safety.

We have looked back and we have seen an increasing number of derailments across Canada, particularly in western Canada and particularly with Canadian National. We felt that it was time that we had an audit of its safety record because it appeared from the information we had that 2005 was a particularly bad year for derailments.

We have seen an example of a derailment in British Columbia, in the Cheakamus River, where the spill of caustic soda into the river basically killed the fish stocks for generations to come. We have seen an example, in the summer of 2006, where a locomotive left the tracks near Lillooet, which resulted in the death of two rail workers and the serious injury of a third. We have seen another incident in Lake Wabamun, in Alberta, where there was oil spilled into a lake. I could go on and on.

Basically, it was the trend toward those kinds of incidents that caused the previous Liberal government and the minister at that time to call for a two-phase review of rail safety, particularly of CN. One phase was to look at the issue of an actual audit of the figures and the second phase was to look at what was called the safety management system.

The reason I mention these in the context of the current bill is because these safety measures are largely what the labour concern of the workers is currently about. They have said it is not the money that they are concerned about, but it is their working conditions.

I would give the example where a decision taken by CN took away the ability of workers to phone in and say that they felt they were unfit to work on a particular shift. They work 12-hour shifts and the question is whether they get adequate time to rest before they have to take another shift as they can be called back on very short notice. They used to be able to say they did not feel fit to work as an engineer or to work as a conductor.

On most trains, and these can be trains that have anywhere from a few cars to 100-plus cars, there are two workers. There is an engineer and a conductor. So, we have two people running a train who are responsible for cars that are 130 tonnes each, in terms of loaded freight cars, and engines that are capable of producing anywhere from 3,000 to 5,000 horsepower.

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These trains have become a concern because of the lack of maintenance and concern about the track conditions and the rolling stock conditions as evidenced by the reports that were finally released, and these were reports that were called for by the previous government. A promise was made that these reports would be released to the public. They were not released to the public until just recently, through an access to information request. However, in that time it resulted in not only what is under the Railway Safety Act a section 31 order, which is from Transport Canada, but in fact a ministerial order, a section 32 order, where for the first time the minister himself had to order certain restrictions on the operation of CN.

The concern we have is that there have been outstanding notices on orders against the railway, 99 of them in this period and some of them in fact going back prior to the year 2000, that had not been answered.

The company claims that 2005 was a particularly bad year. Its record has improved substantially since then. However, the concern is that the level is still well above what it should be, and we see in these reports that we now have access to, phase one and phase two, that the safety issues the workers have talked about as their concerns are valid in my opinion.

We have situations where track has not been maintained properly. We have situations where the reporting of incidents is quite often mirrored on American railroad standards because they are lower than Transport Canada standards for either maintenance of cars or maintenance of engines. We have situations where 53% of the locomotives were deemed to have some kind of problem, ranging from relatively minor to inadequate braking; and that is of course what happened with the engine that jumped the track and the two men died down in Lillooet.

● (1710)

There was a decision, for example, when B.C. Rail, which was a relatively well managed system in the province of British Columbia, was acquired by CN. All the engines in British Columbia had dynamic brakes, a system whereby the electric motors in the trains can be reversed, or the polarity changed, and it can be used as a backup safety system to slow the train down. In fact, I am told by engineers and conductors that they can actually stop the train.

Those engines were sold. I do not know why but they were disposed of and other engines were brought in from other parts of Canada that did not have those features. In some cases there are still engines left, I gather, in which the dynamic brakes for some reason have not been adequately activated, or they have been deactivated.

I have a lot of empathy when I receive emails, letters and calls from rail workers who say that they feel concerned about their safety. That is at the heart of this discussion and the labour dispute that is currently going on.

Having said that, we have to recognize that safety is not just the safety of the rail workers, but it is also the safety of the communities through which the trains pass.

In my riding of North Vancouver we have chlorine tank cars passing through the community every day. We have seen what can happen in Mississauga with a propane tank or when there is a serious

chemical spill. All we have to see is a major derailment to see how much destruction the cars can make when they scatter and the damage caused if they rupture, whether it is by a river or in a residential area, or whether it is injuries to railway workers or the public.

We have to ensure as a committee that we focus on this. The minister has commissioned a panel as well to report by October, but I do not think we can wait until October. We need to make this a high priority. Our committee began hearings yesterday and we heard from the first representative, a Mr. Gordon Rhodes, who was the lone survivor of that locomotive accident. It was very touching to hear his testimony about what it meant to him in his life and what it meant to him in terms of his concerns about safety and working on the railways. I have a lot of empathy for the workers.

On the other hand, I have to say, as the Liberal Party critic for the Pacific gateway, that I also have a concern that we continue to ensure that the movement of goods and services, both exports and imports, continue to flow because it is the economic lifeline of the country. We know, for example, that British Columbia is the gateway to the Asia Pacific which is a growing market.

Within 20 years to 25 years, it is estimated China will be either number one or tied for the number one economy in the world. We know that India has a growing economy. We know that Japan, Korea and Taiwan are economies that are important to the trade with Canada. We have to ensure that the facilitation of those goods, once they arrive at the ports, be it through truck, rail or air, is done as smoothly as possible.

We know the devastating effects of interference with that, whether it is a longshoremen or trucking strike that costs millions of dollars a week to have ships sitting idle in a harbour because they cannot be unloaded, or because of a trucking strike or a rail strike. It is just not satisfactory, let alone not being able to get Canadian goods, wheat and other products, to other parts of the world.

What will happen in the very fluid market that is international trade? The Chinese Overseas Shipping Company, COSCO, has nominated Vancouver as a port of first call. If it finds that when it has ships arrive in Vancouver, or Prince Rupert as we are growing a container port there, that it is not reliable because of a variety of reasons, it is going to end up bypassing Vancouver and will go south to Portland, Seattle or Los Angeles. We will just be out of the equation. In other words, we will cut our nose off to spite our face.

We as a government, and as a Parliament, need to ensure that there is adequate investment in port infrastructure. That includes highways, roadways and railways, and part of that aspect is to ensure that the railways are moving efficiently and safely, that we do not have derailments that can cause delays, injuries, and create the kind of tension that we are seeing currently within the CN Rail operation.

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•(1715)

While I share and appreciate the concerns that the workers have for the issues currently part of the labour negotiations, and I have spoken with a number of them, I think there are ways in which we can deal with that through our transportation committee, through regulation, and through ensuring that the issues of rail safety are important to the government and to Canada, and that we follow through with appropriate action.

However, I believe that it is also important for the economy that we have the continuation of that service. We cannot afford to have it dismantled or disturbed and creating problems for small businesses as well as medium and large businesses who rely on imports and exports. A delay of a week or a month can be in many cases devastating for these businesses and for many other employees who are affected.

Having said that, I think the issues that have been raised with respect to the need for the back to work legislation are valid. The minister's representation earlier today stated that the discussions have been going on since last September. The contract expired in December. We have had petitions and information from businesses that are affected and from employees who are affected.

Ideally, the labour negotiation process should be allowed to work itself out, but there are some areas that are of national importance, almost what I would call an essential economic service. I feel that it is important for the government to be able to bring that stability in and to let the parties work things out in an environment that allows the service to continue. With the kind of agreement that we would have now, the back to work legislation, hopefully the union and the company will be able within the 90 days that are proposed in this bill to indeed come to a resolution, a negotiated settlement, before there is the imposition of an arbitrated settlement.

If it cannot happen, then we have to think what is good for all of Canada because it is not just British Columbia that we are talking about. We are not just talking about the port of Prince Rupert, the port of Vancouver and the businesses in B.C. We are talking about western Canada. We are talking about all across Canada.

In fact, through the rail system we move goods from Prince Rupert and Vancouver through to Chicago. We have a two day advantage on a natural sea route from Asia. We have that advantage over the U.S. We can get goods into Chicago two days faster than the Americans can by going to the U.S. ports. We need to protect that advantage and ensure that we take the steps and do what we can for a healthy economy.

Basically, what are important are the issues that the union has talked about: personal rest time and ensuring that they are safe as employees to work, that the equipment is safe, and that Transport Canada will ensure that its policies are followed to provide for a safe operation both for the employees, the railway and the communities through which it trains pass.

We have to tackle the issue of derailments. We have to tackle the issue of railway safety, but we also have to tackle the issue, as this bill proposes, to ensure that there is a continuation of those rail services and that the economic backbone of Canada, the economic spine of Canada, is maintained.

Therefore, I am pleased and prepared to support Bill C-46.

•(1720)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I listened to my colleague from North Vancouver and there are some points I can concur in, but really I would ask my colleague to consider that when it comes down to it he is either in favour of free collective bargaining or he is not. If he is in favour of free collective bargaining, then he does not agree with back to work legislation, because that in and of itself violates the entire principle of the value of free collective bargaining.

Where I come from, in the labour movement and within the New Democratic Party, we believe in the right to organize. We believe in the right to free collective bargaining and, when the sides reach an impasse during collective bargaining, we believe in the right to withhold our services if necessary. Strikes by their very nature have an economic impact and that is what puts the pressure on the two parties to come together, to shorten or minimize the strike and come to a resolution.

I ask my colleague, how can he have this contradiction? How can he speak from both sides of his mouth, as it were, on this issue, especially in the context that final offer selection as contemplated in this Bill C-46 that we are debating today is an imperfect type of third party arbitration? As long as we are dealing with very simplistic things such as wages, for instance, then FOS is not a bad option because the arbitrator can choose this side or that side, but not parts of both. It forces the two parties to somewhat temper with reason their demands.

In settling negotiations I have used FOS probably eight times in different cabinet shops and in multi-party bargaining in the construction industry. I found it worked only when the issues were simple.

In this case, the issues are complex: safety rules, work rules, shift schedules and pension benefits. There is no way to put a question like that to an arbitrator in the context of FOS where it would have a satisfactory result, so I would ask my colleague to reconsider his position and the position of his party.

If we are truly committed to free collective bargaining, we do not vote for back to work legislation. If we are truly committed to final offer selection, we would know that it can work only when it is the choice of the two parties. It can never work if it is imposed on the parties by the legislation. It can work only when the issues in dispute are simple and straightforward, such as basic wages. Would he not agree that there is a contradiction in the remarks he has made and a contradiction in his party's stance that its members can be for free collective bargaining and also for back to work legislation?

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•(1725)

Mr. Don Bell: Mr. Speaker, I too have had experience in labour negotiations in my previous career in municipal politics. In fact, in my business career with a major Canadian corporation I was associated with a variety of negotiations. I am familiar with the distinctions the hon. member makes, but I do not think one precludes the other. I think what we have to look at is what problems are involved.

In dealing with what the root causes are of some of the concerns in this labour dispute, I have taken the trouble to speak both to rail workers and to the people from the communities that are concerned with the safety issues over the last year.

I acknowledge the distinction the hon. member is making between final offer bargaining and some kind of an arbitrated settlement that hopefully is somewhere between the positions that people have taken. However, I understand that there are issues in terms of rest times and some of the other issues to which my colleague referred and I have heard about. These issues are such that perhaps they need to be put to the test of a final arbitration settlement, a final offer settlement, because they have been well discussed and because the company has been moving in a position away from them.

It is my hope that this is going to work in the interests of the concerns about safe conditions for the workers and restoring pride and dignity to the workers of the rail operations.

I believe that there is a 90 day period from the time this legislation is passed until the arbitrator has to report, before which both the company and the unions involved can arrive at a negotiated settlement. If they cannot, then there is going to be the reality and bringing them to that reality of what they have to try to achieve as a settlement.

I am hoping that many of the ancillary safety issues will be dealt with by our committee and dealt with ultimately by Parliament to ensure that the regulations, where we have the ability to regulate, will address some of their issues and concerns.

I appreciate the principle. I do not see it as a contradiction. I see it as pragmatic. I have already indicated my concern for the economy of Canada and my concern for British Columbia as a gateway to ensure that we continue to have the goods from central Canada and from the Prairies flowing through ports to the Asia-Pacific, as well as enabling imports to come into Canada and thus having the benefits that accrue to all of Canada from that.

Mr. Pat Martin: Mr. Speaker, I thank my colleague for trying to address the concerns I raised in this serious matter, but I do not think he fully gets the point I was trying to make. Final offer selection finds its origins in pro baseball. That is where it first was used. After all the other issues are stripped away and there is only money left and the two parties are still at an impasse, then both sides are forced to temper their demands with reason because the arbitrator can choose one or the other but not elements of both.

We suggest the way to settle this impasse is that there should be some sort of interest arbitration. The arbitrator should be able to arrive at something that is in the best interests of both parties by taking elements of both. That is far different from FOS.

In this case, the company is going to be able to write the final package. The company is going to be able to write what becomes a collective agreement. The union wants satisfaction on things like work rules, safety issues and complex issues such as pension contributions. The union has a whole package of things that are non-monetary or difficult to put a price on.

The company will simply come in with a good monetary offer and all those things will be left unaddressed in this round of bargaining, and probably will be unaddressed for the remaining four years of this collective agreement. Safety on the rails throughout the country will not be addressed even though people have invested so much sacrifice in this strike/lockout.

I hope my colleague and his party think seriously that final offer selection is not the right instrument by which to resolve this particular labour impasse. They would be far better served if they were to support an amendment to the effect of interest arbitration versus FOS. Perhaps there will be an opportunity later at other stages of debate where they will be able to consider an amendment to that effect.

•(1730)

Mr. Don Bell: Personally, Mr. Speaker, I am always open to listening to good ideas. I will give consideration to the points that have been made by the member, but I must say that I have concerns. In my opinion and in my observations from reading the reports and from what I have been aware of, CN basically has been running the Canadian operation much as an American railroad is run, and there are differences between the two. There are substantial differences in terrain, in what the expectations of the public are and in the rules that we have as a federal government, our Transport Canada rules.

My concern is that it appears that the Canadian operation has been run almost as a branch plant. I can speak of British Columbia being run as even a sub-branch plant to the extent that when this came in it had problems because it did not recognize the steep terrain, ran trains that were too long, in my opinion, and has not maintained things such as dynamic braking.

I believe that the combination of getting this contract settled and the work that is going to be done by the transport committee will see things improve substantially.

I have been told by most of the people I have spoken with that money is not the issue. Safety is the issue. While I listen with respect to the suggestion that final offer settlement, FOS, may not be as effective as an arbitrated or an interest-based settlement or arbitration, I believe there comes a time when what is needed is a resolution and that further delay is damaging to the relationship between the unions and also damaging to our economy and to the credibility of Canada as a country that is available for other countries to be trading with, both in imports and in exports.

I want to restore that confidence as soon as possible. I have watched while the bargaining process has gone on. It has not gone on satisfactorily. I believe that finally, reluctantly, it is time for us to act and to take the action that has been proposed.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I am here today to speak to Bill C-46, An Act to provide for the resumption and continuation of railway operations.

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It is very difficult to speak about the act in the context we have today because we are actually giving public safety in this country a free ride. We have an opportunity in Parliament right now to address the very serious nature of railway operations that have hampered our economic trade and prosperity and have put the general public at risk and we are throwing that aside for expediency. That is unacceptable.

We should put in perspective the fact that there have been only five months of negotiations in this current element right now, whereas there were 18 months of negotiations between the union and the company in the previous contract. That is why it is important to look at the issue of final offer selection versus interest arbitration in Bill C-46.

The member for Winnipeg Centre noted very well that final offer selection was introduced by major league baseball in the 1940s. Interestingly enough, that is probably about the same time that CN actually invested proper money into the railway infrastructure. As someone who rides the rails from the Windsor corridor into our region and from talking with workers, I can tell the House that shake, rattle and roll is the policy of CN and CP in terms of their actual investment in infrastructure.

Rail is important for our actual economic prosperity and our vibrancy as a nation. The World Economic Forum has Canada falling from 11th to 16th in global competitiveness and also ranks Canada 27th out of 28 OECD nations with respect to the environment. This issue is very important in regard to the productivity issues related to our rail system because the actual infrastructure deficit affects Canadian workers and our ability to compete.

We are throwing away an opportunity here by going to arbitration about dollars, which is not the reason why we are having labour problems right now. We are giving up that opportunity. We are telling the public, concerned about all the derailments, some of which I will go through later on if I have time, that we are giving up on them and their concerns for expediency because we want the arbitrator to basically set a dollar amount and there we go, back into the same pot.

What we could do is provide the arbitrator an opportunity or a tool that this Parliament has not addressed in the past 10 or 15 years: improving our rail system. This is interesting because there have moments of this and there have been times when we have been so close to dealing with rail issues such as public safety and reducing greenhouse gas emissions, but we have failed.

I remember when former prime minister Jean Chrétien announced almost \$1 billion in rail transportation infrastructure investment from Quebec City to Windsor, Ontario, but because it was seen as his legacy, the member for LaSalle—Émard tore it up. I remember sitting in the plane with David Collenette after that announcement and talking about how that money was actually going to fix our rail beds, fix our infrastructure, get partners moving and get something done. But as a result of their internal fighting over there, they killed an opportunity to improve our prosperity and our environment. It was killed because of squabbling. I have heard nothing from the government on that.

That is what Bill C-46 is about. We are giving up that opportunity.

I want to put this in perspective. I want to talk about the workers who are affected. I have a letter from some of the workers in my constituency in a local union there. I will tell members what they wrote to me with regard to this issue.

They said that first and foremost it is imperative that we maintain the ability to self-determination. This is as it relates to maintaining our fundamental ability to negotiate and ratify an agreement that may have such an enormous impact on the lives of the employees at Canadian National Railroad and, in a broader stroke, the citizens of our country.

They said that Canadian National railroad is just that: Canada's national railroad. Its trackage traverses almost every community from coast to coast. They said, "We haul various commodities, including various toxic chemicals, across this country 24 hours per day, seven days per week, 365 days per year. We are some of the best and safest employees in the rail industry, this while performing to the best of our abilities".

Unfortunately, they said, if the government is permitted to interfere with their union/company negotiations, they are certain that "our current work environment will be adversely affected, resulting in disastrous results for ourselves as well as the communities in which we live and work".

It is their position that it is essential, they said, that their duly elected original negotiators be permitted to complete the task to which they were assigned without interference of the Canadian government, that being to successfully negotiate an acceptable collective agreement with their employer, utilizing their years of experience in the railroad industry as well as the information they have received from the affected members that they have been elected from to their current positions.

Simply put, they said, there is no threat to the Canadian economy, this with reference to economic sanctions being imposed against Canadian National railroad. As such, the proposed back to work legislation is unwarranted.

● (1735)

The letter goes on to read: "As previously stated, we do currently have a couple of minor issues to deal with in our union. These are issues scheduled to be dealt with in a timely manner with the assistance of the CIRB. Again, it is absolutely imperative that we be permitted to resolve our labour conflicts from within, this without the intervention of outside influences. I am extremely confident that given a reasonable amount of time, we could accomplish this goal.

As previously submitted, our last round of contract negotiations with exactly the same negotiating committee lasted approximately 18 months. Currently, we have only been negotiating for approximately six months.

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UTU members across Canada have expressed concerns over the recent derailments that have decimated the pristine environment of our country, not to mention the resultant deaths of at least four of our fellow employees. I am certain Canadian National Railroad will take exception to my comments, but, nevertheless, I stand behind my claims. I have forwarded various e-mails and articles that I have done and I am going to go forward on the issue”.

That comes from a railroad worker, someone who goes out every day to protect my community.

In Windsor West there is a massive transportation hub for the country. We have many toxic chemicals. The public pressure that has been necessary to get CN to even open up to the proper support systems so that the public safety officers can actually examine the sites to ensure they are supported is incredible. It is like pulling teeth.

It is interesting to look at the government and its close allegiance to the United States on many positions. It will not look at rail safety in that way. We know the United States has actually been implementing procedures and policies that protect citizens. It has not been the national government, it has been coalitions, for example, that have asked for toxic chemicals and different types of materials to circumvent populated areas. Cleveland is an example. Washington is on the debate list and there are a whole series of other cities. We do not do the same here. We plead ignorance.

Once again, this bill is an opportunity to allow an arbitrator sit down and examine what the root cause is. Let us look at the public perspective and what the discourse has been. Let us look at some of the headlines concerning rail safety, “fatigue, work schedules, accidents linked”; “Train in fatal CN crash was overdue for repairs”; and, “CN profit a boon for top brass”.

That is important to note because what we are arguing is how much money we want to stuff in the railcars and send over to some CEO in the United States: \$2 billion in profits for the CEO and \$56 million in payouts. How many different supports do we need to send over? How many railcars of Canadian taxpayer money do we need to let go? It is not up to the arbitrator to tell them that based upon baseball arbitration back in the 1940s. We know all the progressive things that were happening then.

I can tell the House that what we are giving up in this opportunity is unsatisfactory for workers and also the people they support in their communities. They want to be able to go to work safely, they want to protect the citizens in their region and they want to return home. How can they do that when the real issue of why they are going on strike is not being addressed?

There are more headlines, “Railway safety check notes 21 violations...”; and “Wabamun residents want CN to remove all oil before winter”.

The people of Local 472 told me right away that it looked like they would have a settlement and that they would go back. They have been back every day. They understand economics, commerce, trade, safety and all those different things. What they are calling for is time to sort things out and go back to deal with the real issues. They talk about the fact that it is not wages. They understand the offer is important but safety is really important.

These are some of the things they have asked for. First, the goals of the UTU members is worker safety and railroad safety. The pressure to produce at CN is huge and a safety audit released in 2007 expressed concerns about management’s approach to safety measures.

Where is the action on that?

• (1740)

Second, CN is seeking to increase its away-from-home hours that are already at 80 hours a week.

Third, key concessions at UTU are fighting to maintain better rest provisions. They want washroom breaks and a 40 minute lunch break for a nine hour shift, an end to the 16 hour work days and safety. There were over 100 derailments in Canada in 2005.

Those are the things that are happening. Are they validated? Is there any evidence? Is it in front of us right now? All we need to do is look at the headlines and the timeframes. I want to read some articles of recent derailments to ensure people understand.

On March 10, 2007:

Rail traffic along Canadian National’s main freight line through central New Brunswick was disrupted until the next day by 17-car derailment in the Plaster Rock area.

On March 4, 2007:

Grain was spilled near Blue River, B.C., two hours north of Kamloops, when 27 cars of a westbound train fell of the track.

On March 1, 2007:

CN freight train derailment in Pickering disrupted VIA service on the Toronto-Montreal-Ottawa corridor and commuter rail service in the Toronto area.

I have travelled that corridor on the train and the rail in that area needs vast improvement, not just in terms of our environment and our productivity but also because it needs to be done if we want to have the same functions that we currently need. I do not understand why that investment has not been made. These are Canadian workers. A Canadian aggregate is going to produce a solution for many of our professed political espoused values of reducing greenhouse gas emissions by taking trucks off the road.

I have talked about the tens of thousands of trucks that go through my community every year. If we actually had a functioning rail system with a vision, we could actually look at options, such as rail to road options. We could do a whole series of different things if we made the proper investment but we have not. We blindly subsidize the road system and the transport industry versus that of looking at rail as a viable alternative option for safety reasons. The province of Ontario is even looking at lowering truck speeds and having regulated elements there that were not there before because of concerns for safety. All those things can be looked at but they are not.

I will continue with the rail derailments. On February 28, 2007:

Hydrochloric acid spilled from one of five cars on the CP Rail train that went off the tracks in the Kicking Horse Canyon in southeastern British Columbia. Emergency crews managed to contain the spill and none of the chemical went into nearby waters.

On January 14, 2007:

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Derailement...in northern Ontario dumped more than 30 cars, one containing paint-related supplies, into a swamp. Officials said there was no sign of leaking, but train traffic was blocked near Gogama while the incident was cleared.

On January 8, 2007:

24 cars of 122-car freight train derailed in...Que., about 60 kilometres east of Quebec City. There were no injuries, but the accident occurred in a residential neighbourhood and one rail car came to rest about 12 metres from a home.

It goes on and on. The argument has been that our economy will collapse despite the fact that when workers went back it was only in strategic areas and, on top of that, CN chose to lock its own workers out. What reparations happened to them? Nothing happened to CN. Why does it not pay for that loss to the economy if that argument is so valid? CN chose to put the chains on the doors and gates. The decision was made in its corporate boardrooms to lock those people out.

Where was the minister and the government on safety then? They are claiming safety now but at that time they said that it was okay for management. The government cannot have it both ways. Management thinks it can actually chain up the gates and doors and do the job. Why do we not give the negotiators the tools necessary to deal with the root issue?

I would again point to the red herring economic argument. The other day I met with General Motors and other groups in the auto industry and they did not bring up rail issues. I am sure they have concerns about it as long as they move and are serviced. What they are concerned about is the government's fee-bate program that it announced in the budget. The reason General Motors has halted its decision on Oshawa and other parts of the country, including Windsor, on where to expand plants is because of the budget and what it will do to the auto industry.

If the government is really concerned about the economy, where is the comprehensive program for that? Where is the actual auto policy which the flip-flopping, floor crossing previous Liberal minister who crossed over to the Conservatives, had with him and was supposed to produce but never did? Where is that policy?

• (1745)

The policy to put workers back to work and to usurp their rights is available. The Conservatives have had the policy for over a year. However, they will not come clean as to whether it even existed. We see it in other parties because they exchange different boxes here and there. They will talk about those documents but the minister and his colleague are right there. Where are those economic plans? Over 200,000 jobs shed and, I would argue quite sincerely, that rail infrastructure and safety are part of that.

Since we know that the current system is one that does not work, do we just say that this is all about a few dollars per hour for the workers or do we actually realize what the opportunity is and do something meaningful to give an arbitrator a chance to flush out some of those real problems?

It must be tough for both those sides over there, the Liberals previously and the Conservatives now, to hear that we actually might need to invest some dollars in infrastructure and rail and that there might be some accounting to do but that will be very necessary for us to compete in a global economy.

I am less worried right now about the fact that we have workers who will commit themselves to arbitrate and to negotiate with their employer to get a satisfactory arrangement for the long term. They potentially could go out but they have given their word and they have stuck to it before in the past. Will we tackle the real problem which comes from the lack of public policy to deal with rail transportation in this country?

It goes on and on. We could look at some of the derailments and look at the concern I have, for example, coming from Windsor, about the safety of the workers as they transport chlorine gas and other things. I remember talking with our fire department. I give some of the rail operators due credit because some things have changed. It has been a little better than before. However, fire officials must ask for permission to go on the property to do different types of inspections and planning.

Miami-Dade county is a famous case where it actually banned chlorine gas going through that county. Within a 15 mile radius, an explosion or an accident could kill hundreds of thousands of people. It actually has legislation now that prevents that from happening. What was interesting about that banning process was that the water treatment facilities that use the chlorine actually found other substances they could use to do a better filtration process.

Here we are fighting for rail and hazardous material safety and we still do not have any of the answers. The government has not produced anything on that.

I remember when we had discussions on the International Bridges and Tunnels Act, a very good act that was a good start. We need other acts to support that but at least it puts a footprint in terms of where the government is with regard to having some responsibility for border crossings that are privately held and that there is a general accountability across the main spectrum. We talked about hazardous materials and rail but it was dismissed by the government. Any amendment that I had at committee was dismissed. The government did not want to deal with it at that time and it still does not want to deal with it now.

Why is that important? I can talk about Fort Frances, for example. People will wonder about this but the bridge that connects Fort Frances to the United States is actually a mixture of road and rail that cross over each other. When I was visiting there were actually three car accidents hitting trains trying to cross the bridge that week. Where is the vision of separating these two with a proper infrastructure investment? The reason there is none is that a private corporation holds that bridge and does not want to spend the money. The governments, federally and provincially, do not seem to care and are hands off.

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What we are talking about today is a lack of vision. What we are talking about today is not actually doing what is responsible and right and that is to move through a process. A New Democratic amendment would at least provide the opportunity and hope for the arbitrator to raise the issues that are important to workers, their families and the communities that they serve, and this country and to start being responsible about rail safety and transportation in Canada.

• (1750)

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, in the last two weeks I spent a fair bit of time in my constituency, particularly in the farming communities. Again and again the one thing I heard was that yes, CN has some issues and CN has to resolve this union issue. The farmers said that we have to get these trains rolling again because their farms are on the line. Again and again I heard from desperate farmers and desperate farm families that they are not able to deliver their product. They are not able to deliver their commodity to port to get the sales they desperately need so that they can get cheques in their pockets to make the payments that are coming due.

There are some legitimate concerns that the NDP has brought forward and CN will have to resolve them. However, a lot of the issues that the NDP is bringing forward have nothing to do with the negotiations that are happening right now.

There are many people who do not have anything to do with CN who are going to end up paying the price for any prolonged labour action in the case of CN. The farmers that I talked to again and again expressed with tears in their eyes that they will lose their farms and their families will be on the streets if they cannot move their product.

By stalling this, the opposition members who are opposing this are saying to the farmers, to the mill workers, to the value added producers in my constituency and many constituencies across the country that they do not care about those people. They do not care that tomorrow those people will go out of business. They do not care that farmers will lose their farms. The members opposing this are saying that they believe the country should come to a halt and that product should not flow.

I want to make the submission to those members who are considering voting against moving this legislation forward that these farm families, the people in my community and across the Prairies and in many other small communities where there are lumber mills, are demanding that we stand up for them so that they can be protected and their families will have an income moving forward.

I ask the member if he has considered the people who are impacted, who are not CN employees or CN management, the people who will be affected, the people who truly have the most to lose.

• (1755)

Mr. Brian Masse: Mr. Speaker, I appreciate the hon. member's intervention.

Absolutely, I have considered them. I actually met with farmers in my area in Essex County just this past week. They were saying that the Conservatives misled them in the last budget and what they had promised in the election. That is what they told me. The CAIS

program and a whole series of other promises went out the window. They said that was unacceptable. That is something they expected from the Liberals but they did not expect it to be delivered so quickly by the Conservatives. That is what they told me.

As far as Saskatchewan is concerned, absolutely we are really concerned about that. There is no doubt about that.

A short term solution for a wage dispute is not what is at stake. The long term viability of our rail network is, as is the safety of the residents in the communities and also the future investments of farmers. Their actual farming operations and long term investment have to be addressed through proper rail infrastructure investments and continuity.

The farmers are desperate right now because of the government's policies and laissez faire hands off attitude. If other governments subsidize farming industries, "So sorry, so sad, you are on your own, good luck". We have done that for 10 to 20 years which has resulted in desperation. That does not change the public policy issue that we actually have to deal with.

Maybe we should support those farmers. If that is a legitimate case, why does the government not live up to the programs it promised to ensure they would have vibrant farms? The government could do that. There could be both if the government chose to do so. It is not one or the other. This pick and choose approach that is being false fronted right now is unacceptable because it is not responsible.

Let us look at other trade agreements. There is a constituent in my riding who has lost his business because of the softwood lumber deal. Even in Windsor West we had post end production, and it is gone because of that deal.

Short term deals are no longer acceptable. It is pick or choose winners or losers. That is not the Canada I grew up in. It was about working to get a better solution at the end of the day.

That is why the NDP amendments are a better solution. We get to the issue. The issue is rail safety and sustainability. That affects all of us.

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, my colleague really spoke to the heart of the matter, which is the fact that this strike, this lockout has raised issues about the failure of a national strategy to deal with transportation.

For the viewers back home, I would say that one thing we learn when we come to Parliament is that it is a bit like Dorothy at the end of the *The Wizard of Oz*. We come into this auspicious chamber and we think we are dealing with people whose whole focus is how to make an economy work in the 21st century. Then we look behind the curtain and see that little wizard and think, is that how economic policies are made and designed in this country?

I will quickly give an example of how policies are done in this country in terms of short term versus long term.

*Government Orders***GOVERNMENT ORDERS***[English]***RAILWAY CONTINUATION ACT, 2007**

The Conservative government, and it could have been the Liberal government before it, will announce in the budget that it is going to give a special tax credit to parents to buy shoelaces for their kids' hockey skates. Then of course it can announce that by allowing a tax credit for those who want to buy shoelaces for hockey skates the government is helping young people stay off the street and therefore, it does not have to worry about crime so much because the kids are skating. And by giving a tax credit for shoelaces the government says that it is doing something about health and for all the issues of wait times, and it will not have to worry about wait times in the future because the kids are skating now. Of course the government will make sure that the lace manufacturer has a factory in the minister's riding. That will help as well because that of course allows the government to show that it is looking after those constituents back home.

Those are the kinds of decisions that these governments come out with. They are short term, driven by a headline and press release and no substantive response. Meanwhile, a long term plan for how to make an economy work is ignored.

We have spoken today of a horrendous record of accidents in this country within the last year and it has barely caused a ripple from the two main parties in here. They would say it is just the cost of doing business. What, an accident every three days is the cost of doing business?

There are serious problems at CN. There are serious problems with having a country that does not have an industrial plan for transportation like our country does not have right now.

I would like to ask the member if he could explain to this House, to some of the Conservative and Liberal members who might not really understand the difference, why it is that we need to start taking these long term infrastructure issues seriously instead of just playing short term politics.

• (1800)

Mr. Brian Masse: Mr. Speaker, simply, Canada has abrogated its responsibility to create the proper conditions to win. We have allowed the United States to do that. We have allowed China and Southeast Asia to do that. We have allowed other countries to do intervention, to foster, whether it be through infrastructure, whether it be through a national strategy. We have given all that up. That is what has been wrong in the past 10 years.

I learned as a city councillor that if we had to deal with the railway company, there was the federal government, there was God, and then there was the railway company, in that order. It seems that order has not changed.

To conclude, it is amazing that we are giving up an opportunity here to address the problem of a system of arbitration that was based on 1940s baseball rules. I would say that having reading one, two and three, it is three strikes for this nation because 1940s baseball rules to decide a railway system that the workers, their families and our citizens and their future will be tied to is perplexing at least and dangerously troubling at most.

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, I am pleased to join with my colleagues this evening in this important debate on this back to work legislation. For those viewers who are watching this debate and who may not fully understand the background, I want to take a minute to go through some of the background. I do understand the perspective of people who see a disruption, whether it is in rail or whatever the industry is, and they say can those people not just go back to work and problem solved.

I want to take a few minutes to talk about the collective bargaining process. I understand the concern about the economy and the need to get our freight moving. We have to understand from the very outset that the collective bargaining process is about two parties. This is a negotiation process whereby two parties try to arrive at an agreement that they will have to live with day in and day out for the term of the agreement.

For the people who work in rail, for the people affected by this collective agreement, they may have concerns that come up from time to time, day in and day out over a period of months and years. The only opportunity they have for their voices to be heard in a democratic fashion is through their elected representatives in the bargaining process. The representatives take their concerns to the bargaining table and in a situation of equals the people who are covered by the collective agreement, labour and management sitting as equals try to resolve their differences through this process.

It is a process that is defined by law. It has been defined over a period of decades, of generations. The rights that are enshrined in the collective bargaining process are rights that people have fought for. They were not just given by a government or by the employer. These were rights that people had to organize and fight for, and sometimes they were terrible fights, in order to achieve that basic opportunity to sit down with elected representatives face to face with the employer, raise the issues of the day and resolve those concerns in a democratic fashion. It is an opportunity for the people covered by the collective agreement to address a range of concerns.

Usually when there is some kind of dispute in bargaining the focus of the media and therefore the public is automatically on wages and they become the central issue. Usually wages are a part of the concern, but not the entire concern. Certainly issues that are negotiated are wages, benefits, working conditions, relationships in the workplace in terms of how disputes will be dealt with, how concerns will be dealt with. As part of the working conditions the most important working conditions are those of the health and the safety of the people who work in a given environment.

My concern always when a government comes in with ham-fisted back to work legislation is that it pushes all of those rights and the democratic process off the table. It is a very ham-fisted, heavy-handed way of resolving what ought to be a very finely negotiated collective agreement that everyone has to live with.

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Often when agreements are imposed, whatever the method of the imposition, they are less satisfactory. The issues that remain unresolved fester and they remain concerns, whether they are issues on the side of the employer or on the side of the workers. That is one major concern that I have.

● (1805)

This is not an isolated situation. Over the last number of years the Canadian government has enacted a number of pieces of legislation that chip away at the rights of working people, legislative rights that were designed to protect them and their fundamental rights in the workplace and their democratic right to collective bargaining, and ultimately the right to strike.

I want to take a minute on the right to strike because it is about the issue of power. The employer has a great deal of power in the workplace. Employers decide who to hire, who to fire, who to promote. In addition to that, employers decide what their product or service will be, how they will manage that product or service, what equipment they will invest in, what kind of advertising they will do or what kind of clients will buy their products. They decide the advertising and how they are going to market their services. They have a great deal of power over what it is they are producing in the marketplace, and that is certainly well known. That is the system that we have.

For people who work for the employer, as I said earlier, the only opportunities they have to give their input and to exercise any kind of rights in the workplace is not as an individual person but through the collective, through their collective agreement.

Organizing that process, being part of collective bargaining, is something for which people have fought for years. Chipping away at these rights, as we have in Canada, has led us to the point where Canada now has one of the worst records when it comes to labour rights in the western world. This it is very troubling and it is something about which all Canadians ought to be concerned.

Some may say unions are a problem, they are too much trouble, they are always after something. Whether it is labour rights, or other legal rights or human rights based on religion, ethnicity, gender or disability rights, the other person's rights may not seem quite as urgent as one's own rights, but when directly affected, one understands how important they are. I think fair-minded people everywhere in the country ought to be concerned that if labour rights are being eroded, as they are, what other rights are being eroded in Canada?

We had a discussion earlier today with questions about the cancellation of the court challenges program by the government, thereby undermining the ability of Canadians, usually the most disadvantaged Canadians, to access their basic rights under the Charter of Rights.

Those who quickly dismiss labour rights ought to understand that this is only one aspect of a broader tapestry of rights that we pride ourselves on in Canada. All this chipping away leads us down a slippery slope. As Canadians and how we think of ourselves as fair-minded and protectors of human rights, I do not think it is a slope that we want to go down.

Some weeks or months back we had a debate in the House about replacement workers. A private member's bill on replacement workers was defeated. I remind the House that Liberal governments between 1993 and 2006 helped defeat 10 anti-replacement worker private members' bills in the House. I am citing this from the *Montreal Gazette*, which published a story on it today.

This is something that ought to be of great concern to all Canadians, and certainly I am personally concerned about it. I know my party is.

● (1810)

On the specific dispute at hand, we have to remind ourselves that the Canadian Industrial Relations Board ruled this a legal strike. When the strike originally took place back in February, workers, who were under the direction of their democratically elected negotiating committee, were negotiating terms to go back to work back in February, but the government kept pushing for back to work legislation. I recall this because the media kept reporting that back to work legislation would be introduced.

They came to a tentative agreement. As sometimes happens with tentative agreements, they are not imposed on people. The agreement needs to be ratified. The membership voted 79% against the offer, and it was their legal right to do so. They began rotating strikes while agreeing to maintain commuter service. However, in response to a fairly limited dispute, CN decided to lock out all the workers. The situation with which we are presented now is not a strike. We are presented with a lockout. In essence we are dealing with an employer strike.

As I said earlier, in the normal course of operations, the balance of power is very heavily weighted toward the employer and that this is the only opportunity for people to get their issues addressed. This heavy-handed behaviour on the part of CN is rewarded by the government with back to work legislation, which in fact endorses what CN is doing. It endorses its heavy-handed approach. It is an approach that undermines the democratic legal rights of the people in the workplace.

All through bargaining, CN has used back to work legislation as a bargaining chip, and that is not the first time this has happened.

Let us look at some of the issues the people in this workplace are trying to deal with at the bargaining table, like worker safety and railway safety.

A recent study was conducted by Transport Canada a couple of years ago that highlighted rather serious concerns in rail safety. The public maybe does not see all the day to day safety concerns. We do see derailments. Some of these are huge and they affect our communities. They endanger our communities. People scratch their heads and say, "How do we prevent this? It is costly, destructive and wasteful. How do we prevent these derailments?"

Study after study will show that probably the best way to prevent derailments is top-notch, high quality safety measures and top-notch, high quality investment in infrastructure that ensures the tracks, the rail beds, all of the equipment being used is absolutely in top condition so derailments are much less likely.

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In the agreement CN was seeking to increase the number of hours workers would spend away from home. It is already 80 hours a week. It sounds kind of like the life of a member of Parliament. On the part of the union, it was trying to get better rest provisions, washroom breaks, a 40 minute lunch on a 9 hour shift, which sounds pretty reasonable to me, an end to 16 hour workdays and a number of safety measures. There have been over 100 derailments in Canada in 2005.

• (1815)

These are serious issues. If I am not in that workplace, I have trouble maybe relating to those issues. I do not know them as well as the people who live in these conditions day in and day out, whether they are in the union or in the company. That is why the process of collective bargaining works so well. Those two parties, which know the workplace, the issues, the concerns, maybe from a different perspective in the bargaining process, have to sit down and hammer these issues out and come to a mutually agreeable solution.

Again, CN has been less than stellar in terms of bargaining in good faith. It has been relying on the Canada Industrial Relations Board to rule the strike illegal, which it did not, and then wait for back to work legislation.

We have heard concerns in the House about the economy and the impact on it because of this dispute. I remind us all that this is a lockout, not a strike. However, fair and safe working conditions are equally important to the Canadian economy as the continuation of the transport of goods. The economic impact of a derailment, for example, is an enormous waste of our resources. If through this process we can address some of the safety and infrastructure concerns of the railway system, that would also be very good for the economy.

I have heard members talk about the cost to the economy of the strike back in February. I remind my hon. colleagues that many other factors were involved in the delays in shipments back in February in addition to this dispute. There was a refinery fire in Ontario. There were serious weather delays both in Canada and the U.S. that caused delays in the transport of goods. There was also a general downturn in business that affected some levels of production in the manufacturing sector and in other sectors as well.

I also remind the House that the managers are working. Managers are on the job, so it is not as though the rail industry has completely ground to a halt. Managers are working at CN, and there are other forms of transit available, including other railways. However, I do not at all pretend that some farmers and other shippers are not affected. Whenever there is a dispute, people are affected. That is why it is incumbent upon both sides in a dispute to get to the bargaining table in good faith to legitimately try to address the issues affecting them and to come to a resolve as quickly as possible so that any impact is as small as possible.

However, when we impose back to work legislation like this in a ham-fisted way, it sides with the employer. It denies people the right to a fair collective agreement because they get an imposed agreement that may not, in any way, deal with the legitimate concerns that they have brought to the bargaining table. It is simply not fair to them.

My colleague earlier talked about the importance of rail to our country. We are a country that was built on the railway. It is a key part of our history. It is part of our heritage and it created the ties that bind us as a nation. A country as vast and rich as Canada, with a fairly small population, ought to be a world leader when it comes to rail. Whether it is freight or passenger transportation, we ought to have the fastest, the best, the most efficient transportation system by rail than anywhere else in the world. When I hear about safety concerns, when I hear about derailments, when I hear that people are not being treated fairly at work, that is a terrible thing.

• (1820)

This round of negotiations, because it is ending up here in the debate in the House of Commons, reminds us all about the need to have a rail system that is top-notch, that we invest in the infrastructure to maintain a top-notch rail transportation system, that safety is a priority, and that we have to build on our history to improve our rail transportation system for the future.

I think this back to work legislation is another bad step in a bad series of steps to erode the rights of working people.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I thank my colleague for her words and her experience when it comes to properly settling disputes between management and labour.

Our country has had a long and turbulent history over this, but I think many Canadians would have expected that we would have evolved to a certain point, that we would have been able to use the law available to us that had been fought for year in and year out. A good friend of mine, Jim Sinclair, the head of the B.C. Federation of Labour, said that working folks in this country have never received anything they did not fight for.

Fighting for fair laws governing the unionized workforce has been a long and steady fight for many years. Over the last number of years we seem to have lost ground through these deaths by a thousand cuts under the Liberals and now the Conservatives. We are now at a point where a legal strike is happening and workers have fair concerns about safety at their workplace, and that is what has been presented. That right seems to have been put into question almost immediately.

My question to my colleague is very specific. When a technique like this is used, and I give Bill C-46 too much credit by calling it a technique. It is a bludgeoning action on a fair and legal labour dispute to say workers simply do not have rights if they happen to work in this particular work environment. Based upon her experience and the experience of others in labour disputes, what is the affect on the short and medium term conditions within that workplace? By using something like this bill, by using something like this practice, as odious as it is, what is the affect on the short and medium term conditions within that workplace?

Government Orders

We have now seen that the Conservatives, the Liberals and the Bloc will all team up on these workers who are exercising their legal right. What is the result on the workplace? What is workplace productivity like? What are safety conditions like? In the eventual creation of a culture in that workplace, how does using something that the government is imposing on these negotiations affect the average worker going to work and that experience once they get there on a daily basis?

• (1825)

Ms. Peggy Nash: Mr. Speaker, I would like my colleagues in the House to imagine that they use a wheelchair. They have rights under our Charter of Rights and Freedoms. They have the right to be treated equally and to be given fair accommodation even though they use a wheelchair and have a disability.

I would like them to imagine that they are going to a concert and when they get there, the organizer says he knows they have rights, but because the elevator was not running properly it was shut down so their right would not be available. They have to go home. I would like them to imagine their right to be treated fairly. I would like them to imagine that right being taken away.

That is happening here. People who have fought for the right to have a voice in the workplace, and to raise the concerns that they may have lived with day in and day out over months and years, finally get a chance to bring these to the bargaining table, and the employer decides that it is not going to deal with those issues. The employer is forcing a dispute, locking people out, and relying on the government to side with it and force them back to work. That is happening here.

Members would feel some resentment. It festers in the workplace. It is not conducive to ongoing good labour relations, or harmony in the workplace for anybody who has been involved in any kind of contract negotiation. What they want at the end is for all parties to feel that they did not get everything they wanted, but they received what they needed and that it was a fair process. That is not happening here.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I would like to ask my colleague a couple of questions. This is an issue that must be addressed from the point of view of a couple of different perspectives. One of course is the heavy handed nature of the exercise today with the Conservative government introducing closure, when in fact it appears that some leadership could have been offered to bring both sides together and to resolve these difficult issues.

My first question to my colleague is, what is her understanding of why the government is so compelled to bring in this heavy handed measure? Was it in fact a need to get this issue out of the way, to create some flexibility for a possible election call? Does it have anything to do with its electoral political agenda?

Second, with respect to CN as a whole, it used to be a matter of our national identity, part of our history, our tradition, our heritage, linking this country together from sea to sea and a symbol of our greatness. That whole symbolism has deteriorated over the years with the privatization and the selloff of CN, to the point now where we have this huge company that is basically running rampant without concern for the health and lives of workers, without concern

for the environment, without concern for transportation needs, and without concern for disability rights. At some point it seems to me that the government has to gain control over this issue and deal with this company which has so much power when so much is at stake.

We know that the Liberals allowed this to happen back in 1995 with so many other cutbacks. They put CN on the chopping block, allowed for its privatization. They oversaw the merger of this company and basically its takeover by Americans who are now trying to create a company that is more in line with an American approach to working relations, to labour relations, to the environment, to safety, to people with disabilities, rights and so on.

I think we need to hear from the member and others about what does this all say about the present government's role in an institution that needs to unite the country and be there to provide environmentally sustainable transportation, good working conditions, and ensure that all people have access to this necessary transportation method.

• (1830)

Ms. Peggy Nash: Mr. Speaker, I cannot speculate as to why the government felt it was necessary to bring in such heavy handed legislation to force closure on the negotiations. I cannot speculate except that perhaps the government does not fully appreciate the impact of the rights that it erodes when it takes this kind of action.

On the second question, when CN Rail was deregulated and privatized, we were assured that safety would be a number one priority. We were assured that service would be top notch. We were assured that we would not notice any difference except that it would be better.

Now we have a CEO who makes \$56 million a year. We have a service that seems a little frayed at the edges. This has not been in the best interests of Canadians. If rail is such an important artery to our economy, then perhaps this was not the best course of action we took back in the 1990s.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, in today's labour market in western Canada there is a crying need for workers in all sectors of the economy, and in my sector in the Northwest Territories. We have the same need for workers and yet we see a reluctance on the part of companies to accept the stability and long term usefulness of unions and the union movement in the country.

There is still a backlash against unionized workers across the country and that is unfortunate. I think it really degrades the potential productivity increases in our society that come from a stable workforce that is well trained and well taken care of in terms of its ability to interact with the employer.

The move that the government is making today by forcing closure and back to work legislation on the rail workers is just another example of the degradation of the labour sector in our economy.

Government Orders

I would ask my colleague this question. How can we continue to do this in the face of the evidence that comes from a stable workforce as being good for the economy and unions being good for providing a stable workforce? This kind of action that has been taken today will once again cause conflict in the labour movement, will degrade its ability to provide the services to its people, and will reduce its bargaining position. How in the long run is this going to work for Canadians? Certainly, that is the question. How is this going to work in the long term for the productivity of our economy?

• (1835)

Ms. Peggy Nash: Mr. Speaker, there has been a trend over the last 25 years to 30 years toward the stagnation of the wages of working people. That is one reason why I introduced my minimum wage bill because the minimum wage has been eroded over the last 30 years.

In North America, especially, there has been a strong undermining of the rights of working people and we see it south of the border. But increasingly here in Canada there is a growing gap between those, like Hunter Harrison, the CEO of CN, who make \$56 million a year and the people who work at CN.

Increasingly, the average working people are finding that costs are going up much faster than their incomes and people are eroding their standard of living, and worse than that their rights are being eroded. People become afraid to speak up. If they see a safety problem at work, they are afraid to speak up. If they see some other kind of problem, something that is not right in the workplace, they are afraid to speak up. There is a real overall danger in our society. We undermine democratic structures like the right of working people to have a voice in the workplace.

We can go to countries like China where we never have to worry about workers having a voice or we never have to worry about the environment, human rights or any of those other pesky things that get in the way of a fast moving economy, but we do so at great degradation, not only to the air we breathe and the water we drink but to the quality of life and the decent functioning of a civil society.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I have a brief question for my colleague. She touched on this generally, but I think it is important for people to establish as well that in the midst of a negotiation, the two sides in this case will use various leverages and tactics in order to get the things that they are looking for and things that they want to achieve, understanding hopefully that neither side will get all that they want.

However, I am wondering that with this hatchet looming over the entire process, CN knows full well it has the government in its pocket and it will introduce back to work legislation at a moment's notice, which is happening.

How does it affect the actual negotiations that are ongoing? Does it destabilize them or make things less fair that are happening between the two parties that are meant to be happening in some good faith?

Ms. Peggy Nash: Mr. Speaker, I would equate the situation to two boxers and suddenly one opponent has three other people on his side in the ring and they are all ganging up on the other. It is that. It is always knowing that one has that extra help, that extra power in one's back pocket and one really does not have to negotiate in a frank and honest way. That undermines the fair bargaining process.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is with some reluctance that I join this debate, simply because the need for this in this day and age should not still exist. One would hope in 2007 that reasonable minds using legislation that this country has agreed to would be able to resolve disputes, yet somehow we find ourselves in this situation. Workers are conducting a legal and authorized action. They have serious and legitimate concerns, health and safety and otherwise. Many members of Parliament would also wish to have the ability to affect their immediate environments in their workplace, the ability to make sure that safe and fair working conditions are applied here. Certainly any of the MPs in their own self-interests would wish for the same thing. Yet here we are facing a forced negotiation at the end of a gun barrel, Bill C-46 it is called. I think there are a few terms we have to establish before we can even move further beyond.

The actual name of this bill that has been cobbled together quickly by the government is an act to provide for the resumption and continuation of railway operations.

I have tried to find in the title or the substance of the bill some mention of the main issue that has been brought forward by everyday average ordinary workers on the line, which is around rail safety based upon evidence, audits, that have been done by the government itself. Safety is the issue. Safety is one of the critical issues that has been brought forward as a reason for this dispute and this draconian piece of legislation that was introduced to stop the dispute does not mention it in the title. It would be interesting if the title were an act to provide for the continuation of safe railway operations, but the government could not do that because right now the operations are not safe. There would be no resumption of any type of safe operations because we have the audited reports that say otherwise. The records have become worse as the profits of the company have gone up.

Surely there is a way to operate a rail system in this country that is both safe and profitable, but it seems that unfortunately or otherwise that CN does not feel that those two things can actually go together and exist in harmony. It will tell us that they do but then we see a news report of another train off the tracks lying beside or in a river, and we know that not to be the case. There has been an explosion of unsafe rail practices and we also know it because the workers have told us so.

There is another term that is important for us all to realize. Because I was not sure, before entering into this debate I asked some of my colleagues what to call the company, CNR or Canadian National Rail. It has since changed its name. It reminds me of Kentucky Fried Chicken having to change its name to three letters, KFC, in order to avoid any association with chickens because it was not actually serving chicken any more. In this case, we cannot call the company Canadian National Railway because it is no longer Canadian.

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Not only did it change its name, which is well and good and perhaps it was for brevity's sake, and there are a lot of syllables when we spell it out, but it forbade the workers from actually referring to it as Canadian National. They have to refer to it as CNR, and are not allowed to call it Canadian any more.

These are small but important things and are symbolic of what we are seeing take place in an industry and an operation that is at the very heart of this country. It is one of the few things that Canadians can absolutely hold on to and identify with. Different from others was the creation of this majestic dream, and it was dreamt up in this very place, to create a national railway system to connect us from coast to coast, as part of our national identity. It enabled the west to open up. It enabled all Canadians to be part of this massive country. This experiment of some peacefulness between the French and English cultures was critical.

● (1840)

We know the historical roots. We can walk into the foyer just outside the House of Commons and look above the sculptures. Represented there as one of the primary industries of this country is the rail industry. Clearly, it is in our DNA. It is in the very soil of our country.

Here we have an operation which by all accounts, by the audit reports, by the workers working on the line every day and by the communities that live beside those lines is no longer a source of pride. It is a source of worry. It is a source of contention, controversy and conflict.

I need to talk for a moment about my riding of Skeena—Bulkley Valley in the northwest corner of the province of British Columbia. It has one of the increasingly most important rail lines in the country. It is part of the government's laudable efforts to open up the Asia-Pacific Gateway. It is receiving a significant amount of funding that we negotiated with the previous government and ensured with this government. We are proud of being able to leverage that funding for the container port in Prince Rupert. There is also some significant funding by CN itself along the rail.

Here is an interesting thing to note. There are hazardous products that travel along this rail line that stretches right across northern British Columbia. Some months ago CN sent a letter to all of our predominantly volunteer fire departments. CN said that if there was any major spill of toxic chemicals along the line, the volunteer fire departments, which neither have the equipment nor the training to deal with such a toxic spill, should just hold the fort for 12 hours until CN got a skeleton crew up there to deal with it. This is in a letter. CN actually put it in black and white and sent it out to these noble volunteer fire departments and said that just for their information, CN would show up half a day later, once the train was in the river or on the side of the tracks. This is what a so-called responsible corporate citizen is offering to people who live cheek by jowl, right beside many of these lines, whose livelihood depends on the conservation of our environment, particularly the rivers.

Those who have visited the northwest have seen some of the most stunning scenery right from a passenger rail car because the rail runs right on the very edge of many of our most stunning and magnificent rivers. The road is on the other side. The access to these places, unfortunately, I have to say, once a train derailed, based upon

anecdotal and the audited experience of this company is seriously impeded.

There is no mention of safety in this bill. There is no mention of the technique being used, this heavy-handed approach that allows for final offer selection. The two sides present their cases and an arbitrator will then pick one or the other. It is a system that can or cannot work, depending on the various labour disputes.

Clearly, by not mentioning any aspect of safety in the bill, the government is sending a clear signal to the company that it does not have to negotiate on the safety concerns of the workers and the communities that they have placed in the public eye. That is not a concern to the government and it certainly will not be for the company when it is negotiating. And the legislation does not name an arbitrator.

It is important to understand that once this legislation passes and it seems doomed to pass, if I can use that term, because the Liberals, Conservatives and the Bloc for some bizarre reason have decided to ram it through by invoking closure and that is democracy in action, but once this bill passes, the government can pick any arbitrator it wants, anyone. It allows anybody to finally decide upon a contract that will be imposed upon the workers in the company.

For those who have followed labour disputes across the country and the history of CN and the UTU, this is not a combative organization. I have met with the workers in my riding, both formally and informally. I met them around a coffee table just a few days ago when I was in northern B.C. I sat down with a worker, an honest, hard-working average Canadian who is just doing his job. When this labour dispute first came up in February he had had enough. He had been working on the rail for 25 years.

Anyone who has spent a day on the rail will have a sense of the working conditions. The workers work 12 hours, maybe 16 hours plus. There is forced overtime. Rattling around on the rail is hard work. The workers all knew what they signed up for and they are willing to do it, but that worker had had enough. Time and time again he had gone to his supervisors and pointed out a safety concern and said that a piece needed to be replaced because it was broken and it was part of the safety system, and he was told to just leave it be, leave well enough alone.

● (1845)

No longer was there a culture of care and concern that had been built up in that organization over many years to ensure that no matter what the trains would run on time and they would also run safe. That can no longer be said. That is a tragedy not just for the symbol of what CN and rail are for this country, but it is also a tragedy on other levels, and I would like to talk about a couple of them.

We have talked much about the environment and the litany of derailments. Oftentimes CN does not have to prepare any kind of a manifest. There is no legal obligation to tell communities down the line what type of products will be moved through those communities.

Government Orders

We have all been around this country and know that some trains move right through the very heart of communities. There is no manifest created and some of these substances are of the most toxic nature imaginable, the belief being that it is better to move them by rail than by truck, because the incidence of accidents traditionally has always been lower by rail. If a toxic substance has to be moved from a chemical plant, as is often the case, or the oil and gas industry, to another site, it is best to do it by rail, as the chance of an accident or incurring any sort of harm to the environment or human health is lower.

Can we still safely say that? On March 12, 2007, some 3,000 VIA Rail passengers were affected. On March 10, 2007, CN's main freight line through central New Brunswick was disrupted because of a 17 car derailment at Plaster Rock. On March 1 there was a grain spill from a CN freight train derailment in Pickering. In February 2007 there was a hydrochloric acid spill. On January 14, 2007 in northern Ontario there was another derailment and 30 cars went into a swamp.

Time and time again, when dealing with issues of the environment, we know it is always easier and cheaper to not have the pollution happen in the first place. Here we have a clear case of what it would mean to have a little more protection, a little more understanding up front about the types of chemicals and noxious substances that are being moved, and how much better it is from every measurement to make sure that they do not tip out somewhere along the way, never mind the human concern.

I was in Sudbury recently and there had been another derailment north of that town, reminiscent of one that had occurred the year before. All sorts of noxious substances were being pumped out of the river and lakes systems. I talked to the member of Parliament from that area. The people in Sudbury have done so much to try to remedy the damage done by previous historical practices in the industry. We all know about the moonscape and that NASA uses the area around Sudbury as a practice area for its astronauts. The damage had been severe in terms of the environment. Sudbury has dedicated itself on many levels to clean up the mess, and once a year there are trains tipping into its river and lake systems.

Canadians are concerned and they have a right to be concerned. I would hope there is not a member of Parliament who would dispute the right of Canadians to be concerned when they read their papers and turn on the evening news and see that another train has tipped over. The workers have come forward and said where they think the problems are, and they are ignored by the company.

An audit was ordered by the previous government as a third party investigation into what was happening, with no vested interest, so the union bashing going on by some of the government can stop. It was a third party audit which the government conducted in 2005. It finished in 2006 and then the government sat on it. It was not until a journalist with the CBC filed an access to information request that the findings were released.

One would have to suppose that if the audit had said that things were fine, that the Canadian public should not worry, that everything was all right, the government would have trumpeted it out. It would have had a press conference, announced it and given every detail of how wonderful it was, but we know that is not what the audit said.

The audit came out with findings that 54% of the locomotives showed serious defects. More than half of the things that are responsible for moving and stopping the trains that are going through our communities, and in British Columbia in particular, up and down mountains showed serious defects.

• (1850)

That is why the government sat on the audit. That is why the government has now removed from this bill the concept of triggering any sort of negotiation around safety for workers. We have to understand that the whole concept of workers' safety, the whole concept of safe locations in which to work in this country, was one that initially was resisted by industry as an extra expense when it was done years ago. It has now been adopted and it is trumpeted by industries, the progressive ones in particular, that they have a safe working environment.

The lumber mills in my community, the good ones in particular, show on their signs that visitors are welcome to such and such a lumber mill, and they show many safe days and accident-free days they have had because they know it is good for business. They know it is good for worker morale when people are not getting hurt. They know it is good for absenteeism, obviously, when people are not getting hurt, and just ethically it might be a good thing, too, to not have a system or workplace set up where people are likely to get hurt.

We have had an audit come back that says the crossings and some of the bridges had faulty beams. Workers died two years ago in British Columbia because a bridge failed. Workers were coming to me prior to this saying that people were going to die. They said this flat out because they had looked at the trusses. They had looked at the structure of the bridges. They had known the upkeep had not been done, but who was watching the henhouse? Clearly it was the fox.

The reason for this legislation, the reason to force these folks back to work even though the Labour Relations Board has said that this is a legal and legitimate strike, has often been talked about. One assumes that the company thought it had this in the bag, that it could just go to the Labour Relations Board and it would order the workers back from strike immediately.

Even though this is a legal strike, it has been rolled out time and again that this is an economic catastrophe waiting to happen. Even if the government and the official opposition had the courage to stand up and speak to the legislation, which they do not, it has been pointed out by the few who have that this is an economic catastrophe waiting to happen in this country and that we need to force these workers back to work and impose a contract on them so that Canadian business can move again, because we are an exporting nation.

We would contend that this short term, poorly managed fix will lead to economic disaster in the medium term and the long term, as there is a clear indication to the railway to continue with business as usual.

Government Orders

A lot of the shippers in my region are completely stressed out. These are people who need to get their products to market. The cashflow is essential to their operations. They work on very fine margins and they want products to move.

However, they have also lamented to me over the last number of years that they cannot get reliable service from CN. When a train goes off the tracks, guess what? They cannot run another train right by it. There are days and days of delay and then an investigation, and then the train has to be fixed in the shop and there are fewer cars on the tracks.

It causes problems, but clearly someone within this organization has done the calculation and has figured out that it is worth the cost of business and that there are all the so-called savings they make by having people work longer and longer hours. We know as a result of studies that, like a student studying or a worker in any workplace, once past a certain point, effectiveness and clarity drop off demonstrably and in a significant way.

As soon as people go beyond the 8 to 12 hours, their ability to pay attention, to focus and to do as good a job as they were doing in the first 8 hours goes down. What CN wants to do is continue pushing people the limits of what we know to be safe when it comes to the people who are at the switch. Right now those workers are meant to be away from home for as many as 40 hours a week or 160 hours a month. CN wants them to be away more. CN wants them to work longer periods each and every day. They are working 16 hours right now. I am not sure exactly where CN would like them to go, and how someone in their 17th hour of work is meant to be performing as well as in their first or eighth seems ridiculous. It even seems counterintuitive.

A number of Canadians would be quite worried if they knew that train carrying hydrochloric acid and barreling through their town in the middle of the night was being driven by someone in the 17th or 18th hour of work, someone who has been doing that consistently over the last number of weeks and months. How is the government meant to assure Canadians that everything is okay, that these workers are not asleep at the switch, so to speak?

• (1855)

When it comes to our environment and the idea that in this day and age we will knowingly operate an unsafe system and keep pushing the boundaries into places that have been proven through the government's own audit not to be safe, it is intellectually dishonest. As for the idea that somehow the government can paint itself green and run about the country claiming some sort of adherence to environmental principles and priorities when at the same time it is taking actions like this, actions that threaten exactly the heart of the clean air and clean water it purports to be defending and are unable to do so, it is intellectually dishonest. It is intellectually dishonest of the government, the Liberals and the Bloc to suggest that they are doing their jobs in this case.

A lot of MPs are pushing for this heavy-handed tactic and are trying to position one set of working families against another. It is a good old tactic that does not die out easily. The workers in my region of northern British Columbia are very much connected to the same people. The rail workers are exactly the same folks whose kids are in soccer and who go to Rotary and all the rest of it in our communities,

exactly the same as the people who need to ship the product, the same workers who are just down the line at the mill or at the smelter looking for consistent rail service in order to feed their families. They are deeply connected.

They understood back in February when the strike first erupted, as they do now, how serious it is when they say that things are this unsafe and that the relationship between the company and the workers has broken down so much they are seeking to strike. They understand the consequences more than any member of Parliament does and certainly more than any of the fat cats on the frontbench of the Conservative Party do. They understand deeply what the consequences are of their actions and they are committed to them. Eighty per cent voted to reject the very deal that the government now wishes to impose on them.

It is absolutely ludicrous to suggest that using such a technique somehow will allow for any sort of labour peace or harmony in the workplace or betterment of service, whether it is the protection of our environment and Canadians' health from fewer derailments or better service by just being on time and actually picking up the freight that CN, not Canadian National, has promised to.

This is going to be trumpeted by the government and those supporting it as a salient approach and a quick fix to getting the rails back on line and the trains running on time. What I will suggest to the House, to Canadians and to people in my riding is that we need labour peace. We need a drastic improvement in the way CN operates, the way it treats its workers and the way it treats the safety of Canadians on either of these rail lines, because the situation cannot go on as it is, and this bill exacerbates it. That is why I am proud to be here as a New Democrat opposing it to the nth degree.

• (1900)

Mr. Charlie Angus (Timmins—James Bay, NDP): Mr. Speaker, I listened with great interest to my hon. colleague's discussion because it raises a number of the issues that the New Democratic Party has been trying to get out on this bill that we are dealing with now.

This is an issue of accountability. It is an issue of accountability with regard to the CN management that is making record profits. The CEO is making \$56 million a year, yet we have seen cutback after cutback along the rail lines, the rail lines that run from one end of this country to the other and link so many of our communities.

There is also the issue of safety, an issue that has been raised by the workers on the front lines. It is an issue that seems to be irrelevant to the government. It was also irrelevant when the Liberals were in power. There are serious safety issues. We have seen such an increase in trains jumping the tracks, derailments and spills in the last five years, and there has been very little oversight.

Yet these issues are not being addressed by government, so in this debate what we are having is really a chance to speak to the failed management policies of CN and the need to restore labour peace. How do we restore labour peace? As my colleague pointed out, we need to have a commitment to ensure that there is proper investment along the lines and that there is safety, including safety for working families.

Government Orders

I would like to follow up on another element. My colleague pointed out how the government is trying to make this a debate of pitting one set of working families against another set of working families. The government is obscuring the fundamental issue. These workers were locked out. They were locked out by the CEO, who is making \$56 million a year. They were locked out by the company that is setting an abhorrent record for numbers of accidents while it is making profits to send off in dividends to shareholders all over North America.

These workers were locked out. Now we are being called in as parliamentarians to stay all night if necessary to bring in legislation that would impose on them what has been called a baseball arbitration settlement, whereby management will then get to basically write the blank cheque for how it wants to write the rules for the agreement that will be imposed on the workers.

It seems to me that everything right now is in favour of this company that is run by a guy who is making \$56 million a year. Let us think to back home and what it would cost a person to earn that over an entire lifetime. The average citizens back home would never even come close. They work hard for their money. They are accountable. If they do not produce, they will lose their jobs. If this man does not produce, who knows what kind of golden parachute he will be given?

In terms of production, as we see the horrific level of accidents that have been happening over the last number of years, there obviously are serious questions about the accountability of CN management. Yet these are the people who locked out the workers, the workers who have been speaking out about the safety problems and the lack of investment along the rail lines.

Where does my hon. colleague feel we need to go in terms of a railway strategy in this country to address these issues of safety and the necessary investment in rail infrastructure and to have a healthy economy for the 21st century so that no family is pitted against another?

• (1905)

Mr. Nathan Cullen: Mr. Speaker, I know the member for Timmins—James Bay experiences first-hand what happens when the rails go wrong. It is not often that some of these noxious substances go barreling through the middle of Montreal, Toronto or Vancouver. They tend to travel on other routes to market. They tend to go through smaller communities to get there. It is just how the rail was set up.

That is all well and good, except when people no longer have confidence in the train coming through town. It is not just a noise disturbance people are worried about. They are worried about being able to drink the water after the train is gone and the cleanup. When the ability for people to live where they have always lived is jeopardized by the simple passing of a train, one wonders what is next.

We have been hammering away on this so Canadians can understand. If we measured this company's success by the pay packet it offers its CEO, we would think the company is doing fantastically well. The externality, as they say in business, is what is being applied. These trains have jumped tracks and spilled toxic substances into rivers, as they did in Alberta, British Columbia,

Ontario and Quebec. I wonder if we can start a list of provinces which have not had a toxic spill happen within the last year or two. It would be a very select club. Perhaps Yukon or the Northwest Territories have been safe so far, but they should not hang on to that too long.

I would love to see an amendment to the bill, and maybe we can work on one in the next couple of hours, that would direct the negotiators to ensure that the CEO's pay packet was tied to the company's safety record. I am sure they will decide what reasons to give him more and more dividends and share value, but if every time another train left the tracks, he would be docked a little pay. It would be a fascinating approach. I am sure it is one the government will advocate for because clearly safety is important to the government. It has said it time and time again.

If it were so important to this company, which has left in a sense any semblance of control from within this national interest that we proclaim to hold in this place, it would not sign on to any such contract. The record is so terrible right now that the investors are clearly worried about the next quarter. When only fixated on the next quarter, the value of shares are able to move around so quickly in our marketplace that the longer term investments in safety and the investments in the rail grade itself are no longer seen as worth it, so they are not being made. The audit conducted by the federal Government of Canada showed us that.

Lo and behold, the workers come forward and say that they are not sure it is safe to go on the rail any more, and I will speak to one example in my riding recently. I will not mention the fellow's name, although knowing him I am sure he might appreciate it.

A train left the rail in February in the course of the strike. Prior to that the Liberal government had slipped a small amendment into the Labour Code which did not allow rail workers to not cross the picket line. It forced them to cross the line, unless they were under threat. There had been a strike in a northern town, a legal and perfectly well conducted strike. A man got to work that morning and said that, as a fellow unionist, he would not cross the picket line. Immediately the company was there with a copy of the legislation, as signed by the Liberals and endorsed by the Conservatives. It said that he had to cross the line. In response he said that he would not, that it was against his convictions.

The only way an individual is able not to cross is if that person makes an accusation that he or she has been threatened by one of the people on strike. The RCMP will then be called in to arrest that striking person. That was the condition he was given. At some point this moves from the absurd to the ridiculous.

The notion is that people can have an unsafe working environment under laws that were constructed by Parliament and legislatures across the country, present evidence that their workplace is unsafe. MPs would not even sit in these chairs if they were not sure the legs were solid. They would refuse and demand another chair, never mind going to work, getting on a rail not being sure if it will stay on the rail by the end of the shift and then being asked to work beyond safe hours that have also been proven unsafe. Suddenly the government says that is an infringement upon the rights of others in the country.

Government Orders

We in the NDP will defend the rights of workers across the country for safe working environments. We really thought we were already there. We thought the legislation was in place, that the codes had been worked out and signs posted on the wall in all work environments, which allowed people to work safe and enjoy income and receive it in a safe way.

● (1910)

Lo and behold we see, when push comes to shove, the government falls over with the effort. It cannot stand up. By invoking this and knowing this was always in the back pocket, it has skewed the negotiations, it has crippled them and has made it impossible for the union and the company to come to a fair and reasonable resolution. This was always waiting, and the company knew it. That, therefore, made the lowest class of negotiations come forward, which is what the government advocated for and is now accepting, pushed by the Liberals and supported by the Bloc.

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, for this debate, I looked to arguments that might possibly offer a rationale for this draconian legislation. For example, at cbc.ca, the president of the Canadian Industrial Transportation Association said:

Shippers serving highly competitive export markets and retailers needing to stock their shelves with seasonal imported merchandise will all be affected.

I thought is that why we were curtailing bargaining rights, to ensure shelves are stocked with seasonal imported merchandise? I thought, no, that could not be the reason we were sacrificing a fundamental right of workers to collective bargaining to negotiate conditions under which they were going to work. Given the safety issues that have been raised during this debate, I thought there must be a more important reason.

I will come back to talk about the safety issues, but I looked further for other reasons. I found a Canadian Press article in which the Conservative labour minister said, "Employers and many groups said they would like to see our government acting". Clearly, then, is this legislation about taking sides with one party, the employer? How can that be a government that works in the public interest objectively?

We have had a lot of talk recently about the delicate balance between employer and labour. Apparently, that balance is only judged to be fair when employers get to scuttle their way around the right of workers to bargain collectively and fairly, either by using replacement workers or now by having the government do the dirty deed of curtailing the bargaining process and forcing a settlement on workers, a right that has been achieved over a very long time, democratically.

Then I read in the newspaper that the employer welcomed the news that the government would introduce back to work legislation. I do not see the balance in that. I see the government, which is after all supposed to represent the interests of Canadians, working instead on behalf of the interests of corporations, working out of the pocket of the corporate elite, bowing to corporate pressure, now twice in one month, to curtail the rights of workers to bargain collectively and fairly.

If this were sports, we would call it cheating. Since it is real life for workers, real life for Canadians who are exposed to safety risks, it is no sport, and it is not cheating, it is reprehensible.

I thought, surely, there must be an explanation that eluded me. Then I found, again in the Canadian Press article, in which the labour minister said, "The health of our economy is very important".

The health and safety of Canadians is important. The health and safety of Canadian workers is important. The health of our environment is important. If we pass back to work legislation every time we might lose some dollars in export profits, how do we know that other safety concerns are not overridden? All Canadian workers should be afraid that safety in their workplace will not be overridden. All Canadians should be afraid when airline safety or transport truck safety is overridden because of the economy or because of a few dollars.

I finally found the reason that I think might have motivated the government. Again in the Canadian Press article, the labour minister said, "We saw what happened in February when...about \$1 billion of our exports [was] lost. Now it's time to act". If we only had this "act now" mentality about climate change, or homelessness, or mental health, or poverty, or health care, or student debt, or literacy, or a better course in Afghanistan and all the issues about which the Liberals and the Conservatives pretend to care a lot.

● (1915)

What is the first usage of closure in this Parliament? What is the first time the Conservatives have invoked this legislative measure designed for only the most desperate and emergency situations? It is for seasonal imported merchandise.

We hear all this talk about the social conscience of the members on the other side, the Liberals, but when do the Liberals side with the Conservatives, other than to extend the flawed Afghanistan mission? To tip the delicate balance of labour relations in favour of the employers, twice recently for the replacement worker bill and now for this draconian legislation.

Do the Liberals support an "act now" approach on climate change, homelessness or poverty as well? No, I do not see that. When they do support an "act now" approach, it is for seasonal imported merchandise.

Bill C-46 infringes on fundamental rights to collective bargaining, to negotiate the conditions under which Canadians work, when it is clear that CN is using back to work legislation as a bargaining chip to disregard the very serious concerns that have been expressed by workers.

The Conservatives have invoked this restricted back to work legislation on the pretext that it is impacting the economy. They may as well state they are against collective bargaining because most strikes have an economic impact. That is why two parties work together, work across the table from each other, deliberate and try to find a solution that meets the needs. This has not occurred.

Government Orders

When I get up in the House, I often say that I am speaking on behalf of my constituents. Of course I am speaking on their behalf, on behalf of Canadian constituents who I think are concerned when the rights of one group might be eroded, as they are in this case. However, this evening I am also speaking on behalf of my father, who worked for 25 years for the then Canadian National Railways, which is no longer. My colleague pointed out that name has been shortened. In his years at CN, he worked and fought for workers' rights in his union. He loved the railway and he passed on that love and passion of the railway to me.

In the time that I have been in the House, I saw some opportunities to really make rail and public transportation a centrepiece of our vision for the future of our country. Rail should really be a very central part of the future of Canada.

However, rail service will only be as good as the investments made to ensure the safety of workers, the safety of the infrastructure and the safety of our environment. Yet the government has not seen fit to develop a national transportation strategy. There has been no vision for public transportation and this is an area where the government might think of acting now.

In past decades an increasing corporate culture has led to the privatization of rail lines, to focus on profitability over safety, reduction of the number of workers, disinvestment in railway infrastructure, elimination of some rail lines, no matter that some communities have been abandoned, as long as the large salaries of CEOs continue to be possible.

• (1920)

I want to give an example very close to my heart on Vancouver Island where a freight service was slowly eroded over the years and was finally discontinued. A passenger service was also allowed to degrade. The rail itself became so badly maintained that the service was slow, unreliable and always late, to the point where the rail companies were going to simply abandon it. However, the community came together and said that it did not want to see that right of way abandoned and did not want to see its rail service disappear.

The communities along Vancouver Island formed what is now called the Island Corridor Foundation to protect the integrity of the right of way and renew the passenger and freight rail service. From the document on their plans, they explained some of the reasons that had led us to this point. They said that in recent years a variety of business changes had occurred which created financial challenges, like lack of investment and bad business plans. They said that it simply became apparent that there was a lack of interest to maintain a good rail service. They said that slow or inadequate responses to these changes meant that rail service was not able to maintain its market status and was at risk of failure on numerous occasions.

It is very sad that in Canada, a country that was built on rail and where we see increasingly, given environmental issues, that our future will once again be based on the strength of rail transportation, that we now consider that it is okay to forget about very serious safety issues that have been raised.

In doing a very quick Google search, I found numerous articles citing safety issues: Accident comes day after release of audit finding

holes in railways' safety procedures. Again, the safety jumps the track.

Trans-Canada highway in B.C. closed in two spots. Again there was a derailment. There were derailments on March 10, March 4, March 1, February 28, January 14 and January 8, all in 2007. I could go on and on and yet this is a company we are going to reward, act on its behalf to support those interests and, in a way, give it licence to continue with this disastrous safety record.

This will not help industry in the long term. It will not help the safety of our workers. It undermines the atmosphere in a workplace to do good work. It undermines the confidence that Canadians have and that companies have in the rail service. I believe this is a very ill-advised bill that the government is proposing to introduce.

I do not know when government will begin to consider that we do not support the economy at the expense of the environment or at the expense of social rights. We cannot build a three-legged stool that is balanced when we continually tip in favour of the economy at the expense of our environment and erode the rights that workers have to collective bargaining. This, unfortunately, is what the bill does.

• (1925)

Hon. Jay Hill (Secretary of State and Chief Government Whip, CPC): Mr. Speaker, I stand tonight to perhaps address some of the misconceptions that might arise from the debate we are having in this place. Somehow the members of the New Democratic Party want to suggest to the viewing public that this legislation is a reward for CN. They have suggested, which is what the member did again, that we cannot support the economy with this legislation by overruling workers' rights. That is not what this issue is about.

This issue is about families that must get up tomorrow morning and earn a living. It is about workers, not just CN workers and the workers of BC Rail in my riding. It is about the thousands and potentially hundreds of thousands of families that will be held captive if this dispute is allowed to continue. That is the reality.

On behalf of the riding I have been privileged to represent in this place for close to 14 years in northeastern British Columbia, this issue is of paramount importance to thousands of families in Prince George—Peace River. Whether it is the coal mines in Tumbler Ridge that need to have rail cars there on a predictable basis every day so that they can load their coal, otherwise they cannot go to work, or whether it is the pulp and paper mills that need rail cars to take their product to market, or whether it is the farmers in the Peace River part of my riding who need the rail cars to transport their grain to market so they can get a paycheque to buy groceries, that is the reality we are dealing with here.

Not one member in this House wants to stand up and give accolades to CN. All of us understand. We do not need any lessons from the New Democratic Party about the problems that this company has had. Certainly I am well aware of that. However, the reality is that this government must act, not on behalf of this monolithic company but on behalf of Canadian families that will lose their income.

Government Orders

I do not know whether the New Democratic Party understands that. In my riding alone there are hundreds of families right now that are at the point where they will begin to lose their income if this is not settled and those rail cars are not rolling again.

I have not even mentioned the fact that in rural areas of northeastern British Columbia, products like propane, which heats the homes, comes in by rail. It is fortunate that it is no longer 30° below any more but when the rail was interrupted in February, it was a serious problem and reaching a very serious point when the rail cars started to run again. We cannot allow that to happen again, which is why we need to get those rail cars moving.

● (1930)

Ms. Denise Savoie: Mr. Speaker, I share the member's concern and his need to act on behalf of Canadian families but the best way to act and achieve the kind of certainty of labour to which he refers is not through an imposed piece of legislation.

When the member mentioned the families he was concerned about, I would like him to think about the families who live around Cheakamus River where there was a huge derailment and there were serious safety issues. Their livelihood is impacted in a very permanent way.

We must listen to some of these workers who are talking about the very real safety concerns and allow the process and the two parties the opportunity to address those in a way that meets the needs of the economy, the needs of the worker and, I might say, the needs of the environment. I would mention the 500,000 steelhead fish that were killed, just to give one of many examples. There was no compensation for that. It is not coming back to address the needs of those families who rely on that.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, obviously the member for Victoria has eloquently spoken to this issue and the Conservatives do not get it.

The reason there is a labour conflict is because they have not acted on safety. For a year and a half now we have had employees saying that there are safety issues. We have seen derailment after derailment and the Conservatives have done absolutely nothing, just like the Liberals before did absolutely nothing to address these issues.

Now they bring in a piece of legislation that is draconian and puts the whole rail system of CN in a permanent state of uncertainty. We do not know when the next derailment will be. With the escalating accident rate, we are talking about three to four major accidents every day. Every week there is a major stoppage on the system.

The employees come here and implore the government and parliamentarians from all four corners of the House to actually understand the situation as safety deteriorates but instead of addressing a single safety issue, the Conservatives say no, that they will simply give a blank cheque to Hunter Harrison, a blank cheque to CN and they can do whatever they want. That is irresponsible and reckless. It is not a government that takes its responsibilities seriously.

It is appalling that we have Conservatives who are ready and willing to put the interests of Hunter Harrison ahead of the interests of communities throughout British Columbia and right across the country. They have abdicated the public interest. They cannot sugar-

coat it or whitewash it and pretend anything other than that they are giving a blank cheque to Hunter Harrison and CN to impose whatever conditions they want, regardless of what the safety impact is, regardless of what communities are impacted and regardless of how Canadians are impacted. We have seen loss of life. We have seen environmental devastation. We have seen communities cut off because CN has been irresponsible, and irresponsible management, obviously, is rewarded by the government.

Why does the member believe that the Conservatives are so willing to protect CN's management when they have been so reckless and irresponsible, particularly in British Columbia, and why do they seem to be taking the interests of American companies above and beyond the interests of ordinary Canadian families?

Ms. Denise Savoie: Mr. Speaker, it is very difficult to speculate on what might have motivated the government's draconian decision to act in this way but, as I said earlier, it seems to be very difficult for recent governments, including this one, to understand the need for triple bottom line decisions, decisions that are based on meeting our economic needs, on ensuring that social rights are protected for ordinary Canadian families that are squeezed increasingly despite the high profits of these companies, and, of course, ensuring environmental rights that we owe to our children.

I think the basis of this decision is a result of a lack of wisdom and an increasing corporatism that seems to fulfill the needs of corporations. It perhaps is a misguided belief that eventually, if the corporations make enough profits, the benefits might trickle down. However, they never have. I am as puzzled by this decision as my colleague.

● (1935)

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, I stand today to oppose this draconian piece of back to work legislation. I want to echo some of the comments made by my comrades and colleagues from Timmins—James Bay, Skeena—Bulkley Valley, Victoria, Burnaby—New Westminster and Parkdale—High Park. Some of them talked about their families and their long and proud history of building this country. Their forefathers and foremothers who worked in the rail industry and other industries built this country.

I want to talk a bit about my parentage. My grandfather and father were loggers and built the small communities of northern Vancouver Island. They worked very hard to shape the industry that we see today. It is appropriate and relevant that I talk about this to underscore my opposition to this back to work legislation, as my colleagues have done before me.

My grandfather and father worked in the logging industry. They worked in small camps where there were a lot of health and safety issues. Everywhere they went they tried to make things better for workers down the line and people who were coming after them. They fought tooth and nail, and had to go on strike under really difficult conditions to make sure that workers' rights were brought to the forefront, so that people were not killed on the job, as many were in those days.

Government Orders

I grew up in a family that was very much aware of worker and workplace safety. I grew up in a family that was very political. Because of that, I became a union activist myself. I was very active in the labour movement for quite a long time advocating for workers. I was on bargaining committees. In my own workplace we went on strike and had been locked out. I know what it is like to be on a picket line with workers who are in adverse circumstances trying to make a difference for other workers and standing up for the rights that others behind them will enjoy because they may not. Those are things that labour activists do.

I have heard in the House other hon. members talk about the age old argument, which we just heard a few moments ago, of pitting workers against one another saying, "We have to resolve this because others are suffering". That is an age old argument that has been used by employers and managers for many years. It does not wash. It is a bogus argument. It allows employers to get off the hook and not have to do the right thing, which is bargain in good faith.

Again, my history as a labour activist is very relevant to underscore my opposition to this back to work legislation. Back to work legislation is never the right thing to do. I and my NDP colleagues oppose this. We oppose replacement worker legislation or any other kind of legislation that undermines the fundamental right to collective bargaining.

Railway workers are locked out. This is a legal labour dispute. The government had a choice. It could have chosen to send CN back to the bargaining table, but it did not. Instead, it chose to deny workers their right to free collective bargaining. If the government were really concerned about the economy, it would order CN back to the bargaining table to get serious about bargaining. Instead, CN is given the green light by the government to take advantage of workers once again.

Canadians are concerned about worker safety just as much as they are concerned about the economy. The economy should not take precedence over worker safety. We have seen this scenario all too often.

• (1940)

Back to B.C. and the forest industry. Last year there were over 40 deaths in the woods. Those deaths were the result of workers having to work in unsafe working conditions. Fatigue brought on by long hours at a dangerous job in dangerous conditions is a remedy for disaster for forestry workers. Because of the way the industry has been restructured, that is the only way that workers can make ends meet. Workers fought for and got commitments from the provincial government to look at safety conditions and working conditions. However, I have to ask, why? Why does it always take deaths of workers to wake up our governments?

Governments have a role to play in forcing employers to follow safe work practices by legislating and enforcing strict rules for workplace safety. We have seen the scenario in our mining industry. We like to think that those days of the canary in the coal mine are over, but all we have to do is remember the Westray disaster where miners were killed not very many years ago because the employer did not follow safety rules.

We see it every time a worker is killed because an employer in an effort to increase the profit margin cuts corners and puts pressure on workers to take risks. Too many families have lost husbands, fathers, brothers, mothers, wives and sisters because workplace safety is thrown out the window or down the shaft or derailed in the interest of the economy.

However, the economy is not in jeopardy because of this dispute. What is in jeopardy is workers' rights, public safety and the environment.

There have been over 100 derailments in Canada since 2005. Let me just mention seven of them here, only seven, and these seven just happened this year in 2007. It is only mid-April, the fourth month of 2007, and we have had seven derailments. That is two a month. I guess we can expect another one any time soon unfortunately.

On March 12, 2007, about 3,000 VIA Rail passengers had to board buses on the first day of March break after train service in the Toronto-Montreal-Ottawa corridor was disrupted after a CN freight train derailed near the station in Kingston.

On March 10, 2007, rail traffic along CN's main freight line through central New Brunswick was disrupted until the next day by a 17 car derailment in the Plaster Rock area.

On March 4, 2007, grain was spilled near Blue River, B.C., two hours north of Kamloops when 27 cars of a westbound train fell off the track. How does a train fall off the track?

On March 1, 2007, a CN freight train derailment near Pickering, Ontario disrupted VIA service on the Toronto-Montreal-Ottawa corridor and commuter rail service in the Toronto area.

On February 28, 2007, hydrochloric acid spilled from one of five cars of a CP Rail train that went off the tracks in the Kicking Horse Canyon in southeastern British Columbia. Emergency crews managed to contain the spill and none of the chemical went into nearby waterways. Lucky for them.

On January 14, 2007, a derailment near Lake Minisinkwa in northern Ontario dumped more than 30 cars, one containing paint-related supplies, into a swamp. Officials said there was no sign of leaking but train traffic was blocked at Gogama while the accident was being cleared.

On January 8, 2007, 24 cars of a 122 car freight train derailed in Montmagny, Quebec, about 60 kilometres east of Quebec City. There were no injuries, but the accident occurred in a residential neighbourhood and one rail car came to rest about 12 metres from a home.

It seems to me that derailments are harder on the economy than any kind of labour dispute that anyone might find themselves in.

As I have read, some of these derailments have had devastating impacts on communities. I have heard from some of my other colleagues who have talked about some of the derailments in other provinces. People have had to be evacuated because of toxic fumes and there have been devastating impacts on the environment because of toxic spills in rivers, lakes and watersheds. Millions of fish and other wildlife and their habit are gone.

Government Orders

We will be seeing the negative effects of that for years to come. A recent safety audit at CN expressed huge concerns about management's approach to safety measures. Why is it that management had to be told by Transport Canada to clean up its act?

• (1945)

We keep hearing the mantra that they are responsible corporate citizens, that business has our best interests at heart, but when we see an audit that found a number of safety defects, a significantly high rate, 54% to be exact, on locomotives with problems ranging from brake air defects to too much oil accumulated on locomotives and fuel tanks, we know that corners are being cut and public and worker safety is at risk. Every time there is a derailment, the environment suffers.

The goal for the workers at CN is workplace and railway safety. CN workers are put under tremendous pressure to produce. There is a fear of reprisal if workers blow the whistle on safety issues. What kind of a message is the company sending when safety concerns are ignored?

CN is trying to turn back the clock by forcing its workers to accept increased hours away from home. They are already working up to 80 hours a week. The union is fighting for better rest provisions and an end to the 16 hour workday. They are hard-working men and women. All they want is fairness.

Some are saying that this strike is all about money and that workers are asking for \$70,000 a year. For persons working 16 hours a day, that works out to about \$12 an hour. That is not very much money per hour as far as I can figure. These are not outrageous provisions to ask for, but what is outrageous is the salary of CN CEO Hunter Harrison, who made \$56 million in 2005. At 16 hours a day, that is \$9,580 an hour. Tell me, how many people in Canada make that kind of a wage? It is outrageous and it is relevant because there is a growing prosperity gap in the country and workers are feeling the brunt of it.

Why is it that when it comes to labour legislation, to fairness for workers, the government talks the talk, but does not walk the walk? Why is it that the Liberals side with the Conservatives every time when it comes to fairness for workers? They say they support free collective bargaining, but they will vote for back to work legislation. They say they support free collective bargaining, but they voted against legislation that would ban replacement workers.

Why is the Conservative government playing into CN's hands and introducing closure on this bill? The government could have made a better choice. It could have chosen to send CN back to the bargaining table instead of sending the workers a kick in the teeth.

The government appointed a negotiator but did not give the negotiator time to find a solution. Everyone wants to find a reasonable solution and get back to work. Everyone wants what is best for Canada: safe working conditions for railway workers, safe transportation of goods, and a strong railway system for a strong economy.

Unlike some in the House, the NDP believes a strong economy includes fairness and safety for workers, safety for the travelling public, and safety for our communities and for the environment.

Let me conclude by saying that I and my NDP colleagues vigorously oppose any back to work legislation, or any legislation that undermines the fundamental right to collective bargaining. Decent hours of work, needed work breaks, and safe working conditions to protect the well-being of railway workers so that at the end of the day every worker can get home safe with their families, that is what we stand up for.

I ask all members to consider the ramifications of letting CN continue its business as usual approach. There is much more at stake than the economy. I am proud to stand and oppose yet another affront to workers' rights and vote against this back to work legislation.

• (1950)

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I welcome the opportunity to make a brief comment and ask a couple of questions of my colleague from Vancouver Island North. She should be commended for having shared with the House her perspective as a proud trade unionist, as someone whose family for generations has been affected by the existence of the railways and the importance of the railways to logging communities, and as someone who has a considerable amount of expertise and experience in relation to health and safety issues.

Let us make no mistake about it. The implications of the health and safety issues at stake here are enormous, and not just to the railway workers themselves, but they are enormous because health and safety issues in the context of rail travel translate into very considerable threats, potentially, to the travelling public. Even more broadly, they pose very serious threats with dire consequences in the event that failed health and safety practices result in train derailments and in spills of toxic chemicals and so on. They literally can affect not just families who are living immediately adjacent to rail lines, but actually whole communities that have railways passing through them or even running nearby.

I know that the member for Vancouver Island North shares a very deep concern for those families, as we all do, families whose immediate livelihoods and immediate jobs can indeed be adversely impacted by an impasse and a prolonged strike. In relation to the jobs they perform, they may depend upon supplies coming in or products going out. One should be very clear about this. This is every bit as much of a concern to the workers who find themselves in this untenable situation in this dispute as it is a concern to each and every New Democrat member of Parliament.

It is precisely because these concerns are widely felt that we are adamant that taking this wrong-headed approach of back to work legislation, instead of respecting and supporting a proper collective bargaining process, can unnecessarily cause very long-lasting negative impacts on the workforce.

Government Orders

I have a couple of very brief questions. The member has a great deal of experience with collective bargaining and with the trade union movement. I wonder if she could comment on what it says about the existing nature of the relationship between CN and its workers that 79% of the members of that union actually felt it necessary to vote against ratification of the tentative agreement. In other words, this obviously is not a frivolous decision on their part.

I wonder if she could comment on what the long term damage can be to the morale and the working relationship between a corporation and the workers, especially one headed by a CEO who is collecting \$56 million. That is so obscene it is impossible to get my head around it. In regard to a corporation like that and the workers, what are the implications over the medium term and long term for both the morale and the quality of the work that one can expect to emerge from that situation? What are the implications when the collective bargaining rights of workers are simply quashed, which is what the government is trying to do with the support of both the Bloc and the Liberal Party?

● (1955)

Ms. Catherine Bell: Mr. Speaker, I thank my hon. colleague from Halifax for her thoughts. As the past leader of the NDP, she has worked long and hard for fairness for ordinary working families and, because of her commitment to the cause of working people, she understands what workers are up against from coast to coast to coast.

As for the work atmosphere and the relationship between CN and its workers, I have to say that there must be a lot of tension in that workplace, because workers do not go on strike or take strike votes frivolously. They give it a lot of thought. Workers go to the bargaining table with just demands, seeking provisions that will make their lives and the lives of their families better. They seek to inform the employer about how those demands can be met and how, in most cases, they can have civil negotiations.

When workers come to the end of their rope, so to speak, or to the end of the tracks in this case, they decide that they need to take a strike vote to underscore it for the employer because the employer is not hearing what they are saying. They take that strike vote and go out there. I know that in the case of so many workers across this country they do not take this frivolously. It is a very serious issue. When they are out on strike, they do not get the same level of income. They could be out there for a long time, or not for very long, as the case may be. They have to be very serious about it because it impacts their family income. They take it very seriously.

It must be a pretty tense situation and the morale must be very low when the workers find out that the Government of Canada can impose back to work legislation on them that says they do not have any rights. It says they do not have the right to go out on strike and they do not have the right to free collective bargaining.

As well, what does that do to the labour movement in general? It puts a black mark on the history of Canada when we do this to workers, because in Canada we have a Labour Code that says we have the right to free collective bargaining. We take away those rights when we impose this kind of legislation.

When workers go to the bargaining table, all they are asking for is fairness, a level of fairness such that they can go to work, be safe and come home at the end of the day to be with their families.

The Acting Speaker (Mr. Royal Galipeau): I will advise the hon. member for Peace River, who is rising on questions and comments, that there is one minute for the question and one minute for the answer.

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, I do not know if I can get in the comments that I think are important to bring to this debate in just one minute.

I asked one question earlier with regard to our farm families and the suffering that is being inflicted on them because of this long term labour disruption and the possibility of a long term strike. Essentially I got the response that the NDP does not care about farm families. All the NDP cares about is prolonging this long term labour disruption—

Mr. Peter Julian: Go to Wabamun Lake and ask the people there what happened.

Mr. Chris Warkentin: The NDP members are now heckling because they certainly do not want to hear what the farm families have to say.

Farm families have come to me in the last two weeks, which I spent travelling from one end of my constituency to the other. The NDP members are talking about safety and these types of things, and those things are important, but at the end of the day the people who are going to be affected most, the people who have the most to lose today, will be our farm families if they are unable to ship the products they so desperately need to ship at this point.

Because of course we have had a harsh winter and CN has been delayed in terms of getting the product to market, and if they cannot ship it now, they will have bills that come due. The bills are already due. Farm families are paying interest on loans and farms are going to go under before they can ever get their product to market, and the NDP does not give a rip.

● (2000)

Ms. Catherine Bell: Mr. Speaker, as I said at the beginning of my remarks, it is the age-old argument again. The Conservatives are just like the employers, pitting one set of workers—

Mr. Chris Warkentin: They can go bankrupt.

Mr. David Christopherson: You had your turn.

Mr. Chris Warkentin: You guys were heckling when I spoke.

Ms. Catherine Bell: Mr. Speaker, I did not heckle the member when he spoke and I would appreciate it if he does not while I speak.

Again it is the age-old argument of pitting workers against workers. Farmers are definitely concerned about the strike, because if a train derailed in their fields and spills toxic chemicals all across their fields, like it did in the rivers in British Columbia and in the lakes in Ontario, they are going to be seeing the effects of it for years to come.

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I rise on a point of order. There have been discussions among the parties and I believe that if you seek it you will find unanimous consent for the following motion to deal with the procedure for the balance of this debate. I move:

Government Orders

That, notwithstanding any standing or special order, during debate on Bill C-46, An Act to provide for the resumption and continuation of railway operations, the Speaker and the Chair of Committees of the Whole shall not receive any quorum calls or dilatory motions; when no member rises to speak at second reading, the question shall be deemed put and a recorded division shall be deemed requested and the vote taken up after a 30-minute bell; during committee of the whole, no amendments shall be received by the Chair except the following:

“That Bill C-46, in Clause 2, be amended by replacing line 23 on page 1 with the following:

Union, or any other trade union certified by the Canada Industrial Relations Board to represent the employees” and

“That Bill C-46, in Clause 2, be amended by replacing line 13 on page 1 with the following: December 31, 2006 and the BC Rail agreement referred to in the protocol signed by representatives of the employer and the union on February 24, 2007, and includes any related”;

when no member rises to speak to any clause or amendment during committee of the whole, a recorded division shall be deemed to have been requested and the item shall be deemed adopted on division; the motion to concur in the bill at report stage shall be deemed adopted on division; and when no member rises to speak at third reading the question shall be deemed put and a recorded division shall be deemed requested and the vote taken up after a 30-minute bell.

[Translation]

The Acting Speaker (Mr. Royal Galipeau): Does the honourable minister have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Royal Galipeau): 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)

[English]

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I appreciate the opportunity to join in the debate this evening. It is interesting that often the size of a bill is not necessarily reflective of the power or impact that it will have. This is one of those cases.

Bill C-46 is not that lengthy a document. It runs but six pages. However, contained in it are incredible weapons, weapons that working Canadians are going to perceive have been turned on them by Parliament, their own government.

While it may be a debate for some members here, for individuals who are either walking the picket line now or are still out on the rails doing the best they can to provide, not just the best level of service for the customers of CN, but also for the safety of themselves, everyone else on the train and everybody who is affected by the incredible escalation of derailments that have taken place across this country, this is a powerful bill that goes in exactly the wrong direction.

The summary of the bill states:

This enactment provides for the resumption and continuation of railway operations and imposes a final offer selection process to resolve matters remaining in dispute between the parties.

That sounds nice and simple. The NDP has three huge problems with that sentence alone. First, to say that this act provides for the resumption and continuation of railway operations, it also means that

free Canadians who, through a free and democratic vote, decided to exercise their rights to withdraw their labour and put pressure on their employer to cough up a better collective agreement are being denied those rights. If this bill passes, those Canadian citizens lose their rights.

Second, it imposes a final offer selection process. I see a couple of government backbenchers nodding their heads up and down nicely as if they were in the back of the car window. The fact is, I say to the hon. member now that he is actually listening, that this is not a fair process for the workers involved. That may not matter to the backbenchers but it matters to a lot of Canadians and their families.

Third, the summary says “resolve matters remaining in dispute”.

Mr. Chris Warkentin: What about farmers?

Mr. David Christopherson: In spite of the heckling, I am going to continue. If members do not want to listen, they do not need to listen but the workers will have their say while the Conservatives railroad them into an agreement or a law that takes away their rights. I have news for the members of the Conservative caucus. The NDP will stand here and defend those workers' rights today and every day that we need to.

The last one is the point about “resolve matters remaining in dispute”, which is just a nice way of saying that the government will jam it down their throat and they will just have to live with it. Basically, that is what it says.

Let me put on the record what one of Canada's foremost national labour leaders had to say about this.

Mr. Chris Warkentin: What about the average farmer?

Mr. David Christopherson: Here we go with the laughing and heckling from the Conservative benches. Anybody inside the National Union of Public and General Employees, NUPGE, who wants to know who is laughing while I am reading its national president's statement, just call the NDP office. We will be glad to give the names of those who think this is funny.

In the news release, the national president of NUPGE, James Clancy, said this about what is happening right here:

This is another regrettable example of Canada abrogating labour and human rights obligations....

● (2005)

We have a duty as a country to honour these conventions and treaties that our governments have signed over the years with the United Nations (UN) and the International Labour Organization (ILO).

Canada's “new government” is behaving in the old discredited way that governments in the past have behaved by violating our international obligations to respect the rights of workers.

This makes a mockery of Canada's signature on international labour and human rights conventions and treaties. The Harper Conservatives are behaving no better than the Liberals did, Clancy argued.

The Acting Speaker (Mr. Royal Galipeau): Order, please. The hon. member for Hamilton Centre has sufficient experience here to know that he is not to name by name other members of the House either directly or indirectly.

Government Orders

Mr. David Christopherson: I apologize, Mr. Speaker. I thought you were referring to the name of the president, which I think is in order, but in this release was the name of a member. You are absolutely right and I apologize. It does not change the argument but the point is taken.

Mr. Clancy goes on to say:

There is no compelling need for the government to intervene. The strike has been declared legal by the Canadian Industrial Relations Board...and the parties should be left to resolve their differences through the collective bargaining process.

At its core that is what we are asking. All we are asking is that the government recognize there is a democratic negotiation taking place right now between two parties. A legal strike is underway. That, in and of itself, is not the end of the world. They were rotating strikes. I would put to members that a union that conducts rotating strikes, as opposed to a general shut down, is merely trying to make its point and put pressure on management to come to the bargaining table and negotiate a fair collective agreement.

If the union wanted to wreak the kind of havoc that the Conservative backbenchers are suggesting, it would have just taken a vote. It has huge support of, I believe, 70% or 75%. The workers could have taken that mandate and shut the system down but the workers did not want to do that.

What the workers want is to get a collective agreement. We must remember that at the end of the day this is supposed to be about getting a collective agreement. When there is a strike or it is imposed, we are breaking down the process. The strike is okay because it is within the confines but when the government starts dictating what the terms will be then it completely denies the union its legal right to represent those employees in the bargaining process.

In addition, if the union had wanted to do all this damage and it was so evil in listening to the Conservative backbenchers, it would have included commuters. If the union really wanted to crank up the heat, it could have done that. If it was all about an exercise of power, the union had the ability to do that.

However, the union is not seeking to do that, which is why this is so heartbreaking today. The legislation gives absolutely no recognition for the rights of the workers in this.

A colleague continues to mention the farmers. Fair enough. They are a part of the equation but to do this will not help the farmers.

This takes me to my next point, which is the safety issue. It does not do people an awful lot of good if all their products are on a train that goes over the cliff.

I want everyone to listen to this. If we wait long enough it starts to come out. Another one of them pipes up with a squeak here in the background, "well, that's what insurance is for".

Mr. Chris Warkentin: That is not what I said.

Mr. David Christopherson: That is not good enough if somebody dies on that train that goes over the embankment.

I wish everybody was here to hear all the moans and groans at the suggestion that people could really be hurt. When a train derails that is a big deal because an awful lot of heavy metal is moving uncontrollably. How many have we seen this year alone?

I hear from my friends who deal with these issues every day that derailments have doubled this year in January. I know these have been read out but I want to read them again.

On January 4 in the Fraser Canyon a locomotive plunged down an embankment. Why are they not laughing? That is a funny line according to the guys opposite. They think a derailment down in an embankment is funny.

How about January 8, that was a real joke when 24 cars of a 122 car freight train derailed in Quebec. That is pretty hilarious.

How about March 1. Here is a real knee-slapper. A CN freight train derailed in Pickering. I will bet the people living in Pickering are not laughing very hard when they think about what has happened and what it means.

● (2010)

On March 4 grain was spilled near Blue River, B.C. I do not imagine farmers were very happy to see their grain going over the side, insurance or not.

On March 10 train traffic along Canadian National's main freight line through central New Brunswick was disrupted by a 17-car derailment. Although I know we have heard it, one still has to say it with amazement that for this wonderful accomplishment, this great safety record, the CEO of CN makes \$56 million a year, more than \$1 million a week.

My colleagues calculated it out. I stopped after I got to the \$9,000 an hour part. Wait a minute. We have these skilled workers responsible for the trains in Canada. We have safety issues to the point where derailments are doubling and we are now putting populations at risk. We have a corporation that thinks its top boss is doing so well that he deserves \$56 million a year to provide such fine derailments.

What is most aggravating about this situation for many of the workers and certainly for the union is the process. I mentioned earlier the final offer selection, the means that the government has put on the table, is not fair.

There are ways to settle disagreements and labour disputes that do not involve only two parties. It is not unusual to have a mediator play a role or a conciliator play a role and sometimes the parties will agree that they are so stuck that they need help. Often, to break the log-jam, they will send it to an arbitrator, make their case and then live by the decision. There are two main ways of doing that, interest arbitration and final offer selection, but there are others.

The difficulty with the one chosen here is that it is usually done where it is mainly money in dispute. One can bring in all the market comparisons, similar job comparisons, market studies and other collective agreements and one makes the case and then the arbitrator makes a ruling on what he or she thinks is fair.

Government Orders

However, in this case, this is where there are two complete offers on all the outstanding issues. The arbitrator picks one and that is it in its entirety or he picks the other one. It is win-win or lose-lose situation. It is not the best. If we had to go down a road that involves another party, would it not make sense that the process would be one that both parties want, not just management? We know management wants this. We know that the United States owners of CN want this but this is not what the workers wanted. All they want is fairness, so at the very least the government could have put in an interest arbitration.

Why does it matter so much? To come back to the bill that I was waving and saying that it was pretty thin but that it has great power, guess who gets to appoint the arbitrator? Is it the union? No. Is it the customers? No. Is the farmers or small business? No. The government appoints the arbitrator. The government gives all the power to the arbitrator. The government is on the side of its friends in big business. We know that. Somehow the government expects that the workers at CN and their families are supposed to believe that somehow through all of this they will get a fair shake. We do not see it.

● (2015)

Hunter Harrison, the CEO, made \$56 million in 2005. He has made more than that since then I am sure. He gets \$9,000 bucks an hour. The skilled CN workers, by an industrial average, make decent money. They have a lot of responsibility and have had a lot of training. Depending on their seniority and the job they do, they can make between \$70,000 and \$90,000 with some overtime. That is a decent wage, but it is not \$9,000 an hour. However, it is certainly not too much. If my daughter is on that train, I want to ensure there are skilled workers who are focused on the job, who feel valued, who know they are professionals and are treated that way. That is the kind of person I want taking care of the safety of the trains, not people who feel they are being shafted at every turn by management, supported by their own government.

At the end of the day, this is wrong for the workers. Ultimately it is wrong for CN because it will allow it to continue to deny important maintenance money and other health and safety money as it focuses on the bottom line, not to mention ensuring that it clears at least \$56 million so it can take care of the CEO.

The process chosen within this rather draconian bill does not even offer a crumb of democracy or fairness by picking a process that the union could at least live with even if it did not want it. Instead, it went with the final offer selection.

There is nothing here for the workers at CN except the spectacle of their own government turning on them, joining management on the other side of the table and denying them their democratic right to negotiate a fair wage for the work they perform on behalf of both their employer and Canadians in terms of the safety of the rail system in this nation.

It is a bad bill. We are proud to stand here and oppose it. It would be better if the government would take it back, fix it and bring real democracy, real choice and a final resolution to this, which would pave the way for a successful CN and a successful job creation world where people would feel safe. The bill falls far short of that.

● (2020)

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, my colleague spoke very passionately about the rights of workers and he focused exclusively on the rights of the workers of one company. The reality is the Minister of Labour has given CN management and the union enough time to resolve this dispute themselves. He has stepped in at the last minute, at a time when he has to step in, so they do not cause some serious damage to the economy.

We already lost \$1 billion and that affected workers in hundreds of other industries across the country. My colleague named the other industries.

Another industry is the auto industry. One in seven jobs in the country is tied to the auto industry. As the member from Ontario should know, the auto industry operates on just in time delivery. It relies on CN and CP and other trains to get its goods just in time. Sarnia in Ontario is affected as well. Industries out west are affected.

The chemical products industry and the plastics industry rely upon the train system. Those workers and their families depend on the train system. The forestry industry relies upon the rail system for getting products to and from companies.

People working in the retail sector, in which case most are not unionized, are trying to raise their families on a smaller income. These families rely upon the rail sector to get their goods to and from their sectors. Food and consumer product industries as well as the textile and apparel industry are affected.

As was mentioned earlier, farmers depend on the rail system.

The fact is the NDP, with its actions tonight and by listening to one union, is ignoring the rights of thousands of workers across the country. That is why this government is acting. That is why the NDP is dead wrong on this bill and this issue.

Mr. David Christopherson: Mr. Speaker, I am not sure I heard a question in there, but I will be pleased to respond regardless.

Let me first suggest something to the member. If what I said before upset him, let me give him something to really get upset about. We took a look at this and wondered why the Conservatives were doing this so soon. It has only been the better part of last week since this started. Why so quick? One of the things that comes to our mind is the government wants to leave the options open for a potential election call in a couple of weeks hence. Some think it has cooled down.

I hear them roaring up. The best defence is a good offence. We do not know for sure. There is a lot of Orwellian doublespeak, but in this case it is in the bill, not in my speech.

Government Orders

However, we wonder whether it was a matter of getting this out of the way because the Conservatives could not pass this law if the House were not sitting. If there were an election, they could call us back for an emergency session, but that really would muck things up. Would life not be a lot neater for the Conservative caucus? And of course that is all why we are in Canada, to ensure the Conservative caucus is happy.

Maybe what the Conservatives want to do is get this out of the way this week so they have the flexibility, which once again would show that workers to the government are mere pawns to be moved around as it suits the needs of the politics of the governing party, or at least the currently governing party.

I appreciate the member for Edmonton—Leduc listening and taking the time and effort to stand. Let me give him a serious answer on what I think was a serious, if not question, statement. A lot of people lose during a strike, but those that lose the most are the people who are on strike. For all those who talk about the power of the unions and say that they have too much power, let me tell them this. We are not talking about some gang of union goons. We are talking about ordinary everyday Canadians who do a job and happen to belong to this union.

For all the massive disruption the member is concerned about, make no mistake the disruption is meant to put pressure on management so it will cave and come to the table. The pressure that is on the strikers is a lot more. For as long as these strikers will have to stand out there and fight and are given the right, Mr. Hunter, with his \$56 million a day, will not be hurting. However, the workers who are on that picket line are paying an enormous price, most of whom are living paycheque to paycheque.

In every one of the industries that the member for Edmonton—Leduc mentioned there is unionization to one degree or another. If there is a strike, it can cause a domino effect that puts a lot of pain and pressure on others. Fortunately, 95% of all the negotiations are settled without a strike. We are not in constant turmoil. These things can work. All we need to do is give the legislation that we have a chance to work and ensure that the government provides a fair, open, just process for workers in all these sectors. Then we will go on to continue having a strong Canadian economy and also ensuring the people who do the actual work get a decent living wage out of it in the process.

• (2025)

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, I appreciate the opportunity to again try to bring the case for the farming community to the House. Hopefully, we can bring some reason to the NDP in its assault on Canadian farm families.

There is no question that farm families are suffering, and maybe I can give a bit of information to the NDP on the situation when it comes to the Peace country.

Mr. Peter Julian: Put the boots to the Wheat Board.

Mr. Chris Warkentin: There is no question the members over there are talking about supply management and the Wheat Board.

Mr. Peter Julian: You have a lot of nerve talking about the farm family.

Mr. Chris Warkentin: Every person who I have talked to who has worked for the Wheat Board has said the most important thing to have happen right now is for CN to get work—

The Acting Speaker (Mr. Royal Galipeau): Order, please. The hon. member for Burnaby—New Westminster has been recognized before. Now I am listening to the hon. member for Peace River. If I cannot hear him, it is not of much good. That is the rule of the thumb. I would like to hear the one I have recognized. After that, I will listen to the answer.

The hon. member for Peace River has the floor.

Mr. Chris Warkentin: Mr. Speaker, it is no surprise to me that the NDP has tried to overrun the voice of the farmer. It has happened consecutively, it happens continually and I am fed up with it. I am fed up with the NDP's total ignorance of the farm family and the crisis that it is facing. There is no question—

Mr. Charlie Angus: Mr. Speaker, I rise on a point of order. I cannot stand here and have our party accused of being ignorant of farmers. We work with farmers all the time. I would ask the member to retract that.

• (2030)

The Acting Speaker (Mr. Royal Galipeau): Order please. The hon. member for Hamilton Centre should know that when I get up that means he sits down.

Mr. David Christopherson: I was not on my feet.

The Acting Speaker (Mr. Royal Galipeau): Thank you. I just heard a point of debate and we are now ready for the reply from the hon. member for Hamilton Centre.

Mr. David Christopherson: First, Mr. Speaker, to clarify again, I was not the one on my feet. I will take my lumps when it is my turn, but that did not happen this time.

I will say to the member for Peace River, through you Mr. Speaker, as best I can from that rant, which really was not much different than the rant he was providing while I was trying to speak earlier and while other colleagues were trying to speak. I think he has a lot of nerve to get on his feet and talk about any kind of assault on anything. After what this government has done to the Wheat Board and to the farmers who support the Wheat Board, do not talk to me about supporting farmers. We will do that just fine.

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Timmins—James Bay is the one whom I should have referred to earlier. He has 30 seconds to ask his question.

Mr. Charlie Angus (Timmins—James Bay, NDP): I will be very quick, Mr. Speaker. We are talking about CEOs making \$56 million a year. That is \$9,000 an hour. For the folks back home, that is \$216,000 a day. If we have a CN derailment every three days, that is \$648,000 for a derailment.

We have been talking about safety and the fact that the government refuses to—

The Acting Speaker (Mr. Royal Galipeau): The member for Hamilton Centre has 30 seconds to respond.

Government Orders

Mr. David Christopherson: Mr. Speaker, I appreciate the question for the simple reason that much of this is about health and safety. That is why choosing the final offer selection is so wrong headed. It is not going to deal with what are the working conditions.

Let us keep in mind, whether we talk about people who work on the railway or whether we talk about them working on our airlines, anywhere where public safety—

The Acting Speaker (Mr. Royal Galipeau): Resuming debate.

Pursuant to order made earlier today, the question to dispose of the motion at second reading stage of Bill C-46 is deemed put and the recorded division is deemed demanded.

[*Translation*]

Call in the members.

• (2115)

Before the Clerk announced the result of the vote:

The Speaker: Order, please. The hon. member for Portneuf—Jacques-Cartier on a point of order.

Mr. André Arthur: Mr. Speaker, I would like to ensure that my vote is clearly recorded. I am against the motion.

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 154)

YEAS

Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	Bagnell
Baird	Barnes
Batters	Bélangier
Bell (North Vancouver)	Benoit
Bernier	Bevilacqua
Blackburn	Blaney
Boshcoff	Boucher
Breitkreuz	Brisson
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Byrne
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Carrie
Casson	Chan
Chong	Clement
Coderre	Cotler
Cummins	Cuzner
D'Amours	Davidson
Day	Del Mastro
Devolin	Dhaliwal
Dhalla	Dion
Doyle	Dryden
Dykstra	Epp
Eyking	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Folco	Galipeau
Gallant	Godfrey
Goldring	Goodale
Goodyear	Gourde
Grewal	Guarnieri
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Holland	Ignatieff
Jaffer	Jean

Jennings	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell
Karygiannis	Keddy (South Shore—St. Margaret's)
Kenny (Calgary Southeast)	Khan
Komarnicki	Kramp (Prince Edward—Hastings)
Lake	Lauzon
LeBlanc	Lee
Lemieux	Lukiwski
Lunn	Lunney
MacAulay	MacKay (Central Nova)
MacKenzie	Malhi
Maloney	Manning
Mark	Martin (Esquimalt—Juan de Fuca)
Matthews	Mayes
McCallum	McGuinity
McGuire	McKay (Scarborough—Guildwood)
McTeague	Menzies
Merasty	Merrifield
Mills	Minna
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Neville	Nicholson
Norlock	O'Connor
Obhrai	Oda
Owen	Pacetti
Pallister	Paradis
Patry	Pearson
Petit	Poillievre
Prentice	Preston
Proulx	Rajotte
Ratansi	Redman
Regan	Reid
Ritz	Robillard
Rodriguez	Russell
Savage	Scarpaleggia
Scheer	Schellenberger
Scott	Sgro
Shiple	Silva
Simard	Simms
Skelton	Smith
Solberg	Sorenson
St. Amand	St. Denis
Stanton	Storseth
Strahl	Sweet
Szabo	Telegdi
Temelkovski	Thibault (West Nova)
Thompson (New Brunswick Southwest)	Toews
Tonks	Trost
Turner	Tweed
Valley	Van Kesteren
Van Loan	Vellacott
Verner	Volpe
Wallace	Wappel
Warawa	Warkentin
Watson	Wilfert
Williams	Wrzesnewskyj
Yelich	Zed— 196

NAYS

Members

Arthur
Bell (Vancouver Island North)
Black
Blais
Cardin
Charlton
Comartin
Davies
Freeman
Julian
Lévesque
Malo
Martin (Winnipeg Centre)
Masse
McDonough
Nash
Perron
Savoie
St-Cyr
Thibault (Rimouski-Neigette—Témiscouata—Les

Wasylcyia-Leis — 41

PAIRED

Members

Emerson

Gaudet — 2

The Speaker: I declare the motion carried.

[English]

Accordingly, the bill stands referred to a committee of the whole.

I do now leave the chair for the House to go into committee of the whole.

(Bill read the second time and the House went into committee thereon, Mr. Blaikie in the chair)

The Chair: Order. House in committee of the whole on Bill C-46. The committee will now proceed to the consideration of clause 2.

(On clause 2)

• (2120)

[Translation]

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Chair, were you talking about clause 2? If so, I would like to present two amendments.

The first amendment reads as follows:

That Bill C-46, in Clause 2, be amended by replacing line 13 on page 1 with the following:

December 31, 2006 and the BC Rail agreement referred to in the protocol signed by representatives of the employer and the union on February 24, 2007, and includes any related;

[English]

The Chair: Pursuant to order made earlier today, the amendment is deemed carried on division.

(Amendment agreed to)

[Translation]

Hon. Jean-Pierre Blackburn: Mr. Chair, I would like to move another amendment to clause 2. It reads:

That Bill C-46, in Clause 2, be amended by replacing line 23 on page 1 with the following:

“Union, or any other trade union certified by the Canada Industrial Relations Board to represent the employees.”

[English]

The Chair: Pursuant to order made earlier today, the amendment is deemed carried on division.

(Amendment agreed to)

The Chair: Pursuant to order made earlier today, clause 2, as amended, is deemed carried on division.

(Clause 2, as amended, agreed to)

The Chair: The committee will now proceed to the consideration of clause 3. Debate.

Pursuant to order made earlier today, clause 3 is deemed carried on division.

(Clause 3 agreed to)

Government Orders

The Chair: The committee will now proceed to the consideration of clause 4. Debate.

[Translation]

Pursuant to order made earlier today, clause 4 is deemed carried on division.

(Clause 4 agreed to.)

The Chair: The committee of the whole will now proceed to the consideration of clause 5.

[English]

Debate.

Pursuant to order made earlier today, clause 5 is deemed carried on division.

(Clause 5 agreed to)

[Translation]

The Chair: The committee of the whole will now proceed to the consideration of clause 6. Debate.

Pursuant to order made earlier today, clause 6 is deemed carried on division.

Clause 6 agreed to

[English]

The Chair: The committee will now proceed to the consideration of clause 7. Debate.

Pursuant to order made earlier today, clause 7 is deemed carried on division.

(Clause 7 agreed to)

The Chair: The committee will now proceed to the consideration of clause 8. Debate.

Pursuant to order made earlier today, clause 8 is deemed carried on division.

(Clause 8 agreed to)

The Chair: The committee will now proceed to the consideration of clause 9. Debate.

Pursuant to order made earlier today, clause 9 is deemed carried on division.

(Clause 9 agreed to)

• (2125)

[Translation]

The Chair: The committee will now proceed to the consideration of clause 10. Debate.

Pursuant to order made earlier today, clause 10 is deemed carried on division.

(Clause 10 agreed to)

[English]

The Chair: The committee will now proceed to the consideration of clause 11. Debate.

Government Orders

Pursuant to order made earlier today, clause 11 is deemed carried on division.

(Clause 11 agreed to)

The Chair: The committee will now proceed to the consideration of clause 12. Debate.

Pursuant to order made earlier today, clause 12 is deemed carried on division.

(Clause 12 agreed to)

[*Translation*]

The Chair: The committee will now proceed to the consideration of clause 13. Debate.

Pursuant to order made earlier today, clause 13 is deemed carried on division.

(Clause 13 agreed to)

The Chair: The committee will now proceed to the consideration of clause 14. Debate.

Pursuant to order made earlier today, clause 14 is deemed carried on division.

(Clause 14 agreed to)

[*English*]

The Chair: The committee will now proceed to the consideration of clause 15. Debate.

Pursuant to order made earlier today, clause 15 is deemed carried on division.

(Clause 15 agreed to)

The Chair: The committee will now proceed to the consideration of clause 16. Debate.

Pursuant to order made earlier today, clause 16 is deemed carried on division.

(Clause 16 agreed to)

The Chair: The committee will now proceed to the consideration of clause 17. Debate.

Pursuant to order made earlier today, clause 17 is deemed carried on division.

(Clause 17 agreed to)

[*Translation*]

The Chair: The committee will now proceed to the consideration of clause 18. Debate.

Pursuant to order made earlier today, clause 18 is deemed carried on division.

(Clause 18 agreed to)

[*English*]

The Chair: The committee will now proceed to the consideration of clause 19. Debate.

Pursuant to order made earlier today, clause 19 is deemed carried on division.

(Clause 19 agreed to)

[*Translation*]

The Chair: The committee will now proceed to the consideration of clause 20. Debate.

Pursuant to order made earlier today, clause 20 is deemed carried on division.

(Clause 20 agreed to)

[*English*]

The Chair: The committee will now proceed to the consideration of clause 21. Debate.

Pursuant to order made earlier today, clause 21 is deemed carried on division.

(Clause 21 agreed to)

The Chair: The committee will now proceed to the consideration of clause 1. Debate.

Pursuant to order made earlier today, clause 1 is deemed carried on division.

(Clause 1 agreed to)

The Chair: The committee will now proceed to the consideration of the title. Debate.

Pursuant to order made earlier today, the title is deemed carried on division.

(Title agreed to)

The Chair: The committee will now proceed to the consideration of the bill, as amended. Debate.

Pursuant to order made earlier today, the bill, as amended, is deemed carried on division.

Pursuant to order made earlier today, I shall now rise and report the bill, as amended.

(Bill reported)

● (2130)

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC) moved that the bill, as amended, be concurred in.

The Speaker: Pursuant to order made earlier today, the motion to concur in Bill C-46 at report stage is deemed adopted on division.

(Motion agreed to)

The Speaker: When shall the bill be read a third time? By leave, now?

Some hon. members: Agreed.

Hon. Jean-Pierre Blackburn moved that the bill be read a third time and passed.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I rise on behalf of the NDP as we now enter third reading of Bill C-46, An Act to provide for the resumption and continuation of railway operations.

Government Orders

Having looked at that name, and as many of my colleagues have said earlier in debate today, the bill is a very draconian bill and it is nothing more than ramming through back to work legislation that is impacting the health, safety and lives of workers who assume a tremendous risk in terms of their operations on the railway.

I want to say that many of my colleagues in the NDP have been on the picket lines. We have spoken with workers who have been out on strike and I would point out that this was a legal strike.

There have been many comments made in the House that have undermined the rights of workers who have been engaged in a legitimate strike, in a legitimate process under Canada's Labour Relations Act. Even today there is a perception that somehow the workers who have been involved in this labour dispute, a very nasty dispute with an employer, CN, are somehow in the wrong.

However, let us be very clear. When the workers rejected the tentative offer that was negotiated, as they have the right to do, they began a series of rotating strikes. Let it be known and let it be very clear, that it was the company, it was CN, which then proceeded to lock out the workers.

The misconceptions that have taken place in terms of this labour dispute have done a huge disservice to the members of this union. I want to say to the 2,800 members of the United Transportation Union who have had the guts and the courage to uphold their rights in the face of a very difficult situation—

Some hon. members: Oh, oh.

The Speaker: Order, please. It is very difficult to hear the hon. member for Vancouver East. She does have the floor. Hon. members seem to be carrying on a lot of discussions in the chamber and I understand their enthusiasm, but we do have to hear the hon. member for Vancouver East, who has the floor. We will have a little order, please, so the hon. member can continue.

[*Translation*]

Is the hon. NDP whip rising on a point of order?

Mr. Yvon Godin: Mr. Speaker, if the Liberals and Conservatives do not like what is being said in this House of Commons, they could perhaps leave the chamber out of respect, and let the member speak.

The Speaker: I thank the NDP whip for his support. I have already tried to maintain order in this House so that we may hear the speech of the hon. member for Vancouver East.

[*English*]

She has the floor. We will now hear the hon. member for Vancouver East and we will have a little more order in the House, please.

Ms. Libby Davies: Mr. Speaker, I certainly would like to continue with my remarks and my speech at third reading.

I know that there are members in the House who do not consider this to be an important matter and are making comments, making jokes, but we in the NDP happen to believe that this is a very important process.

We are here in our places because we want to uphold the labour rights in this country. What we have seen the government do in terms

of ramming through this legislation has been something that we find very despicable and insulting to the process and the history of what labour rights are about in this country.

It is very curious that once the tentative agreement was rejected, it was less than a week that the government then brought in the back to work legislation. I think we have to ask this question. What was the rush on the government's part? We have heard repeatedly that the economic sky was going to fall in Canada and things would fall apart, but that was certainly not the case.

I think it begs the question that maybe this Conservative government has another agenda and that is that it wants to clear the decks for a possible election. It knows that it needed to get this back to work legislation through the House because once an election is called it would not be able to do that.

I want to put that out there because there was really no reason for the government to move so quickly against these workers who have a legitimate interest and who have a legitimate process that they were abiding by.

I would say again, they were out on a legal strike. They engaged in a legal process. They voted on a tentative agreement which they had a right to approve or to vote down. They chose to vote it down. They also have the right to a process to engage in further rotating strikes, to engage in further negotiations. We believe that is what should have happened instead of this kind of legislation that is being brought forward.

I want to say in speaking to this bill that some of the issues of concern about why this strike happened in the first place have been entirely lost. I want to commend my colleagues in the NDP for standing up one after another today to keep this debate going, to put on the public record what the real issues have been in this strike. I want to say that the main concern that has been put forward by the 2,800 members of the United Transportation Union has been health and safety. These are the men and the women who keep our railways operating. These are the men and women who work sometimes terrible shifts, in terrible working conditions, in unsafe working conditions to keep these trains rolling across the country.

We believe that the issues that they have placed in terms of why they went on strike are issues that have to be resolved. For that reason we are very concerned that the government's bill that includes only a final offer selection will not be an adequate process and will not allow these issues to be fully addressed.

We happen to believe that the health and safety of workers is of paramount importance to all Canadians. That is why we have a Labour Code.

If we cannot address that in a labour agreement, if we cannot address that during a strike, if we cannot get those issues on the table, and we are left with just basically a final offer selection, then we believe that is very undemocratic and very unfair.

Government Orders

We want to say to the government today, because we know that the bill is going to be rammed through tonight and it is going to be approved, that it has a responsibility in terms of ensuring the health and safety of those workers. We want to ensure that those men and women do not experience the kind of derailments that we have seen across the country.

One of my colleagues pointed out earlier that we have seen a doubling of the derailments and the safety incidents that have taken place. Whether it has been in the Fraser Canyon, Pickering, Ontario, or in New Brunswick this has become an all too common occurrence under CN operations. It begs the question as to what is taking place in this company and why is it that health and safety issues and working conditions have fallen so far down the agenda. What is the government doing to address those concerns because it will not be fairly addressed through a final offer selection?

•(2135)

I do want to say as well that in this debate we have brought forward the issues that are of concern to the workers. We have been very dismayed by the debate in this House. It has been completely dismissive of those issues.

My colleagues and I have been on those picket lines. We have spoken to the workers. We know that their decision to go on strike in the first place was not made lightly. People only do this as a last measure when all other resources and processes have failed.

I think we have to come to an acknowledgment in this House that with this legislation that is being rammed through tonight there still will be all kinds of outstanding issues and conflicts that will result for this company and for the workers who work for this company.

As has been pointed out before, this is truly scandalous and obscene for a corporation where the CEO makes \$56 million a year in salary and bonuses, which is something like \$9,000 an hour. It is truly obscene to see that on the one hand and on the other hand to see that the legitimate interests of workers are not being adequately addressed. Where is the fairness in that process? We have to ask ourselves why this company allowed it to get to this point where we are now in this kind of situation.

The NDP has been very unequivocal in its opposition to this back to work legislation. I remember that when I was first elected in 1997 we had another piece of back to work legislation concerning the postal workers. I remember standing in this House at about 2 a.m. and feeling disgusted that one of the first pieces of business that I had to vote on was sending workers back to work when they had not had a fair negotiating process. I did not think we would see that kind of situation come about again, but here we are again tonight.

I am very dismayed to see that only members of the NDP and members of the Bloc have been opposed to this back to work legislation. It makes me wonder what on earth has happened to members of the Liberal Party, who purport to support labour rights. We saw them vote against the anti-scab legislation. We saw them flip-flop on that. But on something as basic as this back to work legislation, I can tell members that the labour movement is truly dismayed that the Liberal Party has abandoned workers in this country by voting in favour of this back to work legislation. It is

something that we expect from the Conservative government, but it is not something that we expected from the Liberal Party.

We stand here proudly, because even when it is unpopular to do so we believe that back to work legislation should not be used. We believe a legitimate process should be allowed to take place.

I am very proud today to rise in my place and to say on behalf of all New Democrats that we categorically oppose this back to work legislation. We believe it is a denial and a violation of the rights of these workers. It is not a democratic process. The elements of this bill will not produce a fair arbitration process and will not address the issues that are still outstanding for the 2,800 members of this union.

We will be voting against this legislation. We do it on principle. We do it on substance. We do it for an understanding of what it means for these workers. We do it on the basis of understanding what it means for workers in this country as a whole. It is a black day for workers when any legislation like this is used by Parliament, legislation that violates our Labour Code and our labour standards and undermines those democratic processes.

•(2140)

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, I appreciated the intervention from the member for Vancouver East. She comes from British Columbia, as I do, and we have seen the government systematically betray British Columbians with dozens of broken promises. We saw it with the softwood sellout and hundreds of lost jobs in British Columbia as well as half a billion dollars in illegally taken tariffs given away just as a gift to the Bush administration.

The Conservatives applauded the hundreds of lost jobs, which shows how seriously the Conservatives take British Columbia. In fact, the Minister of Finance stood up on budget day and said that his Conservative Canada goes from the Alberta Rockies right through to Newfoundland and Labrador. What he said was insulting to any British Columbian.

Last week, on the pine beetle epidemic, we heard the Minister of Natural Resources saying quite simply that the pine beetle epidemic that has devastated the interior of British Columbia was “not a priority”.

Now we have the issue of rail safety, which British Columbians have been concerned about for years as we have seen the loss of life and the environmental devastation. British Columbia has been more profoundly impacted by CN's irresponsibility than any other province. British Columbians have said repeatedly that rail safety has to be a priority, and the Conservative government, like the previous Liberal government, has completely ignored British Columbians' concerns.

We have here tonight a case of the Conservative government choosing CN management and giving it a blank cheque to impose any sort of working conditions on its workers while very clearly the employees of CN have signalled to all parliamentarians that safety has to be addressed.

Government Orders

My question for the member for Vancouver East is quite simple. Why does the Conservative government not get the fact that British Columbians' concerns have to be taken into consideration?

• (2145)

Ms. Libby Davies: Mr. Speaker, I would like to thank the member for Burnaby—New Westminster for his very fulsome question. My quick response would be that maybe the Conservative government members have become as arrogant as the former Liberal government so quickly that they forget the interests of the people they represent.

As for that list the member read off, whether it is the pine beetle infestation in British Columbia, the impact of the softwood lumber agreement and the incredible impact it has had on workers' lives, or this back to work legislation and the impact of rail safety, all of these are issues that affect people in their working lives and affect their families.

One of the issues in this labour dispute and strike is the health and safety issue. The hours of work affect not only the workers on the railroad but affect their families too. This is about quality of life, something we hear that the Conservatives believe in supporting. They seem to have forgotten that in British Columbia, as they have across the country.

Again I think it begs the question as to why this legislation really has been brought in. Is it for a political agenda? Is it to clear the political deck so that the Conservatives can make whatever decision they want if they decide to go for an election?

This certainly is not being done in the interests of workers, neither those at CN nor any other workers. It is not being done in the interests of British Columbia, because if that were the government's motivation it would have invested its resources, its influence and its political work in making that process work.

Instead, what we seen is that at the earliest opportunity Conservatives opted out to bring in back to work legislation. That is a sign of their failure and their lack of responsibility in making sure that a process that exists could work.

I would agree with the member that the Conservative government has completely let down British Columbians and certainly has let down these workers who are doing their best to make these processes work and to get their legitimate issues addressed. The government has let them down.

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, it seems that the NDP is going to keep us here this evening, so I think that while we are here I may as well give an intervention on behalf of the farm families that I represent in my constituency.

Over the last couple of weeks I have spent the time travelling from one end of my constituency to the other. What I have consistently heard from farm families is that the rail disruption that is happening is affecting the farm family to the extent that many families are in a situation where they are going to be unable to pay their bills. They will be unable to make these important payments that the banks and the different suppliers are demanding. Unfortunately what this means is that many farm families will experience financial devastation and many will actually lose the home they are living in because they are unable to get their product to market.

Again and again we have seen the NDP be totally unresponsive to the needs of our farm families. I stand here today just to beg the NDP to allow the grain to start to move in this country so that our farm families will get what they need. I will tell the members of the NDP that the people they have consistently not talked about, those for whom this labour disruption has the most devastating effect, are our farm families.

Again and again I ask the NDP to consider for just one moment the effect that this is going to have on our farm families.

• (2150)

Ms. Libby Davies: Mr. Speaker, first of all I would like to say that I am most terribly sorry if this member is inconvenienced because he has to be here tonight to deal with this legislation. That is really so sad. We consider it a matter of duty to deal with this legislation and to debate it in a legitimate and serious way. If it takes all night and if it takes all day that is what we are prepared to do. My apologies if that one member has been inconvenienced by being here tonight.

In terms of his assertion that the NDP has been unresponsive to farm families, I have to say that he should go and look at the record. He should go and look at which party and which members have been raising the issues of farm families in this House. It has been the NDP.

Which members have been raising the issue of the Wheat Board and the democratic rights of farmers who were elected to that Wheat Board, which the Conservative government has thrown out and has been trying to violate? It has been the New Democratic Party.

In any labour dispute or any strike, there is an economic disruption. That is a reality. I do not deny that. Nobody in this House could deny that. But we have rights in this country for workers and employers. It is a process that has been well honed. It is based on practice. It is based on law.

Yes, there can be economic disruption and economic hardship, but the fact is that if the government had taken the time to act properly and to make sure the process worked, then we would not be where we are today: dealing with this legislation.

I put it back to the member. I believe it is the government that has let down those farm families by letting us get to the point where we now have back to work legislation. There could have been much earlier preventative action taken. We could have had a collective agreement and a fair process could have taken place.

The member should not lecture us about supporting farm families. We have done our job and we will continue to do our job. It is the Conservative government that has let down those provinces and the Prairies—

Some hon. members: Hear, hear!

The Acting Speaker (Mr. Andrew Scheer): Order, please. If members keep using time with applause we will not have time for another question or comment.

There is enough time for one brief question and a very brief response. The hon. member for Hamilton East—Stoney Creek.

Government Orders

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I will try to be brief. I spent nine years working for the Canadian National Railway. I was a signal maintainer. I saw accident after accident. I was there when the bodies of four people were picked up off the ground. I know the concerns that come from the workers. I speak to these workers back in Hamilton all the time. They are concerned.

The members opposite can talk about the farmers and the wheat. Let us think in terms of how many railcars go off the tracks and how many derailments we have had in this country over the last six months. They should ask themselves what the problem is. The problem is—

The Acting Speaker (Mr. Andrew Scheer): There are eight seconds left for the hon. member for Vancouver East.

Ms. Libby Davies: Mr. Speaker, the member for Hamilton East—Stoney Creek knows what he is talking about. He is speaking from his own experience of what these health and safety issues are for railway workers. I thank him for—

The Acting Speaker (Mr. Andrew Scheer): Resuming debate. The hon. member for Davenport.

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, as I said earlier on, the issue we are dealing with today is one of last resort. There are times when it is clear that action is necessary to protect the interests of Canadians, which is, after all, the most preeminent responsibility that we have in this House. This is why we find ourselves in a position where government intervention is required in relation to the Canadian National Railway strike. This has the potential to significantly impact the lives of Canadians across the country, as well as our economy, and there is very little option but to intervene. It is indeed a last resort whose time has come.

Our reliance upon our national railway system is undisputed. The railway is an integral part of this country's success, both as a nation and economically. On looking back over the beginning of this strike, we cannot help but wonder how anyone could be surprised as to how the strike has come to this point where a government intervention is unavoidable. The strike is impacting Canadians and our economy. It is that simple. The interests of Canadians must come first. Back-to-work legislation, as I have said, is really our last and only resort.

Governments over the years have clearly recognized the importance to our country of the railway industry both for the personal economic interests of Canadians.

Quite frankly, we support this legislation because Canadians and the Canadian economy cannot continue to prolong this strike.

• (2155)

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I will begin with an apology because I was quite heated in my last intervention but the reality is that I have spent time around the rail yards and around the activities where people, on a day to day basis, put themselves in jeopardy with the moving equipment. When the moving equipment comes together it causes significant damage, particularly if a person is trapped. I was speaking on that a moment ago.

What I am concerned about is that we are being told by the people, through their negotiation process, that there are serious problems.

They told us that they chose to go on strike because they tried to use the collective bargaining process to draw those particular concerns to the government and to their management.

I must again apologize because this is so close to my heart, but the reality is that there is a question of safety across this country that must be addressed. Some would like to dismiss it and say that bargaining is not the place to do it. Where else do the workers have the opportunity to put forward their case and to bring it before the Parliament of this country and before the government of this country?

The reality for those workers is that their lives are in jeopardy. The reality, as well, are the derailments that we have heard about repeatedly here today. One need only look south of the border where it deregulated the rail lines down there and then look at the mess it has and at the communities that have had explosions—

An hon. member: Just before, the NDP member was saying that he was—

Mr. Wayne Marston: It gets a little frustrating here, Mr. Speaker, when we are constantly having someone speak when we are trying to make our best case for a situation.

The reality is that this is an issue of safety—

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Davenport.

Mr. Mario Silva: Mr. Speaker, obviously we are all concerned about the issues involving CN employees. We value these employees because of the great contribution they make to our country's economy.

The reality is that many factors are at play. It is not just the issue that the member has raised. There were issues that prolonged the strike with the dispute between the international union and the local unions. At one time it was very difficult to even know who in fact was in charge of some of the unions that were at the bargaining table and whether that process at the end of the day would have been respected by the union membership.

We obviously are concerned with the way this came about, the government's handling of this issue and the whole issue of CN's role in this. I was also disappointed with the way CN went to the Canada Industrial Relations Board and did not designate any services or any personnel as essential. I believe that was a fatal mistake. I also believe it was a fatal mistake for the unions to agree to that decision. The Canada Industrial Relations Board decision was in fact problematic and I think that has led us to where we are today. Maybe CN wanted the back to work legislation.

There has been a fundamental flaw throughout this whole process. The minister could have actually brought the two parties together to try to hammer out a deal. It is unfortunate that we need to do this but I do not think there is any other choice but to proceed.

Government Orders

If the hon. member of the New Democratic Party were to say that there are issues but that we will give them another week or two and then we will bring in back to work legislation, that is a different debate. However, the reality is that this gives the union carte blanche to dispute this indefinitely. If the unions want to go on strike for the next year or two there would be no problem with that because they will never support back to work legislation. It is the ultimate in hypocrisy and irresponsibility.

• (2200)

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, this is costing the potash mines in my riding a lot of money. A lot of jobs are counting on us to put this rail back on its tracks.

I would have assumed that the NDP members would have agreed with us because I am speaking about Saskatchewan, which is where their counterparts are located, and they are very concerned about this. I would be ashamed if I were them. They should be calling their counterparts in Saskatchewan to find out that potash is not moving. My riding has five potash mines, plus we are the wheat and barley capital. Saskatchewan is suffering because of this rail strike. We are losing millions of dollars a day, at least on demurrage costs, and by not being able to get our grain to the port. We are also losing markets.

I think it is time to close this debate down.

Mr. Mario Silva: Mr. Speaker, I am not sure there was a question there. It was more of a comment by the member as to how long this debate is going to last.

She raised concerns about her riding. All of us have looked at the different sides. One of the reasons that we will be supporting the legislation is that it is not just about taking one side of this whole equation. It is also about looking at the whole perspective of issues around the table, analyzing them carefully and realizing that there are issues about railway safety and workers' rights. At the same time, there are also economic issues and issues about ensuring that the railway system is operational in this country. It is a real concern to Canadians because they do not know with certainty how long this strike will last. The economic uncertainty for many communities of a prolonged strike is very disconcerting. That is a real fear.

In my discussion with labour unions, they basically were saying that they needed another week or a few days but that was a month ago. This strike could easily go on for another two or three months or even longer if we do not bring in back to work legislation. We see an escalation of the rhetoric and an escalation of the action by both sides and we need to bring some sanity.

There are some provisions within this legislation to bring in an arbitrator. The arbitrator could in fact rule on some of the concerns that labour has and look at those issues. There is a mechanism in place within three months to have a decision by the arbitrator, which is probably the proper way to go and that is one of the reasons that we will be supporting this legislation.

Mr. David Christopherson (Hamilton Centre, NDP): Mr. Speaker, I appreciate that. I know the member well and I have great respect for him. We served at the municipal level at overlapping times. However, I must say that we are having a great deal of difficulty on this issue when we listen to that kind of speech.

Unless there has been a change, he is the labour critic. This is a question of taking away strikers' rights. There is no room for Liberal fence sitting. The Liberals are either on the side of the workers tonight when it matters or they are not.

I would like to know how the member could stand up and say that his caucus and his party cares about workers when it is easy to talk the talk and why they are not prepared, when it really matters, to stand up and walk the walk.

Mr. Mario Silva: Mr. Speaker, I do have respect for the member but, if I remember correctly, he is the same member who was a member of a government in Ontario that also took away a lot of workers' rights.

We all fundamentally agree with and believe in workers' rights but there is a time when we need to look at a variety of issues at play here within our society and our economy and we need to look at putting the interests of Canadians first, which is what he legislation does and we are supportive of it as well.

• (2205)

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, I would like to emphasize the fact that the Bloc Québécois is opposed to this back to work legislation for the railway sector. Above all, we ask ourselves this question. How is it that this House should be asked to consider such return to work legislation? How did we wind up in such a mess? First, how is it that this Parliament is today legislating a return to work when the Minister of Labour himself boasted many times in committee and even in this House that return to work legislation was no longer required since anti-scab legislation was adopted in 1999?

He said that, as a matter of fact, in his own opposition to anti-scab legislation, and he found that it was a very good argument: Look, we no longer need back to work legislation! Well, that is not so. As I have told him time and again, it proves once again that his 1999 anti-scab legislation is not working and is certainly not the great success he claims.

On the other hand, if we are dealing with this back to work legislation today, it is precisely because there is no anti-scab legislation. If there had been such a law, CN management would not have adopted such a hare-brained and twisted strategy. It would not have said that it would try to break the union; that it would hire replacement workers; that it would call back retired employees and hire American workers to do the work of union members out on strike.

Government Orders

Obviously this strategy proved unworkable. CN was not able to replace its unionized workers. CN management will have to learn to negotiate with its unions. That is what anti-scab legislation does. It introduces some balance between the two parties, management and the union. They learn to sit down and negotiate together, without bringing in new players, such as replacement workers. CN management must learn not to be arrogant in dealing with its workers. It must also learn to avoid confrontation with its unions. In addition, it must learn not to scorn the work that employees perform and also stop neglecting their safety, which is extremely important. Once it has finished with this legislation, the government should give serious attention to the matter of safety in the railway sector. That is extremely important. We have often sounded the alarm on this issue.

Something else is just as surprising about this Conservative government. Why does it want to intervene here anyway? The industry minister never stops telling us that market forces will reach a balance. According to my notes, he says that he is just going to let things go; things will take care of themselves; market forces mean that everything usually reaches a balance; and if companies are good enough, they will do just fine.

Finally, a government that supposedly believes that the spoils go to the strongest is going to end up intervening in a dispute between two parties. That is really surprising. Why do this? The labour minister told us this morning that his office had received 78 calls—that is not the end of the world for a minister's office, I hope—from business leaders who had called to complain. I cannot understand why the minister did not just stand up to this pressure and deflect it onto CN management in order to push it into negotiating. That too would have been showing leadership. It is not enough just to tell the House that he has received 78 calls and special legislation needs to be passed.

The Bloc Québécois is far from oblivious to the logistical and economic consequences of this labour dispute. So far, though, the consequences have been rather minor. For example, the transportation systems in the greater Montreal and Toronto areas have continued to operate. The union has given the company verbal assurances that it will continue to exempt the commuter trains in both these areas from its rotating strike.

Rather than immediately imposing an arbitration procedure that will probably please no one, the labour minister should take advantage of this opportunity to put the emphasis on mediation efforts and provide more support for them. In any case, the labour minister is coming in pretty late with all this mess.

• (2210)

He should have shown leadership much earlier and forced the parties to negotiate and reach an agreement.

The government has a responsibility not just to get involved but also to foresee what is happening and take the necessary steps to avoid the kind of messes that it is making today.

[*English*]

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, I would like to ask for some advice from member.

There has been a lot of talk about workers tonight. Has she some suggestions perhaps for the Conservative government that will be saying to workers that they have no choice in what the solution will be? Also, what might the government say to those spouses who are up all night worrying because they do not believe that their spouses will be safe? They have not had enough sleep to function properly, or they work on cars that have not had proper maintenance on time or adequate maintenance.

The families of those workers worry day and night about their the safety of their family members. Does she have any advice for the Conservative Party members about what they might say to the families of those workers, where they are disregarding their rights?

[*Translation*]

Mrs. Carole Lavallée: Mr. Speaker, I thank the member for her question.

I started to quickly mention it earlier during my speech. At CN, there are some serious safety concerns. The Standing Committee on Transport, Infrastructure and Communities saw this when people came to speak.

In my opinion, the Minister of Labour should ask himself some questions and participate as closely as possible in the work of the committee so that he realizes that there are very serious safety concerns at CN. During negotiations, the unions tried to warn management about this. However, CN management did not seem to want to listen. It did not seem very aware of what was going on within the company.

On February 8, CN managers appeared before the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities. The senior vice president and chief legal officer made some very particular statements that show he is out of touch with reality. For example, he was opposed to the anti-scab legislation, and said, "This would mean a return to a system where any nationwide railway work stoppage would inevitably require government intervention." I hope he is not an astrologer, because he is not very good.

He also said, "First, the commuter rail service in Toronto and Montreal would quickly grind to a halt—"

Obviously, he is not very good at astrology. He lacks vision, and lacks an understanding of the issues. He does not understand consequences and repercussions.

He went on to say, "In some cases, depending on which union is striking, VIA Rail service could largely stop."

We can see that CN management is out of touch with reality. The Minister of Labour should call it to order as quickly as possible and ask it to focus on the safety of workers. First and foremost, it must sit down with the unions and negotiate properly.

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, I wish to take part at this stage of the debate that is now drawing to a close. I would like to correct certain remarks made by the member for Saint-Bruno—Saint-Hubert.

Government Orders

With the anti-scab legislation that they recently proposed to implement, on February 24, when an agreement in principle was reached between the union and Canadian National, the employees would have been unable to return to work. We would have had to wait for another two months. A 14-day strike alone represents \$1 billion in lost exports for our economy. We can imagine the state of our country with another two months of a CN strike. There would be no transportation from one end of Canada to the other, no delivery of goods and no delivery of essential services to remote communities. It would be an economic disaster.

There is a second point. The legislation before us tonight allows for negotiations at any time. Canadian National and the union can reach an agreement. If there is an agreement between them, that agreement will prevail.

However, since the parties do not seem willing to agree and we cannot see a light at the end of the tunnel in the short term, we believe the Canadian economy should be our first concern. That is why we have introduced this back to work legislation, with the provision of what is called final offer selection, after the arbitrator has tried to work with the parties to reach an agreement within the next three months. If there is no agreement in three months' time, the arbitrator will ask the two sides to submit their final offers and the arbitrator will choose one or the other. It is our belief that this method of making a final offer is more positive, and that, under the circumstances, each side will take its role very seriously.

At the same time, I would like to remind the members of the Bloc Québécois that they will have to assume full responsibility for their decision tonight to set aside the economic health of our country in their desire to cozy up to the union, thereby failing to maintain a balance between the two sides.

In conclusion, I believe we are dealing with an excellent piece of legislation tonight. It is a serious bill that allows for negotiation and it will also enable our economy to continue to function. It is that light that we see this legislation tonight.

• (2215)

Mrs. Carole Lavallée: Mr. Speaker, I would like to thank the minister for his comments.

However, I must repeat—and I hope he will understand—that if we had replacement worker legislation, CN management would not have adopted such a twisted strategy based on the fact that it did not need unionized employees anyway because it could just hire replacement workers from the pool of retired employees and American workers. Without that option, CN management would have sat down with the union and negotiated. I hope that the Minister of Labour understands that much at least. I have mentioned it to him a number of times. I think it is very clear.

Replacement worker legislation would not have resulted in the catastrophe the minister is talking about because what is happening right now at CN is exactly what would have happened over the past few weeks. Managers and supervisors would have been able to work. That is what they are doing now. They are filling in for essential services and the most importance services.

That being said, I would reiterate that the minister failed to show leadership. He should have intervened earlier.

An hon. member: He was scared.

Ms. Carole Lavallée: According to section 87(4) of the Canada Labour Code, he could have intervened before the strike.

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, I salute the leadership of the Minister of Labour and I have a question for my colleague from Saint-Bruno—Saint-Hubert.

Obviously many workers from Quebec and Canada may suffer because of this strike. There will be job losses, gas shortages, as was the case recently, workers will lose income and all workers will suffer financial losses.

Will the member agree this evening to remove the threat hanging over the Quebec and Canadian economies by supporting this bill? Is the Bloc member prepared to defend Quebec workers rather than continuing to say one thing and doing the opposite?

Mrs. Carole Lavallée: Mr. Speaker, this member is insulting the intelligence of those listening to us at present and his arguments are nothing but rhetoric. The safety of workers is the important thing in this dispute between CN and the United Transportation Union. That is what is at stake in the negotiations. When serious safety problems arise, it will be too late to cry over the member's rhetoric.

What is presently at stake with this back-to-work legislation is the breakdown of the balance of power between the union and the employer. That is what is at stake and it must be re-established.

[*English*]

The Acting Speaker (Mr. Andrew Scheer): Resuming debate. Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Andrew Scheer): Pursuant to order made earlier today, the question to dispose of the motion at third reading stage of Bill C-46 is deemed put and a recorded division is deemed demanded.

• (2220)

An hon. member: On division.

The Acting Speaker (Mr. Andrew Scheer): Does the House agree to the motion on division?

Some hon. members: Yes.

Some hon. members: No.

And five or more members having risen:

The Acting Speaker (Mr. Andrew Scheer): Call in the members.

• (2300)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

Government Orders

(Division No. 155)

YEAS

Members

Abbott	Ablonczy
Albrecht	Alghabra
Allen	Allison
Ambrose	Anders
Anderson	Arthur
Bagnell	Baird
Barnes	Batters
Bélanger	Bell (North Vancouver)
Benoit	Bernier
Bevilacqua	Blackburn
Blaney	Boshcoff
Boucher	Breitkreuz
Brison	Brown (Leeds—Grenville)
Brown (Barrie)	Bruinooze
Byrne	Calkins
Cannan (Kelowna—Lake Country)	Cannis
Cannon (Pontiac)	Carrie
Casson	Chan
Chong	Clement
Coderre	Cotler
Cummins	Cuzner
D'Amours	Davidson
Day	Del Mastro
Devolin	Dhaliwal
Dhalla	Dion
Doyle	Dryden
Dykstra	Epp
Eyking	Fast
Finley	Fitzpatrick
Flaherty	Fletcher
Folco	Galipeau
Gallant	Godfrey
Goldring	Goodale
Goodyear	Gourde
Grewal	Guarnieri
Guergis	Hanger
Harper	Harris
Harvey	Hawn
Hearn	Hiebert
Hill	Hinton
Holland	Ignatieff
Jaffer	Jean
Jennings	Kadis
Kamp (Pitt Meadows—Maple Ridge—Mission)	Karetak-Lindell
Karygiannis	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Komarnicki
Kramp (Prince Edward—Hastings)	Lake
Lauzon	LeBlanc
Lee	Lemieux
Lukiwski	Lunn
Lunney	MacAulay
MacKay (Central Nova)	MacKenzie
Malhi	Maloney
Manning	Mark
Martin (Esquimalt—Juan de Fuca)	Matthews
Mayes	McCallum
McGuinty	McGuire
McKay (Scarborough—Guildwood)	Menzies
Merasty	Merrifield
Mills	Minna
Moore (Port Moody—Westwood—Port Coquitlam)	
Moore (Fundy Royal)	
Murphy (Moncton—Riverview—Dieppe)	Murphy (Charlottetown)
Neville	Nicholson
Norlock	O'Connor
Obhrai	Oda
Owen	Pacetti
Pallister	Paradis
Patry	Pearson
Petit	Poilievre
Prentice	Preston
Proulx	Rajotte
Ratansi	Redman
Regan	Reid
Richardson	Ritz
Robillard	Rodriguez
Russell	Savage
Scarpaleggia	Scheer

Schellenberger	Scott
Sgro	Shipley
Silva	Simard
Simms	Skelton
Smith	Solberg
Sorenson	St. Amand
St. Denis	Stanton
Storseth	Strahl
Sweet	Szabo
Temelkovski	Thibault (West Nova)
Thompson (New Brunswick Southwest)	Toews
Tonks	Trost
Turner	Tweed
Valley	Van Kesteren
Van Loan	Vellacott
Verner	Volpe
Wallace	Warawa
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Zed- — 195	

NAYS

Members

André	Angus
Asselin	Bachand
Barbot	Bell (Vancouver Island North)
Bevington	Bigras
Black	Blakie
Blais	Bonsant
Bouchard	Bourgeois
Brunelle	Cardin
Carrier	Charlton
Christopherson	Comartin
Crête	Cullen (Skeena—Bulkley Valley)
Davies	DeBellefeuille
Demers	Deschamps
Dewar	Duceppe
Faille	Gagnon
Gauthier	Godin
Gravel	Guay
Guimond	Julian
Kotto	Laforest
Laframboise	Lalonde
Lavallée	Lemay
Lessard	Lévesque
Lussier	Malo
Marston	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Mathysen	McDonough
Ménard (Hochelaga)	Ménard (Marc-Aurèle-Fortin)
Mourani	Nadeau
Nash	Paquette
Perron	Picard
Plamondon	Priddy
Roy	Savoie
Siksay	St-Cyr
St-Hilaire	Stoffer
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)	
Vincent	
Wasylycia-Leis- — 71	

PAIRED

Members

Bellavance	Bezan
Emerson	Freeman
Gaudet	Thompson (Wild Rose)- — 6

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

[English]

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I move:

That the House do now adjourn.

Government Orders

• (2305)

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

[*Translation*]

The Speaker: The House stands adjourned until tomorrow at 2 p. m., pursuant to Standing Order 24(1).

(The House adjourned at 11:06 p.m.)

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Canadian Charter of Rights and Freedoms	
Mr. Dion	8298
Member for Sherbrooke	
Mr. Harvey	8298
Women and Political Participation	
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