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OFFICIAL REPORT
(HANSARD)

Tuesday, March 11, 1997

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Tuesday, March 11, 1997

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

• (1010)

[*English*]

CRIMINAL RECORDS ACT

Mr. Chuck Strahl (Fraser Valley East, Ref.) moved for leave to introduce Bill C-382, an act to amend the Criminal Records Act (sexual offences against children).

He said: Mr. Speaker, it is a pleasure to table a bill that would amend the Criminal Records Act to change the way the government deals with pardons for those convicted of sex offences against children.

As it now stands, once a pardon is granted to a person who has served his time, the information about his crime is removed from CPIC, the Canadian Police Information Computer database. If the former offender then wants to apply to hold a position of trust with children, the group or individual responsible for the children's welfare cannot check his record because his record will not appear on CPIC.

The recidivism rate for pedophiles is very high so it is very important that community groups have access to this information. My bill would not prohibit pardons for sex offenders but it would keep their criminal records on the computer on a permanent basis in order to protect Canadian children.

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

* * *

PETITIONS

PUBLIC SAFETY OFFICERS COMPENSATION FUND

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have two petitions today. The first is from Delta, B.C.

The petitioners would like to draw to the attention of the House that police officers and firefighters place their lives at risk on a daily basis as they serve the emergency needs of all Canadians. They also state that in many cases the families of police officers and firefighters killed in the line of duty are often left without sufficient financial means to meet their obligations.

The petitioners therefore pray and call on Parliament to establish a public safety officers compensation fund to receive gifts and bequests for the benefit of families of police officers and firefighters who are killed in the line of duty.

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition comes from Port Perry, Ontario.

The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to our society.

The petitioners therefore pray and call on Parliament to pursue initiatives to assist families that choose to provide care in the home for preschool children, the chronically ill, the aged or the disabled.

[*Translation*]

NATIONAL HIGHWAY SYSTEM

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, I am pleased to present this petition signed by 25 persons, most of whom are residents of my riding of Trois-Rivières. This petition was circulated by the Quebec Automobile Club.

The petitioners urge Parliament to bring pressure to bear on the federal government to join forces with the provincial governments in order to improve the national highway system.

[*English*]

ABORTION

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, on behalf of the constituents in my riding of Simcoe Centre I have two petitions to present to the House today. The first petition is on the subject of abortion.

The petitioners request that a referendum be held to determine whether the Canadian people should have to pay for abortions with their tax dollars.

AGE OF CONSENT

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

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

JUSTICE

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, I would like to present a petition from the residents of my constituency, specifically the Athabasca area.

They state that as deeply concerned citizens they believe that the provocation defence, as currently used in femicide wife slaughter cases, inappropriately and unjustly changes the focus of the criminal trial from the behaviour of the accused and his intentions to murder to the behaviour of the victim who from then on is identified as the one responsible for the accused violence.

Therefore the undersigned request that Parliament review and change the relevant provisions of the Criminal Code to ensure that men take responsibility for their violent behaviour toward women.

● (1015)

SMUGGLING

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the honour to present the following petition.

The petitioners draw the attention of the House to the fact that south Asia's human smuggling trade costs hundreds of lives a year, including the more than 200 south Asian men feared drowned after a crowded refugee boat reportedly sank on December 25, 1996.

Therefore the petitioners pray and request that Parliament encourage the government to point out to foreign governments in southeast Asia that the travel agencies involved in human trade must face severe penalties and punishment for their illegal and inhumane activities.

GUARDIANSHIP

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, I have constituents of the Islamic faith who want guardianship as an option to adoption.

Guardianship is a concept that is acceptable to their religious beliefs and they would ask the Government of Canada to make sure that this happens.

NATIONAL HIGHWAY SYSTEM

Mr. Ronald J. Duhamel (St. Boniface, Lib.): As well, Mr. Speaker, I have another petition from constituents who ask the government to work in co-operation with their provincial and territorial counterparts to upgrade the national highway system.

EMPLOYMENT EQUITY

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Finally, Mr. Speaker, there is legislation in place for equal pay for work of equal value and these constituents ask the government to ensure that all components of that legislation are acted on immediately.

* * *

[*Translation*]

QUESTIONS ON THE ORDER PAPER

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

CANADA LABOUR CODE

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.) moved that Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Returns Act and to make consequential amendments to other acts, be read the third time and passed.

He said: Mr. Speaker, I am very pleased today to have this opportunity to address the House on Bill C-66, the purpose of which is to amend Part I of the Canada Labour Code.

Today we are undertaking the third reading of this bill, which means we are approaching the end of a significant step in the modernization of the Canada Labour Code. Passage of Bill C-66 will mark the first in-depth revision of Part I of the Code since the 1970s.

It is very important for our government that the code be modernized. This was, in fact, designated as a priority in the most recent throne speech, since the favourable management-labour relations it will create will work in favour of economic growth and job creation.

[*English*]

At the outset I would like to paraphrase the Sims task force report entitled ''Seeking a Balance'' and say to the House that with this bill we sought a balance and I believe we found it.

While there may be differences of opinion concerning the precise drafting of specific provisions I am of the view that Bill C-66 faithfully reflects the outcome of the review process. All labour code issues covered in the bill were addressed by the task force or discussed during the subsequent consultations that took place.

I must say that one of the most rewarding aspects of this entire amendment process has been watching the result of consultations turned into action.

[*Translation*]

Too often, during my time in opposition, I witnessed the government of the time launching a process of public consultation, only to shelve the results afterward. There is nothing more discouraging than having one's opinion asked and then to see it being ignored.

I am pleased that, through the concrete measures contained in Bill C-66, we have been able to compensate those who contributed to our discussions for their trust and hard work.

● (1020)

The latest step in the consultation process took place just before the Christmas holidays, when the Standing Committee on Human Resources Development examined the bill.

I am also very grateful for the contribution made by many members of the labour movement, management representatives, academics, authorities responsible for enforcing labour laws, other experts and private citizens who also looked at our proposals and made sure that the proposed legislation was a realistic response to the current situation.

[*English*]

All of these different groups have played a part in designing the bill. As a result of the divergent opinions that were evident on some issues it is to be expected that people would react differently to various elements of the bill. We have witnessed this reaction to such matters as the provision dealing with off site workers, grain shipments and replacement workers.

Take the example of off site workers. The changes the bill makes will allow unions to contract employees who work outside traditional workplaces. Some have expressed a concern about this development raising issues of privacy and security. I can assure the House that these worries are groundless. Access to such employees will be overseen by the new Canada industrial relations board which will assure that the privacy and the personal safety of the affected people is protected. I see this amendment as one element in our government's attempt to deal with the workplace of the future and I will not allow this new access to be used in inappropriate ways.

Another sensitive area of this bill is our amendments affecting the shipping of grain. In this area we are introducing amendments to require parties in the ports to continue providing services to grain vessels in the event of a work stoppage. In other words, from now on all grain that is brought to the dockside will have to be moved regardless of work stoppages in other port activities.

This amendment is very important to Canada. The shipment of grain is a multi-billion dollar industry. We export to over 70 countries. The livelihoods of over 130,000 farmers and their families depend on our reputation as a reliable supplier and exporter.

The importance of grain exports to the Canadian economy, in particular the economy of the prairie provinces, cannot be over emphasized. In fact, the grain industry has been declared to be for the general advantage of Canada.

[*Translation*]

Another advantage is that these changes will help improve labour relations in our ports. We all know that when a work stoppage interrupts grain exports, Parliament intervenes without delay to stop and settle disputes in our ports which threaten these exports.

The parties have come to expect Parliament to intervene, which releases them from any responsibility for dealing with their own problems and lets them blame Parliament for any negative repercussions. This goes against our resolve to promote constructive and positive labour relations.

[*English*]

Some members of the House want all labour management disputes in the ports and in the entire grain transportation industry, including the railways, to be resolved by a binding arbitration process known as final offer selection. I do not favour this approach, nor do the vast majority of federally regulated employers, nor do the unions, nor did the Sims task. It pointed out that final offer selection is not effective appropriate dispute resolution mechanism for complex disputes.

The task force advocated a less individualist approach, which is reflected in Bill C-66. It is an approach which illustrates how our government is acting as a catalyst for positive change. We will encourage parties to settle their differences in a less adversarial manner.

● (1025)

[*Translation*]

The most controversial aspect of Bill C-66 remains the provision on replacement workers. The long-standing differences between labour and management on the subject is one of the items on which

the labour management consensus group of the Sims task force could not agree.

In fact, even the members of the Sims task force failed to produce a unanimous statement on this controversial issue. The provision on replacement workers was drafted so as to include the text of the majority recommendation of the Sims task force. Basically, what we are saying is that there should not be a general ban on the use of these workers. In fact, they can be used to pursue legitimate bargaining objectives.

Employers cannot use replacement workers to undermine the ability of the unions to represent their members. That would be an unfair practice. If the new Canada Industrial Relations Board concludes that is the case, it will have the authority to order the employer to stop using replacement workers.

I believe that the proposed amendments will help us take a balanced approach to a delicate and complex issue. Employers will always have the right to use replacement workers, but there will be two major restrictions on that right. first, employers will not be able to use replacement workers for illegitimate ends; second, they will have to rehire workers who were on strike or locked out, rather than their replacements, once the work stoppage has been resolved.

Some employer groups have contended that the wording of this provision is too broad and absolute and that it allows the unions to contest any use of replacement workers. These groups have cited suggestions by union representatives to the effect that the mere presence of a replacement worker would undermine union representation.

I have to say very clearly that this interpretation is not valid and is not the intent of the bill. I can assure the House that, if it were the intent, the wording of the provision would be more restrictive.

[*English*]

In contrast, the Canadian Labour Congress expressed its worry that the section will be applied very narrowly and come into effect only when the employer's behaviour is particularly egregious. That labour and management have taken opposite positions on this section suggests to me that we have achieved the right balance.

In any event, I am confident that the new board, representative and balanced in nature, will interpret the provision intelligently and appropriately. Indeed, I believe that the Canada industrial relations board may prove to be the most important feature of the modernized labour code.

[*Translation*]

The task force and the labour management working group both proposed this new body. The Canada industrial relations board would comprise a neutral chairperson and vice-chairpersons, three full time members representing labour and three full time members representing management.

Part time members will also be appointed, in the regions. The addition of union and employer representatives to the board will no doubt make it more sensitive to the needs of those it serves. It will also guarantee the parties that the board's members properly understand the situation.

● (1030)

The parties will also likely find the decisions of a representative board more credible. The bill provides that the board's representative members are to be appointed after the minister has consulted the appropriate union and management organizations.

[*English*]

While on the question of board membership, I wish to emphasize that as a result of the legislation the major criterion for appointment as chair or vice-chair will be competence and not political affiliation.

A new clause has been inserted which states:

> The chairperson and vice-chairpersons must have experience and expertise in industrial relations.

The new board will be given additional powers and responsibilities and greater flexibility to deal quickly with routine or urgent matters and to avoid undue delays.

The board's remedial powers will be expanded to ensure good faith bargaining. An amendment will confirm the ability of the board to direct that a party include or withdraw specific terms in a bargaining position in order to rectify a failure to bargain in good faith.

As important as it is to enhance the board's powers, the government has accepted two standing committee suggestions that will ensure they are not abused.

These are intended to place a reasonable check on the board's powers to compel the production of documents at any stage of a proceeding and to amend collective agreements following a restructuring of bargaining units.

Finally, I mention another change contained in the legislation, that is the one regarding the federal mediation and conciliation service or FMCS. As a result of Bill C-66 the critically important role of this body will be recognized in the code.

Its role will be spelled out and the head of the service may be delegated new powers. It is worth noting that in the new code the head of the FMCS will report directly to the Minister of Labour as was suggested in the Sims report.

Careful study of changes to the bargaining cycle will reveal that they all lead to the same goal: streamlining the conciliation process. This is something that both labour and employer groups

have been asking for, for a long time. I am proud our government has delivered.

[*Translation*]

I would like to say in closing that Bill C-66 represents a great step forward in preparing the Canadian workplace for the advent of the next century.

The increasingly competitive world economy requires our businesses to be as effective and productive as they can be. The improvement in labour relations resulting from the amendment of the code will lead to increased productivity, greater job security and more say for workers in decisions taken at the workplace.

Bill C-66 shows that good labour policy is also good business policy. However, although we are getting to the end of the process with regard to Bill C-66, in the House at least, there is still a lot to do to get the Canada Labour Code ready for the next century.

Within the next few months we will propose changes to bring other parts of the Canada Labour Code up to date. These changes will focus on health and safety issues and on labour standards.

It is my hope that the government will be able to count on the same level of energetic co-operation from members and other stakeholders as we did during the Part I review. I hope that all the members in this House will join me in supporting Bill C-66.

Before concluding, allow me to thank all the members, especially those on the House of Commons Committee on Human Resources Development, who have done a tremendous job in such exceptional circumstances.

• (1035)

I would like to thank two of my colleagues, the critic for the Bloc Quebecois and the critic for the Reform Party, for their co-operation. We want to pursue this issue in this same spirit of co-operation. It is my hope that we will always be able to count on their co-operation, and that this bill will pass in this House and in the other place and will soon become law in the true meaning of the word.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I, too, want to welcome this bill. We will have the opportunity to come back to it, but I must say this bill needs some significant amendments. We wish the minister had been more courageous as far as replacement workers and technological changes are concerned and he is aware of that, but nonetheless, I am convinced that the minister acted in good faith and gave the committee all the information we asked for and I want to thank him and his associates, Albano Gidaro and Pierre Tremblay, for that. I also want to thank our researcher, Marc-André Veilleux, who worked hard in order to propose some very appropriate amendments.

That being said, we must remind the House that this bill is far more than an ordinary law, more than a simple law, because it deals with the Canada Labour Code. Authorities will be required to make some extremely important rulings based on the wording of the code, as these rulings will impact on labour democracy and on the balance we have the right to expect in labour-management relations.

I wish the government had done much more. I understand that the conditions one must deal with as Minister of Labour in a continental country like Canada, where conservative forces are extremely active, are not the same as in Quebec. We will have the opportunity to come back to this, but, as you know, in Quebec, the whole issue of labour democracy and replacement workers has been settled for at least 10 if not 20 years.

Let us start at the beginning, that is with the positive aspects of the bill. I believe that all the parties mentioned that the Canada Industrial Relations Board, which will replace the present Canada Labour Relations Board, will be much more representative. The concerned parties had asked to be associated with the appointment process and, indeed, the new board will have three permanent members appointed from among the employers and three permanent members from the union movement. That is positive.

There is also in the bill a willingness to give the board more power to avoid what happened a few months ago, when a major crisis almost split the board—those who followed the issue will understand—while at the same time defining the scope of the board and the powers given to the chairperson, and this is positive as well.

We also welcome the possibility for the board to have a panel of one. This will make the process much more efficient. Work will proceed faster, and this should be to the advantage of all parties involved.

We are also pleased by the willingness of the government to redefine the role of Director General of the Federal Mediation and Conciliation Service. That person, a man at the present time, intervenes at every stage of a labour dispute and is responsible for making very important recommendations to the minister. To that extent, we believe it is wise that his or her role be clearly defined.

One of the most remarkable achievements of the bill is probably the addition to the new labour code of a single-stage conciliation process, something which had been requested by all parties. I will come back to that point, but let me say that the previous two- or three-stage process was extremely time-consuming and probably not very conducive to bringing the parties together.

• (1040)

That being said, it would have been possible for the minister to be much bolder, much more enterprising.

We have to admit that, even though a number of amendments are worthwhile, this reform is incomplete. Still, extremely important

demands were made, by both management and labour, but the government did not respond favourably to them.

I will give some examples. First, it has long been recognized that RCMP officers and workers are being discriminated against. The Sims report, which the minister likes to quote at length, shows it makes absolutely no sense for the RCMP to be the only police force in Canada not to have access to collective bargaining.

We are not talking about the right to strike. No RCMP spokesperson, both in the recent past and in the evidence submitted to the Standing Committee on Human Resources Development, asked for the right to strike. They understand the nature of their work. However, they legitimately asked to be able to negotiate, to have access to collective bargaining, like all other public sector workers.

When they were on this side of the House, the Liberals moved some motions calling for the right of RCMP officers to unionize. Now in government, the same Liberals are cruelly letting them down.

The House will recall that the official opposition tabled a motion but the Liberals refused to debate these matters. Today, we are faced with this kind of discrimination being perpetuated, maintained and condoned by a government, which should be ashamed of itself for denying people as central to the functioning of society as RCMP members the right to unionize.

Same thing with the Public Service Alliance of Canada and the Professional Institute of the Public Service. Both unions have made representations to the government in order to come under part I of the Canada Labour Code. This demand was made in committee. They met privately with the minister, but in the end, although this would be in their best interest, these workers are still not allowed to negotiate under part I of the Canada Labour Code.

Why did PSAC and PIPS members ask for this right? Quite simply because, being subject to the Public Service Staff Relations Act, PSAC cannot negotiate provisions as important as those governing job security, protection against technological changes—I will come back on that—job classification, appointments, promotions, transfers, all very important aspects of a career plan.

What difference would it have made for the government to recognize that it would be beneficial, a very significant motivating factor for public service employees to be able to bargain under part I? It must be recognized that there was serious lack of sensitivity on the part of the government on this issue in particular. Sensitivity is what sets great reforms apart.

This is an amendment that would not have cost the public purse tremendous amounts of money. We can see in what shape public finances are in Canada. This is an amendment that would have represented a very significant motivating factor for workers. It is sad to say the least—and that is what bothers me the most—that the government turned a deaf ear. And I know my colleagues are as disappointed as I am.

Mr. Lebel: Absolutely.

Mr. Ménard: I am grateful to them for sharing a sorrow as deep as it is obvious, when all is said and done.

• (1045)

The parliamentary secretary is laughing, but he did go along the government. He said nothing. He remained silent, close-mouthed. He did not let on anything, when he should have come to the defence of civil servants on this issue.

The bill has another flaw, another major shortcoming, which concerns the committee. All the hon. members in the House spend a lot of time in committee; come would even say too much time. We wanted the committee to be involved in the appointment process, to be involved in certain strategic decisions regarding the Canada Industrial Relations Board.

We have been extremely supportive of the government's amendments, when these resulted in allowing the Board to act more expeditiously, much more diligently. We believed, and we still do, that one way to improve the labour relations process, as far as appointments, or certain strategic decisions, are concerned, would be to establish a link between this process and the Standing Committee on Human Resources Development, which includes elected members of all political parties. Sadly, we met with nothing but indifference in this regard.

The bill has another flaw, and I am sure, Mr. Speaker, that you will agree with my analysis that the situation is perfectly ridiculous. On a bright sunny day, the CSN appeared before the committee. The very vocal CSN came to see us, and so did workers from Ogilvie Mills, who went through a long, hard and risky work conflict that left very concrete scars, all this because of the lack of antiscab provisions in the federal legislation. But I will get back to this issue later on.

We proposed a seemingly unimportant amendment, which did not ask the government to spend more or to change its philosophy. What did we ask? You will not believe this. We asked that flour mills come under provincial jurisdiction. Believe it or not, our amendment was not taken into consideration. And yet we had made it very clear that mills had to come under provincial jurisdiction.

Could someone in this House, perhaps the parliamentary secretary, tell us for what reason mills were under federal jurisdiction in such unusual circumstances as World War II? We can understand why, in that specific context, mills would come under federal

jurisdiction, but what was the rationale behind this? I am convinced that if we did a little survey and asked people around why, in 1997, flour mills are under federal jurisdiction, no one would be able to provide an explanation.

Everyone knows that it would be much simpler, wiser and smarter to have mills come under provincial jurisdiction.

Believe it or not, the government bluntly rejected our amendment. I made a wager, something I very seldom do, I bet that if there were an amendment from the Bloc Quebecois that had a chance to be well received by the government, it was not the one about replacement workers nor the one about the right to strike, but the one about flour mills. Well, my amendment was defeated. I found myself with both feet in the flour.

I want to quote what the CNTU people told us: ''Most people who get involved in our labour relations for the first time are always surprised to find out that mill workers come under the Canada Labour Code. As for us, after having been a union for more than 30 years, we are still wondering about this situation. Why is that? Because before modern laws governing collective labour relations came into effect, the federal government, using its declaratory power—and I know the hon. member for Chambly, being a lawyer, understands the impact of the declaratory power—ruled that flour mills came under its jurisdiction''.

• (1050)

The witness went on: ''Such an initiative may have been justified in an era of world conflicts and protectionism, but not today, especially since the Americans have gained control over most of this production, and especially since the Crow's Nest rate was abolished and it is easier to move wheat across the U.S. border. The argument no longer holds''.

It is not the Bloc saying it, nor the opposition critic for labour relations, it was a witness as neutral as the CNTU. So the CNTU is telling us that there the argument no longer holds. Just like beer production—an example that strikes a chord with about everyone—flour production should fall under provincial jurisdiction.

It was useless. I pleaded, I presented a brief, I asked questions of witnesses, but I got nowhere. That is what happened with the flour production issue.

The government is quite silent on another extremely important change. Unions have been making demands that are eminently sensible in a context of technological change. Everybody is talking about technological change. We all know this is an issue we should be discussing. Chances are that a worker who is 20 years of age today will have five, six or seven different jobs during his or her adult life. Our context today is quite different from the one my father knew.

My father, who must be listening today, worked at the same job for 30 years, and was quite happy with that. His career started in one company where he obviously had successive promotions, but he always worked for the same company doing the same kind of job.

Workers today will have five, six or seven careers. What does that mean? It means that individuals need mobility, and that is why we talk about ongoing training. It also means that production cycles keep changing. Chances are any given product is not manufactured the same way today as it was in 1985 or will be in 2003 or 2004. That is why unions have asked that every technological change implemented led to the reopening of collective agreements.

Not content with reopening collective agreements, unions wish to take part in the implementation of the technological change, because for the production processes to be successful, they have to be agreed upon. Employers and management not only have to advise workers, they have to work hand in hand with them. Believe it or not, the supposedly modernized Canada Labour Code remains absolutely quiet on such an important issue as technological change.

Again, we have played our part as the opposition, we have put forward an amendment, we have pleaded with the government, but what did it do? It rejected our amendment out of hand. I want the viewers from every region of Canada to know that the Bloc Quebecois came up with about fifty amendments. Unfortunately, the government did not approve any of them even though we worked very hard on them, attended all the committee's hearings and put questions that helped with the testimonies of witnesses.

Even though we co-operated, even though we took part in all the committee's hearings, believe it or not, the government did not approve any of our amendments. Let that be a lesson for things to come.

The biggest flaw of this bill, the area where the minister was the most overcautious, where he lacked fortitude, where he showed no backbone, if I may say so, is the provisions concerning replacement workers.

I will only say a few words about this issue, because, as you know, two of my colleagues in this House have introduced bills related to this matter.

• (1055)

The hon. member for Bourassa, who himself came from the great central labour body that is the FTQ introduced, soon after taking his seat in this House, a bill to that effect. He has always bee concerned with the issue of replacement workers. We know this is a significant factor for striking a balance in a conflict. I will come back to this point later. I know the hon. member for Bourassa will speak on this issue. If I am not mistaken, our colleague, the hon. member for Manicouagan, also introduced a bill very early on.

When we formed the official opposition, we asked questions to the government, we asked it to step in, we introduced bills. What are we talking about? We talk of the following fact. A strike is the ultimate stage, the last resort the union has to get its point across. Nobody goes on strike deliberately, for the fun of it. When people finally accept a strike, it is really because they feel this is their last resort in making their point.

It is important to know that pursuant to the Canada Labour Code, no strike can be authorized without the consent of the Minister. Therefore, this is not a process marked by anarchy but a controlled process. Steps and deadlines are set out. Conciliation is even possible in one single step, and this is one of the improvements brought in by the bill. What, however, is the use of all these amendments if the employer can still use replacement workers? What does this mean?

This means that when a bargaining unit is on strike, with the Minister's consent, it is possible that workers who are duly authorized to strike see part of their duties done by what we call scabs. This is extremely negative in the workplace, since two categories of workers are thus created. This also breeds hostility.

We would have liked the Canadian government to use what was done in Quebec as a model. In 1977, in Quebec, the then minister of labour, Pierre-Marc Johnson, a member of the Lévesque cabinet, introduced legislation to include in Quebec's labour code a provision declaring it an unfair practice to use replacement workers.

When an employer resorts to replacement workers, this gives the union an automatic right of recourse. It is considered an unfair practice subject to legal action and fines. There is nothing ambiguous about it; it is clear. It is an accepted rule of the game recognized by everyone. It is a final resort, I repeat.

We are not saying that the parties are not first asked to negotiate, or that the possibility of turning to conciliators and mediators does not exist. We are saying that when all avenues have been exhausted and it is impossible to reach agreement, the right to strike ought to be exercised with the assurance that replacement workers will not be used.

The Canadian government has not had the courage of its convictions. When the Liberals were in opposition, they favoured the adoption of policies limiting recourse to replacement workers. Now that they form the government, they have shied away from that position.

Let us be clear. Can there be consensus on this issue in society? Of course not. Pierre-Marc Johnson did not have it when he proposed his legislation in Quebec in 1977. The Conseil du patronat threatened to take the matter to the courts.

Pardon me, Mr. Speaker. I am getting over a cold. However, I would like to reassure the government that I will be there for the next election. I am amazingly resilient. Give me two days and I will be a new man.

• (1100)

Regarding replacement workers, I want to remind members that the argument used by the government, when it says there was no consensus in the Sims report, does not stand up to close scrutiny.

Of course, there was no consensus. Could one have been reached on such a delicate issue? Do you think that if the Government of Quebec, which was headed by René Lévesque at the time, had waited for a consensus, Quebec would now have legislation like the measure I referred to? Of course not.

There are times in politics when you cannot rely on consensus but rather have to act with courage and have a certain vision. You will understand that the government in front of us has failed miserably, on both these counts.

What impact has the act forbidding the use of replacement workers had in Quebec since 1977? There have been fewer labour disputes. The act did not automatically ensure settlement of disputes, but there have been fewer of them and, most importantly, they have been shorter and less violent.

You will understand that there is less violence because replacement workers are no longer allowed. Should we not consider what happened during the labour dispute at Ogilvie Mills, which was a long, violent and a very bitter dispute? As lawmakers, is it not our duty to remember that it is not only the workers who suffer during a strike, but also their families?

When a worker is on strike for a year and a half or even two years and a half, his family must bear very serious consequences. There is a loss of income and, in a number of cases, discouragement and depression, which are very normal and human reactions, set in.

They could have taken up the defence of workers if they had had the courage of their convictions. Had this government called on us to pass an anti-scab clause, it would have gained the unfailing support of the official opposition. All members of the official opposition, whatever region they come from, their education or their age, would have agreed to such a clause. Unfortunately, the government refused to go ahead.

As I said, the official opposition's arguments about flour mills, scabs and technological change were ignored. The opposition's willingness to co-operate was turned down. It is unfortunate, and we will never forget it. We will not live long enough to forget the contempt we endured as the opposition here. I am not afraid to say so, because I worked very hard on this issue. If we had to start all

over, we would still move the same amendments and make the same arguments, because we have principles.

There is another shortcoming in this bill. The government could have built on Quebec's experience. In Quebec, there is an evergreen clause, when a collective agreement has expired. Which means that until a new collective agreement takes effect and is signed by the parties, there is what is called an evergreen clause.

I would not be able to say it in Latin, although others may be, but the fact remains that, in principle, workers are not deprived of the protection provided to them by their collective agreement because they are engaged in a collective bargaining process.

You can guess what happened. The government disposed of our amendment as it did with everything else. This amendment was defeated. I know this may come as a surprise to my colleagues, but that is the reality.

I am afraid that my time has expired. Mr. Speaker, can you tell me how much time I have left?

The Deputy Speaker: You have ten minutes left.

Mr. Ménard: Mr. Speaker, I am delighted. Ten minutes is far more than I need.

• (1105)

I would also like to bring to your attention what the Sims report said. Although a number of provisions in the bill have been improved, the fact remains that this bill is, in some respects, quite paternalistic.

Think of the power that the minister has to impose, to demand that the parties hold a secret strike vote. This is a very paternalistic element, because what the unions told us is that they do not need the minister telling them to hold a secret ballot, that this is already union practice. This authoritarian, paternalistic, backward-looking, outdated, old-fashioned power is not granted to the minister. However, in collective agreements, in union practices, it is recognized that, such an important decision, a decision as strategic, as binding on the parties as the decision to strike, must be voted on by the workers. This power that the minister is claiming for himself is simply in bad taste. We, of course, had to put forward an amendment to limit this power.

The Canada Labour Code contains some shameful remnants from a paternalistic era. Indeed, the Sims report suggested that eight powers presently exercised by the minister be transferred to the federal conciliation and mediation service.

I am speaking, of course, about section 57.5, which makes reference to the power to appoint the arbitrators and arbitration boards; the power conferred by section 59 concerning the possibility of receiving, first and foremost, in a privileged way, copies of arbitral awards; the power conferred by section 71 concerning notices of dispute; the power conferred by section 72 to appoint conciliation commissioners and conciliators; the power conferred by section 105 to appoint mediators; the power, which is probably the most outrageous, conferred by section 108.1 to order a vote on the employer's last offers; and section 97(3), which provides that the minister can authorize one of the parties, the union, to file a complaint with the Canada Industrial Relations Board concerning allegations of bad faith.

It is crystal clear; according to the Sims report, all these powers had to be transferred to the federal mediation and conciliation service.

Again, these are amendments that would have been in the best interests of the government and that would have allowed it to comply with the requests of the official opposition and to co-operate with it.

To summarize, I must once again say this: we recognize that the bill has been improved because of a number of clauses that allow the Canada Labour Relations Board to act more expeditiously. We recognize that the Canada Labour Relations Board, which will become the Canada Industrial Relations Board, will be more representative of the stakeholders, and we welcome this change.

But we think that the minister could and should have shown more leadership and courage by including in the code some very clear clauses designating the use of replacement workers as an unfair practice, as the Quebec government did.

We also believe that the Canada Labour Code should deal with the inevitable technological changes and that it would have been profitable, innovative and visionary for the government to let the unions not only participate in the implementation of technological changes, but also, in case of disagreement, to give them the opportunity to re-open collective agreements.

We also think that we should have taken this opportunity to extend Part I of the Canada Labour Code to the members of the Public Service Alliance of Canada and the Professional Institute of the Public Service of Canada, as they have been asking for almost ten years now.

• (1110)

But the government will suffer even more disgrace when the Canadian people realize how it keeps discriminating against RCMP employees by refusing them the same access to collective bargaining as all the other police forces in Canada.

Is it acceptable that, in the RCMP, a grievance from an employee must be heard by the RCMP commissioner, which makes him both judge and jury? This goes against one of the most basic principles of natural justice.

So the reform did not go far enough and, I think it must be said, lacked vision and breath, but we were vigilant and we moved amendments. Everybody must know that the government did not

pay due consideration to our amendment proposals. They were rejected offhandedly, yet they would have greatly improved the bill.

I want to tell you—and I will conclude on this—that if the same bill were to come up for study once again, we as people of principle would not hesitate to move exactly the same amendments.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, the first phase amendments to the Canada Labour Code will soon be sent off to receive their rubber stamp from the other place. It also appears that changes to parts I and II of the code will have to wait for another Parliament. Hopefully the next Parliament will be more even handed with the revisions than this one was.

During the debate at report stage I proposed 16 amendments to the bill. Reformers thought these would clarify and improve the legislation. We wanted to give labour and management the mechanism to solve their differences. The government, however, is more interested in courting the favour of the separatists than in bringing in balanced labour laws.

Federal jurisdiction in labour matters is interprovincial and international in scope. While less than a million Canadians work in industries covered by the Canada Labour Code, federally regulated businesses are service oriented and involved in the free movement of goods and services, capital and people across Canada. Because of the unique nature of the federal system, alternative sources are often not available. The operation of these industry sectors are vital to the nation's economy and to the nation's daily functioning.

Canada has a world class transportation system and a communications infrastructure that should not be allowed to become vulnerable to closure. A disruption in the day to day operations of vital transportation sectors would inhibit the functioning of the national economy. The potential impact of even a short disruption of many federal operations would not only be catastrophic to Canadian businesses but to the Canadian economy as a whole.

A strike in either the rail, truck or sectors that service the Canadian automotive industry which has to move its finished products, raw materials and parts throughout North America on a daily basis could also be catastrophic. For example, two million manufacturing jobs depend on the federally regulated sector to provide the services and infrastructure vital to their existence. Many manufacturers operate on the just in time principle and disruption in the source of supply is felt immediately.

For instance, at General Motors over 100 rail cars and 925 trucks deliver components to their Canadian plants daily and over 225 rail cars and 180 trucks are required to ship finished products across the country and United States every day. A work stoppage in these vital sectors affect all GM employees who face layoffs when the parts and components are not available. Companies must be flexible, adaptable and efficient to meet changing conditions and the changing needs of their customers.

• (1115)

The government should be minimizing the intrusions into labour markets and employer-employee relations by passing legislation to ensure that both parties negotiate within an equitable and fair bargaining environment.

Legislation and regulation should help create an environment which encourages economic growth, investment and job creation. Collective bargaining is about compromise and negotiation. We cannot legislate good labour relations.

I would like to talk a while about final offer selection arbitration. This certainly is not the first time I have spoken on that concept in the House. It is interesting to note that the previous speaker, the member for Hochelaga—Maisonneuve, went on and on about the need in his estimation for anti-replacement worker legislation.

With the adoption of final offer selection arbitration there would be no need to have anti-replacement worker legislation. If the two parties could not come to an agreement they would have an agreement imposed on them from one of their positions. We as a party prefer this method to the other one that has been used in the House many times.

When back to work legislation is used as it has been 19 times in the last 20 years, we find that after the parties have been legislated back to work they have to go through final offer arbitration as a result and come to an agreement at that point.

If it is good in one situation why not make it available at the beginning? The parliamentary secretary has agreed with us that the method of legislating workers back to work has not been effective. As a matter of fact in his own words—and I agree with his summation—it encourages both management and labour to depend on back to work legislation.

One of the unique things about final offer selection arbitration is that it does not in any way diminish the negotiation process. It is a tool that will help improve the bargaining process by having both parties get their positions as close together as they possibly can, knowing that if they are too far apart they may be risking a final arbitration decision that would not be anywhere near what they would like.

The thing about a final offer arbitration that makes it rather unique is that while it is there to be used in a situation where the parties cannot agree, the ultimate use of final offer arbitration selection would be not to use it at all. It would encourage the two parties to come to agreement on their own. Any agreement the two

parties can come to on their own is the best possible agreement for all involved.

Stable labour relations will provide investment and reinvestment in a country that does not have what is considered to be by management stable labour relations. Management will be tempted, if not forced, to look to other countries in which to set up their businesses.

Our economy is such that we cannot afford to have job producing businesses move out of the country. It is entirely incumbent on us as legislators to create a climate in which as many people as possible can be kept employed within our borders. We should be encouraging businesses, manufacturers and employers of all kinds to set up shop and employ Canadians. If we do not, we certainly risk our reputation as a worldwide exporter and supplier of goods. We also risk the possibility of employers moving to other countries where labour laws are a little more beneficial to them.

• (1120)

Final offer selection arbitration does not favour one side or the other. It is an equal tool that can be called for by either party. The two parties have to agree on an arbitrator. They have to put forth the respective parts of the agreement that have been agreed and not agreed on and their final positions on the items on which they do not agree.

From that the arbitrator chooses all of one position or all the other position. Through this process the two parties will come as close as they can to an agreement, knowing full well that the arbitrator can select all of one or all of the other. The arbitrator's decision would be binding.

A permanent and fair resolution process must be put in place that is removed from the whims of government. Back to work legislation has become all too predictable. Management and unions have become accustomed to it and in some cases rely on it. Permanent legislation would provide both sides with predictable rules and a timetable by which to negotiate.

We have talked about Canadian jobs. I do not think there is a member of the House who is not concerned about the high rate of unemployment in Canada today. We should all be, as I am sure we are, thinking of ways to ensure that more and more Canadians are employed. The risk to Canadian jobs should be minimized by what happens in the House.

Not only will there be a significant impact on the number of jobs lost in the export sector if disputes cannot be resolved, but jobs at the ports will be at severe risk. We are in a position where shippers and receivers of goods will be looking to other ports if we cannot resolve the issue of work stoppages, particularly on the west coast ports of Canada. We have to compete whether or not we like it with ports along the west coast of the United States, most notably the port of Seattle.

Any interruption in the services covered by part I of the Canada Labour Code can have a very devastating effect on the Canadian economy. There must be some regulation by various levels of government. It is unnecessary to put unnecessary measures in place each time labour and management are unable to reach a satisfactory agreement. That is what has happened in the past. Resolving the differences of the two groups can be achieved without interrupting the regular flow of government proceedings.

We are not talking about doing anything whatsoever to inhibit or endanger the collective bargaining process. We are talking about a way to enhance it and that way is final offer selection arbitration.

Each time we have used back to work legislation in Canada the legislation has the effect of doing what is not supposed to be done in Canada. It takes away the right to strike or to lockout and it usurps the collective bargaining process. That practice should be replaced with final offer selection arbitration.

• (1125)

Some people will see the inclusion of grain and the loading of ships for which the grain is already in port as an improvement. As the previous speaker pointed out, since World War II flour mills and grain elevators have come under federal jurisdiction. They were considered essential to the national interest.

It is a slight improvement that grain at the port will now be loaded on the ships. In other words it is declaring it an essential service of one particular group of people. I am really quite surprised it has not been reported as such by declaring a group of people an essential service.

Under the general terms that grain has been essential to the national interest, many other commodities fit into that category. Potash, coal, sulphur and timber products have a huge impact on the national economy as well. The bill is deficient in that those other commodities are completely absent.

Parliament has been asked or at least felt obligated to end 19 work stoppages in the last 20 years through back to work legislation. Now we find that once the grain reaches port section 87.7 will ensure that it will be loaded. There is no provision whatsoever to ensure that the grain will actually reach the port. Many work disruptions could take place between the farmgate and the port that could tie up the system. The House could be called upon or feel obligated to use back to work legislation again and again.

We should be grateful for half measures, but I do not know why we have to move in half measures. I do not know why we could not

make some changes to the system to keep us competitive with aggressive operating ports like the port of Seattle.

With regard to final offer arbitration, in the national interest final offer arbitration would be a far more effective way to ensure a continuous flow of grain to national markets.

Grain represents about 30 per cent of the business going through the port of Vancouver. I agree with the government that it is a very important commodity. However it is not the only commodity that is important to the national economy. Groups such as the B.C. Maritime Employers Association represent 77 wharf and terminal operators and stevedore firms at Vancouver and Prince Rupert. They fear that the grain provision could worsen the already rocky history of labour disputes at the port. If some longshoremen can keep earning wages for loading grain they might have less incentive to end the strike quickly.

We must maintain our reputation as a reliable shipper of goods. If we do not, I do not have to say how easy it is for our credibility to be damaged and for our customers to look elsewhere. Customers are being wooed by other very aggressive marketers. Their bottom line is that they cannot sit in port waiting for a load. They have to get their load and they have to get it delivered in order to keep paying their employees and to satisfy their customers. We are in a position where we have to compete whether we like it or not with these aggressive and market oriented ports.

● (1130)

It is certainly in our best interest to settle these disputes as quickly as possible and to make sure that whether the ships are arriving for coal, grain, lumber or whatever it is, they are assured that when they get there they are going to get a hold full of whatever they came for and be impressed enough to come back another time.

That fits very well with the government's suggestion that it would like to create jobs and of course it cannot just create jobs out of thin air but it certainly can create an environment in which business and industry can thrive and prosper, and they will certainly create the jobs. Creating jobs is not an end in itself but we have to have a customer to purchase the things that those jobs produce.

In 1994 the west coast port strike was estimated to cost Canadians over $125 million. The indirect costs are to be probably double that. If we were to talk about the possibility of losing grain sales in the future the estimated cost to the Canadian economy could run to $5 billion.

What I am saying is there should be some provision in this bill that protects the economy and the innocent third parties from work stoppages in the public sector for which there is no alternative. We use the public sector to transport our goods or we do not transport them. Canada has a world class transportation system and communications infrastructure that should not be vulnerable to closure.

Some of the witnesses who appeared before our standing committee had some very interesting points with regard to the provision on grain. I would like to quote Donald Downing, president of the Coal Association of Canada: ''This amendment cannot be allowed to stand. It discriminates between commodities and makes a special case for one. It suggests the Government of Canada places a priority on special status on grain that would be impossible for us to explain to our valuable coal customers in over 20 countries''.

Sharon Glover, senior vice-president of the Canadian Chamber of Commerce, suggested: ''The negative impact of any port dispute is not limited to grain, nor is its economic impact greater than the implication of a port shutdown or the exporters or importers of other commodities including forest products, coal, sulphur, potash and petrochemicals. We firmly believe the inclusion of provisions such as this one that would create an unlevel playing field among various sectors of the economy are unnecessary and not helpful in making Canada an attractive place to invest''.

My colleague spoke at length about his thoughts on the need for anti-replacement worker legislation. We are talking about roughly 700,000 employees of Canada when we talk about who the Canadian Labour Code affects.

I would submit for the umpteenth time that if we were to adopt final offer selection arbitration there would be no need to come up with anti-replacement worker legislation.

● (1135)

If the two parties could not agree on the contract or on the items that were up for discussion, they would submit those items to the arbitrator and a solution would be arrived at, knowing full well that if they cannot arrive at a solution one of the parties will ask for an arbitrator to be brought in.

The uniqueness of final offer selection arbitration is that when used to its ultimate it is not used at all. In other words, the parties will arrive at their own solution without any interference from government.

The anti-replacement worker legislation is there, but it is neither fish nor fowl. The government did not declare any services to be essential services and it did not put a ban on replacement workers.

However, this bill gives the power to the Canada industrial relations board to rule whether the use of replacement workers is an infringement upon or undermines the union operation. We all know that the union hierarchy is going to put tremendous pressure on the board to say that any use of replacement workers will be deemed

as undermining the union. Certainly that is going to be the union's position.

The minister has assured us that the appointments to the board are not going to be political, that they based on merit and ability. I very much look forward to that happening. Regardless of the qualifications of the board members, one of the qualifications will have to be strength of purpose because the members will be lobbied long and hard, particularly by the labour movement, to treat this provision as a replacement worker ban.

I do not envy the members of the CIRB their task in any way when it comes to dealing with these provisions. If the government's intention was to have anti-replacement worker legislation, then it should have stepped up to the plate and written it into the legislation.

We have often seen government take this type of approach. It takes an idea from an opposition party and waters it down so badly that the opposition party cannot possibly live with it. Later on government members say ''we did our best, we tried to give you what you asked for and you turned it down''. That is exactly the position that the Bloc Quebecois will be in when this bill is voted on.

This provision leaves too much control in the hands of the CIRB. Its members will have pressure put on them, particularly by labour and members of the board who come from a labour background. Pressure will be put on the board to view any use of replacement workers as undermining the union.

This does not in any way achieve a balance. The minister has stated that his goal is to achieve a balance. That is a worthwhile goal, but I cannot see how this bill achieves that goal.

Nancy Riche said: ''I would go so far as to suggest that anybody who does work of a member of a union undermines the representative capacity of that union. None of the bureaucrats are going to agree with me, but we will have to wait and see. The board will rule''.

● (1140)

She is absolutely right about that, the board will rule. On any use of replacement workers, whether it is management or union members who do not agree with the strike and try to cross the picket line, there will be representations to this board and it will have to rule.

Mr. Ed Guest, executive director of the Western Grain Elevator Association, had this to say: ''We strongly oppose the proposal contained in the draft legislation to create potential liability for employers who use replacement workers. The proposed legislation injects the Canadian industrial relations board into the dispute and gives only one party the right to take proceedings on the issue, the parties being the union. This, in and of itself, creates a tremendous imbalance in the legislation. A one sided concept preventing an employer from operating by whatever means during a labour dispute removes any notion of a balance in the economic test between parties''.

There is that word again, balance. There is another person who suggests that this legislation has not attained the balance that it set out to.

On the subject of off site workers, Bill C-66 gives authority to the CIRB to order an employer to release the names, addresses and other relevant information of off site workers to unions and to those seeking union certification. Having to hand over information on home workers and even give unions access to the company's electronic communication systems raises serious personal privacy and safety issues. Individual rights are being trampled on here by allowing the disclosure of names, addresses and so forth of off site workers.

Many witnesses appearing before the committee expressed concern over the potential for invasion of privacy if unions are given access to employees personal addresses without their approval. That is the key phrase, without their approval. If employees have no concern with having this information given out to union organizations, fine and dandy. It is a contract between the two individuals or the individual and the union. However, if they object they should be allowed to opt out. There is no provision in this legislation for that. We put in an amendment that kind of went the way of all amendments that are put in by the opposition parties in this House. Our amendment had to do with the employer's being given the choice of whether they wanted to have this information shared with the union or not.

On September 3, 1996 the Minister of Labour appointed a $600,000 commission to study the changing workplace, yet another commission. This should be one of the items under consideration that requires consultation and study before implementation. However, the government is intent on having this legislation passed and gone through the other place as soon as possible. As a matter of fact, it would like to get it out of the way this afternoon and get on to other pieces of legislation according to the Order Paper.

However, we believe this does not achieve the balance that the minister seeks. It tips the balance in favour of the union and not the employee or the employer.

Again, I have comments from witnesses. Michael McCabe, president and CEO of the Canadian Association of Broadcasters, said: ''We believe it is necessary that the union have the ability to contact all employees within the bargaining union. However, we are concerned that nowhere in proposed subsection 109.1(1) does it require that employees' permission to release such personal information be sought and received. If the employer gives the union this information without employee consent, the employer-employee trust and confidentiality relationship will be breached. Further-

more, many employees do not want personal information released for fear of personal safety''.

I concur completely. The unions should be allowed to certify and to organize, but it should be done with the complete compliance of the people from whom the information is being sought. It is a very basic question, whether private information about a person should be released by statute or by permission.

● (1145)

Again I would like to quote Mrs. Sharon Glover, senior VP of the Chamber of Commerce: ''The provisions dealing with offsite workers, which were not part of the general consultations over the last two years and which appeared in the Simms task force report, should not have been addressed in this legislation''.

The Canada Industrial Relations Board, renamed from the Canada Labour Relations Board, has been given vague yet significant powers on replacement workers. It also has to deal with off site workers and successor rights.

The government attempted to rectify the original problem contained in the bill by amending the section dealing with the airline industry. It could not resist, however, adding a provision that would give the cabinet the authority to extend successor rights provisions to any part of the airline sector where the government deemed it appropriate. Once again we have another bill going through the House in which the governor in council has been given sweeping authority and latitude.

We realize that the governor in council must have some latitude. We do not feel it is necessary to deal with every intricacy of every bill. The minister and cabinet should have some latitude. But I believe the airline industry or other sectors gives the minister too much latitude.

In closing, I would like to stress that labour and management must be given the tools to solve their disputes in a fair and equitable manner without the threat of government intervention. As a matter of fact, I often think that if government were to back away from a lot of areas that Canadians would see an improvement in the economy. There is very little incentive to bargain earnestly when back to work legislation is inevitable. It is a fact of life.

I would like to put in another plug for final offer selection arbitration. I know the minister is no fan of final offer selection arbitration, but it could be a solution. Despite what the minister says there is widespread support for it and it would be a great improvement to the labour-management situation.

The purpose of a strike is to force a settlement and final offer selection arbitration is a mechanism which will force a settlement but with the unique attribute that when used to its ultimate, it is not used at all. It encourages parties to reach a solution.

As I have said many times, a solution arrived at by the parties involved is certainly the very best solution for everybody. It puts the onus on both sides, rather than saying: ''It really does not matter if we go out on strike or if we are locked out, it will only be for a short duration''. I do not think that is productive for anybody.

● (1150)

Final offer selection arbitration does not remove the right to strike. The fact that back to work legislation removes the right to strike should have been taken into consideration here. This legislation should have been rewritten so that it was not necessary to use back to work legislation ever again.

These Canada Labour Code amendments will not be more conducive to business, investment and job creation. Payroll taxes, like labour-management regulations, will raise the cost of doing business and discourage investment. That is a sad thing.

* * *

PRIVILEGE

BILL C-46

Mr. John Bryden (Hamilton—Wentworth, Lib.): I rise on a question of privilege. I feel my rights as a MP have been interfered with as a result of a misinterpretation and misapplication of Standing Order 108(2).

Bill C-46 has come before the House and is currently being debated. This legislation pertains to the production of records in sexual offence cases. I spoken to this bill at second reading and expressed grave reservations about it because I feel it would interfere with the fundamental rights of the accused to defend himself or herself.

The House will carry on consideration of this very bill this afternoon. It still has not finished second reading. Yet as I speak, the justice committee is considering this very legislation under Standing Order 108(2). That makes it very difficult for me because I want not only to hear the debate in the House but I want to put questions to the witnesses who are appearing before the justice committee. I cannot until the debate is concluded in this House.

The justice committee has given itself the mandate to deliberate the subject matter of Bill C-46 pursuant to Standing Order 108(2). When a bill is before the House, the subject matter and the bill are one and the same. If the House is going to consider Bill C-46 right now, it cannot consider it without considering the subject matter. Therefore, if the bill is before the House, the subject matter of Bill C-46 cannot be considered without considering Bill C-46 itself.

Standing Order 108(2) gives the following authorizations to the standing committee to consider the subject matter of a bill or to consider a bill. In fact, when I examine Standing Order 108(2), I do

not find that the standing committee has the right to consider a bill before it has completed second reading.

I draw members' attention very quickly to the points made in Standing Order 108(2). It says:

> In general, the committees shall be severally empowered to review and report on:
>
> (a) the statute law relating to the department assigned to them;

I submit that Bill C-46 is not law yet. It is still a bill, therefore the standing committee does not have the power to consider it at this stage. The points go on further and say that the standing committee is able to review:

> (b) the program and policy objectives of the department

That does not apply in this case. It can review:

> (c) the immediate, medium and long-term expenditure plans

of the department. That does not apply in this case. It can review:

> (d) an analysis of the relative success of the department,

et cetera, et cetera. However, that does not apply in this case.

Finally, it says it can review:

> (e) other matters, relating to the mandate, management, organization or operation of the department,

I submit that it does not fall within the mandate of the justice committee to deprive a member of Parliament of the opportunity to take part fully in the deliberations of a piece of legislation that is coming before the House.

I wish to hear and to be a part of the full debate of Bill C-46 as it appears in this House so that when the committee does deliberate it, I can go before the committee having all the issues aired so that I can be a part and ask the relevant questions of the witnesses who appear before the committee.

The committee, because of its interpretation of Standing Order 108(2) is denying me the right and privilege of appearing and taking part in the deliberations that are of importance and interest to all Canadians.

● (1155)

The Deputy Speaker: I thank very much the hon. member. The chairman of the justice committee is not in the House at the moment because, as the member has indicated, the committee is sitting.

Could the Chair take note of what the member has said and with the member's permission I will show the blues of what he has said to the chairman of the justice committee. She may be able to come here to give her side of the matter if she wishes at four o'clock. With the member's indulgence I will put the matter over until four o'clock. If he wishes to come back it would be most helpful.

GOVERNMENT ORDERS

[*English*]

CANADA LABOUR CODE

The House resumed consideration of the motion that Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts, be read the third time and passed.

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, I am very pleased to rise this morning to speak again to Bill C-66, an act to amend part I of the Canada Labour Code which was introduced by the Minister of Labour.

I know there will be many more speakers today but I want to congratulate the hon. member for Hochelaga—Maisonneuve and the hon. member for Wetaskiwin for putting forward their comments, concerns, suggestions and fears for some of the things that are or are not in this bill. We think this is a very well balanced bill. Although it will not go all the way in doing the things we need to do for the workers and the employers under federal jurisdiction, it will still go a long way.

The legislation has a couple of very important objectives. The first objective is to update the provisions related to the collective bargaining process so it can function more effectively. The second objective is to improve the efficiency with which federal labour law is administered.

I strongly support the bill because I am a firm believer in the collective bargaining process. In my view the bill deserves the enthusiastic support of the House because it is good for workers, it is good for employers and it is good for the Canadian economy.

Members may recall that in November 1994 the federal government issued a document entitled ''Building a More Innovative Economy''. In this paper the government acknowledged that workplace organization and labour-management co-operation were among the key factors contributing to both employment growth and productivity growth. It states: ''Well-trained workers, adaptable work organizations, effective labour-management relations, employment-employee involvement in the enterprise and safe and healthy workplaces all contribute directly to a firm's economic performance and the well-being of individual workers''.

In other words, the federal government recognizes that economic betterment and human development depend not only on technological hardware and scientific virtuosity but also on our social relations and our social processes.

The mechanisms set up to deal with political, economic and social conflict are as important to national well-being as the structures built to manufacture robots, produce new software and transport resources. The collective bargaining process has generally worked very well in Canada. Indeed, the Canadian Chamber of Commerce has written: ''The fact of the matter is that the existing collective bargaining system, imperfect as it might be, has served Canada well in these turbulent times which are dominated by global economic competition and massive restructuring''.

In its brief to the Sims task force the Canadian Labour Congress noted that despite complaints and suggestions for improvement, the code's constituents accept the code.

I am sure members have heard many times that the vast majority of collective bargaining settlements are arrived at without a work stoppage. I believe the proportion is over 95 per cent. However, when impasses do occur, the parties have available to them highly skilled, well respected and successful mediators in both the private and public sectors. The Federal Mediation and Conciliation Service has been particularly effective in preventing and in helping to resolve labour-management disputes.

• (1200)

The amendments presented to us by the Minister of Labour are an important investment in the country's social capital. They modernize the federal labour law without altering its basic structure that has the overall support of both labour and management. They will produce a greater efficiency in the administration of law and in so doing will enhance legitimacy of the collective bargaining process.

I will dwell for a few minutes with the code amendments pertaining to bargaining rights. The amendments improve the way employees obtain union representation. An important and timely amendment in this section provides that when an undertaking moves from provincial to federal jurisdiction, say because of a sale, both bargaining rights and the collective agreement will continue.

At the present time the code permits the continuation of bargaining rights in the collective agreement only if the seller and buyer are both in the federal jurisdiction. This change is welcome because of the speed with which capital can move these days.

As the Sims task force report stated ''successful businesses rarely remain static''. Reorganizations, mergers, acquisitions, divestitures and transfers in leasings in whole or in part of enterprises have become common place. Changes in ownership can occur very quickly and very frequently resulting in changes in jurisdiction.

Members of the task force reported hearing of the use of deliberate steps by some enterprises to change jurisdictions to avoid their bargaining obligations. This kind of behaviour is unacceptable. It is one thing for a firm's employees to vote not to have a union. It is quite another for a firm to engage in various tricks to evade its bargaining obligations. For this reason I support the amendment.

The second amendment under the general category of bargaining rights has to do with successive contractors. The minister is proposing that an employer succeeding another as provider of preboard security screening services to the air transportation industry be required to pay employees who perform these services the same remuneration the employees of the previous contractor received.

The amendment has been advanced because in the past changes of contractors in this sector have resulted in loss of remuneration and employment at the end of each contract period for workers, many of whom are women and immigrants.

The minister's proposal will deter competition based on who can pay the lowest wage. It will create an even playing field for contractors whose employees are unionized. It will help to reduce turnover rates, an important security consideration in the air transport industry.

The amendment is intended to apply only to security screening the air transportation industry. However on the recommendation of the Minister of Labour the government would be able to extend the application should similar circumstances arise in other federally regulated industries.

Finally, an amendment to the code would allow the Canadian Industrial Relations Board to grant an authorized representative of a trade union a list of the names and addresses of employee that normally work in locations other than the employer's premises.

The board will also be able to authorize a trade union to communicate with those off site employees in whatever is practicable. However, such an access order will have to spell out the necessary conditions under which communications with the employees could take place so that the privacy and the security of the off site workers can be protected.

The amendment is a timely one given the rapid growth of non-standard employment, especially home based employment. It will give workers in the federal jurisdiction a choice. If as a result of the amendment the board grants a labour union access to off site workers, the workers will be able to decide for themselves whether or not they wish to be represented at the collective bargaining table. Right now they are without that choice.

Those are the major legislative proposals regarding workers' bargaining rights. They are fair and reasonable. They deal appropriately with some of the workplace realities of the 1990s. They

will do what they are designed to do, namely to improve the collective bargaining process for all concerned.

• (1205)

I do not think any employer in the federal jurisdiction could in all honesty describe them as onerous. Both workers and employers coming under the Canada Labour Code ought to be pleased with the balance of the amendments brought before the House by the Minister of Labour.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Madam Speaker, I am rising today to take part in the third reading debate of Bill C-66 to amend the Canada Labour Code. It is a reform of part I of the code dealing with labour relations.

Key changes include the creation of the Canada Industrial Relations Board; the modification of the conciliation process; the clarification of the rights and obligations of parties during a work stoppage; a requirement for parties involved in a work stoppage to continue services necessary to protect public health and safety; making the undermining of a trade union's representational capacity during a strike or lockout an unfair labour practice; and improving access to collective bargaining for off-site workers.

The Canada Labour Code has not undergone major changes since the early 1970s. We all know that labour relations are a fast evolving area. In 1995, the then Minister of Labour established a task force composed of labour relations experts, including Rodrigue Blouin, professor of industrial relations at Laval University, and Paula Knopf, under the chairmanship of Andrew Sims.

The mandate of the task force was to recommend changes to part I of the code. Its report entitled ''Seeking a Balance'' was made public in February 1996. Labour unions and employers under federal jurisdiction in the private sector agreed with several general recommendations made by the task force. However, there was no consensus on some very important issues such as replacement workers. I recognize that this bill contains certain positive elements, but it also contains many flaws.

It must be noted that the Canada Labour Code applies to some 700,000 workers and their employers under federal jurisdiction. This sector includes banks, interprovincial and international rail and road transportation, pipelines and shipping, airports and air carriers, broadcasting and telecommunications, port operations and longshoring, grain handling and other industries declared to be to the general advantage of Canada, as well as some crown corporations. The code also applies to private sector employers and workers in the territories.

The Canada Industrial Relations Board, composed of a chairperson and vice-chairpersons and an equal number of members representing employers and workers, will replace the present Canada Labour Relations Board. These individuals will be appointed by the government. My fear is that here, as with other organizations like the IRB, the main criterion for appointment will be the political affiliation of candidates, not their ability, despite the labour minister's earlier attempts to reassure us.

The board is expected to deal rapidly with routine and urgent matters. Certain cases will be able to be heard by the vice-chairperson alone, rather than by a panel of three, as is now the case. One of the major difficulties today is the length of time it takes the board to process cases.

I have already spoken to the labour minister about the serious problems existing within the board, particularly the chairman's lack of leadership. The minister's response was neither satisfactory nor appropriate.

• (1210)

I hope that, with the amendments introduced by this bill, the operation of this organization will improve in future. Certain powers of the board need to be clarified, particularly with respect to the review of bargaining units and the sale of companies. It will also have to take the appropriate action with respect to certain unfair labour practices, such as those involving bargaining in bad faith. It will also be able to certify a union, even if it does not have the support of the majority of members, in cases of unfair practices by an employer.

The board will have the discretionary power to give an authorized union representative the names and addresses of employees whose normal workplace is not on the premises of the employer and to authorize the union to communicate with those employees.

I am opposed to Bill C-66 for a number of reasons, although I do acknowledge that it contains some positive points. This is an inadequate and incomplete reform. The Liberal Government has lacked courage on some very significant points, such as anti-scab clauses. Replacement workers can still be used, for the minister has made only one cosmetic change in that area.

In this connection, the government has shown itself incapable of siding with the workers. It has shown itself instead to be pro-employer. As in other bills, it has accentuated its slant to the right by giving in to pressure from employers. It must be kept in mind that the Liberal Party of Canada had voted in favour of the anti-scab measures when in opposition.

My major criticism of this bill is the lack of real anti-scab measures. As you know, I was involved for 19 years in the FTQ, the major central labour body in Quebec, which has a membership of close to half a million, 480,000 to be exact. This past February 16 marked the 40th anniversary of its founding. I attended celebrations at the Chateau Frontenac in Quebec City. These were held in exactly the same room its founding assembly had taken place in

1957. A very well made video on the history of the FTQ was shown.

It was a moving experience to hear the first leaders, many of whom are still alive, of a labour congress that today plays a major role in Quebec society. I am very proud of the years I spent in this organization with outstanding leaders like Louis Laberge, Fernand Daoust, Clément Godbout, Henri Massé, Claude Ducharme, Émile Boudreau, and so forth.

It was after a strike that went on for more than 18 months at United Aircraft, today Pratt & Whitney, in Longueuil, a strike led in 1974-75 by the Canadian Auto Workers union affiliated with the FTQ, that the Parti Quebecois government and the National Assembly adopted anti-scab legislation in 1976. It was the first legislation of its kind in Canada and came into force in 1977.

Unlike the Quebec system, because of the lack of anti-scab provisions in the Canada Labour Code, employers can resort with impunity to using replacement workers during a labour dispute. This also creates an imbalance that prevents free bargaining in good faith. It is also a source of frustration and violence. The presence of scabs, escorted by private security guards and often by the police, is unacceptable and indeed shocking. Workers who built the reputation of a business or an institution see scabs walking past them every day.

Previously, I spoke out in the House of Commons against the use of replacement workers at Ogilvie Mills in Montreal, where the workers are represented by the CSN. We also saw instances of violence in other labour disputes, especially in the railway sector.

● (1215)

I therefore tabled in the House on October 22, 1996, Bill C-338, legislation that would add anti-scab provisions to the Canada Labour Code and the Public Service Staff Relations Act. The bill also contains provisions to ensure that essential services are maintained in the event of a strike or a lock-out.

If passed, the bill will apply to more than 700,000 Canadian workers in federally regulated sectors.

By tabling this bill, I kept a promise I made before I was elected as a member of Parliament. Unfortunately, up to now, it is still at first reading, as it has not yet been selected in the draw.

However, many union leaders, lawyers, university professors and labour relations experts have expressed their support for it. Some union people have even written their members asking them to vote in favour of C-338 when the time comes. Despite the fact that the government showed no courage in this area, I know that a number of Liberal members agree with such legislation. Naturally my own party, the Bloc Quebecois, has expressed its approval and supports my efforts. The union movement is also going to have to exert a lot of pressure to get the federal government to introduce anti- scab legislation, finally.

Bill C-66 before us does not contain a blanket prohibition against the use of replacement workers during a work stoppage or a lockout. It prohibits their use in one very limited instance. Thus the new section 94 of the code will read as follows:

> No employer or person acting on behalf of an employer shall use, for the purpose of undermining a trade union's representational capacity, the services of a person who was not an employee in the bargaining unit on the date on which notice to bargain collectively was given and was hired or assigned after that date to perform all or part of the duties of an employee in the bargaining unit on strike or locked out.

Unfortunately, in his speech this morning in response to criticism from management, the minister interpreted this section even more restrictively.

The industrial relations board will decide if an unfair practice undermines a trade union's representational capacity. This is hard to prove. If it is proven, the board will order the employer to stop using replacement workers as long as the dispute lasts. I hope the board will act quickly on issues of this kind. If it were to wait too long before coming to a decision, clause 94 would be inoperative. And the dispute would be settled before the board handed down its decision, probably to the detriment of one of the parties.

The government should look into the Quebec's experience since 1977, which has been very positive. Its antiscab provisions have resulted in less violence and reduced tension on the picket line. Members will remember that, at the time, this legislation met with a lot of anger and negative feelings on the part of Quebec's Conseil du patronat, which even challenged it in court. A decision of the Supreme Court of Canada allowed it to proceed as the representatives of employers. However, subsequently, the Conseil du patronat decided to drop the challenge because it felt that the labour relations climate in Quebec had changed a lot since passage of the legislation and, consequently, it did not want to antagonize labour. Canadian business leaders should show similar open mindedness.

I have other criticisms of Bill C-66. For instance, too many conditions apply to the right to strike or to lock out. Why should a union have to hold a secret ballot within 60 days before a strike? Why should it have to give notice of a strike 72 hours in advance?

● (1220)

This provision obliges the union to hold several ballots whenever negotiations drag on. Also, strike mandates will tend to disappear. The notice period is too long, even unnecessary. Because of these hard to meet requirements, many strikes will become illegal. But what is even more unacceptable is the labour minister's powers to impose a secret ballot on the employer's last offers. I condemn this undue political interference in labour relations. It is unwar-

ranted meddling in the collective bargaining process, by a third party.

I already condemned the use of this provision, passed by Parliament in 1993, during last year's dispute between Canadian International Airlines and the CAW. The vote was held. The employees agreed to new cuts in salary and new concessions, over and above what had been imposed previously. But it is not sure yet if Canadian will be able to survive.

I already mentioned some operating problems in the Canada Labour Relations Board. The bill provides for some reforms to this organization, but it should have gone a little further. For example, the government is committed to consult labour and management with regard to appointments, but it has refused to make such appointments based on lists provided by the parties. The minister missed a good opportunity to ensure that the board becomes truly representative of the parties. Political patronage, which is a trademark of this government, will continue.

Also, the board did not receive extended powers allowing it to order any compensation that, according to its judgment and experience, would reasonably correct any violation of the code and any harm that such violation may have caused.

Moreover, the bill does not deal with a demand that was made several years ago by the Public Service Alliance of Canada, which is that public servants come under part I of the Canada Labour Code. At the present time, the alliance cannot negotiate the issue of employment security, protection against technological change, job classification, appointments, promotions, transfers and so on, because it is governed by the Public Service Staff Relations Act.

Also, the bill does not allow RCMP officers to unionize and to resort to collective bargaining for their working conditions, which is unfortunate.

In the area of technological change, the government could also have been a little more daring. It could have gone further in this area, which is essential to the economic development of any country today. Workers and unions must be involved in technological change.

I would like to talk briefly about preventive withdrawal from work. Women's reproductive function causes serious discrimination in the workplace. Still today, the Canada Labour Code does not adequately protect the rights of pregnant women and nursing mothers. This is why I support the campaign launched by the Public Service Alliance of Canada to address this rather regrettable situation.

Under normal circumstances, pregnant women should be able to work. However, safe and healthy working conditions will have to be provided to ensure nothing threatens the woman or the child she is carrying or nursing.

Unfortunately, not all employers apply this principle. Instead of making the workplace a safer and healthier place—which would benefit all workers—several employers take the easy way out and withdraw pregnant women from work.

This is why the Canada Labour Code should include special provisions to ensure pregnant or nursing women can continue to work in a safe and healthy environment or receive compensation equal to their pay. In addition, it is important that this legislation apply to all Canadian women. It is time society assumed its responsibilities.

• (1225)

Women should not have to put up alone with the drawbacks of reproduction. Again, I call upon the government to introduce legislation on this.

Furthermore, the Sims report recommended that some powers held by the Minister of Labour be transferred to the federal mediation and conciliation service, which, unfortunately, has not been done.

Finally, I regret the government majority defeated every amendment moved by the Bloc Quebecois, although these were all amendments designed to improve the bill. For these reasons, I will vote against Bill C-66.

[*English*]

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Madam Speaker, I rise to add my voice to those who are speaking on Bill C-66.

I want to begin my comments by relating to the House the importance of this issue, in particular as it affects prairie grain producers who are often the victims of labour disruptions in the grain transportation system.

It is easy to become removed from the realities of how this actually affects people. We as members of Parliament have to be careful that we do not lose contact with the realities and the hardships that are imposed on innocent people when something totally beyond their control happens that affects their livelihood.

If it is something like a flood, such as we have seen on our television screens from time to time, the last one being in the United States, where somebody's home is washed away or their property is destroyed, we feel for them. We think that they did not deserve this. This should not have happened to them. They had no control over the weather. Oftentimes there is charity shown to these people and that is the way it should be. We acknowledge those who help others in times of need.

When it is something like a labour disruption which affects the livelihood of others in just as real a way as a flood that sweeps through someone's property and washes away their life's belong-

ings, we do not always have that same emotion. We do not recognize the seriousness of the situation.

There are thousands of farm families across the prairies whose livelihood is dependent on moving their grains to port for export. That is what pays the bills. That is what puts food on the table for many of my constituents in Kindersley—Lloydminster. That is what pays for the little things like buying that new dishwasher, or paying for music lessons, or perhaps buying that new piece of equipment that the farmer has been waiting so long for, for the money to actually make that purchase.

These are real decisions that real people have to make. It is very disheartening when one is trying to pay the bills and trying to get ahead, in particular if commodity prices are on the rebound as they were two or three years ago, and then one sees a labour disruption wipe out any potential for recouping losses of the past. It is pretty hard for a member of Parliament to go home and talk to people and say the House did not really care about the plight of these people. It was more interested in other issues like distinct society for Quebec or in their own MPs' pensions and so on and it was not particularly concerned that these strikes and lockouts keep reoccurring and very little over the past 30 or 40 years has been done to remedy the situation.

People who live in the agricultural community are used to taking risks. They understand that they are in a risky business. Their success is determined by the weather, by international markets. They recognize that they do not have total control over their future. But the problem of unsure markets because of transportation problems and disruptions in our transportation system is one added risk that is not required. That, added to the other risks which are unavoidable, is certainly a real problem.

• (1230)

To outline how serious the situation is, it was highlighted just a few weeks ago when we saw over 40 ships anchored in English Bay in Vancouver costing prairie farmers about $10,000 a day every day that they sat there waiting to take on their cargo of grain.

This problem in the grain handling system was not the result of a labour disruption but more often than not when these things do happen it is because of a labour disruption somewhere in the grain transportation system.

Whether it is a labour disruption, an equipment problem or a weather problem, of course the person who pays for the problem is the producer. In every instance the producer has had absolutely no control over the situation that has been thrust on them.

I want to recall a situation when I was first elected in 1993. It was actually in early 1994 when there was a labour disruption on the west coast. We brought the problem to the attention of the House. The minister at the time, currently the Minister of Foreign Affairs, said: ''I think we can get this problem resolved''. The minister of labour at the time said: ''We think this is not going to be a serious problem. This lockout will pass. We trust that the two parties will come together and resolve their differences''.

I do not know why the minister thought that. History tells us that is not the way these labour disruptions, these work stoppages are resolved. In fact, since 1972 six labour disputes related to the west coast ports were settled by federal back to work legislation. Two other labour disputes were settled by federal back to work legislation in 1988 and 1991. That is a total of eight disputes in less than 20 years, each one costing millions of dollars to producers.

We had two bills that we brought to this House, one in 1994 and one in 1995 that legislated workers back to work. I would contest that it is not the primary responsibility of this House to be bringing and introducing into this House back to work legislation on a regular basis.

Certainly we have the power to do that as legislators and we have done that. Members would think when we keep returning to this process time and time again that somebody somewhere would wake up and recognize that we are not solving the problem, that it seems to be getting worse.

It is a bit like raising children. If they do not deal with the difficult situation they are facing it is apt to repeat itself. People need to find some solutions if they are having problems, whether they be problems with a child's attitude or problems with a child's health.

If a problem does not go away, if it keeps repeating, they will go to a doctor or to someone who will offer some advice about how to correct the situation.

Here we have these recurring labour problems on the west coast. It is not necessarily the problem of labour all the time or management all the time. They probably both share equal responsibility for the problem.

Nevertheless, we keep blindly introducing back to work legislation, clean up the little mess and meanwhile there are millions of dollars lost to prairie producers. Then we go on our merry way, hoping that it does not reoccur.

Of course a few months later or the next year the situation does reoccur and we go back to the same debate. They will solve the problem. Government drags its feet. Finally the situation becomes intolerable and the government grudgingly brings in back to work legislation, has another debate, passes the bill and forces the workers or management to restart operations while the problem is resolved.

What happens in this case is that the two parties that disagree have no incentive to resolve their problems. They recognize that Parliament will do it for them. Therefore they are intransigent in

their positions. They fail to maximize the potential of the collective bargaining process.

If we were just talking about a trucking company, if we were just talking about a department store or if we were just talking about some other entity where there is a lot of competition, it would not matter so much if the two disputing parties could not resolve their problem and management locked out the workers or if the workers went on strike. That is fine because if we are talking about a trucking company there are 1,000 other trucking companies we could use. If we are talking about buying an automobile, if it is a major automobile manufacturer which has a work stoppage, there are other companies that we can buy our automobiles from.

• (1235)

The interesting thing on the prairies when there is a labour disruption on the west coast or through the Great Lakes-St. Lawrence seaway system is that it stops the flow of the lifeblood income for a major industry in Canada. That is why this situation is so serious. That is why it needs to be addressed with constructive and progressive legislation.

I am speaking about grain today because as the agriculture critic for the Reform Party it is my responsibility to represent the industry and the people who earn their livelihood from it. However, it would be the same for potash or coal. The large mining and forestry industries are affected in the same way. They also have a strong case to make in calling for adequate and uninterrupted service in getting their products to market.

If we take all the sectors together, millions of jobs and livelihoods are dependent on the efficient movement of product for export. Canada, after all, is an exporting country and when we do not export efficiently we suffer immensely on the domestic scene.

I talked about all the labour disruptions and that emergency legislation was brought into the House. Finally, the minister of labour at the time recognized that it was important to end this labour disruption and something had to be done. At that time I was House leader for the Reform Party. We got together and we agreed to speedily pass legislation through the House. The second time we introduced legislation when another labour problem reared its ugly head, there was not as much co-operation in the House. I believe the House had to sit over a weekend, including Sunday, to pass the legislation because not all parties in the House co-operated.

Emergency legislation is required when the government has waited too long to introduce legislation. There are the technicalities of trying to get the legislation through the House quickly, before further damage is done. That does not always happen. Sometimes some parties, the NDP or the Bloc Quebecois, do not co-operate. It could even be the Liberals. When in opposition they flip-flop on these types of issues. Nevertheless, the legislation is not guaranteed an easy ride through the House of Commons.

The disputing parties have no incentive to reach an agreement because they know that if they do not reach an agreement the House of Commons will legislate them back to work, at extra cost to taxpayers. Oftentimes the cost to the parties involved is less through back to work legislation than if they resolve their differences in a more constructive way.

Finally we did pass emergency legislation at a cost to the taxpayers. The taxpayers are the innocent third parties. The prairie economy lost millions of dollars. Basically nothing was resolved because the same situation could occur within months. It certainly will occur within a year or two.

What are we going to do about this? I have identified the problem. I believe my colleagues in the House would agree that it is a recurring problem. However, to identify a problem is not enough.

The government launched an inquiry. It is pretty good at holding inquiries. This inquiry was called the industrial inquiry on west coast ports. That inquiry was given a mandate and it held hearings, primarily in western Canada because its focus was on the west coast ports. The problem is not solely in the west coast port region. There are labour disputes right across the country which affect the movement of our products for export. However, the primary focus was on the west coast ports when the inquiry was commissioned by the new Minister of Labour, who retains that portfolio today.

• (1240)

Hearings were held and Reform was privileged to present a brief to the inquiry. In that brief we identified the costs of the 1994 west coast port labour dispute directly was over $125 million. The indirect costs which included lost future contracts was over $250 million. A figure given by the former minister of labour, the current Minister of Foreign Affairs, suggested that threatened grain sales was around $500 million. These were the potential costs of the 1994 west coast ports labour dispute.

The commission heard briefs from various parties, including Reform. Reform's position on the movement of grain since we first addressed the issue even before the 1993 election was that initially we had suggested that the movement of grain should be declared an essential service. We recognized the importance of the industry, the importance of moving the grain in a timely and efficient manner. As we spoke more with people across western Canada and across the entire nation, as we talked to the players in the industry and reviewed the situation, it became apparent there might even be a

better solution to the problem, the implementation of final offer arbitration.

Our member from Lethbridge introduced a private member's bill. It was debated in the House. It called for that resolution mechanism to be put in place to resolve labour management disputes that affect the movement of grain to port position. Unfortunately members opposite did not support that piece of legislation. I want to speak in defence of that concept with regard to Bill C-66 which unfortunately does not support the concept of final arbitration.

Reform believes in the collective bargaining process. It is a process whereby management and labour come together and try to resolve their differences and to agree on a new contract sitting down at the bargaining table. We respect and support the right of management and labour to follow that process.

Anything we have suggested in the way of final offer arbitration would not stifle or hinder the collective bargaining process from doing its thing, from undergoing its usual process. What would happen at the end of collective bargaining if it failed, and sometimes collective bargaining does fail, rather than seeing a lockout or a walkout, the two parties would get together and commit to a final offer arbitration process. Our legislation calls for the two parties to sit down and try to agree on an arbitrator and present that arbitrator as the person who would mediate their dispute. If they could not agree on someone then the powers in the legislation would be given to government to find a neutral arbitrator who would select the person who would be responsible to oversee the process.

Then the two parties would come before the arbitrator and would explain where they had reached an agreement or where they had failed to reach an agreement. In the areas where they had failed to reach an agreement each party would be invited to bring forward their best offer. Both parties, not having seen the other party's best offer, would then wait for a ruling by the arbitrator. The arbitrator would look at the two offers and see which one was the most reasonable based on the positions they both held, where they were able to agree and where they were not in agreement. It would therefore select all of one offer or all of the other.

It does not take a rocket scientist to recognize that this makes unreasonable negotiators become reasonable very quickly. If one side in the dispute were to put forward a very unreasonable position they would be at great risk because the other side may put forward a more reasonable position and they would therefore win the final offer selection arbitration process. They would come out on top in the process.

Instead of being unreasonable the two parties will attempt to be as reasonable as possible and have a slightly better offer than the offer proposed by the other side. That is quite a change in the dispute settlement mechanism. It is a very constructive change, I might add.

• (1245)

I know my time has almost expired. This is not some untested resolution mechanism. It has been used many times. In the government back to work legislation passed in 1994 the legislation implemented the process of final offer selection arbitration. That mechanism was legislated to solve the dispute.

If that is what the government imposed on the two parties, why not put it in Bill C-66 and nip the problem in the bud so that we do not have to keep on reviewing the issue, bringing in emergency legislation and perhaps even implementing final offer selection arbitration anyway?

It makes sense but unfortunately the Liberal government does not seem to be very interested in making sense. It seems to want to complicate everything as much as it can.

I remind the government that while the grain companies, the railroads, the shipping companies and the customers will continue and probably survive for quite some time, it is the farm families and the millions of people who make their livelihood from Canadian exports who will not be able to live up to the standard they should be able to live up to in Canada. Simply because the labour dispute settlement mechanism is antiquated they will not be able to provide their kids with some of the basic pleasures and privileges of life most Canadians enjoy.

I bring the matter to the attention of the House. I ask the government to hear what we are saying and to fix the problem rather than to continue in this makeshift, Mickey Mouse, haywire manner that has been followed for the past number of years.

Mr. Ray Speaker (Lethbridge, Ref.): Madam Speaker, I have a brief question with regard to the ongoing discussion. Is there a better solution to the whole question? In terms of the legislation before us, is the new board that is being constructed under the legislation adequate to meet any of the demands of farmers?

Being in the industry myself I recognize that farmers do not have a representative in the process. Is the government putting in place any structure that will pick up the representation required by farmers to protect the industry somewhat and to maintain its viability?

Mr. Hermanson: Madam Speaker, I thank the member for Lethbridge for his question. He has very accurately pointed out a problem. As usual farmers have been overlooked in the entire process. The new structure does not put innocent third parties in a position of being involved in creating solutions to the labour disruptions we have seen in the past.

Farmers are the spectators in the whole process. They have always been the spectators. It is a painful sport to watch. They are the ones being hurt. They have no defence mechanisms.

The minister proposed Bill C-66. We are now into third reading stage and it is pretty hard to fix it. The government has missed its opportunity to bring about some constructive solution. It could hear from all the affected parties in the dispute, not just the management and labour sectors. The whole industry may be permanently injured when there is a major disruption in the movement of grain or any other Canadian product to export.

The member is correct in his observation that farmers have been overlooked. It is not unusual for farmers to be overlooked by the Liberal government. It is not for lack of alternatives that have been suggested by the Reform Party.

As I mentioned, the hon. member for Lethbridge put forward a private member's bill that would have resolved the situation. Reform MPs brought forward briefs to the west coast port inquiry that would have brought resolution to the issue. We have also brought constructive amendments to Bill C-66 which would have included farmers' voices as well as those of other innocent third parties. It would give them a role in resolving labour-management disputes. It just has not happened because the Liberals were not prepared to see it happen.

• (1250)

Mr. Dale Johnston (Wetaskiwin, Ref.): Madam Speaker, has my colleague from Kindersley—Lloydminster noted the portion of the bill that allows for the continuation of service in a strike or lockout situation if there is danger to the public health or safety? How would he feel about the inclusion of detrimental effect or hardship to the Canadian economy?

We have had strikes and lockout situations on the west coast port particularly and in the rail transportation industry that would have had a more devastating impact on the Canadian economy if the participants in the work disruption had not been legislated back to work.

Could my colleague speak on the possibility of the inclusion of detrimental effects on the Canadian economy?

Mr. Hermanson: Madam Speaker, I thank the member for Wetaskiwin for his question. He raises a very good point.

When we talk about emergency back to work legislation or essential services we usually think about health care workers like doctors or the police force. If they remove their services we could have chaos, death or serious injury that is unattended to.

We have never really considered the impact of our labour-management resolution process when it comes to industries at risk. We cannot necessarily categorized it as having an impact on public safety, for instance, or as bringing the country's security into question. That is not the case but it is just as real a problem.

The member raised a very real problem which is why I agree with him. Economic issues should be considered when we are discussing and putting forward this type of legislation, in particular where innocent third parties are affected.

If we had good train and port facilities on the four borders of the country and the west coast were on strike, we could go to Mississippi or Churchill or the east coast. We would have other options and we would not need legislation.

That is not the way it works. Almost all our product goes to the west coast or through the St. Lawrence. The greater amount goes through west coast ports. There is no other way. We need to make more ways and we are in favour of making more ways to get our product to port and to our customers. The infrastructure in place is not adequate to allow competition to have its proper role in the marketing and transportation of our goods.

With that restriction upon our industry it is important that we have a resolution mechanism in place to prevent serious economic injury which can almost reach the intensity of being harmful to public safety. We need that resolution mechanism in place in such serious instances as the shutting down of an entire industry through labour disruption.

[*Translation*]

Mrs. Francine Lalonde (Mercier, BQ): Madam Speaker, it is with a feeling of unfinished business that I take part in this debate, at third reading, on a bill that is so important for Canadian workers. It is also a bill that will have an impact on provincial labour codes. The work remains unfinished because of the incredible speed with which the Standing Committee on Human Resource Development conducted its business, even though a parliamentary committee is supposed to be the place where issues are reviewed and discussed thoroughly.

• (1255)

The minister chose to rely on a working group whose decisions, we are told, were put in a bill hastily thrown together. Then, and with practically no changes made, that bill was referred to the human resource development committee. I should also point out that the government bypassed second reading, preferring to send the bill directly to committee, supposedly to provide more flexibility during the debate, something which we would have loved to see, but which definitely did not happen.

I am making these preliminary remarks because it is extremely unfortunate to have missed this opportunity for an in depth review

of the Canada Labour Code. I can only conclude that it is because here, in Parliament, we pass various types of bills.

Some of the bills we pass, such as those dealing with the budget, will never be challenged in any way. They are a means for the government to codify its decisions. However, when a bill is to become the law for parties, to be interpreted, and might be challenged in court, possibly all the way to the Supreme Court, it should be carefully reviewed.

The parties should be given every opportunity to reach an agreement, to discuss and to express their views, something which was not done. I deeply regret that. Be that as it may, I wanted to make these comments for the record. I hope that Quebec will no longer be represented in this House the next time the Canada Labour Code comes under review. My remarks are valid for any opposition party in a similar situation.

Since my time is short, I will move on to the main concerns I have about this bill. This bill will radically change some of the proven mechanisms we have, for instance, the Canada Labour Relations Board will change name and become the Canada Industrial Relations Board. This indicates that the government wants to change the nature of the board, but in what sense is really not clear, since the first thing we are told about this new Canadian board is that it will be representational.

However, right from the beginning, there seemed to be some confusion about the term ''representational''. An board is representational when its members actually represent a group or an entity that designated delegates to the board. It represents the groups or entities that appoint delegates.

In this case, the board will be made up of representatives of the employers and workers who will be appointed by the minister, after consultation with groups chosen by the minister himself. These members will represent the workers and the employers, but they will also have to please the minister.

To say that such a board will be representational of the workers and employers is a gross overstatement. It could even have serious consequences in a crisis, because the board really has to be above suspicion.

• (1300)

It must be able to arbitrate this country's most important conflicts, those with the heaviest economic and social impact. First and foremost, it must not be constituted on a false premise, and this bill misuses the word ''representative''.

I personally was extremely astonished, yet pleased, to hear the CLC representative tell us that the CLC had not been in the least in agreement with the so-called representativeness mechanisms. She shared our point of view totally. There are no representativeness mechanisms, yet representativeness is presented as one of the cornerstones of this bill.

This bill is also intended to prevent recurrence of the problems experienced by the board, which had repercussions right up to the Standing Committee on Human Resources Development, and which paralyzed the board for too long. Unfortunately, the clauses in the code would not prevent a crisis like the one experienced by the Canada Labour Relations Board from recurring.

Conflict between the chairperson and the members was what lay behind that dispute, and the contents of the code address only the behaviour of the members, not that of the chair. The minister has not equipped himself with the means to deal with a crisis like the one experienced by the Canada Labour Relations Board in its last two years of life.

This bill, which is intended to settle conflicts, by creating regulations to govern all aspects from applications for accreditation to initial collective agreements and negotiation of collective agreements when a union is already in place, is characterized by major changes to the body of the code itself.

The purpose of these changes was to update the legislation and expand the ability of the Canada Industrial Relations Board to deal with the problems experienced in the labour world today. However, instead of giving the Canada Labour Code this flexibility and giving the board an instrument it could more readily use to help finalize collective agreements under difficult circumstances, we are seeing a tendency to make the rules of the code as they apply to strikes and lockouts more rigid which, in turn—and far be it from me to call them that—could lead to illegal strikes or lockouts, considering the problems with enforcement.

I will mention the new rules very briefly to show to what extent things are changing. And I have not yet discussed essential services. Unions or companies that wish to strike or announce a lockout will have 60 days to seek and exercise a mandate.

• (1305)

If they fail to exercise their mandate within 60 days, they must go back and seek another mandate. It would seem that instead of promoting dispute settlement, this provision is more likely to have the opposite effect.

Unions covered by the Canada Labour Code are often national unions, and it takes time to organize a vote on a strike mandate. They are not really given much time, because although the very fact of organizing a strike vote may speed up the collective bargaining process, enough time should be allowed for the process to run its course.

So, what we see is that, if at the end of the 60 days, the union and the employer were on the verge of resolving the dispute, but needed more time, they would not succeed in doing so. The union, if it needed the employer's approval first, might well refuse to get into such a situation. Instead of continuing the negotiations, either the union or the employer—because we know that the positions are interchangeable depending on the source of the initiative or the

balance of power—could decide to not run the risk of letting its mandate expire before the end of the negotiations.

Instead of putting all its eggs in the bargaining basket, the union will stop negotiations in order to obtain a new mandate to negotiate. This is a real risk, and I hope it does not produce the effects I foresee. Rather than make things more flexible and help the parties reach a solution, the code restricts the conditions under which a strike may be held.

However, a strike may not be held without 72 hours' notice, in some cases, by the union or the employer. The representatives of the ports unions told the committee that, if the longshoremen in a port along the St. Lawrence gave their employer 72 hours' notice of a strike, no ships would unload in the port affected as they would all go elsewhere. In fact, this provision takes away the right to strike, plain and simple.

Also, this 72-hour notice provision, whereby an employer has to give advance notice of a lockout, could prove so inconvenient that employers will want to declare a lock-out on the spot instead of 72 hours later.

It seems to me that anyone who knows anything about labour relations would know better than to impose rules like these, especially as they apply to the private sector as a whole. These rules cannot be enforced. An eight-day notice would at least have provided a degree of flexibility. While neither the union nor the employer has to put its cards on the table, in this case, it is quite the opposite.

Therefore, I doubt very much these provisions are relevant in fostering harmonious labour relations. I now come to the provision on essential services.

• (1310)

Notwithstanding what our colleagues from the third party said, I think this kind of provision on essential services was missing in the Canada Labour Code. I want to reaffirm a universally recognized principle: the right of association, whenever it is granted to workers, entails the right to strike. If there are indications that a strike may jeopardize public safety, workers are then asked to maintain a number of essential services.

Any attempt to prohibit strikes altogether has been a complete failure; the strike takes place even if it is illegal. What every country is seeking to ensure is that, even in case of a labour dispute, public health and safety remains paramount.

So, the provisions on essential services are valid, except those dealing with replacement workers. It seems to me that, even in the case of western grain, they could be an improvement, since it is recognized that workers and employers are required to ensure uninterrupted loading of grain.

As far as the west is concerned, grain movement was raised as the most urgent issue. Unfortunately, it is in the case of western grain that the government had to resort to special legislation. There are two problems with these essential services, a minor one and a major one.

The minor problem is that the board does not have to rule on an agreement reached by the workers and the employer. Other codes, including the Quebec code, provide that even when an agreement is reached, that agreement must still be submitted to the board. What is really much more serious is that, since the code does not prohibit the use of replacement workers, we could find ourselves in the absurd situation where the provisions on essential services would be used, meaning that the employer and the union would be required by the board to meet a set of conditions to ensure public health and safety, with the employer using replacement workers at the same time.

There seems to be a gap in this code and this could create huge problems, instead of settling the issue and ensuring that a conflict, while still a conflict, is kept under better control. We are creating conditions that could have the opposite effect and make the conflict more disruptive for the company, the workers and the employer.

I will conclude by saying that the major flaw in this code is that the use of replacement workers is not prohibited. Unfortunately, these workers are the source of many problems, including violence, in labour relations governed by the Canada Labour Code.

[*English*]

Mr. Ray Speaker (Lethbridge, Ref.): Madam Speaker, the hon. member mentioned the grain concerns on the west coast. I appreciate that very much. She indicated that disruptions to that industry should not interrupt the loading of grain and getting it on to the international market.

As the member quite respectfully said, it is an urgent subject in the west. I would like to underline that very much. It is an urgent subject in the west.

• (1315)

It was not a labour problem that stopped grain shipments in January and February this year, it was the railways. They did not deliver the grain. We had interference in the marketplace and farmers in western Canada are now picking up a bill of somewhere between $65 million and $100 million in demurrage charges. This is lost income in the current fiscal crop year.

In this Parliament we have had a labour stoppage on the west coast that cost western farmers $20 million to $30 million. I would like to ask the hon. member a question concerning keeping the respect that we want in terms of the collective bargaining process. How does the farmer as a producer and a shipper into the international market have a say in that bargaining process and at

the same time try to keep the ideal model of a collective bargaining arrangement in place?

[*Translation*]

Mrs. Lalonde: Madam Speaker, I hope I have understood my colleague's question. When there are unions and employers, the only thing to do is to negotiate. There is no other solution. The provisions in the code with respect to essential services are intended to regulate what happens in times of conflict.

This is still an improvement over the previous code. I remember saying as Bloc Quebecois critic in the rail strike: ''If the Canadian economy cannot afford the Canadian Labour Code then change it, but until then, we defend those who abide by the Code''.

We are now at the stage of amending the Canada Labour Code, and there is no doubt that this code regulates labour relations between workers and employers. I saw many problems. I do not think these changes improve bargaining rules. I cannot tell you that it contains all the solutions, but there is at least a provision regarding essential services that should change the situation for the west.

[*English*]

Mr. Speaker (Lethbridge): Madam Speaker, one of the suggestions the Reform Party made to this assembly was the idea of having final position arbitration. The farmer as a producer is not in the loop in the bargaining process, and at least it would give the farmer some security in getting his or her grain to market.

Could the hon. member look at that concept and comment on it or are there other ways that the farmer, the producer, the person who depends on the shipping of the grain into the international market can get into the loop in some way?

[*Translation*]

Mrs. Lalonde: Madam Speaker, I taught labour relations for many years and final position arbitration never struck me as a means of resolving anything, as a substitute for bargaining, even after one party has made use of its position of strength. I think it is a bit of an illusion, because if this mechanism does not really provide a means of resolving problems and is only the unsatisfactory conclusion of an aborted bargaining process, then the problem will not be resolved.

● (1320)

The problem will manifest itself in another way, legally or not. I understand that this is intellectually satisfying. They say: ''We are sure that there will not be a strike because, at the end of the process, we will make the workers choose between the employer's offer and the union's offer''. Except that one can think of many situations where this does not resolve the problem. Then you would have a conflict that would not be orderly, a conflict that would explode and would not be subject to the rules set out.

In the end, final position arbitration is an attempt to prevent a strike or a lockout. If this approach were as successful as it is supposed to be or as you claim it is, it would have quickly become widespread, which is not the case. If there were a solution, I would love to know what it is, but there is not.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Madam Speaker, I know the hon. member for Mercier's party would have liked to have seen more definition about the anti-replacement worker legislation.

Are there any instances in which she would suggest that replacement workers could be used without having the union side saying that the use of such workers would undermine the position of the union?

I recognize that the member for Mercier has an extensive background in this area and I would be interested to know on which side of this she would come down. Are there any specific instances in which the member would support replacement workers?

[*Translation*]

Mrs. Lalonde: Madam Speaker, in the Quebec code—I will refer in my response to a code that exists—as long as a strike is legal, replacement workers cannot be used.

Either labour relations are based on mutual recognition of the rights of the employer and the rights of the workers—and if this recognition is reciprocal, these unionized workers and their employer are responsible for there being a properly controlled relationship, or the rule that applies between labour and management is the law of the jungle. Then might is right, and violence breaks out.

When it comes down to it, these are not choices, but two different types of arrangements. If the desire is for a properly controlled relationship, for unions to be responsible, the unions must be recognized. If they are not, and they are replaced by replacement workers at the first possible chance, with the hope that even the union can be replaced, then there is no possible outcome except disrespect and irresponsible, even violent, attitudes.

To repeat, and for a purpose, when Premier Robert Bourassa regained power in 1985, after the Parti Quebec adopted the 1977 anti-strikebreaker legislation, he told the employers: ''Do not try to convince me otherwise; we have social peace in Quebec and that is a valuable commodity''.

Indeed, Quebec is the place where you will find what I would call the most responsible management-labour relationships. They work together to develop positions aimed at job creation. It seems to me that this is the type of working relationship that arises out of

mutual respect and recognition. Not that the interests of both sides are always the same, but they are orderly.

[*English*]

Mr. Leon E. Benoit (Vegreville, Ref.): Madam Speaker, I am pleased to speak to Bill C-66. I would like to talk about three main areas in my presentation. First, I would like to talk about the current situation in the grain industry and the problems that farmers are facing because they cannot move their grain from the farm to the coast. These are not new problems, but I want to talk about that a bit.

• (1325)

Second, I would like to talk about why we are in this situation and what changes should have been made by governments that would have made the situation that we are in unlikely to happen.

Then I am going to talk about what Reform has done in this area. I am going to include the amendments that we proposed to this legislation, amendments which unfortunately were not accepted by the government and throughout I will be referring to this bill.

As any member in the House who knows anything about western Canada and the agriculture industry would know, a crisis situation exists once again on the prairies. Grain is not moving. As a result grain is backed up on the farms, bins are full, grain is piled in the fields and spring is coming on. That is a dangerous situation. A lot of spoilage is a possibility.

Farmers are facing the difficulty of purchasing inputs for this year's crop, having sold very little of last year's crop. Although I certainly do not know what sales the wheat board, or others in the case of non-board grains, had lined up, the major reason is that the railways are not moving the grain. Why is that? I am going to talk a bit about that later.

I have had farmers tell me, and I have no reason to doubt what they say, that they will not be able to afford to put in a crop this spring if they do not move some grain and move it quickly. It is bad enough that the projections the wheat board made for the price of wheat are not anywhere near being met. The price of wheat is about two-thirds of what the board estimated, and in some cases lower. In many areas of the prairies the quality is very low, so that has further reduced the price.

Farmers are not going to have nearly the income that they anticipated they were going to have. This is a reality that farmers deal with from year to year. Added to that, even the grain they do have, whether it is low quality or not, is not moving.

This problem keeps coming up again and again. Even since I have been in the House we have had to deal with back to work legislation for grain handlers at the west coast. The second speech I gave was on that subject. I am going to talk a bit about that later.

Farmers and grain companies are captive shippers. They have no economic option for moving their grain other than by rail. I acknowledge there are others in the same situation. Coal, forestry products and potash are in a similar situation of being captive shippers, having no other economically viable options for moving their products.

Through no fault of their own, once again, the livelihood of farmers is being threatened. It is a very serious threat. In my part of the country I believe there will be farmers who will lose their farms as a result of grain not moving. They just will not have the money to purchase inputs for this year's crops. The banks are getting really tight with operating money for farmers who have had problems year after year.

In my part of the province farmers have had a lot of difficulty over the past several years due to drought and due to poorer quality grain than normal. That is the situation.

• (1330)

The situation we are in has led to income instability and uncertainty that their product will get to market so that they have income when they need it. The situation of grain not moving as it should has led to lost sales. This is a long term problem many farmers and I are extremely concerned about. We have had stoppage after stoppage and problem after problem in the system that cause serious economic loss to farmers. Lost sales is one of their biggest losses.

In the 1994 lockout grain was not moving through the west coast. Estimates were presented at that time of the loss in long term markets. The estimates were in the hundreds of millions of dollars of lost sales. There is no way to absolutely determine the value of lost sales and future lost sales, but clearly many of our customers for grains, oilseeds and similar type products are getting tired of Canada being an unreliable shipper. Canada is viewed by many buyers around the world as an unreliable shipper.

Is the problem one of farmers not being able to produce or not producing? No, not even in drought years is that the problem. They can produce enough to meet expected needs. Is it a problem of farmers not getting it into the system, to their local elevators or to an inland terminal or wherever? No, that is not the problem. Farmers will deliver whenever the opportunity is there and often even if the price is not what they think it should be. They know the system does not work well and they had better take advantage of any chance to move grain. That is not the problem.

The problem is the grain movement system from one end to the other, from the local elevator system to the rail system and the

handling system on the west coast or through the lake system. That is the problem and that is where the legislation comes in.

The legislation deals with changes to the labour code. It deals with work stoppages that affect grain shipment, as well as the shipment of other commodities. Unfortunately the small part of the legislation that deals with grain movement directly is not adequate. It is one clause of over 90. I will talk a bit about that later.

Farmers have clearly been put into a situation once again that is not right. It should not be happening again. The problem is caused by grain movement. What will the legislation do to improve grain movement? Maybe this question should be asked: What has past legislation the government has put through done to improve the transportation system? I would argue it has done very little. In some ways the system may not be as good as it was before the changes.

Reform supported, for example, the elimination of the Crow benefit. We had a plan that would help deal with the problems that would result from that elimination. The government ignored the plan but eliminated the Crow.

I do not remember Liberal members across the floor campaigning on eliminating the Crow benefit. I do not remember these members across the floor campaigning on major changes to the Canadian Transportation Act or privatizing CN Rail. I do not remember them campaigning on those things. I never heard it in one single speech because they were not proposing during the election campaign major changes that affect many Canadians.

They made changes and we supported some of them such as getting rid of the Crow benefit. We had a plan to help deal with some of the problems. Certainly the privatization of CN was the thing to do, but there were many problems with the bill.

● (1335)

We argued throughout the whole process about the three major pieces of legislation: the budget implementation bill that eliminated the Crow benefit, the major change to the Canadian Transportation Act, and the privatization of CN. We argued that changes must be made before the legislation passed. We argued for changes that would first make the system competitive and would therefore help to drive costs down.

In grain we argued for changes to the car allocation system. They still have not come. They should have come before any of these changes were made. That was crucial. We pointed this out again and again. It did not happen. We are in a mess.

The government has to start listening to farmers and to us because we are the voice of western Canadian farmers more than any other political party.

We also called for changes that would have given captive shippers like grain farmers some power to deal with a railway that was not performing as it should. That was ignored.

In terms of labour laws specifically we called for changes starting from my second speech in the House on February 8, 1994. I heard the hon. member across the floor say that he wished he had never heard it or something to that effect. I can understand that because the chances of him winning his seat in the next election are very slim. It is because we have been saying these things. It is because we have been proposing these things. Western Canadian farmers know that so I can understand his concern.

On February 8, 1994 we started with my speech on ending the lockout on the west coast. I proposed that we put in place final offer selection arbitration as a way to prevent future disputes from happening. The hon. member for Lethbridge tabled a private member's bill which we debated in the House. Had it passed it would have put in place final offer selection arbitration.

Those changes would have made it so there would be no stoppage in grain movement right from the local elevator to the coast. It would still allow the collective bargaining process to take place. It would allow both things. It was the real solution to the problem. Every time a dispute and a deadline would come up the final offer selection arbitration could be put in place. If the collective bargaining process did not work as it should and so often does with unions and management, the arbitrator could call for the best final offer from both labour and management. The arbitrator could pick either all of one offer or all of the other. There could be very serious offers from labour and from management in this situation. The collective bargaining process could take place right down to the final stage.

It is very effective. It really leads to honest negotiations between labour and management. It would help to end some of the hard feelings built up between labour and management as a result of bad labour legislation. That was the solution we proposed. Had it been in place I am convinced we would not have many of the problems we have had related to labour-management disruptions.

The member for Wetaskiwin is guiding the bill through the House for the Reform Party. He proposed final offer selection arbitration. Our agriculture critic, the member for Kindersley—Lloydminster, also proposed that solution. So far the proposals have fallen on deaf ears. Having heard from labour on the matter, while there is not open arm support for the proposal it is a very weak negative reaction. It knows this is far better than the solution

chosen by the government and by former Conservative governments. Their solution was to let the whole thing collapse, to let the collective bargaining process collapse. Management and labour know that when it collapses Parliament steps in and puts in place back to work legislation. That is their solution to the problem.

• (1340)

Is that allowing the collective bargaining process to take place? I think not. That is not a reasonable way to deal with these problems at all. Yet that is what the government has done. In fact that is what past governments have done for the last 20 or 30 years.

As a young fellow I grew up on a grain farm. We depended on grain and livestock but we depended on grain to quite a large extent for our livelihoods. Time after time during my formative years my father was pacing the floor and was put under unreasonable stress for any bread earner because we could not move our grain. Often it was because of a dispute between management and labour. That should not have happened.

The government says that these issues are issues between management and labour. It is not entirely true that they are the only people who are important in these negotiations. For example, tens of thousands of grain farmers rely on the system working. Management and labour can beat it back and forth and what do they really lose? They will lose some wages and that is difficult for them as breadwinners in the family, I am sure. However what about farmers? They have lost businesses year after year after year. Yet they have no place at the table in these negotiations. They are innocent victims who have no say whatsoever. That has to change.

The final offer selection arbitration will help change that. It is time the government looked to our proposals and avoid partisanship when they are probably the best options that have been presented. These are not only Reform MP solutions. They are solutions from farmers across western Canada and indeed others.

I just had pointed out to me by one of my colleagues that the hecklers across the floor do not rely on the grain handling system for their livelihood. They do not fall under the jurisdiction of the Canadian Wheat Board.

We called for other changes to the Canadian Wheat Board so that farmers would have a choice to ship through the board, through a private grain company or on their own. That would result in competition for the board.

The board can continue its work but if farmers choose they can ship around the board. That too was one of the changes that should have been made before any of the legislation was put before the House. I am talking about legislation that eliminated the Crow benefit and changed the Canadian Transportation Act.

In conclusion, the things I have been saying are important to Canadian farmers and to people in the potash industry, in the forestry industry and in the mining industry who are captive shippers. They are innocent victims who have no place at the bargaining table. They will not be helped one iota by the legislation presented to the House.

The one clause dealing with grain reaching the west coast being put through the system just does not cut it. It is a positive part of the legislation but it does not help its movement from the elevator to the west coast.

Unfortunately I have to say I cannot support the legislation. It is a backward move rather than a forward one. I hope the government sees the error of its ways and brings in final offer selection arbitration as an alternative.

• (1345)

Mr. Morris Bodnar (Parliamentary Secretary to Minister of Industry, Minister for the Atlantic Canada Opportunities Agency and Minister of Western Economic Diversification, Lib.): Madam Speaker, just to remind the hon. member, Saskatchewan is under the Canadian Wheat Board, for his information. Maybe they do not look across the border but we know what the Canadian Wheat Board is. That may be a surprise to him.

He made reference to a strike in 1994 which dealt with the transportation and movement of grain in western Canada, and in Canada generally, and the extremely high cost which resulted, which was in the hundreds of millions of dollars. At that time the cost to the Canadian economy was in the range of $200 million per day as a result of that strike. As a result, the government decided that it was important to sit on Saturday and Sunday to pass back to work legislation to ensure that people got back to work and that less money would be lost to the Canadian economy. That was done and people got back to work.

Perhaps the hon. member can tell us why on the Saturday only 6 Reformers were present and why only 12 or 13 showed up on the Sunday to vote when there was no—

Mr. Gouk: Madam Speaker, I would call to your attention the words the hon. member is using. If that is in order, as long as we know the rules of the game, we will certainly make reference to their attendance record. It is my understanding that attendance records are not brought up in debate in this House. However, if that is the rule of the Chair, I would be more than happy to play that game.

The Acting Speaker (Mrs. Ringuette-Maltais): I have taken into consideration the point of order from the hon. member and I agree that members should not refer to the presence or absence of other members in the House.

Mr. Bodnar: Madam Speaker, I will rephrase the question. With respect to the back to work legislation which required the House of Commons to sit on a Saturday and a Sunday, perhaps the Reform member can indicate how his party showed concern for western Canadian farmers on that particular weekend when we were dealing with that legislation, getting the workers back to work so

that grain could move in western Canada. How did Reformers show any concern on that particular weekend?

Mr. Benoit: Madam Speaker, if the hon. member would check the record he would see that we supported that back to work legislation. I spoke in favour of it, as did many of my colleagues.

For the hon. member to say that back to work legislation is the way to solve these continual disruptions in the grain handling system is asinine. I would like him to go to the rural areas around Saskatoon, where he is from, to tell farmers that back to work legislation is the way to fix the problem. Clearly it is not.

In terms of the House sitting over the weekend, let us end the charade. We know that if the government wants to put any legislation through the House it will put it through. Liberal MPs and opposition MPs could all go home and the Prime Minister and his little group of two, three or four people could continue to make the decisions, as they do now. It would not make one bit of difference. We could all go home.

The only reason for opposition members to be here is to impact public opinion. The hon. member and other government members may as well go home because they are not allowed to speak in opposition to anything the government proposes. Let us end the charade. They can ram this stuff through. They have invoked closure dozens of times in this House in record numbers.

• (1350)

The Prime Minister has let it be known how he looks at democracy. Only 3 Liberal members voted against the gun bill out of the roughly 60 government members who said there constituents wanted them to vote against the gun bill. What was their reward for representing their constituents? They were kicked off their committees. The Prime Minister said publicly after that if any government members in future dare to vote against a piece of government legislation he will not sign their nomination papers and their political careers will be over. That is the kind of democracy this party believes in.

Let us end the charade and start talking in an honest way in this House. If we have different opinions on issues, that is fine. If the Liberals have a different view of democracy, as clearly they do, then that should be expressed. We will continue to express our view of democracy which is giving our constituents real say in what goes on in this place.

Reform has proposed to do that through several mechanisms, for example, right of recall of an MP, the ability to fire an MP. There might have been some who would have been fired had that been in place. Freer votes in the House of Commons would have made it so that a government bill defeated does not necessarily defeat the government. It takes a separate non-confidence motion which passes to defeat the government. Another is the use of referenda on key issues like capital punishment and abortion. That along with a triple E senate would make this country truly democratic. Reform put forth legislation in all of these areas.

The member talks about doing things for constituents. Did he vote in favour of the gun bill? He voted in favour. Did his constituents want him to? They did not.

Mr. Blaikie: Madam Speaker, I rise on a point of order. I understood that we were debating the Canada Labour Code. If the Chair can demonstrate to me how the most recent exchange has been relevant to the Canada Labour Code I would be forever indebted.

The Acting Speaker (Mrs. Ringuette-Maltais): We have two minutes left in question and comments.

Mr. Benoit: Madam Speaker, I am pleased to have the opportunity to explain the connection between a democratic process and this piece of legislation, Bill C-66.

If we had a true democracy in the House, if we had recall, the ability to fire MPs, if we had freer votes in the House of Commons which this government promised and has thrown out, if we had referenda to decide issues like capital punishment and abortion then I suggest that the legislation—

Mr. Bryden: Madam Speaker, I rise on a point of order. I would like to ask a relevant question of the hon. member for Vegreville if he would give me that opportunity.

Mr. Benoit: Absolutely, Madam Speaker. Let us have the question and I will give a quick answer.

Mr. John Bryden (Hamilton—Wentworth, Lib.): Madam Speaker, the hon. member for Vegreville made reference to the one clause in the bill that pertains to grain shipments. I think we all agree on both sides of this House that is an incredibly progress step to limit the stopping of grain shipments as a result of third party work stoppages.

Because that clause is so important and so progressive and it is going to do so much to encourage the movement of grain, is he going to reject the bill because it does not do everything else he wants, therefore rejecting that clause as a consequence?

Mr. Benoit: Madam Speaker, while it is true that clause is important to grain farmers and will at least allow grain that makes it to the coast to be loaded, what about the rest of the system? They have done nothing to deal with the rest of the system. We proposed a substantive alternative, final offer selection arbitration, so there will be no stoppages in the system whatsoever.

They have counterbalanced that move which is positive with a negative move which would outlaw the use and prevent the use

through the Canada industrial relations board of replacement workers. This change will do farmers a lot more harm than good. On balance the legislation is going to hurt farmers a lot over the years. That change is positive. The other changes will actually do more harm than that change will do good.

• (1355)

Mr. Ray Speaker (Lethbridge, Ref.): Madam Speaker, I would like to continue the debate on the matter before the House, the Canada Labour Code.

One major concern we have is the way the government has behaved since it took office in 1993. It does not always act on the problem or deal with the problem but after the problem becomes a crisis it reacts. It has always been that way. For eight years those members sat in opposition on this side of the House. According to Beauchesne the definition is when a party is the official opposition it is supposed to prepare itself for government.

We had the whole crew of Liberals sitting on this side of the House with the hon. Prime Minister as the leader and the House leader of the current Liberal Party sitting on this side of the House trying to prepare themselves. They did not prepare themselves to legislate and act as leaders of the country. What happened?

We came to Parliament and in 1994 there was a work stoppage. We had to sit over a weekend to deal with it and we co-operated as members of the opposition. We were here to help deal with the issue but the government came with crisis management. That is the point I want to make in the early part of my remarks.

Legislation was passed which brought in a system of arbitration to bring about a solution to the strike and force the workers back to work. That is what happened. They were forced back to work. It was crisis management. That is what we have had from the government since 1993, over and over again.

Now we are looking at Bill C-66. Are we dealing with a potential problem that will happen again in western Canada? Will farmers be able to sell their wheat with confidence to the international market? There is nothing in the bill that ensures or guarantees that in any way.

It says that if the wheat is at the coast, sitting next to the boat, the government has now put in an extra clause saying it will get it into the boat, which helps a bit, but what about the wheat sitting on the prairies and the farmers who are being injured by the lack of capability to deliver their product to the international market? It is not there.

These people across the way are more interested in being government and having power. However, in terms of planning and thinking through the legislation, there is nothing. They protect the vested interests of labour and big business and the Liberals. They continually protect their vested interests. In terms of really dealing with the issue, that is not the way it is.

S. O. 31

The Speaker: It is now almost two o'clock. We will proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

SCARBOROUGH SCHOOL BOARD

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, I rise today to congratulate the Scarborough School Board on a successful program in the schools of the city of Scarborough.

Weapons related violence in Scarborough schools has dropped 61 per cent on a monthly basis since the board introduced a zero tolerance policy three years ago.

Under the Scarborough safe school policy, expulsion hearings are mandatory for a variety of violent weapons offences. School violence has decreased substantially since the policy was introduced.

• (1400)

Perhaps if amalgamation occurs this program could be implemented and used as a benchmark. The students of Scarborough have benefited greatly by the ability of the board to provide programs and services they need, while maintaining the lowest cost per pupil in metro.

I commend the Scarborough school board on taking this initiative to reduce violence and crimes in our schools. Once again, my congratulations to the board, its chair and the trustees.

* * *

[*Translation*]

ANTISEMITISM

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, the report released last Friday by the B'nai Brith showed that the number of antisemitic incidents in Canada had dropped substantially, by 26 per cent, between 1995 and 1996.

In Quebec, whose Jewish community is one of the largest in Canada, the drop in the number of such incidents was 40 per cent. Renowned for its tolerance, Quebec has now become the region where the plague of antisemitism is the least widespread, with 12 per cent of the incidents for 24 per cent of the population.

In September 1996, I visited the Holocaust Museum in Washington. There I saw the extent of the tragedy and suffering endured by the Jewish people during the second world war. I encourage governments to keep up the fight to eradicate antisemitism in our societies.

I also take this opportunity to pay tribute to the Jewish community for its remarkable contribution to the development of Quebec and Canada.

S. O. 31

[*English*]

JUSTICE

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, here is just a sample of the justice priorities of this Liberal government.

Make sure that the wheat board directors guilty of criminal offences cannot be punished. Make sure that farmers who sell their wheat for the best price go to jail. Prosecute people for refusing to fill out census forms. Protect senior Liberals by threatening Justice Krever at the blood inquiry. Shut down the Somalia inquiry so we will never know who covered up the murders. Promote alternative sentencing so that a rapist in my riding is let off because at times he showed compassion. Hit race car drivers with huge fines if they speak the name of a tobacco company on TV. Pay millions for lawyers and settlement costs in the hopelessly botched Airbus and Pearson airport deals. Allow known criminals deported from other countries to claim refugee status in Canada.

And the absolute worst justice initiative of this Prime Minister and the government is to allow killers like Clifford Olson a national stage and the right to further torment the families of the victims.

Shame, shame, shame.

* * *

WORKERS' MEMORIAL DAY

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, last week behind the CN shops in the riding of Winnipeg Transcona a rail worker was accidentally killed as a result of a derailment.

I know I speak on behalf of all my colleagues in extending our sincere condolences to the family and friends of Mr. Dan McNeil and to his fellow workers in the United Transportation Union of Canada.

Mr. McNeil's death should remind us that every day of every week Canadians are working in potentially deadly circumstances and that we should be grateful for their service in such circumstances. The railway is one such industry, mining is another, police and firefighting are other such areas and of course there are many others.

Later this year we will mark a national day of mourning for workers killed on the job, a day that owes its existence to the work of the former NDP MP for Churchill, Rod Murphy. This is as it should be, but certainly we regret that from year to year there are so many new names to add to those we mourn.

JOE A. SELLORS

Ms. Colleen Beaumier (Brampton, Lib.): Mr. Speaker, on Saturday, March 8, I attended celebrations held by the Lorne Scots, Peel, Dufferin & Halton Regiment in honour of Chief Warrant Officer Joe A. Sellors for 50 years of outstanding service.

Joe Sellors began his distinguished service with the Lorne Scots Pipe and Drum Band as a junior piper in October 1946. A combination of talent and hard work saw Joe Sellors to the highest level. With the support of his wife, Alice, and their charismatic family he became pipe major of the band in the early 1950s and in 1975 attained the rank of chief warrant officer.

Joe Sellors has fulfilled his duties with dignity and pride. It is with great pleasure that I extend my best wishes to Joe Sellors, his wife and their children on behalf of all residents of Brampton for 50 years of excellence.

O Canada, he stands on guard for thee.

* * *

FEDERAL-PROVINCIAL RELATIONS

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, the agreement concluded between the Prime Minister and B.C. Premier Clark on March 6 ended some serious conflicts, notably the provincial government's three-month residency requirement on out of province people seeking welfare benefits in B.C. and the adverse differential treatment in federal transfer payments to B.C. to cover costs of integration of immigrants into community life.

● (1405)

The agreement is groundbreaking. First, it recognizes that most problems today need all levels of government, federal, provincial and municipal, to work together for their rational solution. It is not possible to continue outmoded confrontational federalism with separate, watertight compartments of sovereign power, federal or provincial, and no possibility for decision making in partnership.

Second, while the Constitution Act of 1982 may have erected major legal barriers against future amendments, constitutions can change by developing custom convention through intergovernmental accommodations and administrative adjustments based on ordinary common sense and reciprocal give and take.

This is the new, pragmatic co-operative federalism.

* * *

CHINESE GOLDEN AGE SOCIETY

Ms. Maria Minna (Beaches—Woodbine, Lib.): Mr. Speaker, this past Friday I had the honour of attending the 25th anniversary of the founding of the Chinese Golden Age Society.

The volunteers of this organization organize outings, put together fundraisers and offer companionship as well as moral support to other seniors in the Chinese Canadian community.

Companionship and a sense of community are so important to us all, no matter what our age. At a time in all our lives when we may be less mobile than when we were younger, the Golden Age Society ensures that no one feels left out. The society also provides an excellent example of communities helping communities, of seniors helping seniors and is a model of success for any similar group.

I and the people of the Chinese Canadian community in Beaches—Woodbine congratulate and thank the Golden Age Society for 25 years of hard work and we look forward to another 25 years of success.

* * *

[*Translation*]

PEOPLE OF TIBET

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, the Bloc Quebecois wants to mark today the 38th anniversary of the uprising of the people of Tibet against Chinese occupation.

On March 10, 1959, ten years after the invasion of Tibet by China, the people of Tibet people rose up against Chinese oppression. The Chinese army moved and quashed the legitimate public protest.

During the following weeks, more than 80,000 civilians died. The Dalai-Lama has been representing Tibetans in exile and peacefully crusading for his people's sovereignty and self-government ever since.

The Chinese government is pursuing settlement and assimilation in Tibet and will not act on UN resolutions demanding respect for the fundamental rights of the people of Tibet, including their right to self-government.

Canada cannot remain silent about the disastrous situation in Tibet, in its dealings with the Chinese authorities. Today, the official opposition reminds the Canadian government of its international responsibilities.

* * *

[*English*]

REFORM PARTY

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, this afternoon I am proud to have my two daughters in the gallery.

When I first became involved with the Reform Party of Canada, almost 10 years ago, it was out of concern for their generation. I realized then that for the youth of our country to have the opportunities we have enjoyed, major reforms would be necessary.

In 1987 our national debt was half the $600 billion that it is today and Reformers were concerned about interest cutting into social spending then. In 1987 tax revenue was around $97 billion. Now it is $135 billion. And we felt overtaxed then.

In 1987 we suspected governments cared more for the rights of criminals than the rights of victims. Today they have proved it. In 1987 we thought Parliament needed a complete democratic makeover. Now we know it. In 1987 I believed the only hope of a brighter future for our children was the Reform vision of a new Canada. Today I am sure of it. 1997 is the year of a fresh start for all Canadians.

* * *

TAXATION

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, waiters and waitresses in New Brunswick have launched an educational campaign in hopes of teaching both levels of government about tips.

Most waitresses and waiters are mainly minimum wage employees and rely on tips to make ends meet. Over 80 per cent of them are women. A high percentage of them are single parents. Many of them have a university degree with no other job opportunities.

Revenue Canada considers their tips to be taxable income and use it to calculate eligible child tax benefits and GST rebates. However, they cannot use these tips to claim UI benefits, workers' compensation, Canada pension, bank loans, nor is it added to calculate their RRSP allowable contribution. There seems to be some inequities when a government considers tips as income for tax purposes but does not consider tips for benefit purposes.

• (1410)

I urge the government to consider changes to enable waiters and waitresses to fully benefit from their tips and the inequity can be corrected.

* * *

MINING

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, as the chair of the Standing Committee on Natural Resources I congratulate the government and the Minister of Natural Resources, in particular, for the response to our committee's final report on streamlining environmental regulations for mining.

I am pleased to see that the reforms put forward fully reflect the committee's recommendations which were formulated following extensive consultations with stakeholders. These reforms will provide investors with greater certainty of requirements, reduce unnecessary delays and costs, and ensure the need for a strong and effective environmental protection regime.

The mining industry provides jobs for some 350,000 Canadians and supports hundreds of communities in rural and northern regions. It is an important component of the government's commitment to rural Canada.

The committee's report and the department's response are further evidence of the government's commitment to economic growth and job creation, to sustainable development and creating efficient and effective regulation for business.

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[*Translation*]

CANADIAN BROADCASTING CORPORATION

Mrs. Anna Terrana (Vancouver-Est, Lib.): Mr. Speaker, many Canadians are very concerned about the cuts at the CBC. The issue is a very emotional one. It is a question of unity, of one message from the Atlantic to the Pacific to the Arctic.

The CBC has been with us all our lives and has become a part of our existence.

[*English*]

In the last year I have held three town hall meetings on the CBC. The last two meetings, held in the last two months, were very well attended. During the meetings support for the CBC was expressed very strongly.

At the time of the last meeting Nigel Peck, a constituent, had collected over 23,000 signatures. I was informed that as soon as the signatures reach the 50,000 mark they will be delivered to me. Of these, almost 13,000 signatures have already been received. The petitioners ask that the cuts to the CBC be stopped and funding restored. The minister has listened and has restored $10 million.

The main concern is the cuts to regional programming. By cutting them, you silence the voice of Canadians outside of Ontario and Quebec.

* * *

HEALTH CARE

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise again to express my concern about the erosion of universal, single tier health care in Ontario. The Queen's Park government seems to be charging more and more fees every week. We have fees on prescription drugs and now patients waiting in hospitals for transfer to other care facilities are being charged $43 for every day of their wait. Imagine what this daily charge does for the health of already sick people.

The federal government is the only level of government that can protect health care for all Canadians. I urge the ministers of health and justice to carefully consider whether the Government of Ontario is meeting the requirements of the Canada Health Act.

* * *

[*Translation*]

HUMAN RIGHTS

Mr. Philippe Paré (Louis-Hébert, BQ): Mr. Speaker, the 53rd session of the UN Commission on Human Rights has just opened in Geneva. This important exercise provides an opportunity for the international community to learn and consult about serious human rights violations.

In these days of market imperatives, the government must uphold its past reputation. It must break the silence that confers a sort of international impunity on regimes that are trampling the most elementary rights. It must vigorously denounce the sorts of actions taking place in Burma, Turkey, Algeria, East Timor, Nigeria and the Great Lakes region of Africa.

This government has given itself the mandate of promoting Canadian values. Will it take a stand and assume leadership on the fundamental issue of human rights? While it continues to conduct trade with impunity, men, women and children are being tortured, imprisoned and killed daily. It is high time to move from denunciation to concrete and decisive action.

* * *

[*English*]

JUSTICE

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, what used to be a justice system in Canada has gradually deteriorated into little more than a legal system, no longer serving the needs of society and the victims of crime, but concentrating instead on the bizarre promotion of the so-called rights of the criminals.

The Olson section 745 hearings which begin today are an example of that bizarre promotion of the rights of criminals. Thank goodness Olson is likely to be one of the few criminals for whom the faint hope clause is truly a faint hope clause.

For about 80 per cent of criminals who apply, as everyone except the government seems to recognize, section 745 is actually the sure bet clause. It forces the victims of crime to relive the events which so dramatically changed their lives.

• (1415)

The people of Canada are calling for the complete repeal of section 745. It is about time that our lame excuse for a Minister of Justice got with the program.

[*Translation*]

BLOC QUEBECOIS

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, delegates at the Bloc Quebecois policy and leadership convention will not fail to notice the very dominant presence of their former leader, Lucien Bouchard.

He is scheduled to speak on at least two occasions, in addition to all the informal meetings in which he will take part. It is really rather unusual to see this provincial political leader occupying so much space at a federal political party convention.

Does the PQ leader intend to infiltrate the Bloc Quebecois convention to keep it from heading off in a direction he would not want to support? Or is it just that he wishes to reaffirm that he is the only real leader of this party?

Whatever the case, I hope that the Bloc Quebecois delegates will reserve a warm welcome for Lucien Bouchard, or they too may be treated to one of his sulks.

ORAL QUESTION PERIOD

[*Translation*]

THE DEFICIT

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Minister of Finance forecast a deficit of $24 billion for 1996-97. Three weeks ago, in his latest budget, his forecast were adjusted downward to $19 billion.

Some hon. members: Hear, hear.

Mr. Gauthier: Today, after ten months, the cumulative deficit is reported to be $7.3 billion, which could mean a real deficit of 10 or 12 billion in 1996-97 instead of the $19 billion he announced three weeks ago.

My question is directed to the Minister of Finance. Either the minister was aware that he had this kind of flexibility and hid this from the public, or he did not know because he had no way of telling this would happen. Is the Minister of Finance sneaky or incompetent?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, considering how my predecessor was criticized when he was incapable of meeting his objectives, I must say that being criticized because I did far more than meet my objectives is a criticism I am entirely prepared to accept.

As the Leader of the Opposition must know, we have a month and a half left before the end of the year. We have no figures for February and we have none for March. Meanwhile, the Leader of the Opposition must know that a lot of adjustments are made in March which may alter the figures.

What I gave is perhaps a very prudent forecast, but I am convinced that once again, we will be able to build on the credibility the government has established.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the government would have to produce a deficit of $12 billion in two months to get the extraordinary figures the Minister of Finance gave us three weeks ago.

Mr. Duceppe: Aha, Ms. Copps' flags.

Mr. Gauthier: He knows this does not make sense—

Mr. Loubier: This will not fly.

Mr. Gauthier: —being a reasonable man. And I know his answer does not hold water.

Mr. Loubier: So he is incompetent. It is sheer incompetence.

Mr. Gauthier: I want to ask him, why, with this kind of flexibility, did he do nothing for the poor and the unemployed who are legion in Canada, instead of the measly measures listed in his latest budget?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, consider what we have done: we spent $850 million to help poor families with children, and add to this our investments in tourism, in research and development and in education, all in order to create jobs.

So the question I might ask the Leader of the Opposition is this: at the request of Mr. Landry and other finance ministers, the President of the Treasury Board extended the infrastructures program, in order to create jobs. Why has Mr. Landry yet to accept the offer made by the President of the Treasury Board concerning the infrastructures program?

• (1420)

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, with a miscalculation of about $12 billion in his estimates, the Minister of Finance should not have cut $4.5 billion from the provinces and $5 billion from the unemployed.

Are we to understand that what the Minister of Finance is about to do, with this incredible security of some $12 billion, is sprinkle a few billion dollars here and a few billion there across Canada during the next election campaign, to curry favour with the electorate?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, life must be tough for the Leader of the Opposition when his only criticism of the Minister of Finance is that he was too prudent in his forecasts.

May I suggest to the Leader of the Opposition that he ask his head office to accept the government's offer to extend the infra-

structures program, so that we can start creating jobs in Montreal and in Quebec as soon as possible?

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, my question is for the Minister of Finance.

We learn, three weeks after the budget, that the Minister of Finance has a much greater leeway than the Bloc expected. It is beyond all. As of this year, the Minister of Finance will have at least $12 billion more than he projected in his 1996 budget. Next year, it will be $17 billion.

Today in Canada, three million people are on welfare and one and a half million children live in poverty. Why did the Minister of Finance prefer to keep this colossal float rather than use this money to give people hope once again?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, yesterday, in responding to a question from the Leader of the Opposition, I wanted to quote someone and I was cut off.

I would like to quote the same person today, in response to the hon. member. I will be much shorter: ''We are on the right road. This is not the time to quit; we must keep going. Economies are changing. We must fix public finances, control the deficit and let interest rates drop''. That was Lucien Bouchard. He is right and so am I.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, we have never denied that a zero deficit had to be reached at some point. But here he is going too far.

Some hon. members: Hear, hear.

Mr. Loubier: Is the minister aware that he could reach a zero deficit before the year 2000 by not cutting $4.5 billion in social programs; by leaving the unemployed their $5 billion surplus; by giving substantial help to job creation and by paying the $2 billion it owes to Quebec for harmonizing the GST?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, here again, the member has not asked a question. He has made a statement.

I will simply say that, when you look at the fact that the federal government transfers over $10 billion a year, including 45 per cent of equalization payments to Quebec.

We have to look at the technological partnership my colleague has set up, at the number of aeronautics companies in Quebec that benefited.

[*English*]

It is amazing, but we have now had five questions from the official opposition and its main criticism of the Minister of Finance and of this government is that we have beaten our deficit targets every year. We accept the criticism and we are going to keep on beating our deficit targets.

JUSTICE

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, this morning in Vancouver a preliminary hearing began into child killer Clifford Olson's appeal for early release under section 745 of the Criminal Code.

• (1425)

This hearing will be an indescribable horror for the families of the victims. It should not be happening and it would not be happening if the government had acted sooner and if it had repealed section 745 instead of tinkering with it.

Outraged Canadians are holding rallies today in Vancouver and elsewhere, asking how the government could be so callous and insensitive toward the victims of Clifford Olson's crimes.

I ask the Deputy Prime Minister, how could the government be so utterly insensitive to the families of Clifford Olson's victims as to permit this hearing?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, every member of this caucus has nothing but profound empathy for the tragedies suffered by the families of those victims and for the people who have lost loved ones to crime.

It is because of the victims, it is in their interests and in their name, it is for them that the government has acted so often to change the criminal law so that it might be more responsive.

With regard to section 745, it was after I met with the widow of an RCMP officer who was murdered in Saskatchewan who explained to me how awful it was for her to be at the 745 hearing but not be allowed to participate, it was after that meeting with Marie King Forest that I proposed in the House a change to section 745 to guarantee victims a role in such hearings.

It was because of the government's concern with the plight of victims that last year we introduced in the House Bill C-45, which ensures that section 745 of the code will be used only in the most exceptional cases, not at all for those who have taken more than one life, and for all the others only after a judge agrees that their case is meritorious and only when a jury unanimously agrees that they should have consideration. This government has acted on behalf of victims.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the minister professes this great empathy and sympathy for victims of crime and he gives us a list of tinkering measures.

What has the government done to actually act on its sympathy and empathy? It tinkers with section 745 rather than repealing it. It pays lip service to our victims bill of rights and then allows it to languish in the Parliamentary committee. It spends hundreds of man hours and hundreds of thousands of dollars on ensuring that

Clifford Olson gets a hearing and it invests no time, no money and no energy in the victims of his crime.

If the justice minister is so sympathetic, so empathetic to the victims of crime, will he commit today to enact a victims bill of rights that was presented to the House 11 months ago by the member for Fraser Valley West?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I wrote to the chair of the justice committee requesting that it undertake that task, designing changes to the Criminal Code in addition to what we proposed on behalf of victims.

Let me point to the record of the government in establishing that we have done more for victims in the justice system than any national government in memory.

The drunkenness defence was available until we acted on behalf of victims to make sure that it would not be. On behalf of victims we have introduced changes to provide for DNA testing in criminal law for the first time, putting it on an express basis.

If we look at the record of the party opposite we find an entirely different story. When we proposed changes in Bill C-37 to the Young Offenders Act to provide for victim impact statements, the Reform Party voted against it.

When we proposed in Bill C-41 elaborate provisions to help victims get restitution, the Reform Party voted against it.

Last year when we proposed the changes to section 745 which would prevent multiple murderers in the future from applying the Reform Party voted against it.

• (1430)

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the bottom line is that Clifford Olson, as a result of the actions of this minister, gets a national soapbox. What victims get is a study.

In the Canadian Charter of Rights and Freedoms in the section on legal rights there are 16 provisions affirming the rights of persons suspected or charged or convicted of crimes. There is not one section, not one clause, dealing with the rights of victims of crime. Right across the country Canadians are sick and tired of that imbalance. They want a justice system that puts the rights of victims ahead of the rights of criminals like Clifford Olson.

Will the justice minister commit today to pass the victims bill of rights that is languishing in committee or will the Liberals fail Clifford Olson's victims yet again?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, at a certain point one wonders why the hon. leader of the third party would ask, since every time we come forward with a measure on behalf of victims his party votes against it. If we are to have further amendments, indeed if we are to have an amendment to our charter, perhaps it should be against the shameless exploitation of victims.

One could understand why those victims were on the stage yesterday in Vancouver. They are driven by the pain of the tragedies they have suffered. One also understands why Reform members are on the stage and why Reform members are leading this band. They are exploiting the very tragedies which they pretend to decry.

Perhaps most important of all, by behaving as they are, Reform Party members are giving Clifford Olson exactly what he most wants, the only thing they can give him, a platform on which to become even more infamous—

Some hon. members: Hear, hear.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, since 1993 the American legal system has been asking Canadian authorities to extradite the Jacques Émond, of the Hell's Angels. Mr. Émond, who is now living in British Columbia, is accused of conspiring to traffic in large quantities of hashish and cocaine and of having been a full time member of a criminal organization between January 1976 and February 1990.

How can the Minister of Justice explain that after three and a half years the case to request extradition has been postponed eight times at the request of the crown and that Jacques Émond is still in Canada?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am not familiar with the details of this case. I will raise the matter with my officials and I will reply in a few days.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, by postponing the case in this way, the minister must be aware that there is a risk of abuse of process.

Does the Minister of Justice realize that his department is creating conditions that will make it impossible to extradite Jacques Émond, thus protecting a criminal?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as I said, I am not familiar with this case right now, but I intend to ask justice department officials for details and I will reply in the coming days.

[*English*]

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, as we all know, today in Vancouver hearings begin into Clifford Olson's application for early release. This is the man who brutally raped and murdered 11 little children. Because of Clifford Olson's application the families of these children have to relive their pain and their agony.

• (1435)

I ask the Minister of Justice, who is directly responsible for letting this reprehensible occurrence take place, what action he will take to ensure that these 11 families will never have to go through this agonizing and painful ordeal again.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, this government last year introduced and this Parliament last year adopted legislation to change section 745 of the Criminal Code to ensure that it will be used only in exceptional cases.

That legislation changes the system so that such applications will never be brought by those convicted of taking more than one life. It provides for a screening mechanism by a judge in advance of any application by those eligible and it requires that the jury on any such application be unanimous before any relief is granted.

It seems to me that is exactly the way to prevent future victims' families from having to experience such proceedings while at the same time providing for the exceptional cases in which such applications are appropriate.

In those circumstances one wonders why the hon. member and his colleagues in the Reform Party voted against those amendments.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, every family member of victims who appeared before the standing committee on Bill C-45 opposed the bill. That is why we represent their concerns here today.

Private member's Bill C-234 would have eliminated section 745 from the Criminal Code entirely. The justice minister voted against this bill. By doing so, he voted in favour of Clifford Olson and against the 11 families that lost their children to Clifford Olson.

Can the justice minister today explain to these families and to all Canadians why he voted for Clifford Olson and against the families of these victims?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in the three and a half years that it has been my privilege to serve the Prime Minister in my present occupation I have met with dozens of family members of victims of crime. I have met with mothers who have lost children. I have met with husbands who have lost wives.

The importance I place on their experience, the importance I place on respecting victims, is reflected in the many pieces of legislation we have brought forward in the House to protect and safeguard the position of victims in the criminal justice system.

Mr. Olson's case is now before the court. It is inappropriate to comment on the merits, but let me say this. Whatever else can be said of Clifford Olson's application, it would be proceeding in obscurity now in the Supreme Court of British Columbia, and the pain felt by the families of the victims would be of a different order than that which they face today if it were not for my hon. friend and his colleagues in the Reform Party who are providing Clifford Olson with exactly what he wants, that which he can get from no other source: they are satisfying his lust for notoriety.

[*Translation*]

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

Since August 1995, when young Daniel Desrochers died as the result of the explosion of a vehicle boobytrapped by organized crime, there have been a number of other explosions. Innocent people have been wounded, blood has been shed. Whole cities and towns are in shock. Municipalities such as Saint-Nicolas, Montreal and Quebec City have no idea how to cope with a problem of this scope.

On September 21, 1995, the minister said that he was carrying out consultations and that he was optimistic about finding a solution. Since the problem is still there, worse in fact than in 1995, can the minister tell the House what solution he has found to the problem of motorcycle gang wars?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I met with the mother of the boy who was killed on the Montreal street, Daniel Desrochers, last year.

• (1440)

I have also worked with my colleague, the Solicitor General of Canada, and with the police chiefs of Quebec and elsewhere, to find ways of improving criminal law to back up our police forces in their battle against organized crime.

Last September, the solicitor general and myself held a symposium here in Ottawa on organized crime, to which we invited police chiefs, lawyers, and provincial attorneys general. We discussed various approaches to provide police forces with the tools to combat organized crime. We identified about a dozen concrete measures.

The solicitor general and myself intend to introduce amendments to the Criminal Code in the coming months, to that end.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, outside of these empty words by the minister, which quite obviously do nothing to solve the problem, since it continues in Quebec, what does the minister have to say today to the family of little Marianne, who was hit by shards of glass in her own home, in her own crib? Or to the people of Saint-Nicolas, who watch helplessly as criminal organizations occupy their entire territory?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, to such Canadians who live in fear or with the pain of the consequences of that kind of crime, the government pledges again to renew its commitment to improve the criminal law to provide police with the tools they need to combat the activities of gangs.

There is no single simple answer to this complex issue. One speaks of an anti-gang bill. It is very difficult to define such a bill in ways that would make it valid and effective. Simply to criminalize organizations is not an answer. The simple response to that by the gangs is to change the name or the nature of the organization.

What is more effective in the long run for the victims of which the member spoke and for Canadians everywhere is to work constructively with the police to change the criminal law in ways that will make it easier for the police to gather proof and evidence against such illegalities.

That is what we had in mind when the solicitor general and I convened our anti-gang symposium last September. We left with a dozen concrete proposals for changing the criminal law. We will act upon them in the weeks and months ahead so that we will give police the tools to combat the very activity of which the hon. member spoke.

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, Christine, Colleen, Daryn, Sandra, Ada, Simon, Judy, Raymond, Sigrun, Terry Lyn and Louise. These are the names of Clifford Olson's victims and it is their families that are being victimized, again thanks to the Liberal government.

Thanks to the Liberal government, Clifford Olson gets a soapbox while his victims have to fight to be heard. Why will the Prime Minister not put the rights of victims ahead of the rights of criminals like Clifford Olson and enact a victims' bill of rights?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, if there is anyone who is providing a soapbox, it is the hon. member and colleagues in her party who are providing a soapbox to Clifford Olson. It is a tactic of which they should be ashamed.

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, Canadians are glad that someone is willing to speak up for the families and the victims in the right way.

It is clear the Liberal government is determined to put consideration for brutal criminals ahead of consideration for innocent citizens. How can Canadians trust their safety to a government with such skewed priorities?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the government's priorities from day one in the criminal justice system have been to make our society as safe as it can and to show respect for the victims of crime.

• (1445)

Through all the legislation in the three and a half years of the government there is a single thread, that is to make the system more responsive to and respectful of the needs of victims. Yet time and again the hon. member and her colleagues in the Reform Party have voted against initiatives we have introduced on behalf of victims.

In Bill C-41, changes to the sentencing law, we provided for restitution to victims and the Reform Party voted against it. In Bill C-45 we proposed to change the very section of which the member complains. The hon. member and her colleagues in the Reform Party voted against it.

The Canadian people will have an opportunity in due course to look at the record.

* * *

[*Translation*]

COMMISSIONS OF INQUIRY

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, my question is for the Deputy Prime Minister.

This morning the *Globe and Mail* reported that Mr. Justice Krever complained in a letter about the government's interference with the work of his commission. He stated that the government had threatened to shut down the commission if it insisted on laying blame on certain senior officials and ministers.

How can the Deputy Prime Minister again justify her government's interfering with a commission of inquiry that should normally be able to finish its work without government interference?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, the hon. member will know that in December 1995 the Minister of Justice made application to the court to have certain matters adjudicated.

The court that heard the application by the Minister of Justice denied the application. Thereafter certain individuals and stakeholders appealed to a higher court.

I am sure the hon. member would want the record to show that the Government of Canada did not appeal the decision which I believe was reached in June of the following year.

I make perfectly clear that the government looks forward to the report of Justice Krever. We look forward to examining his recommendations. To the best of my knowledge there was never any intent whatsoever to try to close down the Krever inquiry.

[*Translation*]

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, there is one particularly disturbing fact in this whole affair. Both the Krever and Létourneau commissions were targets of all kinds of obstruction from the government's officials and its ministers.

Does the Deputy Prime Minister realize that with this kind of approach she has discredited commissions of inquiry, and could she tell us if any judge would, in the future, agree to preside over an inquiry, in the knowledge that the government can intervene at any time to prevent the chairman from doing his job?

[*English*]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, I can well understand the desperation of hon. members opposite when they make such ludicrous charges.

The House should be informed that the commission has held over 250 days of public hearings. It has heard over 350 witnesses, almost half of whom were the victims.

Testimony has been recorded on over 40,000 pages of commission transcript. Over half a million pages of exhibit evidence has been filed. The commission's deadline has been extended not once, not twice, but three times and the commission has a budget of well over $15 million.

We were the ones in opposition who called for a judicial inquiry into the blood system. I am happy Justice Krever is heading that inquiry. I look forward to his conclusions as I am sure all provinces and all stakeholders look forward to them.

* * *

IMMIGRATION

Mrs. Carolyn Parrish (Mississauga West, Lib.): Mr. Speaker, the Reform Party usually advocates much tighter regulations on refugee immigration. They appear to have switched over and are now concerned that we have put on some restrictions.

Despite this I have a lot of concerns coming to me from my own riding which has a lot of immigrants and refugees.

Would the Minister of Citizenship and Immigration clarify the newly imposed regulation she has put on refugees?

● (1450)

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I was also amazed by that comment of the Reform Party critic. I take note that in the future the Reform Party will support our refugee program.

Canada has a long history of responding generously to the different people in the world who are in crisis. Never in the past have we imposed quotas on immigration. We do not intend to do so in the future.

On the contrary, with the new resettlement from abroad class, we will extend our ability to answer the needs of people abroad. It will help us to be more generous than we have been in the past. Let us be proud of that new settlement class.

* * *

HERITAGE

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, Joe Thornley was a senior player in the heritage minister's leadership campaign. Now the minister seems to be returning the favour with taxpayers' money. I have evidence that shows Thornley received a $30,000 contract from the minister's department to work on the national flag program.

What special knowledge did the minister's personal friend have about the Canadian flag that was worth $30,000 in Canadian taxpayers' money?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, every contract that has been let by my department has been let in accordance with Treasury Board guidelines.

If the member of the Reform Party has any kind of a scurrilous accusation to make, I would suggest he make that accusation outside the House where he will be subject to the libellous action he should be subject to.

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, I take particular note that Thornley did not receive a single, solitary heritage contract until the minister took over. Since the minister took office in January 1996, Thornley has managed to secure at least four contracts worth $60,000. I also note that the minister's personal friend is listed as official agent for the Liberal Party of Canada.

Does the heritage minister really believe federal contracts to her well connected Liberal friend, her personal friend, will foster Canadian patriotism?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I repeat the fact that any contract that has been let through my department has been let in full compliance and respect for Treasury Board guidelines.

If the member has a scurrilous accusation to make, I would suggest that he go outside the House like a parliamentarian and make it where he will be subject to the full effect of libel suits. He is attempting to hide under the protection of the House which would not be accorded to him outside in making such a libellous statement.

[*Translation*]

KIDNAPPINGS

Mr. Benoît Tremblay (Rosemont, BQ): Mr. Speaker, my question is directed to the Deputy Prime Minister.

Four years ago, Karim, the son of Micheline Tremblay, was kidnapped by her ex-spouse who is hiding him somewhere in Egypt. Mrs. Tremblay made numerous representations to the police and judicial authorities. Interpol issued an arrest warrant against the former spouse. The former Minister of Foreign Affairs, Mr. André Ouellet, promised early in 1996 to sign a bilateral agreement with Egypt that would have made it possible to bring the child home. However, Mrs. Tremblay only saw her son for three hours, and she is still calling for help because nothing has really changed.

Can government members, who like to travel with Team Canada to promote economic ties, remain insensitive to this very disturbing humanitarian case? Will they promise today to intercede with the Egyptian government to make sure Karim returns to Canada?

[*English*]

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): Mr. Speaker, there is absolutely no sensitivity in terms of dealing with this case. We are very sensitive to the situation that exists. The Minister of Foreign Affairs has met with the mother and we continue to make representations to the Egyptian government.

We will be sending an official of our department to Cairo within the next week to continue that dialogue to try to bring a successful resolution to the matter.

I also understand the matter is due to be coming before the Egyptian courts later this year.

[*Translation*]

Mr. Benoît Tremblay (Rosemont, BQ): Mr. Speaker, ever since 1993, every time the government has been asked about this question, the answer has always been the same. They promise an agreement will be reached, they promise something will be done, but although the government seems to get moving every time a kidnapping causes a media storm, there are never any concrete results.

• (1455)

My question is straightforward and is directed to the Deputy Prime Minister. Is she prepared to sign an agreement with Egypt before the next election and is she prepared to guarantee that Karim will return to Canada?

[*English*]

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): Mr. Speaker, Egyptian authorities apparently have only recently confirmed that Madam Tremblay's son is in Egypt.

Moving on this matter the courts have granted her access. We are certainly pressing the case as much as we possibly can to bring about its successful resolution as quickly as possibly to unite son and mother.

* * *

SOMALIA INQUIRY

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, my question is for the minister of defence.

This morning Major Vince Buonamici, who is testifying in the dying days of the Somalia inquiry, accused the government of covering up what was ''at least a manslaughter and at worst a culpable murder''. He said that there was a ''high level conspiracy'' to stonewall the investigation into the shooting. This stonewalling almost certainly led directly to the death of Shidane Arone.

If the minister is intent on shutting down the Somalia inquiry, how will he get to the bottom of these incredible allegations?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the hon. member is well aware that since the inquiry began, and particularly since I have been the Minister of National Defence, I have not commented on the testimony of witnesses before the inquiry because it is the job of the commissioners to prepare their recommendations.

I am sure the hon. member is as anxious as I am to see those recommendations. As a result of the government having given the commission of inquiry a third extension but asking it to report by the end of June, no doubt it will be an area the commission will address when it makes its report.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, let us be perfectly clear what the government is doing.

A Somali was shot in the back. There was a cover-up. There was a high level conspiracy to delay the investigation. This delay resulted in the torture death of Shidane Arone. Military officials then destroyed, shredded and altered documents to keep it a secret. Now the defence minister is ensuring that the cover-up will continue and Canadians and Somalis will never learn the truth.

Why is the minister so determined to hide the truth about the high level cover-up at National Defence headquarters?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the attempt to

determine what went on in Somalia in the incident the hon. gentleman has referred to began on March 15, 1995. The commissioners have had nearly two years to call a roster of witnesses and to make sure they determined who they wanted to hear from.

The testimony to which the hon. member refers was heard, as he indicated himself, this week. There was nothing that precluded that evidence being heard a year and a half ago. The commissioners knew exactly what had taken place with respect to the people who were looking into the incidents.

We will not disagree with the hon. leader of the third party who in September 1996 said:

> Mr. Speaker, to ensure there is no ultimate cover-up in the Somalia inquiry, will the Prime Minister guarantee to this House that the results of the inquiry will be made fully public before the next federal election?

I am doing the best I can.

* * *

EMPLOYMENT

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, my question is for the Minister of Human Resources Development.

Many people in my riding are frustrated in their efforts to find employment. Some are frustrated because they can only find work through temporary placement agencies. It is difficult for them to support their families on salaries from part time jobs. Many may wonder in today's job market if the government's Human Resources Centres of Canada are still relevant.

Does the minister have any suggestion on services available in HRCCs to many Canadians who are looking for employment to support themselves, their families and their relatives?

● (1500)

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): I thank the member for his very good question. We are very preoccupied with the high level of unemployed people in the country.

As you know, Mr. Speaker, the very nature of work is changing these days. It is more and more difficult to adapt to its needs. This is something that we try very hard to do as a government.

Placement agencies happen to be very useful in a number of circumstances and we have had good results with the ones we have actually worked with.

I want to assure the country and the House that HRDC is still working very well at the employment centres and that we have a number of important programs. Reinvesting $800 million in active measures is one element of it. We have had very successful programs to help Canadians find jobs.

The new electronic labour exchange which matches employers and job seekers has had an extraordinary 80 per cent positive result. We still give a lot of face to face services for these people. The job bank which links employers with job seekers is quite efficient as well.

* * *

RAILWAYS

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, in recent weeks the Minister of Agriculture and Agri-Food has expressed concern about the problems in grain transportation this winter which may result in a collective loss to farmers of some $65 million. Yet the government seems content to accept the approval of yet another $15 million in new freight rate increases.

How can the Minister of Transport justify this measure which is a reward for the railways' poor performance and allows them to increase their profits at the expense of hard working farmers?

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, the hon. member has forgotten that many factors are taken into account when the cost of capital allowance is made in determining grain freight rates. This is done by the Canadian Transportation Agency.

I should point out to the member that there have been adjustments downward as a result of improvements in the capital market, as well as the adjustment that he mentioned, which is related to the risk involved in the current system of grain transportation and the risk to the railways themselves.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of members the presence in the gallery of a man whose reputation precedes him, not only in this House but throughout the world, a recipient of the Nobel peace prize, the former President of the Republic of Poland, Mr. Lech Walesa.

Some hon. members: Hear, hear.

* * *

● (1505)

PRIVILEGE

BILL C-46

The Speaker: This morning a question of privilege was raised by the hon. member for Hamilton—Wentworth where he put forward his concerns. The Speaker at the time said that a clarification or a response would be made by the chairman of the committee involved in this question of privilege.

I am now going to recognize the hon. member for Windsor—St. Clair who wants to speak to the question of privilege which was brought up this morning. Is that correct?

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Yes, Mr. Speaker.

This morning the member for Hamilton—Wentworth raised a question of privilege concerning the operation of the Standing Committee on Justice and Legal Affairs. His allegation is that the committee has misinterpreted Standing Order 108(2) and in so doing has violated his rights as a member of Parliament.

By a motion on report of the subcommittee on procedures, our steering committee, the committee on justice and legal affairs which I chair agreed unanimously to embark on a study of the subject matter of what has now become Bill C-46 which is presently before the House at second reading. It is an act to amend the Criminal Code with respect to the production of records in sexual offence proceedings.

The member objects and claims his privileges have been breached. I did not have notice of his objection this morning but I do have the blues now. From the blues, as near as I can tell his allegations rest on the following: first, he has expressed grave reservations about the subject matter of the bill and second, he wants to stay in the House during the debate and at the same time wants to put questions during committee hearings. He says that he cannot ask those questions until after he has heard the debate.

In support of his position he argues that nothing in Standing Order 108(2) gives us the authority to discuss, deliberate or consider the subject matter of a bill before the House. He also argues what I would suggest is a tautology, that the bill is the subject matter and the subject matter is the bill, et cetera, forever in a circle.

In response I would argue that in June 1985 the McGrath report was published. It suggested that committees of the House of Commons should have more power. As a result Standing Order 108(2) was enacted. It is a successful attempt to give committees more power by allowing them to very much control the process as well as the subject matter that is studied. In addition to studying matters referred to them by the House, committees on their own initiative can undertake other endeavours which are thought important.

In this case, the agenda is very full. The justice committee has probably the busiest agenda of any committee in the House. We wanted to take a look at policy initiatives which are now embodied in Bill C-46 and are the subject matter which we resolved to study as a priority. Because the committee is busy its work had to be prioritized. One priority was Bill C-55 dealing with dangerous offenders. It was reported last week. The committee then wanted to study Bill C-46 which it suspected was coming or knew was coming.

A great deal of attention has been paid to the subject matter of Bill C-46 in terms of letters and public response. As a committee, all parties, including the one that is heckling me right now, unanimously agreed that the subject matter of this bill would be a high priority.

Section 108(1)(a) gives us the authority to sit while the House sits. I want to point that out because that is one of the objections that the member raises.

● (1510)

Section 108(2) empowers committees to study and report on all matters relating to the mandate—and I am paraphrasing—of the departments of government which are assigned to it and that includes the Department of Justice which is the primary source of the legislative agenda at this time.

In the commentaries in the Annotated Standing Orders at page 324 the author states:

> Standing committees are now empowered by the House to inquire into and report on all aspects of the departments assigned to them—the Standing Order includes a blanket reference permitting the standing committee to examine any matter relating to the department as it deems necessary and worthwhile.
>
> We are doing exactly that.
>
> With the end of term approaching and knowing that the agenda would be very full, members of the committee really cannot afford any down time and that is why we prioritize our work.
>
> The policy initiatives in Bill C-46 are a subject matter that we resolved unanimously to study as a priority. There are precedents for this. The finance committee was the first committee to do this during the last Parliament and our committee has done this with Bills C-45 and C-110. As well, I understand the transport committee has studied some subject matter in the same way.
>
> The hon. member's specific argument that he wants to hear the debate and then go to committee and question people can be responded to this way. First, the blues are available to him almost immediately. I had the blues of his motion by noon today. *Hansard* is available to him. The committee briefs are public and are available to him. Witness lists are public and are available to him. Department officials and briefings are available as they have been to all members who require them. All of these could help him prepare for committee work.
>
> I would suggest that section 108(2) gives committee members the power to do what we are doing. Really, all we are doing is controlling our own destiny and determining what work we will do at what priority.
>
> I would like to thank the Deputy Speaker for giving me notice of this motion and allowing me the opportunity to speak.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I am vice-chair of the Standing Committee on Justice and Legal Affairs.

What the hon. member said about the way we proceeded is correct. However, I think the member raised a very important point about procedure. It would be worthwhile having an enlightened decision from the Chair on this so we could use it later on.

When I gave consent for the committee to follow this procedure, I was very familiar with Bill C-46 and aware of the consequences and the speed with which they wanted it passed, given that it pretty well had universal approval. We also knew that there were a lot of women's groups and that the Supreme Court had reached decisions that concerned Bill C-45.

All this resulted in the opposition's agreeing in full knowledge of the situation to not follow the rules. What I would like clarified—and it is your job, I believe, Mr. Speaker—is that I do not perhaps entirely agree with the way my colleague has interpreted the new powers of the committees. I think there is a rule providing that, following second reading, the committee receives the bill, hears witnesses and so on.

There are two questions I would like you to answer The first is this: What rule prevails under the Standing Orders? The second question I would like you to answer to help the committees eventually is: If the members of a committee, in this case the Standing Committee on Justice and Legal Affairs, unanimously agree to proceed other than in the way the rules provide, is it legal for them to do so?

[*English*]

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, without prejudice to whether this may be a point of privilege, I thought that since the hon. member for Windsor—St. Clair mentioned the McGrath reforms, I might intervene very briefly as the last surviving member of the McGrath committee.

It was certainly not the spirit of the McGrath reforms to have things happen simultaneously. In fact, the intention of the entire reform with respect to reorganizing the hours of the House and of committees, et cetera, was to make sure that a situation would not occur in which things were being considered both in the House and in committee at the same time.

• (1515)

Committees are still masters of their own destiny or at least should be if we were able to change the political culture such that parties still did not run the committees.

Technically speaking, the member is right. I just want to indicate that the spirit of the McGrath reform was that things would not be happening simultaneously.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I want to be brief and say thanks to the member for Hamilton—Wentworth for raising this question of privilege.

When you consider your decision on this matter, I urge you to consider that this really does affect every member of this House even though it was raised by just the one member, the member for Hamilton—Wentworth.

The Speaker: The hon. member spoke this morning. It was his question of privilege. Does he have anything new to add to what he said this morning?

Mr. Bryden: No, Mr. Speaker.

The Speaker: I think I am getting the gist of what has gone on. Of course, you will permit me to take the time to review everything that was said, including the information presented by the member for Hamilton—Wentworth.

I will have a look at everything that was said today. I will have a look at the precedents and I will try to ascertain what has occurred, what was intended in the McGrath report and, if necessary, I will address myself to the two questions that were brought up by the member for Berthier—Montcalm.

In that way, hopefully we will all be able to better understand what has transpired and possibly have some direction as to which way we should be going in the future.

I will get back to the House after I have made a review of the facts put before me and through my own research.

GOVERNMENT ORDERS

[*English*]

CANADA LABOUR CODE

The House resumed consideration of the motion that Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other acts, be read the third time and passed.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, in speaking to Bill C-66, we must be cognizant of what this act attempts to do. It is an attempt by the government to change the framework somewhat for the collective bargaining process.

I want to put on the record that sometimes the Reform Party's position with regard to collective bargaining is misunderstood. This should be made clear at this point in time.

We believe that the collective bargaining process is a fair way in which results can be brought about so that there is fair remuneration for work performed in industry or in government and, on the other side, that management is treated fairly and is able to continue its business or the public is able to afford the results of the collective bargaining process.

We also believe that the collective bargaining process does include the right to strike, that it is part of the process that should

be there. In saying that, I also have to say that those are the conditions under normal circumstances where there is management and there are employees who wish to negotiate. The two are able to negotiate and participate actively together and both be represented adequately at the bargaining table.

My colleagues and I have great concern with this bill that there are circumstances that are not normal, that those participants who have to pay for the results of the collective bargaining process are not at the bargaining table. We believe that something should be done to protect their interests and their rights when they are not at the table.

• (1520)

As has been made very clear in the House by the member from Kindersley, the member from Alberta, the member for Vegreville and the member for Wetaskiwin, the farmers, the producers of grain and a variety of farm products, including alfalfa or hay products that are shipped into the international market and in high demand because they are a quality product, are not being dealt with in the collective bargaining process in a fair way. We believe that something should be done in terms of protecting their rights.

What solution have we arrived at? We should look at final offer selection arbitration as an option. We put that before the House. We said that it would prevent the opportunity for all those unions, some 30 of them, between the farm gate and the hold of the boat, from striking and causing a circumstance whereby grain cannot reach the port on time and be shipped into the international market. We know the results of a labour strike because of what happened in January and February of 1997 whereby our grain was not able to reach the coast and it became a major cost to the farmers.

Mr. Hehn of the Canadian Wheat Board has said that the latest intervention in our rail traffic to the coast has cost the farmer, in his estimation, at least $65 million. However, there most likely are many additional indirect and direct costs that are not accounted for in that $65 million. It could most likely reach up to $100 million. It is a major cost.

If we look at the province of Alberta, $100 million would mean that every farmer on an acreage basis would receive a cheque for at least $14 per acre from that $100 million. I have worked with a variety of programs whereby we have delivered cheques to farmers in Alberta, and $100 million divided on an acreage basis is about that much per acre.

If we look at that in terms of the cost of fuel to operate one's irrigation equipment, which is around $19 to $20 an acre, $14 is a substantial loss to that farmer. If we look at it in terms of fertilizer, where fertilizer is anywhere from $30 to $60 per acre or more in some cases, such as in specialized crops, that $14 or $15 is a substantial loss to the farmer.

We could go on down the line in terms of taxes and fuel costs which are $10 to $15 an acre in terms of farming an acre of land. That money is taken out of the hands of the farmer, wasted and in most cases is paid in demurrage which we all know is about $10,000 per boat. In the last couple of weeks there were some 32 boats circling around the Vancouver harbour and $320,000 per day was being given to those boats. Those people take the money into their home harbour, which is certainly not Canada, and all of that money is lost to the economy of Canada. That is just an unacceptable thing to happen in the farm communities.

Something has to be done about this. We made the suggestion that one of the solutions is final offer selection arbitration.

In Bill C-66 there is a reference to farming but, as usual, farming is at the bottom of the list. The mention here is with regard to the work stoppages and lockouts that could be dealt with in terms of the process relative to the grain industry.

• (1525)

We must be clear about what this does. If the wheat gets to the harbour and the strike occurs, that wheat must be put in the hold of a boat. But what about all those other unions between the farm and the hold of a boat? They can stop the flow of grain into the market and, as I said earlier, that would result in a major cost to the industry. Something has to be done about it.

One of the other things we have suggested in the House is that the government should deal with the Canadian Wheat Board. We should look at a dual marketing system rather than the single marketing desk system we have in Canada today, especially for western Canadians. We have this special law called the Canadian Wheat Board Act under which we must behave as farmers and produce our product while we do not have the right to market it without the intervention of the Canadian Wheat Board. That causes problems.

If we relate that situation to Bill C-66 in terms of marketing of our grain, it creates a major problem. We sell our wheat into the pools with the Canadian Wheat Board monitoring what goes on. The Canadian Wheat Board has a lot to say about what rail traffic is available to us, about the cars that are available to us to take our grain to the coast so we can put it into the holds of boats and ship it to the international market. There is an intervention there that does not let the free market system work. It is not possible for farmers to use that kind of system without the intervention of government.

There is this secondary intervention, although in a sense it is primary. Because of the way it is, if there is an intervention via a strike by any one of those unions, farmers are affected because that is the route by which our grain is shipped between the farm and the boat. The alternate routes down into the United States by truck or by a variety of other routes are restricted because of the intervention of the Canadian Wheat Board. That is actually an unfair

intervention that we do not need. It is just another good argument for a dual marketing system for grain in western Canada.

As an independent farmer, if I wish to move my grain around the west coast shipping facilities, through Montana to Washington where I can ship it through an American shipping facility, I could do so. But today I cannot do that kind of thing. Immediately when I start to do that I have an intervention by the Canadian Wheat Board. There is this intervention in the free market system.

Some people say that all farmers would not have access to that kind of facility. They can group together as a co-operative group if they want if they believe in that kind of format or legislative framework under which they can work. They can legally set themselves up as an entity if they wish. They can work through the Alberta Wheat Pool, the Saskatchewan Wheat Pool or any other united grain growers or any other type of grain marketing agency to market their grain. They can contract with other private grain marketers in the field and they would have options and alternatives to what is there.

Has this government really done anything? Has it looked at anything new? No, it has not. It has protected the historic system. It says ''we'll nudge the collective bargaining process a bit, we'll do a little intervention at the ports, we'll do a little intervention in terms of one labour group, in terms of the longshoremen''. But that does not resolve the problem. The labour act is only paying lip service to the major problem we have here in Canada. The government is not dealing with it, not at all.

Why does the government not look at alternatives? Who could expect a Liberal government to ever look at alternatives? The Liberals want to preserve the status quo. They want to keep things the way they are. They want to keep their heads down and the only ambition they have in life is to have political power where they have position and authority, supposedly to run this country, but that is where it ends in terms of new ideas, options and alternatives and trying to look at doing things in a more progressive and positive way.

● (1530)

The minister of agriculture tried to resolve the latest intervention in terms of moving grain from farms in Alberta Saskatchewan and Manitoba to British Columbia and off to the ports.

What did he do? There was a last minute knee-jerk reaction to a problem. It was a crisis when he finally called a meeting in Calgary. He brought in those who were responsible, the grain companies, the CPR, the CNR and a variety of shipping agents, to sit at a round table. I hope he brought in a few farmers, but I doubt it. He brought in government officials and they talked about the problem.

The only solution they arrived at was that there was a crisis and it would be six weeks before the grain was moving again. In the interim farmers lost millions of dollars.

Why did they not come up with some solutions? Why did the minister not come back into the House and say that he would deal with the problem and come up with solutions?

What are some of the solutions? It is time farmers are not the only people who take the knife in the back from the government, the unions, management and people responsible for getting their product to the coast. It is time somebody else started to pay such as grain companies and the management.

When there is a slowdown in shipping or when there is a stoppage in shipping it is time the grain companies and management pay because they are not alert to making it happen. It is time the Canadian Wheat Board stood up. It is farmers' money again but it is not sharing in the cost the way it should.

The Canadian government has a responsibility. As it stands right now the only representation farmers have at the bargaining table, often in a very informal way, is the Minister of Agriculture and Agri-Food and the Minister of Labour. They should be held accountable. If they are acting on behalf of other taxpayers and farmers are losing money they had better share in the cost of the loss. It is time to bring accountability to a broader group than farmers. It is time farmers stopped paying the whole bill.

Then there is another big group that walks away scot-free, the longshoremen who belong to various labour organizations. They strike. Most longshoreman who work on the coast have never been on a farm. They do not even understand the problems at the farm. We pay their wages but we have nothing to say about their remuneration or their actions. When they go on strike they had better start paying the farmers' bill. The producers should not suffer.

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, the member for Lethbridge certainly has a lot of expertise in the farming industry as well as considerable expertise in the legislative world.

I draw his attention to a comment made by the parliamentary secretary on March 3, as recorded in *Hansard* when he said:

> I will now turn to the grain provision. Grain has been declared for the general advantage of Canada. It is a multibillion dollar industry which exports to over 70 countries worldwide. The livelihood of 130,000 farmers and their families depend—

Certainly I would not want to diminish in any way the importance of agriculture to the Canadian economy, but when a provision in the labour code bill says that grain arriving at port will be loaded we are possibly asking longshoremen to cross picket lines set up by other unions to load the grain.

• (1535)

When we single out grain as being ''declared for the general advantage of Canada'', practically every other major export good produced in Canada such as potash, petrochemicals and forestry products could be construed as being for the good of Canada as well.

Would the member for Lethbridge give us his thoughts on those items?

Mr. Speaker (Lethbridge): Mr. Speaker, we should adhere to the basic principle that all parties affected by the collective bargaining process in any way should have the right to be at the table. That should be a basic principle in the agriculture industry, the potash industry or the other industries the hon. member noted. They should have some right to representation at the table.

In my earlier remarks I indicated that this was not the way it happened at the present time. That has been a major deficiency in the Canada Labour Code as long as I have been in politics. It is a matter I have made representation on in the Alberta legislature and to previous federal ministers of agriculture. I told them they must deal with it.

In coming to Ottawa I had aspirations that the new Minister of Labour, appointed prior to the 1994 work stoppage, would try to resolve the matter. The ministry changed hands and we have a subsequent Minister of Labour who looks at the matter in a different way. That was unfortunate and now the problem continues.

Shortly we will be going into the next federal election and most likely we will not have the matter dealt with and will have to come back to it in the next Parliament.

The issue is not finished. We still must deal with the matter in some way. I can only hope in my final days in the House that somebody here is listening who will pick up the cudgel and deal with the matter. It should be the best effort for the people not represented today such farmers, producers of a variety of products or industries transforming raw materials into other marketable products in the world. It is a necessity that they be given an advantage and a sense of safety in the collective bargaining process.

Mr. Johnston: Mr. Speaker, it is not often I get to question someone with so much legislative experience. It may be my last crack at him.

My colleague is a great supporter of final offer selection arbitration. Does he think that final offer selection is a detriment in any way to the collective agreement process? Or, does he think that back to work legislation is more an erosion of the collective bargaining process? Maybe we could have some of his thoughts on those two items by comparing one to the other.

Mr. Speaker (Lethbridge): Mr. Speaker, I addressed the question of final offer selection arbitration in a similar way to the hon. member for Mercier earlier in the debate.

The first part of collective bargaining is a matter where management and labour sit down at the table and through best efforts attempt to reach a satisfactory conclusion to both parties. That should happen. They should move through the process and take whatever time it takes to bargain in good faith and attempt to reach favourable conclusions. That is not affected by final offer selection arbitration.

• (1540)

Then we go into mediation. Mediation is the intervention of a third party that informally and without authority tried to bring the two parties together to discuss the issue. The mediator does not have the authority to say do this do that. However it is part of the collective bargaining process. That is good.

Then we get to the point where we could move to arbitration or there could be a vote to strike or a lockout. At that point the third parties, the farmers, the producers of potash or those who wish to ship on the rails, must get their product to market to the commitments in the international market, to keep good faith and to keep a good name by marketing appropriately. When the rail line stops because of a strike or a lockout somebody is affected who is not at the bargaining table so there must be a quick resolution to the problem.

All the labour unions between the farmgate or the potash plant and the coast must understand that at that point in time they are in a special circumstance. That is why we recommend final offer selection arbitration so that an arbitrator can quickly be put in place. The two parties, because they have worked at trying to bring themselves to a final position, will most likely be fairly close. They will be asked to give their final position and the arbitrator will choose *a* or *b*. Then there is no strike. The workers and management must accept the arbitrator's decision and the main producer, the farmer who is an innocent third party, is not affected in an adverse manner.

That is the logical way to go.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I am pleased to have the opportunity to speak on Bill C-66.

There has been a fair bit of discussion today about grain farmers and the problems they face as a result of transportation to the coast and getting their grain loaded on to ships. I thought I would introduce a slightly different perspective to the bill by dealing with a letter I received yesterday from a man in my riding whose name

is Brian Coles. He has been a longshoreman for 32 years. He has a fair amount of experience on the waterfront in Vancouver.

My riding of North Vancouver is on the harbour. There is a major grain terminal in the riding so any stoppages that occur affect the people who live and work in my riding.

Mr. Coles has been a resident of North Vancouver for 21 years. He wrote to me expressing some of his concerns from the union perspective. I thought it only fair that I read his concerns into the record.

In his letter he stated that since the sixties there has not been an opportunity to negotiate in good faith with the BCMEA and that locking out and refusing to let them work the grain has always been the problem even though they have been willing to work the grain. He said they had even sent officials to Parliament at various times to guarantee the grain would be worked and there would be no need to bring in repressive legislation. However he feels it has always been in vain and has always gone the company's way, thereby forcing the government to force them back to work. That has concerned him.

Keeping in mind that this is the union perspective, he feels that the BCMEA has the best of everything. It is the most productive workforce in Canada. It can pick up the telephone 24 hours a day and get any type of tradesman, driver, switchman, machine drivers, labourers, carpenters, anything it wants and also has government as its ally.

● (1545)

He also feels that his counterparts in Montreal, the longshoremen who went on strike for three weeks, have ended up away ahead of them in manning, wages and benefits. He feels he lives in a free and democratic country but it is being run by big business and a Liberal dictatorship. He finished his letter by asking me to clarify my position on the subject and Reform's approach to the whole thing.

It is important to note from this that sometimes a fair amount of tension builds between companies and unions, each believing it is being unfairly treated by the government of the day. That was one of the reasons why the member for Wetaskiwin proposed 16 amendments to the bill. It was felt they would clarify and improve the legislation, not just for the companies and unions but for a lot of the other people who are affected by the bill.

A key factor was giving labour and management the mechanisms to solve their differences. It appears that the government is more interested in courting the favour of the Bloc Quebecois than bringing in balanced labour laws.

We probably all agree that there is a unique nature within the federal system of labour controls because there are not usually alternative sources available for transportation, for example, of grain to the coast or longshoremen to load the ships. If the situation is unique then unique solutions must be found to any problems that develop.

As the member for Wetaskiwin said earlier, Canada has a world class transportation system and a communications infrastructure that can handle the materials when it is working properly. But if trouble develops, then right away major problems appear, whether it is moving materials for General Motors or grain to the coast. It has a dramatic impact on workers right across the country. It does not take long until people are laid off, for businesses to be catastrophically affected. The impact is felt by the entire economy, including the tax and spend government side of the House which loses some income as a result and has to borrow more on the backs of our children and grandchildren.

I read out the letter from Mr. Coles earlier. I mentioned that it was from a union perspective. The companies clearly have their perspective on this as well. It creates a unique problem when tensions build between the company and the union and they cannot solve their problems. They are heading for a strike and the entire country will be affected.

Frankly, legislation that attempts to force solutions really is not satisfactory. If a solution is imposed on one side or the other, all we end up with is a level of dissatisfaction on one side or the other. Good labour relations cannot be legislated. However, government can provide an environment which encourages settlement. It gives a strong incentive to actually go ahead and settle. That was the basis for Reform's proposal that we should have final offer selection arbitration in these cases.

The aim is not to tie the hands of labour or management, but to give them a major incentive to talk together to reach a solution, without this terrible thing hanging over their heads that some mediator is going to come in and do things that are really not for the good of either side.

By giving them the tools to resolve their differences and saying: ''Listen, you have the opportunity to sit down and negotiate. You had better come up with your best offer, because if we are going to put you to the final offer arbitration, one side or the other is going to be chosen''.

It is in the interests of labour, management, producers and processors that these disputes be resolved without parliamentary intervention if possible. It has to reach crisis proportions for that to happen. It happened in 1994 when the House ended up sitting on a Saturday and Sunday in order to put through the legislation because it was so important to the business of the country.

It is in the interests of all Canadians to have reliable access to essential services. We want to keep employment within our borders and not lose it to the United States. The port of Seattle is very close to us in Vancouver. Every time there is a problem at the Vancouver dockside, and it really does not matter who causes the problem, if the port is shut down Seattle is there trying to get the business. The salesmen are very aggressive at taking business away from us. It is

essential that we keep these jobs in Canada. Everyone agrees on that. That is why it is important that the government provides incentives rather than big sticks to get these situations resolved. As I keep mentioning, the incentive should be there and not a big stick. Final arbitration does not favour one side or the other. It provides the tools needed to come to a very close position, close enough that probably either side could live with the decision in the final offer arbitration.

● (1550)

If and only if the union and the employer cannot come to an agreement by the conclusion of the contract, the union and the employer would provide the minister with the name of the person they jointly recommend as an arbitrator. Then the union and the employer would be required to submit to the arbitrator a list of matters that were agreed on, all the stuff that is finalized. They would have no problems.

Then they would submit a list of the matters that are still under dispute. For the disputed issues, each party would be required to submit a final offer for settlement.

Under most labour negotiations that occur in the private sector outside of federal control, there will be employers or unions who will say that it has made its final offer. We all know that these are often posturing positions, that it is not a final offer. It is sort of a threat. When a strike vote is taken, or a lockout vote is taken, then an endorsement by the employment association or by the union is asked for to have a strike. It helps build the pressure on the other side.

Because this is final offer arbitration, this had better be a final offer. It brings it home to each side that they have to get really focused on what they want to come out of this negotiation.

The arbitrator, of course, would then select either the final offer submitted by the trade union or the final offer submitted by the employer. It is all of one position or all of the other. The arbitrator's decision is binding on both parties.

The point that I made earlier was that because of this, it is a strong incentive to get close together. Probably both parties would make sure that they were giving as much as they could and that they were trying to retain as much as they could, knowing they had to get pretty close together before they submit matters to the arbitrator.

From Reform's perspective, we believe that a permanent and fair resolution process has to be put in place like this to take it away from control by the government. The two parties in this dispute would be selecting their own arbitrator. Then they have complete control of the final position they give to the arbitrator that they have selected. There is no government with a big stick to force one side or the other to take some sort of unpredictable settlement.

The risk to Canadians' jobs would be minimized. The risk of loss of business across the border to Seattle or to some other port in other parts of the United States would be minimized.

We cannot allow the situation to deteriorate as it has in the past. Business does move to the U.S. ports it sees as more reliable and we lose the cargo and jobs in the British Columbia ports.

This government and the one before it have shown that they are in the habit of reacting to emergencies rather than putting in place a workable process that can be used whenever we run up close to an emergency situation. They tend to wait until the crisis is there before they act.

One major advantage of final offer arbitration is that it is already there. It is already in place. It is a known end to the process. It does not require Parliament to be called on an emergency basis when everything is in crisis to pass things in the middle of the night or on a weekend. It certainly does not interrupt the business of the House for other matters and keeps the level of upset in the business community to a minimum.

It is important to stress that we are not talking about ending the collective bargaining process. We are talking about making it work better so that the incentive is there to come close together before both sides get to an arbitration point.

● (1555)

Now the minister unfortunately says that he does not support the final offer arbitration situation. I guess that is par for the course. Maybe he is just opposing it because the idea came from the Reform.

It is quite amazing how often good ideas are promoted by people in the business sector or by the average Canadian. We bring the issues to the House only to find that they are opposed by ministers even though many members on the government side support the positions that we take. It raises the question of how democratic this place is when those sorts of good ideas can be suppressed by one or two people running the whole show.

My riding has some major grain elevators, and a lot of pigeons as a result. Maybe Census Canada, instead of wandering around trying to fine people for not filling out their census forms, should take a count of the pigeons in my riding. I think they would get a surprise. I guess one benefit of a strike is that the number of pigeons decrease because they run out of food for a little while.

Grain shipments are very important to my riding but other shipments go through the port as well. Potash, sulphur and wood chips are major shipments that occur in the area. There is a large sulphur depot on the north shore and in Port Moody from where I

believe potash goes as well. Therefore, disruptions in the transportation system do affect other sectors.

I am aware that many of the members on the Reform side of the House are from rural areas where they are involved with farming interests so there has been quite a lot of talk about those farming interests in the discussion on the bill. However, it affects many other industries when the port is locked up for some reason.

Clause 87.7 of the bill ensures that grain, once it reaches the port, will be shipped out. However there is no provision to ensure that the grain gets to the port. What is the point of having a provision in the bill which states that the grain will be shipped out once it gets there when there is no provision for it to actually get there in the first place? That is a major flaw in bill and makes one wonder how such a half measure could get in there. Maybe someone was not thinking straight when the legislation was drawn up.

As part of the national interest, perhaps final offer arbitration would have been a more effective tool to ensure the movement of grain to the markets and to ensure the movement of other commodities as well.

We know that technology is advancing all the time. There is going to be a new generation of container vessels soon surfacing at Vancouver's new terminal. It will require 15 double stacked trains for complete discharge or loading. These are huge volumes of rail cars and huge volumes of products that have to be moving to service these ships. With the improved technology, the grain can be loaded quickly and the port will be empty and idle before a 72-hour strike-lockout notice would appear if we were to remain under the old situation.

Grain represents about 30 per cent of the port of Vancouver's business so it is very important that we consider grain along with the other commodities.

Groups such as the BCMEA—I guess I should really expand that out so that people know the meaning of the acronym—the British Columbia Maritime Employer's Association represents about 77 wharf and terminal operators and stevedoring firms at Vancouver and Prince Rupert. They fear that the grain provision would worsen an already rocky history of labour disputes at the port and this bill has not addressed the problems. They feel that if some longshoremen can keep earning wages for loading grain they might have less incentive to end a strike quickly.

Grain customers are using United States ports like Seattle where they know that the commodity will be delivered as promised. We cannot ignore the threats from ports that are so close to Vancouver. With Vancouver now being the largest port in terms of volume for Canada, we really have to make sure we have stability and can deliver on our promises. Therefore, as we gradually eliminate government subsidies, farmers are not really captive to Canadian ports and transportation systems any more. All parties to this, the port employers and the unions, have to recognize the fact that there is decreasing incentive for farmers to keep using these routes if they are unreliable. We have to make sure that we put in place something reliable. Final offer arbitration would be one of those things.

• (1600)

I could move on to other topics in more detail, but at this point I should wind up and give members a bit of an opportunity to question me on some of the provisions in the bill.

Mr. George Proud (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, I want to comment briefly on my colleague's speech regarding the man who wrote him a letter dealing with the longshoring industry. He can assure the gentleman that the bill resolves the question he was asking.

For years longshoremen said they would look after longshoring activities while the grain handlers loaded the vessels and BCMEA or whatever the company was would not allow them to do it. That now is part of the process of the bill. The bill allows that to happen. They have to look after the grain vessels.

I have heard a lot of talk today from my colleague from Wetaskiwin and others on the final offer selection. People in labour and management call this the one armed bandit of labour-management relations. However the bill does not impose conventional or final offer selection. It expressly recognize the right of the parties to agree if they want to. If they want to agree to it, it is there for them. If it is as good a way of resolving the situation as I hear expressed across the way, certainly they can agree to do it.

This resolves the question of the man who wrote the letter as far as longshoremen doing the work. Now they will be able to do that.

Mr. White (North Vancouver): Mr. Speaker, I do not know whether or not to thank the member for the intervention but I can certainly answer the questions.

He said that the bill resolves the question that was in the mind of my constituent who wrote the letter. That must be a Liberal view of the bill. I will quote again from the letter that says quite clearly:

> I thought I lived in a free and democratic country. However I believe it is run by big business and a Liberal dictatorship.

I do not think that my constituent is convinced that the Liberals have acted in his best interest in this bill. It is certainly not the way he sees it.

The member also mentions that the bill recognizes the ability of the parties to agree to final offer arbitration if they want to. There is

ample evidence that when there is a bit of friction between a company and its union as bargaining time approaches for a contract it is not easy for them to agree on anything. If in the traditional way their ''final offer'' is not a final offer but is part of the posturing that goes on as they come to a final offer, we could hardly expect them to agree to final offer arbitration.

If the government had put that in the bill and they knew they had final offer arbitration at the end of the process, their final offer will truly be a final offer. It really is the incentive to make it the final offer.

By just saying to them that they can agree to final offer arbitration if they want to, we can see what would happen. Let us say the union side truly comes up with its final offer. It knows it cannot budge. It says to the employer that it would like to go for final offer arbitration. In the meantime the employer has done the posturing thing and has put forward a final offer that is not really the final offer. Of course they do not want to agree to final offer arbitration. We see the conundrum that results immediately.

Including that provision is a non-issue. It must actually be in the bill that the process ends with final offer arbitration so that we get to final offers. I think that answers the question.

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, certainly my colleague is very familiar with the port of Vancouver and the immense amount of goods shipped through there to various places all over the world. Therefore, how does he view the special status afforded to grain that the bill allows for? How does he see it affecting other products that are certainly important to B.C. and the Canadian economy as a whole?

• (1605)

Both forest products and the petrochemical industry are similar to grain as far as their impact on the Canadian economy and on the value added industries they spawn is concerned.

Mr. White (North Vancouver): Mr. Speaker, I thank my colleague for raising this point. Earlier in my speech I mentioned the special status of grain. It is true that many other commodities are moved through my riding and loaded at the port. He mentioned some, but the ones I can think of are coal, sulphur, wood, lumber products, potash, petrochemicals and grain.

Many constituents have asked me what is going on and why the bill gives special provision to one commodity while the rest are being ignored for some reason. I cannot suppose for the government side why it made this decision, but there is always a feeling that because many of these other products are B.C. based maybe the west is being picked on again. I should not say that. I am sure it was just an accident that those things were left out of the bill. The government simply has no idea what happens at a port. It never realized that coal, sulphur, wood, potash, petrochemicals and a lot of other things went out of that port along with grain.

That is clearly an area that needs to be addressed. It is very distressing the government has not dealt with it. A sense of frustration is felt not only by me but by my constituents and certainly the companies and workers in my riding.

I thank the member bringing that matter to the attention of the House.

Mr. Herb Grubel (Capilano—Howe Sound, Ref.): Mr. Speaker, I would like to speak to the changes to the labour code proposed by the government under Bill C-66 which will affect about 700,000 workers in federally regulated industries.

I oppose the legislation because it attacks the wrong problem. The problem as government members see it is labour disputes that must be dealt with in a specific way. It will be much better in the long run to deal with the real problem, the existence of federally regulated industries.

Let me summarize my argument. Unions exist to get higher wages for their members. They might often say they just want job security and all kinds of other goodies like work regulation and safety. All that can be translated into higher income. Basically unions exist to benefit workers.

It is true by definition that if enterprises are suddenly required as a result of unionization to pay higher wages to their workers the extra money must come from somewhere. There are only four logical possibilities.

First, the money that has to be paid to workers could come from the profits. An old ideological position is that it is a struggle between capitalists and the working class. Many people will know this position will not likely have a very strong effect. If the profits of companies are squeezed too much it may seem as if they are stuck where they are at the moment, but the fact is that they can always leave. More important, in a region in which unions are very strong factories simply will not be established. There will be no investment. The extent to which higher wages going to the worker come from profits is extremely limited. In some types of industries it is more possible than others. I will explain that in a moment.

• (1610)

The second possibility is that the employer simply raises the prices of the product and services produced by the unionized firm that suddenly faces higher labour wages. Under those circumstances the benefits to workers come directly from the consumer. It would tend to be consumers of only a very small proportion of the product. Therefore it does not totally come out of their pockets.

If everyone in society were unionized and insisted on higher wages it is quite clear there would be higher prices and the gains made by workers with the higher nominal wages would be wiped out by what they had to buy. This kind of situation existed in countries like Sweden where unionization was almost universal, at which point there had to be tripartite agreements between government, industries and workers to ask how they could prevent this cycle of inflation from taking place.

The third way in which workers can be compensated when they insist on higher wages is at the expense of other workers. In a sense the higher costs of production due to the higher unionized wages are passed on in higher prices. It is the consumers who pay in the end for the workers whose union action brought higher wages.

The other possibility is that workers induce a substitution of capital for labour so that the company will make the same profits and will not have to pass on higher costs through higher prices for their output. They would save labour. As a result the workers in the industry before the wages were raised are now thrown into the non-unionized sector where, if they are to be absorbed, they get lower wages. This is what economists have found. Everything else remains the same between industries. The workers who are unionized have 10 per cent to 15 per cent higher wage rates than those who are not unionized.

When a union is squeezing a higher wage out of an employer through unionized action, where does the money come from? It comes in some industries from government.

There is no sense for any reasonable government in the industrial world to attack the activities of unions, as self-serving as they are. The right to organize and the right to try to get more money for their members are such ideological issues that any government which tried to confront the ability of unions to do so directly would suffer greatly. It is a cause that makes workers go to the barricades. People have been prepared to die for the cause. It is not worth any government taking on the unions directly, but society has an option to strictly limit the power of the unions by certain policies. The policy which I would recommend is to remove situations where there is an unlimited pot of money or a very large pot of money. That large pot of money has been created by government policy itself.

• (1615)

I would like to elaborate on that basic idea by considering that unionization can take place in four analytical classes of industries.

The first business that I would like to discuss involves small privately owned firms, where entry is easy. A lot of capital is not required. They typically have no more than ten employees. It is a mom and pop shop, a tailor or even a small manufacturer of drapes or whatever is locally produced.

In that kind of business everyone is just scraping by. Often the employers are just making enough money to stay in business. They do it because they feel that someday they might hit it big or they like to have their freedom. They are their own bosses. If these people rationally calculated how many hours they work and what their income is, they would realize that they work for very little money. They could probably earn more on the outside.

When I return to the university and to the Fraser Institute after the next election, a study of small business will be one of the projects which I hope to undertake. I want to know what makes them such good employers and what they give to society.

Unions in the small business sector are non-existent. Why? Everyone knows that if they unionize those small shops to get a higher wage the employer might just throw in the towel and leave. He is not making enough anyway. Alternatively, the company could be driven out of business because it cannot pass on higher wages through higher prices. Try to sell ice-cream, shoes or drapes at a higher price than the neighbour charges. They would be driven out of business.

The second category of business that I would like to discuss is where they have a small element of monopoly power. For example, the steel industry used to have a certain amount of monopoly power. I say used to have. So did the automobile industry. That was before transportation costs fell dramatically and before technology spread throughout the world at the push of a button.

In the past those kinds of industries had what we call an oligopoly position. They were protected by natural processes in the economy. The cost of transportation was high. There was limited entry because of the scale that was required to build an automobile factory or a steel factory. Under those circumstances workers were somewhat successful in organizing because they were able to drive up the price and the price could be passed on. The price of steel in an automobile is still relatively low and automobile prices are not affected if unions in the steel industry raise the price a bit.

In the sixties, seventies and into the eighties we had huge, very disturbing strikes in the steel and automobile industries. They are gone. The reason is there are no oligopoly profits and there are no opportunities to pass on increases in the cost of production through higher product prices. That is because of free trade. It is because of the low cost of transportation.

We have now a very strict limit on the power of unions. Even international unionization has been shrinking where it was once almost universal. Even in Canadian industries where this is the

case, they have strong limits on their ability to push through the benefits that they think their union members deserve.

• (1620)

The third category in which unions have been very powerful in the past were industries in which there exists what we call economic rent. Economic rent is a surplus in the value of a product above the cost of production. This typically is found in natural resource industries.

Let us take gold. A gold mine may have a cost of production of $100 an ounce but the price that the gold fetches is $450. The question is what to do with the $350. It is in industries like these that unions were strong because they wanted a bigger share. It can be applied to copper, to tin, to whatever can be mined.

It was also true in the B.C. forest industry. We inherited from nature, undisturbed for millennia, for hundreds of thousands of years, mature forests where it might cost $3,000 to cut down a tree but the price would be $10,000. The government did not at that point try to get that $7,000 but took only the residual of whatever the cost of production was.

It can be imagined that under those circumstances, unions were happy to go on strike and the employers were happy to give in to get a bigger share of that $7,000 difference between what it costs to cut down the tree and get it to market and the $10,000 it sold for. That is how British Columbia in the post war years got itself the highest wages in the forestry industry anywhere in the world.

The honeymoon of natural resource industries has ended. There are very few resources left right now where it is possible for unions to tap into this economic rent. The power of unions in British Columbia has decreased and is decreasing continuously with the disappearance of this economic rent.

I now would like to turn, as my time is winding down, to the fourth category of industries where unions are powerful. The most powerful unions are typically found in industries that have a deep pocket. Who has the deepest pocket? The government.

Therefore government owned industries typically have the strongest unions. When they raise the wages of their members, who pays for them? Not at the cost of capital. It is sometimes through higher prices but it is typically, simply at the cost of subsidies.

The world has realized that this is the case and that is why everywhere in the industrial world we have privatized those industries that previously had been owned and run by government. Subsidies have ended but there is a very subtle additional area that we are now talking about, industries that are regulated by the state.

In Canada we still have 700,000 workers employed in this sector. Here the action is subtly different. Regulation means that the firms are allowed to operate a monopoly. They have the protection from the state that there will be no competition. For example, the airlines used to be that way. Courier services are that way. There are 700,000 workers still working in this kind of field.

We now know from studies that as a result of the monopoly guaranteed by the government and the regulation, costs in the airline industries around the world rose dramatically.

• (1625)

I will never forget started it all, the deregulation movement in the United States which spread to Canada. There were airlines that flew between states and therefore were subject to federal communications agency regulations. However, there were some that were not regulated because they were intra-state flights.

What we had as a result of this was that a flight between Boston and Washington D.C. cost exactly twice as much as a flight between San Francisco and Los Angeles. The former was regulated and the latter was unregulated.

How does regulation affect the whole situation? What happens is that the pilot unions say: ''My responsibility for flying a 747, which costs $100 million, is very large. I am responsible for the lives of 500 passengers. I shall not take on this job unless I am paid $300,000 a year''. At that point the employer says: ''No, you cannot have $300,000, $250,000 is enough. No, you have to take a strike''. What did they do? After a song and dance, very occasionally taking a strike, the employer said: ''Sorry, here is your $300,000''. The civil aviation board now has to raise prices because its costs have gone up. That is how we got double the cost of tickets in the regulated and non-regulated sector.

It is quite clear that what we have in Canada with 700,000 workers being subject to such regulations is they are facing exactly the same incentives as do the regulated airline industries. Imagine if the Canadian regulations would allow the diversion of wheat board exports to any harbour on the west coast other than Vancouver and Prince Rupert. Does anyone think that the unions would have as strong a position as they have now? No way. They would know, almost like the guys in the small shops, that if he strikes his business will go away and there will be fewer jobs in the end.

My conclusion is that Bill C-66 is attacking a symptom when we have a much more serious malady which is regulation and government ownership in industries where as a result there is practically no competition. Let us restore competition and see what happens to the power of unions. That is the way to go.

[*Translation*]

Mr. Philippe Paré (Louis-Hébert, BQ): Mr. Speaker, I listened carefully to the Reform Party member for Capilano—Howe Sound.

It is distressing in 1997 to hear what could, if we were not afraid of calling a spade a spade, be described as an anti-union plea.

Among other things, the hon. member is critical of unions for defending their own interests. If unions do not defend the interests of workers, who will? Employers? The government? I do not think so. If unions do not have the right to defend workers' interests, what then are businesses defending, within their corporations and within chambers of commerce?

• (1630)

Does the member for Capilano—Howe Sound not think that the pay of unionized employees has an upward effect on the pay of non-unionized employees? I think it does, and I think it absolutely essential that it do so.

Does he think that by keeping workers at minimum wage, he is helping to put money in the pockets of the men and women of this country? In the end, if people are not paid fairly for the work they do, what must be put in place? A social safety net to help offset the poverty created by businesses that do not pay their workers fairly. I therefore presume that the member for Capilano—Howe Sound is also against the establishment of a minimum wage.

I ask him one last question. Do we really need businesses that are unable to pay their employees fairly? I say we do not. If businesses are unable to pay a fair wage, they have no right to exist, because they are generating poverty.

[*English*]

Mr. Grubel: Mr. Speaker, I thank the hon. member for his question. One would expect it from someone representing a union.

The question to me is what is fair or give an operational definition of fair. I do not know what it is, but I do know that if we provide conditions where there are no deep pockets we can let the unions fight it out.

I am not against unions. I am against, as in the case of the wheat transportation agency, a monopoly protection being granted to an industry, to a bunch of workers who then take the power given to them by the state and exploit others.

There is always the belief that wages would not increase if it were not for unions. I sat next to a gentleman on a flight to Vancouver last week. He was being sent by his Canadian company to Singapore. He was telling me about the business they had there. One of its biggest problems was that every year it had a turnover of 30 per cent to 40 per cent of its workers. He said they get their training from his company and then go to better jobs. I said there was a solution and he agreed that the company would have to pay higher wages.

This is how in a free and competitive economy the wages of workers rise. If a company cannot get the quality of workers it wants to stay remain with the company, it has to pay higher wages. If the company lags behind and does not pay enough it will not get them. It is as simple as that.

I do not know whether the company was unionized, but it costs the employer to train the workers. It has to make a very careful calculation between the extra cost of training people who then leave and paying higher wages and having fewer leave. There is a very nice calculation which at some point indicates it is worth the company's while to have higher wages and less turnover.

That is how in a free society the average living standards of workers rise without any government help. It is just a natural process without, I might say, interminable wrangling over the definition of what is fair. What is a fair wage? Something that might be fair to one member may not be fair to another. How do we know?

• (1635)

By all means the answer is unions. Let them be allowed to organize but remove as much as we possibly can the monopoly powers granted to them and their employers through government. In my judgment that is the way to stop the deplorable situation of our transportation system being periodically paralysed by strikes.

If workers knew of an alternative way of moving the goods they would be very much more reluctant. Either they would drive the company out of business or it would be diverted so that the business would continue to operate at a much lower level. All the workers would be laid off and would put pressure on the union to be reasonable.

I have used a somewhat different approach to solving a problem that has plagued the House. In my training as an economist and having thought about the issues for a long time, I believe it is best solution possible for all of us.

Whether government is doing it in this session or the next one I predict herewith that this will be the trend around the world to make unions serve both their members and the interest of society as a whole.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, my hon. colleague outlined his position very well. He indicated there were four categories of industry on which his principles would apply. Those seem to be somewhat traditional industries. He applied deregulation, less government ownership and competition in the marketplace as solutions to the problem.

The Minister of Human Resources Development talked about the new economy relative to unemployment insurance and so on. I know my colleague is a rather futuristic thinker. In terms of the technological world we are facing, the different kinds of world communications and the spatial arrangement of workers in the

workplace, do the principles he enunciated apply, or is there something more futuristic the member could suggest to the House?

Mr. Grubel: Mr. Speaker, I remind my colleague to look at an article that appeared in the *Globe and Mail* a couple of weekends ago wherein the issue was discussed. There is a wide diversion of opinion but basically unemployment is not caused by technological change or union action. I come down on that side. It is caused by the existence of generous welfare programs. That is a widely accepted view among a large portion of economists.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, let me reiterate what has been said many times today to make sure everyone understands. The legislation we are debating deals with the federal labour code. It does not deal with provincial codes. However, things set in motion at one level of government often eventually see their way to the other end.

I come from British Columbia, a very strong labour province with an NDP government. When it is not in power the NDP represents the unions. It talks about the rights of workers and all the great things it will do for them. However, once the NDP takes power it often finds its policies have changed considerably and it does not represent the people it claimed to represent before getting there. Such has been the case in British Columbia.

• (1640)

When we talk in terms of unions we go back to their history and ask ourselves if they are necessary. Historically unions were not only necessary but absolutely essential. The conditions under which workers toiled were absolutely deplorable. In eastern Canada, in one case I read, in the last century if workers banded together to ask for a raise they could be sent to jail. Those were conditions that people worked under in Canada.

There was child labour and slave labour. There were improper breaks. Working conditions were dangerous, totally unhealthy and unsafe. The wages were such that a person could not eke out a meagre living. The unions when they came in were absolutely necessary.

The model of a union is very simplistic. The workers band together as a group, go to the employer and ask for conditions that are safe or wages that allow them to live. If their demands are not met they withdraw their work until such time as the company listens and grants them a reasonable wage or better working conditions.

Time moved on and that model continued. It continues basically unchanged today. It started in North America in the 19th century and now, as we are about to move into the 21st century, we are still working with that same model.

One of the many attributes of Reform Party members is that we listen to what constituents have to say. We listen to what different groups in our society have to say. Not only do we differ from other parties, but from time to time we differ within our own party. We represent the things we were elected within our various ridings to represent, having in mind the common goal of Canada.

In my riding of Kootenay West—Revelstoke, in southeastern British Columbia, there are two very big companies and two sets of unions at each company. As well there is considerable union organization throughout the workforce in other areas.

I have sought out these union groups and have talked to them at length about the various problems they are facing. Union popularity is falling. Right or wrong union popularity and membership are falling. The pendulum has swung a little too far to the other side for some unions but not for all, not by any stretch of the imagination. For a few very powerful unions the pendulum has swung too far. My hon. colleague from Capilano—Howe Sound alluded to some of them. All unions are tainted when a couple of unions get too powerful and demand too much.

I talked to them about alternatives to this model and why we are going into the 21st century using a 19th century model for labour dispute settlements.

One principal item the legislation the government is bringing forward deals with is the banning of replacement workers. I cannot speak for all members of my party, but I can say from my perspective that I am not in favour of replacement workers. I agree with the concept of not allowing replacement workers. The reason is that union workers, if they are on strike, cannot replace the company. Then why should the company be able to replace the workers if the kind of system to be used is one where either the employees withdraw their services or the company locks them out? It seems absolutely ludicrous that a company could lock out employees and simply go to other people.

The greater problem is that strikes in themselves do little good for anyone. It is an economic battle between the employer and the employee. Unless there is something very lucrative at the end or huge concessions neither side wins. The greater loser is all the collateral damage it does. When we talk about it from the federal perspective in terms of the transportation system in particular the losses are catastrophic.

• (1645)

There are not only the losses. We talk in terms of hundreds of millions of dollars while those strikes are under way with the loss of confidence by foreign purchasers of our products and our goods and our services who start to think perhaps they should not order from Canadian companies because there are too many strikes and they may not get what they need when they need it. They better look at some area that is more reliable.

One of the ironies of the government's putting in a restriction on replacement workers is the government knows full well that if it sets up some kind of legislation which ends up in a full blown strike with both sides at an absolute impasse, it would legislate everybody back to work.

What it is really doing is setting itself up to have more power in terms of legislating ends to strikes. What happens? We have a grain shipment strike. The government legislates the grain handlers back to work. We have a longshoremen strike in the harbours. The government legislates them back to work. It has done so in British Columbia twice in this Parliament. The rail companies go on strike. The government legislates them back to work.

The government has made one error in its philosophy. For years the air traffic control system, the air navigation system, was under federal law. During that time air traffic controllers were not allowed to strike. Technically they were allowed to strike but they were all designated in the event of a strike. They had to go to work. They had to do their normal designated duties. That was the government's idea of how to allow a strike. What it is doing is either playing games with the unions, pretending to help them when the reality is it is doing the exact opposite, or it has just not thought out this legislation very well at all.

The public has certain notions. We build a lot of our laws, our regulations and our policies based on this perception by the public. It is absolutely unthinkable to have the concept of a policeman standing on the sidewalk watching somebody being mugged, raped or murdered and doing nothing because they are on strike. The public will not accept that. The police understand this and they too accept that they are an essential service. Consequently no one sees that situation occur.

It is equally unthinkable for a group of firemen to stand on the sidewalk watching someone's house burn down, perhaps with a small child still inside and not do something about it. They are very important. They are an essential service. Those firemen accept this and the public has a right to expect that kind of service.

How do we deal with these people? Look at a smaller company. I do not want to name one because no matter which one I name, I take risk of offending the industry. If there is something of lesser importance than those two examples it can be said that it is all right for the employer and the employee to have the economic tug of war to see who could do without wages or corporate revenue long enough to be declared the winner.

Generally that is where the struggle is. There is some collateral damage in terms of the family of the workers or perhaps if it is in a small town, some of the other businesses, because some of the local spending is down. However, primarily it is between that company.

Essentially what we are saying is that because they are not important we will let them withdraw services, lock their employees out, let them have this economic tug of war and may the richest person win, because that is what it is sometimes almost amounts to.

There is something terribly wrong with the system. It says that police, firemen, air traffic controllers, because they are important, their right to have a strike will be restricted. Other companies, because they are of lesser importance, will be allowed to have it.

Then there are those in the middle, like the rail companies. They are allowed to go on strike for a while and then we say this has gone on long enough. We have made our point. We cannot let them strike. We legislate them back.

If there is an essential service, there needs to be a mechanism that ensures that they are dealt with fairly. If something can be brought up that truly is fair, why not apply it to all people.

I mentioned earlier that I have sought out union groups and I have asked for their input. I have spoken to them about alternatives to the dispute settlement mechanism of a lockout or strike.

• (1650)

When we talk about final offer selection arbitration a lot of people think we are completely subverting the whole negotiation process. It has been mentioned but perhaps it needs to be clarified. When we talk in terms of final offer selection arbitration all the other mechanisms of collective bargaining still exist. They still go through the whole negotiation process. They can have conciliation. If they agree they can have arbitration. They can have virtually anything they agree to. But there has to be something at the end of the day when negotiations break down, when all other means have been exhausted, that they use for that final dispute settlement mechanism.

Some of the union leaders I have spoken to point out that rarely in the event of collective bargaining do unions end up in a strike position. He is absolutely right, but it is those times when they do that cause the problem. Their argument is that the reason they rarely end up going on strike is the hammer, the hammer known as the strike.

We have to reinvent the hammer. I believe that the new hammer should be final offer selection arbitration. It has been spoken of at length today. Perhaps if we speak of it long enough and often enough the government might finally start to listen to it. It is a workable solution.

If someone has something better, I am certainly prepared to listen to it. That is what I have been saying to the union groups and the corporate groups that I have talked to about this.

As has been pointed out, they still negotiate, go through the process and try to move as close as possible. What invariably happens where final offer selection arbitration is used is usually each party knows that if they are too far away from the norm of

where they should be, then they are likely to lose when this is submitted to the arbitrator.

If industry standards, for example, suggest that a company should pay a $1 raise to its workers and the company says it will give them 90 cents and the union says it wants $3.75, if that goes to arbitration the company will win. If, however, the company says it actually cannot afford to give a raise this year and was thinking of asking employees to take a cut but is prepared to sign at the same rate, and under those circumstances the union asks for $1.35, the union would prevail.

What happens is both the union and the company know this and they move much closer together, often to the point where they may ultimately finally agree to settle. That is often the case.

I have heard people argue the concept that perhaps that works if it is just wages or it is just something else. But they are afraid of what will happen is the company will offer a big raise, something that is equal to or which even slightly exceeds the industry standard that they are entitled to. The company will offer the hours that they want and several other advantages but it will slip something else in with no particular monetary value that would be catastrophic for them to lose and they lose that.

There is nothing that says that in a model to be set up for final offer selection arbitration those items cannot be separated. There is nothing that says it has to be done all in one full package.

These are things that need to be determined if the government would ever become willing to give meaningful discussions and debate to the concept of considering final offer selection arbitration.

What happens too often is we end up in an antagonist position where people have to take one side or the other. What happens too often with unions is unions get their back up and all companies are bad and the companies in turn get their back up and all unions are bad. This is the method by which we approach it.

There is an old theory in psychology, theory X and theory Y. Theory X says everybody is lazy and everybody does not want to work and on and on. Theory Y says the exact opposite. These sort of ideas were really pushed hard in past decades, suggesting that the only way we can have workers work is to squeeze them. Most people want a decent job. They want a decent wage.

● (1655)

Now in this time of restraint most people recognize you can only push a company so far and a lot of concessions have been made by unions. With certain exceptions, unions are getting a bad rap, just as some companies are. During a time of restraint, of unemployment, of all kinds of problems in our economy, there are chartered banks reporting profits of over a billion dollars. They are coming out and saying ''this year it is even bigger, we are doing better and we are so happy about it that we are giving $1 million to $3 million salaries to our presidents''.

No wonder people get their backs up. No wonder people start talking about rich corporations and how we should go on strike and force them to pay more. Just as a couple of militant unions can taint the unions, a couple of greedy corporations can taint the corporate side. Most jobs out there are not high income corporate jobs but regular companies struggling to continue to make a living in a time of economic restraint and recession. This is the kind of attitude we have to come up with.

That is why we have to move to something that provides an alternative to this confrontational type of approach to labour settlement. ''You give me this money or I will withdraw my services. You take this cut in wages or we are going to lock you out''. That was a 19th century solution. We are going into the 21st century; we need a new solution.

I call on the government to consider this whole concept of final offer selection arbitration. I have never heard a meaningful discussion from the government side on this topic. I would love to have some input. I trust the parliamentary secretary to the minister will make an appropriate question or comment to this to the effect that the government will open meaningful dialogue and discussion on this. That would be progress, and progress is much better than playing games.

I fear the Liberals are playing games with this legislation. They put in provisions to make unions stronger while they recognize and by example demonstrate that they are going the opposite way. They set them up so they can go on strike but legislate them back once they do. They are playing cat and mouse. They are putting a bandage on a serious labour hemmorhage. We have to solve some of the problems in this country instead of continuing to put band-aids on them.

If the Liberals are really concerned about the workers why did they hike the Canada pension plan by 70 per cent? This is an enormous hike in costs to employees. Why would they do such a thing at a time when they are saying that they are going to do something good for workers, that they are going to give them more power so they can go out on strike and demand higher wages? They have just put the need for a demand for a $700 raise on all the workers in this country and said ''We are going to take your money. We are going to take an extra $10 billion out of the economy just for the Canada pension plan payroll tax alone, but we are going to strengthen the labour code so you can go on strike and extract that from your employers''.

If the government wanted to do it right, it should not have put that on in the first place. I look forward to the comments of the parliamentary secretary saying he will consider final offer selection arbitration.

I move:

That the motion be amended by deleting all the words after the word ''That'' and substituting the following therefor:

''Bill C-66, an act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions returns Act and to make consequential amendments to other acts, be not now read a third time but it be read a third time this day six months hence''.

● (1700)

The Deputy Speaker: The motion is acceptable.

Before going to questions and comments, I have to get this in before five o'clock.

[*Translation*]

The Deputy Speaker: It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Frontenac—bovine somatrotopine.

[*English*]

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, I listened with great interest, as I always do, when my friend from Kootenay West—Revelstoke speaks. I was very pleased to hear that he has taken the time to speak with and to ask for advice and glean information from the union members in his constituency. After all, they are his constituents.

I heard him say that we have to look for alternatives to the system we have now which seems to pretend nothing is happening and then, when the services of the workers are withdrawn or they are locked out, then the federal government gets in a sweat and recalls Parliament if necessary and brings in back to work legislation along with a final settlement to the situation.

Final offer arbitration was not recommended in the Sims report because it was felt it created a loser-winner scenario. However, I would like to ask my colleague if he would comment on the winner-loser scenario as may be set up when back to work legislation and arbitration is imposed on the parties.

Mr. Gouk: Mr. Speaker, I would be happy to speak on that variance and the winner-loser concept in normal labour negotiations as well.

One of the problems that occurs is that when we talk in terms of the power of the union moving from the oppressed to, in some cases—and I stress not all of them but a few certain unions—the oppressor deals with whether or not we are in an inflationary time or are we recessionary time.

In an inflationary time the unions are very powerful. As my colleague from Capilano—Howe Sound said, when this cash flow is coming in the unions can demand a larger portion of it. Those are the times when the unions say they want more. They may be justified in saying that in some cases because they took it on the chin during the last recessionary time, but right now we are in a recessionary time. The companies are saying that it is now their turn. They are saying that they can now drive the union wages down, ask for concessions, ask for cuts and ask people to do twice as much work with half as many people. They can ask for all kinds of things. It does not mean they are always going to get it but they can ask.

Curiously, my colleague from Wetaskiwin made a comment on the fact that I have taken the time to go out and speak to the unions. The results that I have received from these discussions are that there is always a bit of hesitation about something new and different. We all have that. It goes into every aspect of our life.

However, union members are saying it has some merit. They are interested in it because most of them are looking for a reasonable alternative to going on strike, losing wages and the problems associated with their families. They do not like putting companies in jeopardy which, in some cases, strikes do.

Interestingly, because we are in a recessionary period, when I go to the companies and talk to them, the larger companies say they are not really sure if they like that. They think the system is working just fine because the pendulum happens to be at a certain point. One thing about a pendulum, it continues to move back and forth.

● (1705)

There is no right time in the future. The right time to make these kind of changes is now. If we wait until the companies say yes, the pendulum is over here now and we can do it. Then the unions will be saying no. It has to be brought in. In the long term I believe both companies and unions will benefit from it. Unions will still have the full right of collective bargaining.

All we are changing is the final dispute mechanism. Companies will have the surety of knowing when they sign a contract they will be able to fulfil the contract and that any change in the conditions of employment for the workers will be dictated by the marketplace, by the ability of the company to pay, by similar wages in comparable industries, all the different factors that can be put in. All kinds of safeguards can be put into this and that is the direction we have to move.

I welcome the question from my colleague but I am disappointed that I did not hear comments from the other side suggesting that they would look favourably on some of the things we have been talking about today.

Mr. Johnston: Mr. Speaker, I would like thank the member for a very enlightening answer. I have one further question. When he is

talking to union people in his riding, as he indicated he has done, is it the fact that the unions are looking for higher wages at this point or is it as I suspect that job security and simply having a job in these difficult economic times is one of the things that the organized labour people are really looking at present.

Mr. Gouk: Mr. Speaker, job security is very big for people nowadays. For most job security is bigger than wages. Overall, if we want to put a broader title on it, people are looking for justice. It pervades every aspect of our life and it is no different in the workplace. People want a just wage. A just wage is one that will sustain them, that the company can afford to pay because they do not want to be the highest paid unemployed workers in my riding. They want to have a good liveable wage that will sustain their jobs. These things go hand in hand. They can have job security by working for $1 an hour but they want job security at a sustainable wage under reasonable working conditions.

Yes, there are a few radicals who would ask for the moon. And yes, there are a few companies out there who exploit workers every opportunity they get. Most are prepared to work together. Our problem is a confrontational labour-management system. We have to find a way to get around that. When we do that we will find that both sides will be working toward a more common goal than they currently are. Things like job security are in the best interest of both the workers and the company because job security for a worker means wages are coming in. Job security for the company means products are continuing to be made, which it sells to sustain itself.

Companies and workers have to learn to work together instead of confronting one another. That is what Reform's proposal is all about.

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, I am pleased to rise today as the labour critic for the New Democratic Party to speak to third reading of Bill C-66, the amendments to part I of the Canada Labour Code. This is important legislation and for the most part quite supportable by all members of the House.

Despite the fact that a number of critical amendments to the legislation have not been accepted by the Liberal government, I think the legislation in front of us is still acceptable because it represents a significant improvement over what exists in the Canada Labour Code today. Despite the fact that the government did not go far enough in drafting the bill, the minister is to be commended on the consultative process in which he engaged prior to the drafting of the legislation.

● (1710)

Collective bargaining, as we have heard in the debate today and in public practice, is the cornerstone of effective labour-management relations. Even the minister acknowledges that. Anything a government can do to protect, support and enhance the collective bargaining process is worthwhile.

Of course we realize that the Canada Labour Code part I amendments apply only to areas of federal jurisdiction. It is the law governing collective bargaining for private sector employers and unions within federal jurisdiction. These include Canada's railways, airlines, broadcasters, banks, grain and shipping companies, among others. Essentially these are companies and unions within the fields of transportation, communications and banking.

According to information contained in the Sims report, more of which I hope to get the chance to discuss later, part I of the Canada Labour Code applies to approximately 680,000 employees, or about 6 per cent of workers in Canada. Almost 50 per cent of all workers in the federal jurisdiction are covered by collective agreements.

Work stoppage activity in the federal jurisdiction is comparable to work stoppage activity across Canada, on average. During the past six years strikes and lockouts in the federal jurisdiction represented 4.5 per cent of the total number of work stoppages and accounted for 6 per cent of the total person days not worked due to work stoppages. We are not talking about serious circumstances.

One of my concerns, which is shared by my New Democratic Party colleagues, is that part I does not apply to federal government employees who are subject instead to the Public Service Staff Relations Act. Members of the RCMP and the military are not covered by either part I of the code or the PSSRA. It is my feeling that there should be one act, one board and one jurisdiction for all federal employees.

It has been some time since a comprehensive review with the intention of modernizing the Canada Labour Code. This process began in early 1995 when a task force was established by the Minister of Labour to conduct the review and, where appropriate, to make recommendations for legislative change.

The task force was headed by Edmonton lawyer Andrew Sims and the subsequent report became known as the Sims report. It did a fine job. To a large extent the legislation before us represents the recommendations the task force brought forward.

The task force and the minister's response to its recommendations were both subject to extensive consultations. Sims had a simple premise on which he worked and it made sense. Let me quote from the Sims report: ''Free collective bargaining, like free enterprise, works when individuals and groups, unions and employers, make decisions about their own best interests and work out their own relationships within the framework of the law''.

It continues: ''Legislation cannot fix every problem. Neither the Canada Labour Code nor the Canada Labour Relations Board can solve every labour-management situation. The parties themselves must do that''.

Sims carries on in his report to say: ''The great advantage of a negotiated settlement is that the parties, by their signatures at least, accept that they have achieved the best that they can at that time and, consequently, are more likely to live contentedly with and take responsibility for the result. Collectively bargained solutions often involve change. Change works best when both sides agree to the future direction. That is the reason why collective bargaining is so appropriate to organizations undergoing change. Our legislative framework, therefore, favours free collective bargaining and makes little attempt, except in exceptional cases, to impose solutions upon the parties''.

Obviously, to achieve our goals in Bill C-66, the test of free collective bargaining must be applied to all the clauses and if the clauses fail, then the legislation will fail as well. In some cases Bill C-66 fails the test of free collective bargaining and the idea that the system works best when collective bargaining is allowed to work. In other cases the changes proposed work very well.

• (1715)

Let me talk first about the Canada Labour Relations Board testimony before the standing committee studying the bill. The Canada Labour Congress termed it the most fruitful area of labour-management consensus building facilitated by the Sims task force.

The CLC said it had been frustrated repeatedly in the past by the government's lack of consultation with labour over appointments and reappointments to the board. Since the board's activities and rulings have a direct impact on workers, unions and management, the CLC argued that the board's composition should be ''representative of the parties involved''. Management representatives in the consultation process agreed, as did the task force.

Bill C-66 embraces the notion of a representational Canada Industrial Relations Board, and we all support that idea. However there are a few problems discussed before the committee that have not been resolved yet.

First, participants in the consensus process recommended that a labour-management selection panel should be given the opportunity to review and advise on the names of persons to be appointed or reappointed to the positions of chair and vice-chair of the new board. The task force supported the spirit of the recommendation but the bill is silent on it.

Second, the consensus group recommended with respect to the appointment or reappointment of representative members that they should be made from among those included on lists of names provided by the parties. Again the task force supported the recommendation but the bill refers only to consultation with the organization representative of employees or employers that the minister considers appropriate.

Third, the consensus participants recommended that appointments should be on a staggered basis to prevent all appointments coming due at the same time. The task force supported the recommendation but again the bill is silent on it.

There were other recommendations on which the bill is silent. There is no real explanation of why the government refuses to accept these recommendations which would do so much to improve the legislation and improve the confidence level that all parties would have in the independence of the board.

Elsewhere in the debate, as well as during committee hearings, I expressed deep concern about the lack of anti-scab provisions in the bill. I am well aware that a consensus on replacement workers could not be found during the consultation period, or even within the task force. However that is no reason for the minister not to take a firm stand in support of collective bargaining by supporting a prohibition on all replacement workers. If there were to be any disappointment in Bill C-66 as it now stands, it would be the fact that the legislation does not come right out and ban replacement workers within federal jurisdiction.

The province with the longest experience with anti-scab provisions is the province of Quebec. The task force member with the most direct experience in that province, Rodrigue Blouin, supports unconditionally the outright ban on replacement workers. In Quebec, replacement workers are banned and in the 19 years the ban has been place all the evidence points to a very successful legislative program.

Let me take a second to quote Mr. Blouin as I did during the debate of the amendments I proposed the other day:

> I submit that the general principles underlying our system of collective labour relations dictate that the presence of replacement workers during a legal strike or lockout is illegitimate. Their use must hence be declared illegal.

Let me continue the quote:

> The use of replacement workers undermines the structural elements that ensure the internal cohesion of the collective bargaining system by introducing a foreign body into a dispute between two clearly identified parties.
>
> It upsets the economic balance of power, compromises the freedom of expression of workers engaging in a strike or lockout, shifts the original neutral ground of the dispute, and leads eventually to a perception of exploitation of the individual—The conclusion to be drawn from my analysis is that there is, on the whole, a situation of illegitimacy that Parliament must condemn in no uncertain terms.

• (1720)

I carefully read the minority report of Mr. Blouin. I am quite taken by his analysis and his conclusion which reads:

> Parliament has the duty to restore the delicate balance necessary to ensure that the collective bargaining system achieves its purpose. The presence of replacement workers is an intrusion into an economic dispute that takes place in the workplace, in accordance with a public policy designed to promote industrial democracy. This policy is negated by replacement workers.

I am reminded of the minister's testimony before the standing committee in this regard. In responding to committee members the minister said that an important priority of the government was to let the collective bargaining process function.

I argue, as did Mr. Blouin, that the one element of the legislation which prevents collective bargaining from functioning well is the provision about replacement workers. That is why I support an outright prohibition on the use of replacement workers. That is why I proposed an amendment which the Liberals chose to defeat but which, if passed, would for all intents and purposes prohibit the use of the services of a person who was not an employee in the bargaining unit on the date on which notice to bargain collectively was given.

The Sims report highlights several high profile disputes in the federal sector, including the dispute at Giant Mines in Yellowknife with its tragic circumstances and Canada Post's use of replacement workers in 1991 which resulted in several confrontations, as examples of how dangerous the situation is when replacement workers are used.

The government had the opportunity to end confrontations in strikes and lockouts with the passage of such an amendment but it failed to grasp that opportunity when given it in the House.

Obviously 20 years of history of such legislation in the province of Quebec provides the necessary information we need to assess the worthiness of such a clause. It is time the federal government took the necessary steps to ban replacement workers from disputes within its own jurisdiction and my amendment provided the government with the opportunity to do just that.

Bill C-66 falls short of the kind of comprehensive successor rights protection required in the present economic and political environment as well. As was discussed in committee, the phenomena of economic restructuring, privatization and devolution are combining to render the code inadequate for the task of ensuring the continuity of bargaining rights and collective agreement protection for workers who have chosen to join a union.

In the view of the Canadian Labour Congress, a view that my NDP colleagues and I share, the code should be updated to account for several situations regardless of whether the operation by another is moving into or out of its jurisdiction.

The CLC recognizes that to be fully effective this would require interjurisdictional reciprocity. There are other situations that should be included, for example contracted work that is subsequently put up for tender and awarded to a different contractor, operations that are franchised, operations that fall into the hands of bankruptcy trustees or receivers, and operations that move from the coverage of the PSSRA to the code.

Essentially what is needed here is reform that will shield workers from having without their participation or consent their bargaining rights extinguished by decisions made by others. These rights should be respected and regarded as part and parcel of an operation by another. This would be entirely consistent within the preamble and section 8 of part I of the code.

I also make a special note of the section in Bill C-66 dealing with grain handling because I am a rural member of Parliament with a lot of constituents who make their living from farming or whose livelihoods are dependent on the success of their farming neighbours. This is an area of interest to me.

• (1725)

I have always felt that farmers and workers have a lot in common which they seldom recognize. Both groups have been or are being exploited by an economy organized above them. Both groups have had to fight multinational interests to increase or preserve their incomes. When one group goes to battle against their common enemy they should all work together to achieve their common goal. Sadly when it comes to the movement of grain this has seldom been the case. However changes in the legislation makes the prospect more likely in the future.

When we look at the recent disputes involving the stoppage of grain movement, we notice that a good percentage of the cases of stoppage have been the results of a lockout rather than a strike. We notice that the federal government has been called upon to bring in back to work legislation to get things moving again. When we see this we cannot help but wonder if the parties, particularly the employers at the ports, are not just looking for the government to intervene and settle their differences for them. I acknowledge that this is wrong.

In previous instances when the longshoremen's union has been involved in a work stoppage that prevented grain from being loaded on the ships it has agreed to load the grain but it has been prevented from doing so by the employers.

The legislation before us today is a tribute to the longshoremen who recognized the value of grain movement over the years. The legislation before us today makes it possible, indeed mandatory, for grain to be loaded in the case of a dispute between port employers

and the longshoremen's union. My colleagues and I support this clause out of respect for the ILWU, the International Longshoremen's and Warehousemen's Union, and for the farmers of western Canada.

As is evident from my question in the House today, I am most concerned about the movement of grain and the way in which the government has been handling the latest case of the railroad's poor performance in this regard. In recent weeks the minister of agriculture talked about his concern about the performance of railways which may have cost western farmers $65 million in demurrage costs and in lost revenues due to cramped sales.

Just this week the agency that regulates freight rates supported by the government allowed a further increase in freight rates of what could be $15 million. The railways have been given higher freight rates. The farmers have had their costs increased. The railways have been rewarded for poor performance. The farmers once again have to pay. We must ensure that matters like this one are dealt with.

In conclusion, Bill C-66 is a major piece of legislation. There is simply not enough time to discuss all of its aspects today. I wish the government had gone further in amending key aspects of the Canada Labour Code, especially the section on replacement workers.

Given the progress that has been made today, at some time in the future we will get an opportunity to deal with this important matter. On a scale of one to ten the legislation probably ranks as an eight. On that basis I suspect that New Democrats in the House will be supporting the legislation.

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, I listened with great interest to the comments of my colleague. Does he think the legislation has achieved a balance? I heard him talk about a balance and the Sims report was entitled ''Seeking a Balance''. He quoted extensively from Rodrigue Blouin who also talked about seeking a balance.

We heard the member give the bill 8.0 rating. In the figure skating world that is a pretty high rating. Does he feel that the entrenchment of anti-replacement worker legislation in the bill would have strengthened labour's hand or would have gone along the road of seeking a balance?

● (1730)

Mr. Taylor: Mr. Speaker, I realize there is not enough time to answer the question fully but I do believe that anti-scab provisions in the bill would strengthen the balance. The legislation has done a lot to achieve balance, although it could have gone further.

The balance is the ability to pursue the collective bargaining process. As long as employers have the ability to upset that balance by bringing replacement workers into the workplace, the collective bargaining process remains unbalanced. As a result I think the legislation should have dealt with that.

* * *

[*Translation*]

SUPPLY

ALLOTTED DAY—VICTIMS OF CRIME

The House resumed from March 10, 1997, consideration of the motion that this House recognize that the families of murder victims are subjected to reliving the pain and fear of their experience as a result of the potential release of the victims' murderers allowed under section 745 of the Criminal Code, and as a consequence, this House urge the Liberal government to formally apologize to those families for repeatedly refusing to repeal section 745 of the Criminal Code; and of the amendment.

The Deputy Speaker: It being 5.30 p.m., the House will now proceed with the deferred recorded division on the amendment relating the business of supply.

Call in the members.

● (1755)

(The House divided on the amendment, which was negatived on the following division:)

(*Division No. 255*)

YEAS

Members

Abbott	Ablonczy
Benoit	Blaikie
Chatters	Duncan
Epp	Gilmour
Gouk	Grubel
Harper (Simcoe Centre)	Hermanson
Hill (Prince George—Peace River)	Johnston
Martin (Esquimalt—Juan de Fuca)	Mayfield
McClelland (Edmonton Southwest/Sud-Ouest)	Mills (Red Deer)
Morrison	Ramsay
Ringma	Solberg
Solomon	Speaker
Strahl	Taylor
Wayne	White (North Vancouver)
Williams —29	

NAYS

Members

Adams	Alcock
Anderson	Arseneault
Assad	Asselin
Beaumier	Bélair
Bélanger	Bélisle
Bellehumeur	Bellemare
Bergeron	Bertrand
Bevilacqua	Blondin-Andrew
Bodnar	Boudria
Brien	Brown (Oakville—Milton)
Brushett	Bryden
Byrne	Calder
Campbell	Cannis
Catterall	Chamberlain
Chrétien (Frontenac)	Chrétien (Saint-Maurice)

Cohen
Collins
Cowling
Crête
Cullen
Daviault
Debien
DeVillers
Dingwall
Discepola
Duceppe
Dumas
Easter
Fewchuk
Flis
Fry
Gagliano
Gallaway
Godin
Grose
Guimond
Harvard
Hopkins
Irwin
Jacob
Keyes
Kirkby
Landry
Laurin
Lebel
Leroux (Shefford)
MacAulay
Malhi
Manley
Marleau
Massé
McGuire
McLellan (Edmonton Northwest/Nord-Ouest)
Ménard
Mifflin
Mitchell
Murray
O'Brien (London—Middlesex)
Paradis
Parrish
Peric
Peterson
Phinney
Pillitteri
Pomerleau
Reed
Rideout
Robillard
Shepherd
St. Denis
Stewart (Northumberland)
Telegdi
Thalheimer
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
Valeri
Venne
Volpe
Wells
Wood
Zed —161

Collenette
Comuzzi
Crawford
Culbert
Dalphond-Guiral
de Savoye
Deshaies
Dhaliwal
Dion
Dromisky
Duhamel
Dupuy
English
Fillion
Fontana
Gaffney
Gagnon (Québec)
Gauthier
Graham
Guay
Harb
Hickey
Hubbard
Jackson
Jordan
Kilger (Stormont—Dundas)
Knutson
Lastewka
Lavigne (Beauharnois—Salaberry)
Lee
Loubier
MacDonald
Maloney
Marchi
Martin (LaSalle—Émard)
McCormick
McKinnon
McWhinney
Mercier
Minna
Murphy
Nunez
Pagtakhan
Paré
Patry
Peters
Pettigrew
Pickard (Essex—Kent)
Plamondon
Proud
Richardson
Robichaud
Rocheleau
Speller
Steckle
Szabo
Terrana
Torsney
Tremblay (Rimouski—Témiscouata)
Ur
Vanclief
Verran
Walker
Whelan
Young

PAIRED MEMBERS

Assadourian
Bachand
Bernier (Mégantic—Compton—Stanstead)
Dubé
Finlay
Lalonde
Lefebvre
MacLellan (Cape/Cap-Breton—The Sydneys)

Augustine
Barnes
Canuel
Finestone
Godfrey
Langlois
Leroux (Richmond—Wolfe)
Scott (Fredericton—York—Sunbury)

The Deputy Speaker: I declare the amendment lost.

[*English*]

The next question is on the main 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 nays have it.

And more than five members having risen:

Mr. Epp: Mr. Speaker, I would just like to remind members that the Parliament act permits the freedom of individuals and they can all individually vote. No one can tell them how to vote.

The House divided on the motion, which was negatived on the following division:

(*Division No. 256*)

YEAS

Members

Abbott
Benoit
Chatters
Epp
Gouk
Harper (Simcoe Centre)
Hill (Prince George—Peace River)
Martin (Esquimalt—Juan de Fuca)
McClelland (Edmonton Southwest/Sud-Ouest)
Morrison
Ringma
Solomon
Strahl
Wayne
Williams —29

Ablonczy
Blaikie
Duncan
Gilmour
Grubel
Hermanson
Johnston
Mayfield
Mills (Red Deer)
Ramsay
Solberg
Speaker
Taylor
White (North Vancouver)

NAYS

Members

Adams
Anderson
Assad
Beaumier
Bélanger
Bellehumeur
Bergeron
Bevilacqua
Bodnar
Brien
Brushett
Byrne
Campbell
Catterall

Alcock
Arseneault
Asselin
Bélair
Bélisle
Bellemare
Bertrand
Blondin-Andrew
Boudria
Brown (Oakville—Milton)
Bryden
Calder
Cannis
Chamberlain

Chrétien (Frontenac)
Cohen
Collins
Cowling
Crête
Cullen
Daviault
Debien
DeVillers
Dingwall
Discepola
Duceppe
Dumas
Easter
Fewchuk
Flis
Fry
Gagliano
Gallaway
Godin
Grose
Guimond
Harvard
Hopkins
Irwin
Jacob
Keyes
Kirkby
Landry
Laurin
Lebel
Leroux (Shefford)
MacAulay
Malhi
Manley
Marleau
Massé
McGuire
McLellan (Edmonton Northwest/Nord-Ouest)
Ménard
Mifflin
Mitchell
Murray
O'Brien (London—Middlesex)
Paradis
Parrish
Peric
Peterson
Phinney
Pillitteri
Pomerleau
Reed
Rideout
Robillard
Shepherd
St. Denis
Stewart (Northumberland)
Telegdi
Thalheimer
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
Valeri
Venne
Volpe
Wells
Wood
Zed —161

Chrétien (Saint-Maurice)
Collenette
Comuzzi
Crawford
Culbert
Dalphond-Guiral
de Savoye
Deshaies
Dhaliwal
Dion
Dromisky
Duhamel
Dupuy
English
Fillion
Fontana
Gaffney
Gagnon (Québec)
Gauthier
Graham
Guay
Harb
Hickey
Hubbard
Jackson
Jordan
Kilger (Stormont—Dundas)
Knutson
Lastewka
Lavigne (Beauharnois—Salaberry)
Lee
Loubier
MacDonald
Maloney
Marchi
Martin (LaSalle—Émard)
McCormick
McKinnon
McWhinney
Mercier
Minna
Murphy
Nunez
Pagtakhan
Paré
Patry
Peters
Pettigrew
Pickard (Essex—Kent)
Plamondon
Proud
Richardson
Robichaud
Rocheleau
Speller
Steckle
Szabo
Terrana
Torsney
Tremblay (Rimouski—Témiscouata)
Ur
Vanclief
Verran
Walker
Whelan
Young

PAIRED MEMBERS

Assadourian
Bachand
Bernier (Mégantic—Compton—Stanstead)
Augustine
Barnes
Canuel
Dubé
Finlay
Lalonde
Lefebvre
MacLellan (Cape/Cap-Breton—The Sydneys)
Finestone
Godfrey
Langlois
Leroux (Richmond—Wolfe)
Scott (Fredericton—York—Sunbury)

The Deputy Speaker: I declare the motion defeated.

It being six o'clock the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

PARLIAMENT OF CANADA ACT

The House resumed from February 21 consideration of the motion that Bill C-250, an act to amend the Parliament of Canada Act and the Canada Elections Act (confidence votes), be read the second time and referred to a committee.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, it is a pleasure to speak on private member's Bill C-250 which has been presented by my colleague from Kindersley—Lloydminster. It is an important bill as it reflects on this institution.

The bill ensures that Canadians have a fixed election date every four years. That is unlike the present situation in which the government can decide when an election is to take place. That is a bit like an employee deciding what are his terms of employment. Unfortunately that is a reflection of the fact that we do not live in a democratic country. We live in a system that more closely resembles a medieval fiefdom.

I do not say that lightly. The public would be interested to know that what goes on in the House of Commons bears little resemblance to democracy. This bill, which is a very good bill, ensures that the Canadian public knows when a federal election will take place. It is also an effort to take away the unfair advantage that exists for the Government of Canada. It is an effort to level the playing field and ensure that all members of the House and most important, the public, know when an election will be. The time proposed by my colleague is the third week of October every four years beginning in 1997.

This bill is merely an indication, a small but important effort, to make this House more democratic and more responsive to the needs and the demands of the Canadian public. This House is anything but a democracy.

Every four to five years members are elected from the public with the hope that they will change this country to make it a new and more powerful one. Canadians elect people who are going to represent their wishes and bring forward all the good and exciting

ideas that exist within our nation. Canadians expect those people to present those ideas to the House of Commons in the form of legislation that will address the many problems that affect our country.

Unfortunately every four years the dreams and hopes of the public for a new and stronger nation are dashed. They become nothing but a wistful dream as promises fail to materialize and expectations are dashed. This is an unfortunate situation. It reflects the fact that the problem is not with the members who are elected to the House. Regardless of their political affiliation, members come to the House to do the best they can for their constituents and for the nation. Unfortunately they come into a system, a House of Commons, that is not democratic and that prevents them from doing the best that they can for the country and for their constituents.

• (1810)

What they see is not a House of Commons but a house of illusions. They come to a House where power is centred in a very small number of hands: a few cabinet ministers, a few bureaucrats and a few people in the Prime Minister's office and the Prime Minister. It is a highly pyramidal structure where these people control the legislation, they dictate what happens in the country and they do it through a bastardized version of the Westminster system in England. The system we are supposed to have was modelled on the English system. Instead the system has been changed so that power is centred in those very few hands.

Unfortunately these people, through the whip structure, force the members to vote and act like a group of lemmings. That is an entirely unfortunate situation and exists not only within the voting habits of members but exists through committees, through private members' bills and through private members' motions.

We have a great opportunity to capitalize on the great expertise that exists among the members of the House and also in the expertise that exists in the Canadian public, to bring those great ideas forward, to have a vigorous, constructive and aggressive debate and come out with better solutions, better ideas that can be applied to this country's problems. That is the way a democracy should work but we do not have that at all. We have something that is highly undemocratic and operates along the lines of a medieval fiefdom.

In 1993 the Minister of Health, the Minister of Intergovernmental Affairs and the newly appointed Deputy Chairman of Committees of the Whole published a superb document on how to democratize the House. The document was tabled when the government members were in opposition. It mentioned relaxing leadership control. It mentioned making private member's bills votable. It mentioned ensuring that members had as their primary responsibility the role to represent their constituents and that every vote in the House of Commons would not be a vote of non-confidence, that members were able to bring good ideas to the House without fear of being oppressed, without fear of being disciplined by the leadership of a party through the whip structure. They were good ideas.

What happened to them? They were tossed and shelved. When these members came to the House of Commons as members of the government, their ideas went by the wayside and have never been brought forward. It does a disservice not only to members but it does a huge disservice to the Canadian people. It erodes the very morale and fabric of the system of governance and prevents us from truly becoming the great nation that we can become.

Solutions can be put forward. They have been put forward repeatedly. Bill C-250 is one example on how to level the playing field, democratize this institution and make it more responsive to the needs of Canadians.

I would submit that if the government was truly interested in dealing with the problems of the country, if it were truly interested in capitalizing on the expertise in the House and in the Canadian public, then it would do a number of things.

First, the government would pass Bill C-250. Second, it would release members to ensure that they could vote according to what their constituents wanted and not follow along like a group of lemmings according to what the leader and a small elite group wants. Third, it could make all committees completely separate from the ministry so that committees could write legislation. Input into committees from the public would truly be heard and documents that would come out of committee would not have but a day of media attention and then be shelved along with dozens of other committee reports that say much the same thing.

• (1815)

Committees would have the opportunity to truly incorporate the good ideas from the public into legislation that could be brought forth into this House, modified and built into stronger bills.

Right now in committees, unfortunately and tragically, when I sit and hear earnest members of the public coming forward and giving good constructive suggestions, it breaks my heart to see them do this because I know their good suggestions are going to be incorporated into a document that is going to be shelved and forgotten.

One need not look any further than the royal commission on aboriginal affairs that cost $60 million, three years to complete and what do we hear about it? Nothing. It is tossed on a shelf.

When I was a member of the health committee, the health committee was trying to decide what to study. It ignored all the top 20 suggestions members put forward and was contemplating studying aboriginal health.

Rosemarie Kuptana, head of the Inuit Tapirisat, came in front of the committee, put forth a load of documents on the desk and said:

''If all you want to do is study us, forget it. We want action. I have a whole garage full of documents just like this of studies on us''.

What did the committee on health do? It decided to study aboriginal mental health while the royal commission was taking place. This is not an isolated incident but occurs repeatedly in this House.

Unfortunately members feel coward to do anything about it because they fear the leadership. The leadership rules over them with an iron fist and tells them what to say and what to do. If they do not do that, they will be disciplined.

It makes the institution highly unresponsive to the needs, wishes and desires of our country and our people. Also, it is a huge affront to the members who sit in this House.

I will close by saying one last thing. We have a great opportunity in this nation to truly make our country strong. Before we do that, we have to make Parliament strong. If we are going to do that, we must truly make it a democracy.

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to speak to this private member's bill. Bill C-250 would set fixed dates for a federal election and byelections in Canada.

This would indeed be a major and significant departure from the current regime under which elections are called, a regime which, I might add, has evolved over several hundreds of years of parliamentary practice.

The practice is for the Prime Minister to select what he regards as a precipitous time for an election and to advise the governor general to dissolve the House in time for that election.

In the normal situation, the Prime Minister still has the confidence of the House. He is simply seeking an earlier renewal of his or her government's mandate than would be provided by the operation of our Constitution, in particular by section 4 of the 1982 amendments.

This provision works consistently with the conventions of our Constitution and provides for a maximum duration of Parliament of five years barring exceptional circumstances such as war or other national crises.

At the core of this regime is this important relationship between the House of Commons and the executive branch of government. I would like to draw the attention of hon. members to the roles that are played by the cabinet, the House of Commons and the Prime Minister in our parliamentary democracy.

Our system cannot be understood solely by examining the written words of our Constitution. It is important to underlie the constitutional conventions that are just as important as the written conventions and our written Constitution in understanding how our system works.

• (1820)

A key constitutional concept is ministerial responsibility. Ministers are individually and collectively responsible to the House of Commons. When we talk about collective responsibility we are in a practical sense referring to the role of cabinet. In discussing this particular private member's bill my colleague, the hon. member for Ottawa—Vanier, has said that the cabinet is ultimately responsible to the House of Commons. The leadership provided by the cabinet is crucial to the work of a parliamentary session. I reiterate that this is within the overall context that Parliament is summoned and dissolved on the advice of the Prime Minister to the governor general, usually after consulting with his or her members of cabinet.

There are ample opportunities for the House of Commons to hold the government accountable, applying the principles of individual or collective ministerial responsibility. This includes the debates of this House, the daily question period, the budget debates, the important work of parliamentary committees and bills and resolutions introduced by private members. Most important, a government cannot hold on to power after it has lost the support of the members of our House of Commons.

My colleague from Ottawa—Vanier has put his finger on another important dimension to the workings of our parliamentary democracy. He has referred to the role of the Prime Minister which he describes as primus inter pares, first among equals. This does not mean that we have a presidential system such as other countries. However, the Prime Minister is able to give direction to the government's policies and to a legislative agenda and to bring about cabinet solidarity, fostering cohesion among caucus members. I believe that this places our Prime Minister in his authority to call a general election in its proper context. It is consistent with the Prime Minister's pivotal leadership role and it reflects the conventions of our constitution on collective responsibility. This has served Canadians well for 130 years.

Under Bill C-250 general elections for the House of Commons would be held ever four years on the third Monday of October. The Prime Minister would not seek dissolution of Parliament by the governor general except on a motion of non-confidence. A similar regime would apply to byelections which would be held if necessary.

My colleagues on the opposite side of the House have put forward a number of arguments in support of fixed date elections. Among the benefits they see flowing from Bill C-50 are fairness, accountability, greater certainty and cost savings. We have also heard criticisms about the current regime for calling byelections, that the period between a vacancy being created and the calling of a byelection is either too long, detrimentally affecting constituents or too short and favouring the re-election of a member.

It is important to draw the House's attention to the Lortie commission report. None of these arguments that my hon. colleague has presented is new. In fact, as my hon. colleague will

know, the Lortie royal commission on party financing and electoral reform heard and considered these arguments in 1990 and in 1991.

• (1825)

The Lortie commission pointed to several drawbacks which it felt were persuasive. The Lortie commission did not recommend adoption of a fixed date system as has been represented in Bill C-250. It did not do that for a number of reasons.

First, the commission was not convinced that a system of fixed date elections would remove the advantage of the governing party in being able to call an election at a time most favourable to its political interests. Any governing party could still take steps to engineer its own defeat in the House at any time and force a general election.

The other concern that the commission expressed was that fixed date elections might lead to a lengthy and in fact more costly election campaign. Certainly the experience in the United States with fixed date elections and longer campaign periods is a very good case in point for us in this Chamber.

The commission referred to the rising costs of the United States presidential elections, which are often launched 18 months or more before an election date.

The Lortie commission also found some precedents for fixed term approaches to elections. However, it is most important to underline the clear pattern that was uncovered. For the most part, fixed terms are a feature of congressional or presidential systems. We are all familiar with the United States precedent. While not uncommon in democracies, fixed terms appear to be quite rare in parliamentary democracies.

As noted, we do not have a system of strict separation of legislative and executive functions as we find in systems such as that of the United States.

The commission also referred to many of the points outlined on the role of the House of Commons in holding the executive accountable and in ensuring the confidence of the executive is continued. It referred to the role of the Prime Minister and the importance of the constitutional conventions pertaining to the dissolution of the House.

It also referred to the maintenance of the authority of the Prime Minister and the maintenance of caucus loyalty. As the commission noted, elimination of that convention could adversely affect the role and responsibilities of the Prime Minister and disrupt the balance between the executive and the elected legislature.

In my view, it is prudent that we maintain a system that has served Canadians well for hundreds of years.

With respect to the argument that fixed date elections would lead to a more representative government, let me say that I do not view this as—

The Deputy Speaker: The hon. parliamentary secretary's time has expired.

[*Translation*]

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, it is a pleasure this evening to rise in the House to speak to Bill C-250. The bill was introduced by the hon. member for Kindersley—Lloydminster.

It is a very interesting bill, in that it provides that general elections would from now on be held on a set date. The date suggested by the hon. member in the bill is the third Monday in October.

Consider the current situation. Right now, we know our Prime Minister is considering whether it would be opportune to call an election in the months or even weeks to come. In fact, people were wondering last fall whether a snap election would be called.

• (1830)

I suppose the Prime Minister checks his thermometer of public opinion and looks at the temperature. Right now, he is probably saying that the temperature in Quebec is not very favourable for the Liberal Party. When he looks at British Columbia, the temperature is milder.

The question he must ask himself is this: should I wait a few months more, for instance until the fall, because the temperature might go up in Quebec? Or if I wait a few months, will the temperature go down in British Columbia? I am of course referring to the temperature of public opinion.

According to his own line of reasoning, he will probably say that even if he were to wait a few months, the temperature will probably not go up in Quebec, so it is not worth postponing the election. On the other hand, if he waits a few months, maybe the Reform Party will get better organized in British Columbia and maybe the Conservative Party will get some hair on their chest and, finally, the temperature will go down.

So after weighing the pros and cons, the Prime Minister then decides what the best time would be to call an election. I cannot blame the Prime Minister of Canada for using the system to his own advantage and the advantage of his party, the Liberal Party.

But at the same time we should also consider the consequences of this approach. In fact, as we all wait for the Prime Minister to make his decision, we cannot make any definite plans for events

that might take place during the election campaign. For instance, committees that must start on certain studies should remember that they can be interrupted or even cancelled if a general election is called in May or in June for instance.

As for me and my fellow members in this House, we all have to make special arrangements in our ridings because we may not be able to do certain things in May or in June because the Prime Minister might call a general election. In fact, proceeding in this way creates a level of uncertainty that is entirely counterproductive.

For instance, how could a business plan its short, medium and long term operations if, on a whim of its director, it had to interrupt everything to elect a board of directors? In fact, this uncertainty undermines the efficiency of this House and the ability of individual members, committees and the House as such to discharge their responsibilities.

The advantage of the bill before the House today is that it eliminates this uncertainty so that we know in advance when an election will be called and can plan accordingly when scheduling the business of the House, the business of committees and the work done by each member of this House.

• (1835)

At the same time, let us not think that will deprive the Prime Minister and his party of the opportunity to take advantage of the new rules. The government party will also know when the election is going to be called, and can therefore organize its legislative agenda, its various speeches, its press releases, its new policies, so as to best serve its interests, put it in the best light with the public, according to the planned, and known, date of the election.

In fact, what is involved here is not depriving the government of a bunch of advantages this power confers upon them, but rather changing the ground rules so that the harmful effects of the present rules are avoided.

I must admit, I feel a bit uncomfortable speaking in this way on a measure that concerns the Canadian election, when I hope, anticipate, wish with all my heart, that there will be no more Canadian elections in Quebec, for it will have attained sovereignty.

I must admit that, ever since the commissions on the future of Quebec, we in Quebec have been questioning our parliamentary system because, as you all know, it is copied from the one in Ottawa, which is itself a copy of the one in merry old England.

In a sovereign Quebec, why should we preserve a parliamentary system that no doubt had its merits in centuries past but, as we approach a new century, seems particularly ill equipped to cope with new challenges, to represent this living democracy which is constantly evolving, to ensure that it is closer to the people, who will be increasingly aware of current events, to govern a population that is very much attuned to all of the social, cultural and economic dimensions involved on the floor of this House?

A new parliamentarism is therefore required, a reinvented system, a system that will be transparent to the public, which will foster their confidence through understanding. This is what the sovereign Quebec of tomorrow must be contemplating today. The restricted, yet brilliant, version of this same debate I find here in this House this evening cannot help but elicit my consent.

[*English*]

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, it gives me great pleasure to speak to the bill put forward by the member for Kindersley—Lloydminister. Bill C-250 deals with fixed election terms, a fixed date of four years for Canadian elections.

I would like to address our current system because it is extremely skewed. The Prime Minister and only the Prime Minister is the person who calls the date. Sometimes I am sure even he does not know. It appears to be the case these days. However it skews the system.

The Liberals who happen to be in power this time, or the Conservatives who were in power before them, know when they want to call the election. They look at the polls. If they are high in the polls and things are looking fine, they call an election. However, if it is the reverse as the Liberals are seeing these days and they are on a bit of a slide, the chances are they might not call it right away. They will look at the polls and suggest perhaps putting forward a few bills or a feel good budget such as the one from the Minister of Finance last month.

• (1840)

This is the kind of politics Canadians do not need. We need to have a level playing field. We need to know when the next election will be. The Prime Minister could call a snap election if the polls are right for the Liberal Party. He could delay it if the polls are not right for the Liberal Party.

The bill is about accountability and democracy. It is not democratic. The system is skewed. It is not accountable. When the Prime Minister calls an election he is not accountable to Canadians but to the Liberal Party, which is absolutely wrong.

The Liberal member who spoke before me said that the Canadian system was the way it should be and that other countries did not have fixed dates. I remind him that the fixed term was established in England in 1694. Successive parliaments in England differed in the length of term but the fixed term stayed. The New Zealand Constitution Act, 1852, followed that tradition fixing the maximum life of Parliament at five years. In 1875 it was reduced to three years but still the date was fixed.

Our American neighbours have as their election date the first Tuesday of November. Members of the House of Representatives are elected every two years, members of the Senate every six years

and presidents every four years. The Americans have been able to live up to these election facts for 210 years. I suggest to my colleague across the way that perhaps he has not been looking in the history books or across the waters. The idea of a fixed election is a trend that goes back hundreds of years. The Canadian system is a system that is out of whack.

What about the time and expense? It is costly when snap elections are called. If we had fixed election dates we could plan for them. We would know exactly when the election would be. All parties including the opposition parties would know what would happen.

Some will say that this is just the Reform Party whining because it wants to go forward. We are not suggesting that we will be the opposition party all the time. We will be in power. Any opposition party in any parliament needs a level playing field. This is not just for Reform but for the sake of Canada stepping forward.

I also point to some of the red book promises: more accountability in government and a level playing field as we would say. What is happening across the way? The Liberals promised parliamentary reform. What about free votes? Less than an hour ago we saw what free votes were in the House. We were voting on section 745 of the Criminal Code and what did the Liberals do, to a man and a woman? They stood and opposed the motion. If there were free votes in the House I am sure a number of Liberals would like to support the motion. They did not support it because they were told not to support it. That is what we get with free votes.

The House of Commons needs to be democratized. The Senate needs to be democratized. I have to take my chance for a shot at the Senate. Senator Len Marchand from British Columbia is due to retire. British Columbia has an act in place that allows for the election of a senator from British Columbia. The precedent has been set. Senator Stan Waters was elected in Alberta in the mid-eighties. What is stopping it? It is the Prime Minister. British Columbians want to vote for a senator. The act is in place. The premier says he wants it. What happens? The Prime Minister says no. Again it is democracy Liberal style and it simply does not work.

Mr. Hermanson: Dark Ages democracy.

Mr. Gilmour: You have it. It really is. My colleague is on the right track. The Liberals are onside on many of the issues. However I suspect they will be told once again to vote in block against the bill. They will be told it is not a good move because it is not a good move for Canada. It is not a good move for them because it is not a good move for the Liberals.

I support my colleague. A four-year fixed election date is the way to go.

• (1845)

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, I too would like to say how much I value being able to speak to the private member's bill introduced by my colleague from Kindersley—Lloydminster on an important point of public policy.

As you know, Mr. Speaker, and as Canadians who are watching this debate will know, private members are able under our rules to introduce bills and motions to put forward items of public policy which are not being dealt with by the government of the day.

This whole area of further democratization of our democratic institutions is one in which the Liberals, as typical of them, made a big fuss before the election. They put forward all kinds of nice sounding proposals for democratizing the system, but when they were actually in charge, they suddenly got cold feet and have done little or nothing to move in the direction for which they so ardently argued before the election.

I would like to assure Canadians that the Reform policies have been to democratize the institutions of government and voting procedures. Since its inception we have been committed to those and have drafted legislation already to bring that about. We will be introducing that as soon as we become the government. This is one of the bills which we will be introducing.

A number of arguments have been put forward for and against the whole idea of fixed election dates. I would like to discuss in the few minutes I have the arguments against or the disadvantages which are cited by opponents of fixed election dates. I will just go through with Canadians some of the reasons why we do not find those arguments at all persuasive.

The Liberal member opposite who spoke earlier in this debate this evening suggested that the Lortie commission, a very comprehensive commission on electoral reform which reported recently, did not support fixed elections. In fact that is not the case.

In the summary of the commission it was stated: ''The argument for holding federal elections on a fixed date was mainly that it would make it easier to administer and organize elections as well as provide for better enumeration. One or two interveners suggested that the fixed date was also more democratic because it removed the ability of the party in power to call an election at the most favourable time''.

The report did not deal with the issue of fixed election dates except to observe that it had come up and there were arguments for and against. By citing some of the arguments that were brought forward to the commission against fixed election dates and suggesting that it was the conclusion of the commission is misleading. I wanted to put on the record that the Lortie commission did not come out either for or against fixed election dates.

About eight main arguments have been advanced against fixed term elections. These were mostly put forward in a document which was put together by Eugene Forsey and another individual. It is a well written and interesting document with a lot of humour in it, but the conclusions are flawed. I would like to tell the House why.

Four arguments of those eight dealt with a situation where the argument was that fixed election dates would preclude a non-confidence motion which might dissolve the government earlier. Of course for those who have been following this debate they will know that my colleague's bill continues to allow for the contingency of the House adopting a non-confidence motion and also allows the House, by the way, to continue sitting past the fixed election date in case of war, invasion or insurrection as is allowed for in the Canadian Charter of Rights and Freedoms.

The arguments which would suggest that the members of the House would not be able to cause the dissolution of the government for a lack of confidence in the government are not valid. They are clearly dealt with in my colleague's bill.

• (1850)

There are four other arguments, however, that I would like to deal with quickly. One is that fixed election dates would make it harder than at present to get rid of an unpopular government between elections, partly I suppose, because of the presumption that there could not be a motion of non-confidence. I have just pointed out that is not true under this bill. Also, governments would not have quite the same pressure put on them because of the fixed election dates.

I would suggest that unpopular governments in our democracy can hang on even past the five-year period under the Constitution. The more unpopular a government is, the more tenaciously it clings to power and avoids calling a vote. I would think that fixed election dates would at least give us some certainty that we could boot the rascals out, rather than having to wait for them to finally do the noble thing and call an election at the last possible second.

The second argument is that there are circumstances where a government needs to or wants to be able to go to the people with an election on a major issue like free trade and if it somehow could not get the will of the people on a major issue, there would be an impasse.

I am very happy to say that I, personally, have solved that problem for the people who brought up this objection. I have tabled a private members' bill to amend the Referendum Act to permit questions to be put before the Canadian public at the initiative of any government or at the initiative of the people on major public issues. An election would not need to be called. Legislation has been tabled both by myself and also by my colleague from Vancouver North to allow referendums to be used. That argument falls by the wayside as well.

The third argument is that the calling of an election is an important and a legitimate tool for a government. The threat of dissolution allows governments to keep their members in line and the opposition off balance. If that is the best argument against fixed election dates that we can come up with, shame on us. In fact, in a democracy there should be no possible reason that the executive part of government can threaten their backbenchers with dissolution and keep them in line with those kind of threats and keep the opposition off balance.

It is very clear that governments have almost every advantage on their side. There is absolutely no reason to suppose that they would be penalized by not having this advantage.

The last reason is that there is a mistaken notion that governments are elected. Governments, in fact, are appointed. They are responsible to the House of Commons and elections are only about individuals who serve in the House of Commons. Out of those individuals, a government is appointed, presumably by the crown. That is total nonsense.

When people vote, they vote for the party that they wish to have govern. There is absolutely no presumption or expectation on the part of Canadians that they are going to elect *x* number of members. Somehow there is a big question about who is going to be the government. Every reason that I have seen against fixed election dates simply do not hold water. It is not even difficult to refute them. It is incredibly easy.

To end my remarks, I would like to quote from an article written last month by columnist Andrew Coyne in the Montreal *Gazette*. He said: ''Canada is one of the few democracies that still leaves it up to the government of the day to decide when elections should be called, a decision in which the government has an evident conflict of interest. Incumbency has advantage enough without forcing opposition parties to start the race off on one foot.

''The innocent might imagine an election to be the occasion for the people to choose a government. In Canada, the government chooses the people at the moment calculated to find them in the most forgiving mood. The only real change with fixed election dates would be to remove from the government the power it now possesses to trigger elections at whatever time is most advantageous to its own electoral prospects.

''This is hardly incompatible with parliamentary government. It is incompatible only with parliamentary dictatorship as we have known it in Canada''.

• (1855)

I strongly urge members of the House to support this very sensible bill by my colleague from Kindersley—Lloydminster.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I appreciate the opportunity to enter into the debate. I came here as a Reformer with a very high interest in reforming Parliament. The people of Elk Island, particularly the people in the west where I grew up and where I have lived all my life, gave a very strong message that Parliament had to be made to work in favour of the people who elected us.

I take a great deal of pleasure standing in support of the private member's bill put forward by my colleague. It is another way of holding the government accountable. It is another way of returning power to the people instead of vesting in their government between elections.

This is part of a larger problem as I see it. I am distressed by the fact that over and over we see the exercise of power by a very few people in Parliament. It has already been alluded to but I was particularly distressed this evening during the vote.

Parliamentary rules prevent me from talking about a vote that has been held so I will not break that rule, but I will simply comment on the fact that over and over we see members of the government voting on command. I can scarcely believe that on each and every issue there is always 100 per cent agreement with what the government whip says. If that is the case I am very surprised.

I would like to see true freedom in Parliament and an end to the manipulation that takes place by the Prime Minister and by ministers of the crown as they operate and as they run through a vote.

I would like to come to the issue we are dealing with this evening, the proposition that people should actually be able to plan ahead the time of a federal election being held.

I am new to the political world. I worked as an instructor at the Northern Alberta Institute of Technology. From the time of my nomination in 1992 until the election was finally called for the fall of 1993 I lived in uncertainty for some 16 or 17 months. I did not know whether I should tell my employer and my students that they would have the continuity of the instruction I was offering until the end of the semester or until the end of the year. I was unable to plan financially and unable to plan in terms of scheduling my career and my life.

I was very supportive at that time of the plank in Reform Party policy that elections should be held periodically at predetermined dates. I do not like the words fixed elections because there is an implication that the outcome of the election is predetermined rather than the date of the election. We need to distinguish between those words.

Why can we not say to the people that the government will govern in a democratic way by going to the people for that accountability session? I have heard parliamentarians refer to it as the ultimate accountability session. We go to the electors and ask whether on the basis of our record they will elect us again That is the strength of democracy. There is no reason in the world we cannot do that at predetermined dates with some regularity. The only exception would be if there were a time of real national emergency.

• (1900)

I have a great deal of support for democratizing Parliament, the House of Commons, this place where Canadians expect their aspirations to be reflected. Canadians expect to have their desires fulfilled in terms of the rules that are developed which control our lives and the way our money is spent.

These parliamentary reforms are absolutely necessary. The faster we can get on with them, the better. It is a shame that we go on and on, I was going to say from century to century, but we are not quite that old as a country yet. We keep moving along and there is hardly ever a mind for change, a change for betterment, a change for a more true democracy.

It is a matter of considerable urgency, particularly because of the issues that face us. We need to ensure that the electors of this country are given the opportunity to elect a fair and an honest government, a government that will represent their aspirations and will neither run behind them nor ahead of them.

We have large issues in this country, the debt, the national unity question, the whole matter of our justice system and its inability to respond to the needs of Canadians, yet we find in this Parliament, over and over again, a mechanism which does not permit true change to take place. The mechanism is lacking to actually balance the budget. All of these things tie together when we think of the way Parliament works.

It is my delight to stand to urge parliamentarians to exercise their right, as provided under the Canada Elections Act and the Parliament of Canada Act, that no one should be able to control their vote. When it comes time to vote on this bill, I hope they will vote right, not just as they are told. They should think about it individually and represent their constituents. The constituents elected us. They should do what is best for them, not what is best for one party. They should not simply be trying to prolong their time in power. It is not acceptable any longer for governments to be in power, lording it over the people, ignoring their wishes, going on an on and then trying to manipulate the vote by so carefully choosing the time when the election is to be held.

When the time comes to vote I am going to be watching to ensure that members other than Reformers will be voting according to what is right, according to the actual item of debate.

Let us support this bill not because it was introduced by a member of the Reform Party but because it is long overdue. It is a bill which is needed in order to improve our democratic systems.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, it is a pleasure to speak to this bill tonight and to endorse it wholeheartedly. I have done so in the past in committee and it is a pleasure to talk about it here in public in order to get the words into *Hansard* and to get my official endorsement on the record. It is not that it varies from my co-workers in the Reform Party—

The Deputy Speaker: I am sorry, the time for Private Members' Business has expired. The hon. member will have the floor the next time the House resumes debate on this issue.

● (1905)

[*Translation*]

The hour provided for the consideration of Private Members' Business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

ADJOURNMENT PROCEEDINGS

[*Translation*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

BOVINE SOMATOTROPIN

Mr. Jean-Guy Chrétien (Frontenac, BQ): Mr. Speaker, last Thursday I asked the Minister of Agriculture a question in this House about rBST.

This, as you know, is the famous hormone that can be injected into a cow and increase its milk production by 10, 15 and sometimes 25 per cent. It becomes a bionic cow, or close to it.

Obviously, the pharmaceutical industry has put several hundreds of millions of dollars into developing this miracle hormone. However, there is uncertainty about the effect of this hormone on cows, as well as on consumers of the milk they produce.

I reminded the hon. Minister of Agriculture that on at least three occasions customs officers had stopped farmers or dishonest individuals importing this well known hormone, the production, importation and use of which in Canada is prohibited.

One customs officer, quite by chance, asked that the back trunk of a vehicle full of syringes containing bovine somatotropin be opened. If it is like drugs, a seizure does not even represent 1 per cent of what is imported into and consumed in Canada. If the same ratio is applied to somatotropin, it can be assumed that we now run the risk in Canada of drinking, without knowing it, milk produced by bionic cows.

I asked the minister what he intended to do to correct the situation. He merely answered that it is up to customs officers to do their job, and that he hopes they are doing it well. That is a reply that I unfortunately could not accept, coming from the mouth of the Minister of Agriculture himself.

In addition, since we are now into another year of analysis, there is a moratorium on the use of this famous hormone. The department, the government, is undoubtedly being worked on by lobbyists representing Monsanto, for instance, the pharmaceutical company that developed this hormone, because there is a fortune associated with the sale of somatotropin in Canada.

I therefore call on the government, and I will conclude with this, to hold a public debate on the use of this hormone. It would be a debate in which consumers, as well as producers, processors, and producers of somatotropin, in other words the pharmaceutical industry, would be invited to present their views.

The government has no right to impose this product on Canada, especially to protect public health. It has just passed an anti-smoking bill supposedly to protect public health. I therefore hope that this government, which is so concerned about the well-being and health of our children, will hold a public debate into whether somatotropin should be used, produced and sold.

[*English*]

Mr. Jerry Pickard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I would like to thank the member opposite for the question.

Health Canada has indicated that in its estimation milk and dairy products from cows treated with rBST, recombinant bovine somatotropin, pose no human health hazards. However, it continues to review the product for animal safety and efficacy reasons and has not yet made a decision regarding licensing in Canada. Hence, commercial and personal importations of rBST into Canada are prohibited.

Revenue Canada's customs officials have been most diligent in controlling the illegal importation of unlicensed product into Canada and as a result did intercept three shipments in 1996. Individuals who have imported any product, not just rBST, illegally can be subject to charges by Revenue Canada. As evidence of this continuing diligence, an updated customs alert was issued in January of this year.

With respect to the question of a debate on the issue of rBST, let me remind everyone that in 1995 the government set a task force in

place to address issues other than health and safety relating to rBST, issues such as the costs and benefits to the Canadian dairy industry as well as the potential impact of animal health and genetics. A study was also commissioned on the relations of the American consumer before and after rBST was licensed for use in the United States. This information was presented to the minister on May 1, 1995 and immediately thereafter to the standing committees of agriculture and health.

As for the future of rBST in Canada, until my hon. colleague, the Minister of Health, makes a decision on whether to licence the product, I shall continue to support the efforts of Health Canada in reviewing the product and we certainly support Revenue Canada for enforcing the regulations that are in place now.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. The House therefore stands adjourned until tomorrow at 2 p.m.

(The House adjourned at 7.12 p.m.)

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