

Canada Labour Code

Mr. Lambert (Edmonton West): Having heard that remark from the hon. member, I would say it is the most blatant understatement of the year. I am in full agreement with the amendment put forward by the hon. member for Hamilton West (Mr. Alexander) to delete the preamble. I do not want to traverse the same ground with regard to preambles that was covered by the hon. member for Winnipeg North Centre, but there is one distinction that I want to emphasize. The statute books and the Revised Statutes are full of examples of pieces of legislation that have preambles, but they are original statutes. This is an amending bill that in clause 1 proposes to repeal part V of the Canada Labour Code. I ask hon. members, where will the preamble fit in the Canada Labour Code when this amending legislation is enacted? There is nowhere it can be fitted in between sections 106 and 107; that is not the place to put the preamble.

This preamble is pure window-dressing for the purposes of this bill. I want to speak about this window-dressing because I believe it falls far short of what the bill should be doing. It is not often I speak on labour matters, Mr. Speaker, but I did speak on second reading of this bill because I was terribly disturbed about how it might affect the Canada Labour Code. The government, quite rightly, has proclaimed that the Canada Labour Code is the flagship for provincial labour acts across the country. The government claims that it sets the pace.

• (2020)

I want to impress upon the Minister of Labour (Mr. O'Connell) and all hon. members of this House that the ultimate purpose of any labour code is to promote industrial peace, not to put into contention the rights of the workers as against those of management. Certainly, it should establish the right of the worker to organize and to protect himself during the period of organization, but it should also establish the rights of the employer. Labour relations are, after all, a social contract between members of society and any contract should set out the rights and obligations of the parties as well as the means of curing defaults. I have seen many contracts which were not worth the paper they were written on because they did not provide a means for resolving defaults. This bill does not meet, the demand of today's society, namely that industrial peace must be promoted.

What is the result of a breach of the social contract between workers and management? The result is strife, confrontation and the abuse of society's rights. I do not blame one side or the other, but in the end it is the rights of society that are abused. How does this bill provide for the correction of defaults, Mr. Speaker? It is the most inefficient document that you could find. That is what I think of this bill.

An hon. Member: What do you propose instead?

Mr. Lambert (Edmonton West): I say we must establish means for the protection of society's basic rights, but there is no provision for that in this bill. During the second reading debate, I said that the ultimate purpose of this bill must be to promote industrial peace. The workers' rights are not worth a tinker's dam unless there is industrial peace.

Mr. O'Connell: Amendment No. 1.

Mr. Lambert (Edmonton West): The rights of the workers are not protected during strife. How many workers who have gone out on strike have recovered from the deprivation and dislocation, unless the strike was only for 24 hours. What about the damage to the economy, to the legitimate interests of management and ownership? These cannot be disregarded in a labour code.

I say that this bill is improperly oriented because it fails to have as its ultimate purpose the promotion of industrial peace. We have seen industrial strife from one end of this country to the other during the past year. Indeed, some people in various departments of labour seem to get gratification from the fact that they are sent out as conciliators and trouble shooters. Is that the answer to a labour code?

Mr. Woolliams: Of course, it is not!

Mr. Lambert (Edmonton West): A successful labour code is one under which there is a minimum loss of time through confrontation of workers and management and a minimum loss of production. This year, in the federal and provincial fields, we have seen an outright rape of society's interests, of the paramount public interest. There are certain things that individuals are entitled to do and certain things that individuals are not entitled to do in so far as the protection of their property and person is concerned. Mr. Speaker, we have seen how those rights have been abused as a result of industrial strife. Plant and property have been vandalized and sabotaged, then because a settlement is imminent it is claimed that there must not be any prosecutions. All this is done under the guise of striving for a labour contract. On the other hand, some employers use goon squads. However, goon squads are used by both sides. Some things done by management, of course, are not right. If I, as John Q. Citizen, were to break those same laws I would be brought before the court for having offended society. There are many infractions of the laws of this country as a result of labour strife, but apparently immunity is claimed just because there happens to be labour strife. This bill does nothing to cure that.

If there were a grave attack upon the paramount public interest of this country, is there anything in this bill that allows the government to move in to keep the parties apart and to impose a settlement? Settlement must be imposed ultimately; there has to be an ultimate sanction. Some may say that they do not want compulsory arbitration but that they want labour courts.

• (2030)

I think the worst type of settlement in industrial disputes is the ad hoc settlement forcing back to work a group of workers through a bill brought into this House and discussed in the other place under the stress of public pressure. Such settlement is subject to partisan contestation. And who wins? Nobody. Everybody loses—the workers themselves, the employers. If anybody believes in the viability of society and the collective rights of individuals, let me say that those rights will have suffered too.