

Government Orders

[Translation]

Motion No. 1, standing in the name of the hon. member for New Westminster—Burnaby, although presented as clause 2, clearly takes the form of a preamble, even using the same wording as a preamble. Paragraph 705 of the sixth edition of Beauchesne states that it is not permissible to add a preamble to a bill by way of amendment. I must therefore declare Motion No. 1 inadmissible.

[English]

Motion No. 2, standing in the name of the hon. member for New Westminster—Burnaby, will be debated and voted upon separately.

[Translation]

Motion No. 3, standing in the name of the hon. member for Moncton, will be debated and voted on separately.

[English]

I shall now propose Motion No. 2 to the House.

MEASURE TO AMEND

Ms. Clancy: Mr. Speaker, I rise on a point of order. When you come to Motion No. 3 in the name of the hon. member for Moncton, I understand there is unanimous consent to allow me to move that amendment in his absence.

The Acting Speaker (Mr. DeBlois): Is there unanimous consent for the hon. member for Halifax to move the amendment when we come to Motion No. 3?

Some hon. members: Agreed.

Ms. Dawn Black (New Westminster—Burnaby) moved:

Motion No. 2.

That Bill C-126 be amended in Clause 2 by adding immediately after line 25 on page 3 the following:

“(2.1) Without limiting the generality of the foregoing, no person engaging in the conduct outlined in subsection (2) shall be deemed to have been acting without lawful authority if the conduct occurred at or outside a workplace during a labour dispute.”

She said: Mr. Speaker, during the clause-by-clause debate on this bill there was some discussion around removing legitimate labour disputes from this bill. I am pleased to have an opportunity to discuss this once again in the House as I reworded the amendment.

When the witnesses appeared at the legislative committee on Bill C-126, many of them recommended that legitimate labour disputes be exempted from this bill. The Government of Ontario, the Canadian Labour Congress, the National Union of Public and General Employees, the Canadian Advisory Council on the Status of Women, the National Action Committee on the Status of Women, METRAC, the National Association of Women and the Law, the Criminal Lawyers' Association and the Canadian Bar Association stated that the provision was too broad and could potentially apply to labour disputes.

My colleague from Mission—Coquitlam found the Library of Parliament's research branch had issued a paper arguing that the bill as presently drafted could very possibly be used in labour disputes.

There are examples of how particular actions can be excluded from a bill of this kind. In New Jersey, California and other American jurisdictions anti-stalking laws specifically exempt legitimate labour disputes. We must remember that there is already legislation on the books to deal with intimidation, threats or violence that may occur during a labour dispute. These provisions already exist.

• (1120)

In the absence of any statement within this new law of what its purpose is, I am concerned that in legitimate labour disputes, in some jurisdictions, authorities may attempt to use this law to intimidate those engaged in what is legal activity.

I proposed a similar amendment at the legislative committee but unfortunately it was voted down. I sincerely hope that since members of this House have had time to reflect on the importance of this amendment, they will see fit to support it this time.

Mr. Rob Nicholson (Parliamentary Secretary to Minister of Justice and Attorney General of Canada and Minister of State (Agriculture)): Mr. Speaker, I have not changed my mind about the appropriateness of having this in the bill. I would ask the House to turn down the suggestion and vote against the motion as proposed by the hon. member.

If we look closely at the wording, it says among other things that “no person shall be deemed to have been acting without lawful authority if the conduct occurred at or outside a work place during a labour dispute”. It would have the effect of completely removing any labour