

By and large, it seems to me that these are good amendments to the Farm Credit Act. I acknowledge the benefit which this legislation has brought in the years of its operation. Though not a farmer, I practised law for a number of years in a farming community and became familiar with and concerned about the problems of farmers, and particularly the problems of farm credit. I support the bill before us.

On motion of Hon. Mr. Phillips, debate adjourned.

CANADA LABOUR CODE

BILL TO AMEND—SECOND READING

Hon. H. Carl Goldenberg moved the second reading of Bill C-183, to amend the Canada Labour Code.

He said: Honourable senators, having been involved in labour-management relations as mediator and arbitrator over a period of some 35 years, I feel privileged to move second reading of the bill to amend the Canada Labour Code, more particularly Part V thereof entitled "Industrial Relations." I trust that if, in the course of my remarks, I make reference to views based on personal experience, honourable senators will bear with me.

Let me remind you at the outset that the Canada Labour Code applies only to industries within the jurisdiction of the Parliament of Canada. These include inter-provincial or international rail, road and pipeline transportation, shipping and related services; air transportation; interprovincial or international communication by telephone, telegraph or cable; radio and television broadcasting; and banks.

There are approximately 530,000 employees in the industries within federal jurisdiction.

The Code does not apply to employees of government departments, boards and commissions, who are governed by the Public Service Staff Relations Act, with which we are not concerned,—at least at this stage.

Federal labour law in Canada has a long history, beginning with the Trade Union Act of 1872, introduced by the administration of Sir John A. Macdonald, which made trade unions legal in Canada for the first time. There followed the Conciliation Act of 1900, which established the Department of Labour; the Industrial Disputes Investigation Act of 1907, which introduced compulsory conciliation; the Wartime Labour Relations Regulations of 1944, which made collective bargaining compulsory in defined circumstances; and the Industrial Relations and Disputes Investigation Act of 1948, which has continued in force until the present day. This act guaranteed the right to organize, prohibited certain unfair labour practices, provided for the certification of bargaining agents, made collective bargaining compulsory in defined circumstances, provided for compulsory conciliation machinery, made collective agreements binding and provided for arbitration of disputes arising from their interpretation, and prohibited strikes and lockouts except in the case of disputes over the negotiation of agreements that could not be resolved with the help of conciliation.

This act—which became Part V of the Canada Labour Code under the Revised Statutes of Canada, 1970—has remained unchanged since 1948; that is, over a period of

[Hon. Mr. Hicks.]

25 years. But, as we all know, Canada and the world have not stood still during this period. There have been vast changes in industrial development, in technology and communications. These have necessarily had a great impact on human relations and, since industrial relations are human relations, it is essential to adapt the laws governing them to the changes which have occurred in society and thus to the times in which we live. To be effective, law must, as far as possible, reflect the society which it governs.

The bill before us is therefore a comprehensive revision of the 1948 act. It is not a measure which has been drafted in haste. It is the result of a lengthy study by the task force on labour relations, which reported some three years ago, and of other recent studies on labour relations. It also follows many submissions by representatives of labour and management and consultations with provincial governments.

Originally introduced in the other place as Bill C-253 in June 1971, it was allowed to lapse, to allow for public discussion and debate. Re-introduced with amendments in this session as Bill C-183—the bill before us—it has been debated at great length in the other place and in its Committee on Labour, Manpower and Immigration which in the past months heard many witnesses and received a great number of submissions. The bill passed second reading on a recorded vote with only two members in the House of Commons voting in the negative. It received third reading on division without a recorded vote. These are facts which I think the Senate should bear in mind.

• (2100)

While the bill contains more than 100 clauses, I want to make it clear that by no means does every clause propose a change in existing law. The vast majority either carry over an existing provision essentially as it is, with a change in some cases of wording but not of intent, or they deal with the same subject matter as the present law but not necessarily in the same manner because of changes in structure, drafting style and, in some cases, policy.

In a number of cases, however, the subject matter of the proposed section is not dealt with in the present law. I propose to highlight some of the principal additions and changes. First, there is a new preamble which sets out the broad objectives of the bill. It recognizes the long tradition in Canada of labour legislation and policy designed to promote the common well-being through encouraging free collective bargaining and the constructive settlement of disputes. It also reflects the fact that an essential ingredient of our democracy and of free collective bargaining is freedom of association and protection of the right to organize.

There follows the interpretation section which extends bargaining rights by broadening the definition of the word "employee." Under the present act bargaining rights are available to employees, but the word is defined in such a way as to exclude managerial and confidential employees and members of the medical, dental, architectural, engineering and legal professions. As a matter of legal interpretation, certain other individuals who have some of the characteristics of employees and who work in a relationship of economic dependency are also denied access to bargaining rights. The bill would make bargain-