

*Government Orders**[English]*

Mr. Murphy: I would like to follow up on the question that I started off with and that the hon. member for Kenora—Rainy River continued with.

I have not been the labour critic for our caucus for a number of years now. But the last time I was actively involved I know that there was a backlog and that it did take a fair amount of time for cases to be heard in front of the Canada Labour Relations Board and it obviously took even longer for decisions to be made.

• (1050)

I am wondering if the member, or to be more precise the the officials through the member, could indicate the average length of time it takes to have a case heard and again on average how long it takes for a decision to be rendered after the case has been heard.

[Translation]

Mr. Vincent: Madam Chairman, I can see that I am going to practise labour law today. I studied it at Laval University, quite a few years back. I would like to point out to my colleague—I regret that I cannot be really specific—but I would like to outline two points to him. I know that in case of a strike, legal or illegal, the board moves up the file to the top of the heap, which means a very short time frame. I also know that, depending on the nature of the case, the board may receive written submissions which, again, means a very short time frame for a decision to be rendered for the good of both parties.

Madam Chairman, I also take his question as notice and, with the help of the officials, we will report to the minister, Mr. Danis, who will certainly be glad to answer him in a specific way.

[English]

Mr. Nault: Madam Chairman, under powers of the board on the first page in the clauses it suggests that by order it will be able to appoint an employer representative of its own choosing. In the briefing documents that we received from the officials on the reasoning for this change it says that it provides for the appointment of an employer representative by the CLRB should the employers affected by geographic certification order fail to do so within the time limits set by the board.

There is no time limit set by the board and that is one of the things that worries me. I am wondering whether the department would see fit to make a small amendment which would suggest in the last paragraph that by order appoints an employer's representative of its own choosing within 30 days, or within 60 days, whatever is an acceptable time frame in an industry of this particular nature.

I suggest that mainly because of the difficulties, and the reasons we are here in the first place, because the employers themselves cannot come to an agreement as to who they would want to choose and if they decide to could tie up that board for a fairly lengthy period of time.

This process would put on record, for the understanding of all the actors in this issue, that they only have 30 days, for example, to deal with the issue. It would also put on the record that there is going to be a collective bargaining process implemented as quickly as possible as a result of the effects of not having a collective process and collective bargaining agent to deal with, as far as the workers are concerned.

I wonder whether the department, through the member, could tell us whether that would not be a significant improvement or it is necessary to maintain the flexibility of the board.

[Translation]

Mr. Vincent: Madam Chairman, I would like to point out to my colleague that section 1(3) states, and I quote:

Where the Board, pursuant to subsection (1), certifies a trade union as the bargaining unit, the Board shall, by order,

(a) require the employers of the employees in the bargaining unit (i) to jointly chose a representative, and (ii) to inform the Board of their choice within the time period specified by the Board;

So it is up to the board to specify a time frame to the employers. Finally, Madam Chairman, I can tell you as a lawyer that I cannot see legislation imposing a time frame for a decision to be rendered by a judicial or quasi-judicial tribunal. I cannot see how a government could possibly impose a time frame to a tribunal. I think that once a judicial or quasi-judicial tribunal is involved, it has, by virtue of the statutes, the common law, its own rules, its own customs, but also its own integrity. We must therefore respect this quasi-judicial tribunal.