

which go beyond what was originally adopted by the House in principle at second reading.

Clearly, the Hon. Member is making an argument as to the advisability of changing the law, not as to the procedural admissibility of the two motions. I think he will know that the Chair has no option but to find that the amendments cannot be accepted when there is procedural inadmissibility. On that basis we will call Motion No. 3.

Mr. Mike Cassidy (Ottawa Centre) moved:

Motion No. 3

That Bill C-45, be amended in Clause 4 by striking out lines 11 to 42 at page 6 and lines 1 to 5 at page 7.

He said: Mr. Speaker, the purpose of this amendment is to ensure that this law, which provides collective bargaining and certain other rights to employees of the House of Commons, the Library of Parliament, and the Senate, will also apply to the staff of Members. We are talking about some 1,000 or more employees, since each Member generally has about three employees. The parts which would be diluted according to the amendment are the parts in subclause 4(2) which exclude application of the vast bulk of the Bill to anyone who works for a Member, a Minister of the Crown, a member of the Senate, a Leader, a Whip, or research services connected to any particular caucus.

Throughout debate in committee on Bill C-45, and prior thereto, I did not hear any particularly good reason put forward as to why the House of Commons and the Parliament of Canada should in fact exclude totally or almost totally from any kind of employee rights people who work for Members and people who work in the other capacities defined in subclause 4(2). Nor have I heard an explanation of why it is that Members' staff are treated as particularly crucial and yet, for instance, large portions of Ministers' staff are already unionized because they are departmental staff seconded to Ministers' offices. They are doing many of the same jobs which are done by the staff in my office or in the offices of other Hon. Members. Despite the fact that those staff even have the right to strike under certain circumstances, Ministers seem to get by with unionism in their midst in terms of their particular staff.

During the course of the discussion we heard representations based upon the Charter of Rights and Freedoms. It was pointed out that very few workers in the entire country were totally excluded from collective bargaining rights. Farm workers and domestic workers in Ontario, or certain categories like those, perhaps hearken back to the days of the domestic servitude. However, in general, working people in every jurisdiction have the acknowledged right to form themselves into unions, to bargain collectively, or to seek to bargain collectively with their employers.

As we have seen in the case of the Gainers strike in Alberta, those rights can be truncated. They can be inadequate, and workers who seek to exercise those rights can be cruelly

Parliamentary Employment and Staff Relations Act
victimized or very cruelly treated. Nonetheless, in general our Parliaments across Canada have granted those rights.

Employees in positions with the Legislature of Ontario were pointed out as an example. One assumes that those positions are just as crucial as the positions of employees of Members of the House of Commons and the other designated positions excluded in subclause 4(2). Those Ontario employees have the right to form a union and have formed a union. In the case of the employees of the Ontario NDP caucus in the Ontario Legislature, they have in fact had and exercised collective bargaining rights on an amicable basis for some 18 years or 20 years and now have a mature bargaining relationship. Somehow the NDP caucus has been able to continue to move on from one year to the next and has been able to do its job. Occasionally there have been some angry bargaining sessions and some dispute, as there will be between any group of employees and employers. At the same time, difficult situations have very often been resolved in a more equitable and fairer way because of the existence of the union.

For example, after the 1981 provincial election in Ontario, the NDP suffered a set-back and had to cut staff in its bargaining unit. The NDP was able to reach a much more amicable solution to a very difficult situation because it could deal with the staff on a collective basis rather than staff who happened to work for a defeated Member and found themselves out on the street, while other people with perhaps far less seniority and far less experience were able to keep their jobs.

Since Your Honour has ruled other motions out of order, I think I can comment generally without straying from the purpose of the motion before us now. When we looked at the question of the status of Members' staff, it was clear that that status was somewhat different from the status of some other employees in the House of Commons. The reason was that Members of Parliament—and I will speak to them, as the largest group—direct, supervise, hire, can fire, and certainly discipline any employees in their offices. The House of Commons pays the cheques, does the administrative work and that kind of thing, but that is all. Therefore, the situation is rather different from that of a supervisor, a foreman or forewoman in a plant or office. They direct, hire, and fire people working for them in a particular section of the plant or in a typing pool or something of that nature. The difference is that in a plant or an office the supervisor, foreman, or forewoman is an employee himself or herself. Members are not employees; they owe their employment to election by their electorate in their individual ridings. They may be accountable within their caucus or under certain rules to you, Mr. Speaker, but basically Members of Parliament are not employees of the House of Commons and are not exercising delegated authority. Even when we admit that, however, it does not stop the fact that as far as the employees are concerned, they tend to be linked not only to the Member but to the caucus to which the Member belongs.