

Supply—Labour

I believe that this artificial equation, as it were, of the balance between the rights of management, as they are so often erroneously referred to, and labour is at the root of much of the misunderstanding and indecision with which we approach labour questions. I argue that if we were clearly prepared to give prior right to the needs and rights of people, some of these peripheral arguments about the balance of power in labour legislation and so on would fade into the background and we could view these questions in much better perspective.

The same indecision to which I have referred pervades not only this parliament but the actions taken by the governments of the provinces generally. I believe the fact that we are a federal state compounds the confusion and results in delay in effective action being taken.

Let me again make reference to another of the almost innumerable reports we have received in this field in recent years. I have in my hand a summary review of information related to the problems of wage and price disputes in the British Columbia fishing industry. This review was prepared by a federal-provincial committee. Its publication date is November, 1964. It was heralded at the time as being a far reaching document which would bring about a real change in the whole relationship of people in the fishing industry on the west coast of Canada. To use the well worn phrase used by the hon. member for Winnipeg North about the Freedman report, this review has been gathering dust ever since it was published. I have never heard one word, as far as I can remember, from the Minister of Fisheries about it, let alone from the Minister of Labour. So far as the British Columbia department of labour is concerned, they seem to have been very carefully sitting on their hands in respect of it ever since.

I do not need to go into detail with the Minister of Labour, coming as he does from a British Columbia constituency, to remind him that at the present time there is a rather unholy mess in the whole question of the rationale of action in the fishing industry on the British Columbia coast. We are still in the position where federal jurisdiction in this matter rests, as it has rested for many years, with the combines investigation branch of the federal government. Year after year we pass renewing legislation in this regard. I believe we renewed the legislation for a year and a half the last time, and it must be reaching the point of expiry.

[Mr. Barnett.]

Mr. Nicholson: I think there is legislation in perpetuity now.

Mr. Barnett: The minister says it is in perpetuity now. Perhaps the minister's philosophic approach gives us an opportunity of expressing our views as to the real questions we should be facing when we discuss the estimates of his department.

My reference to the report on the matter of wage and price disputes in the British Columbia fishing industry, and my awareness of the fact that there are in this situation overlapping areas of federal and provincial jurisdiction, led me to take a fresh look at the British North America Act and in particular sections 91 and 92 where the division is made between federal and provincial authority, that is, as between the parliament of Canada and the legislatures of the provinces. Reading those sections of the British North America Act again from the point of view of a consideration of the estimates of the Minister of Labour caused me to realize in a way I had never realized before that nowhere in either the federal or provincial powers as set out in the British North America act is reference made to the question of labour jurisdiction. This re-emphasizes the fact that uppermost in the minds of the people who framed the section and in the minds of those who were in positions of political leadership and power in that day was the idea that such questions were relatively unimportant, not important enough to be clearly defined in any sense of the word. That is my view.

I think one might develop an argument that section 91 (2), which assigns to the federal authority the regulation of trade and commerce, might be construed as meaning that the federal parliament has complete authority over all matters affecting labour relations, if one were to accept the thesis still accepted in the house of the balance of rights as between labour and management as if they were two equal and separate entities which should be dealt with in our laws in that way. I suggest that this theory categorizes working people as commodities in the field of trade and commerce. I also suggest this is to too great an extent the manner in which we approach labour legislation. In other words, we tend to look upon labour as a commodity, something to be dealt with in the field of trade and commerce. If one were to follow that principle through, of course, one might argue that constitutionally this parliament could regulate all matters relating to labour relations so far as employers in this country are concerned.