

Report of the Committee on Health, Welfare and Science Evidence

Wednesday, July 5, 1972.

The Standing Senate Committee on Health, Welfare and Science to which was referred Bill C-183, intituled: "An Act to amend the Canada Labour Code", has in obedience to the order of reference of July 4, 1972, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

Maurice Lamontagne,
Chairman.

I understand that the witness is at the moment reporting to cabinet on the fight for job security in Montreal, Trois-Rivières and Quebec City, and that he intends to come to this meeting as soon as he can. We might start without him, and I am sure that we will have completely satisfactory answers to all our queries and concerns about this bill from the experts who are here with us this morning.

As far as procedure is concerned, this is an unusual bill, in the sense that it has a preamble and five clauses, the last four clauses appearing right at the end of the bill itself, clause 2 being at the bottom of page 70 and clauses 3, 4 and 5 being on page 72. You will see that clause 1 is a rather long one, starting on page 2 and continuing to page 70. This clause deals with the changes to Part V of the Canada Labour Code.

First of all, since I detect, unless I am wrong in my interpretation, that there does not seem to be too much objection to the last four clauses, I suggest that we deal with those clauses first. Then we could deal with the preamble. I would then try to put all of clause 1—if you do not mind, and how can object to this, as I said—starting on page 2, with the exception of sections 149, 150, 151, 152 and 153, so as to hasten the procedure. Would His be agreeable to the members of the committee?

Hon. Senators: Agreed.

The Chairman: Clause 2 appears at the bottom of page 70. I am quite sure there is no objection to that clause. Is it carried?

Hon. Senators: Carried.

The Chairman: Clause 3 appears at page 72. Shall clause 3 carry?

Hon. Senators: Carried.

The Chairman: These are all technical clauses. Shall Clause 4 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 5 carry?

Hon. Senators: Carried.

The Chairman: Now we turn to the beginning of the bill. Shall the preamble carry?

Senator Macdonald: What is the purpose of the preamble? I thought we had done away with preambles in this day and age.

The Chairman: Mr. Wilson might give you some idea as to the nature of a department of labour in the government?

Mr. Bernard Wilson, Deputy Minister, Department of Labour: Generally, that is so. The intention of the preamble is to refer to the long tradition that exists in this country with respect to collective bargaining between labour and management. It indicates that there is really a freedom of association on the part of employers and employees, and that the right to organize collectively is the key note of our industrial relations system. The legislation, as it is written, is a testimony to that, and the preamble is simply an indication of the faith of the government, as you put it, Mr. Chairman, in collective bargaining, the freedom of association and the right to organize.

Senator Macdonald: There is no preamble in the original bill.

Mr. Wilson: That is right.

Senator Macdonald: I move that we reject the preamble, Mr. Chairman.

The Chairman: I am advised that your motion is not in order because it is not purely in the negative. It does not reject a clause of the bill and, apparently, that is not in order with our rules.

Senator Gidycz: The preamble is not a clause of the bill, Mr. Chairman.

The Chairman: It is a separate section of the bill. You can vote against the preamble, but I do not think you can reject it as deleted.

Senator Smith: Let us vote on it.

The Chairman: Does the preamble carry?

Some hon. Senators: Yes.

Senator Macdonald: Mr. Chairman, I move that we reject the preamble.