

*Canada Labour Code*

and to report in the manner prescribed every accident or other occurrence?

**The Acting Speaker (Mr. Herbert):** Order. I must refer the Hon. Member to our rules and suggest he should not be discussing the clauses of the Bill at this stage. Second reading is for discussion in principle. If he has concluded his question, I will allow a reply in principle.

**Mr. Blenkarn:** With respect to the principle, should there be such detail of regulations as is indicated by this Bill? Is the Hon. Member satisfied with a Bill that contains that number of regulations all of which impose penal requirements if the regulations are not complied with?

**Mr. Hawkes:** Mr. Speaker, I am glad that the Hon. Member for Mississauga South (Mr. Blenkarn) asked that question. We are dealing with occupations here which come under the Canada Labour Code and which have traditionally been occupations that are generally held by the poorly educated part of the Canadian population.

We have said that 30 per cent of the adult workforce in Canada is functionally illiterate. It is 40 per cent or 50 per cent with respect to some of the occupational groups that come under this Act. Therefore, I hope that Members of the House would carefully consider that fact if we are to include complex measures in the Canada Labour Code that require individual employees to obey the law or face prison or a big fine.

It was stated earlier today that the penalties which apply to individual employees are no different from the penalties that would apply to major employers. There is no difference in size or kind. Do we want that principle?

I do not know if Hon. Members are aware that the Auditor General's last report criticized Labour Canada's approach to occupational health and safety. There are two or three pages of criticism. When I read the Bill, I did not find that this legislation provides the kind of protection that the Auditor General suggests. When we examine this Bill in committee, I hope Members will bring their copy of the Auditor General's report to review what it says about occupational health and safety and the practice of the Department of Labour. Perhaps when the officials from the Department of Labour appear before us, we can look carefully at their performance to see how some of these clauses came into being and to ask why they believe it is fair and just to penalize an individual employee who perhaps has a grade 4 or 5 education in the same way as someone who has a Harvard M.B.A. I wonder where the justice is there?

**Mr. Murphy:** Mr. Speaker, I raise the issue about individuals being fined the same as corporations. Does the representative of the Conservative Party agree to making amendments at committee stage to increase the fines to corporations? We will then not be in the ridiculous situation where a corporation may be fined \$2,000, which is the same amount as that imposed on an individual. This obviously is not a deterrent to a corporation, but it is for an individual.

● (1540)

**Mr. Hawkes:** Mr. Speaker, the only justification for a fine of any kind is that it acts as a deterrent. Any fine that is not adequate should either disappear or the act not be fineable in the first instance, or else the fine should be large enough to serve as a deterrent. That is the basic principle under which all of us should operate.

The Hon. Member might be interested in the efforts we made in the energy committee after the Bill was split following the bell-ringing to have fines apply equally to federal civil servants as to people in the private sector for the same kind of behaviour. The Government and the NDP would not let us have those principles. Those are the kinds of principles for which we fought before and for which we will fight again.

**Mr. Gamble:** Bearing in mind the Speaker's admonition against particularity with respect to my question, has the Hon. Member had any regard to the potential extension of the multi-employer rules now to be changed by regulations, which might have a rather unfortunate consequence with respect to some independent contractors who might now be caught in the net of being designated as employees losing the tax advantages which they otherwise might have in connection with travelling and other expenses relating to the conduct of their own business, Mr. Speaker? Is this something we might discuss and hopefully remedy?

**Mr. Hawkes:** I am glad that issue has been brought up, Mr. Speaker. One of the insidious things that has occurred, and we see it in almost every piece of legislation that I have faced since 1979, is that the Cabinet is given power to make regulations by Order in Council. One of the characteristics of a regulation is that it is done in secrecy. It just appears. It is like instant law. It affects arrangements that people have sometimes spent thousands of hours and dollars making. You just get the secrecy. I hope that collectively we can remove the regulatory power as much as possible in every piece of legislation, and certainly I hope we can do so here. The rules of the game should be clear to all participants, and we should not have mechanisms in law which allow the rules to be changed in the middle of the night without a chance to object and bring some wisdom to a situation.

**The Acting Speaker (Mr. Herbert):** If there are no further questions or comments, we will continue debate.

Is the House ready for the question?

**Some Hon. Members:** Question.

[Translation]

**The Acting Speaker (Mr. Herbert):** Is the House ready for the question?

**Some Hon. Members:** Agreed.

**The Acting Speaker (Mr. Herbert):** The question is as follows: Mr. Ouellet, seconded by Mr. Pinard, moved: That