

*Supply—Labour*

indicating that Canada should not endorse other conventions of the I.L.O. I think Canada should, before now, have taken the steps necessary for the endorsement of this convention; and if consultation with the provinces is involved, as I think it may be, I suggest we should already have entered into such discussions.

There are two or three articles in this convention which relate to the guaranteeing of certain rights and freedoms to both employers' and employees' organizations with respect to the right to organize, and I feel sure that if Canada had taken steps earlier than, at least, January of this year toward the ratification of this particular convention we might have avoided the unfortunate situation which arose in the province of Newfoundland recently involving the decertification of two unions in that province.

I will point out, if I may, that article 4 of this convention, had it been enforced, would have dealt with, or covered, the particular events which occurred in Newfoundland, because it provides that organizations of workers and employers shall not be liable to be dissolved or suspended by administrative authority. Another article mentions that public authorities shall refrain from any interference which would restrict the lawful exercise of the right to organize. Article 11 of the convention provides that each member to which the convention applies undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise fully the right to organize. This is the general tenor of the drafting of this particular convention.

I think each of those articles to which I have referred has been abrogated in one of the provinces of Canada, notably the province of Newfoundland, where public authorities and administrative authorities have taken steps contrary to the provisions of this I.L.O. convention, even though it is not in force in Canada, by dissolving and suspending certain unions and impeding the lawful right to organize in that province. Failure to ratify this convention reflects not only on the present government but also, in an even larger measure, upon the government which preceded it, because it will be recalled that the Liberal government was in office continually from the time the I.L.O. passed this convention in 1948 until the general election of 1957. That was nine years during which that government had the opportunity, had it so desired, to take steps toward the ratification of this convention which would in large measure have prevented the disgraceful situation which developed in Newfoundland in so far as the lawful right of

[Mr. Howard.]

unions to organize and establish themselves in that province is concerned.

Some time ago on orders of the day I asked the minister whether Canada had ratified this convention and, if not, would he give consideration to the idea. I took it from his remarks that consideration would be accorded to the question, and I wonder if the minister could now indicate what steps he has taken to that end.

**Mr. Starr:** Mr. Chairman, upon delving into this convention with a view to seeing whether it could be ratified, the information I have, based on good evidence, is that the subject matter of the convention is almost wholly within the jurisdiction of the provinces. Only to a minor degree is it within the jurisdiction of this parliament. For that reason two other countries of which we are aware, the United States and Australia, have not ratified this convention.

**Mr. Howard:** This may be a general query I am posing. Can steps not be taken to have the parliament of Canada deal with conventions of a similar nature where federal and provincial jurisdiction are involved?

**Mr. Starr:** We cannot take up the question of ratification of conventions where the subject matter comes almost wholly within the jurisdiction of the provinces. We would be going entirely out of our field of jurisdiction and contrary to the laws established by the provinces, where they exist.

**Mr. Howard:** Is it because of the jurisdiction of the provinces and existing provincial legislation that we are prevented from dealing with these conventions?

**Mr. Starr:** I would say that is correct, if I apprehended the hon. member correctly.

**Mr. Howard:** Would the minister not think that a question of forced labour within a province would alter the situation?

**Mr. Starr:** That subject is entirely foreign to our way of life and to conditions in Canada. We have no such thing as forced labour in this country, and consequently no statutes dealing with that subject are on the books of the legislatures.

**Mr. Howard:** Let me pose another question. Suppose one province undertook to establish a system of forced labour contrary to the provisions of the I.L.O. convention we reviewed the other day. What position would Canada be in with respect to dealing with that province?

**Mr. Starr:** We would consider the situation on its merits at that time.

**Mr. Argue:** And that is all you would do.