

*Criminal Code*

**Mr. Guy LeBlanc (Rimouski):** Mr. Speaker, I am happy to have this opportunity to make a few remarks on Bill No. C-5.

I must nevertheless admit that after listening to the speech of the honourable member for Winnipeg North (Mr. Orlikow), who moved this amendment, my approach to this bill—and this is perhaps normal—has somewhat changed.

The honourable member for Winnipeg North dealt chiefly with trade union rights, which are actual rights. He spoke of cases where, for instance, heads of companies unjustly decided that certain friends of their employees were not to enter into the temporary dwelling place of those employees.

He also gave examples of trade union heads who wished to meet a group of employees but could not do so and, in order to get over the gates of the company property, had to hire a helicopter to reach their destination.

Obviously, as the representative of a riding where many workers slave all day at various jobs, I cannot contradict the principles of the member for Winnipeg North.

On the contrary, I can only approve them wholeheartedly and say that, with all the other members of the house, I shall spare no effort to improve the fate of our labourers, workers, and low-wage earners, of those who work not only day in and day out, but year in and year out, in very poor working conditions.

However, it seems to me that this amendment, designed to protect the rights of workers and employees—an amendment which is understandable in principle—should, in fact, have been applied to an act which I would prefer to be more explicit than section 41 of the Criminal Code dealing generally with the right of ownership, which is sacred to all Canadian citizens.

On reading the explanatory notes in the bill—which notes must have been prepared by the hon. member for Winnipeg North—I see we are not dealing with houses—and that is what I based my opinion on before coming here today—nor of modern housing rented to employees, but rather of rudimentary sleeping quarters where the companies or general contractors provide accommodation for their employees.

Those notes also indicate that the employees cannot have guests, as do people who live in ordinary rental units.

On the other hand, if I refer to subsections 1 and 2 of section 41 of the Criminal Code, [Mr. Breau.]

which were quoted by two of the members who spoke before me, I realize that emphasis is placed on the expression or on the meaning of the word “landlord” on the one hand, and “tenant” on the other hand. Emphasis is also given the expression “quiet enjoyment” and, in addition, to “trespassing”, or “trespasser” who, by resisting, is said to have committed an assault.

● (6:50 p.m.)

It seems to me that before understanding or trying to understand the amendment, an attempt must be made to understand the spirit of this section, the spirit of that act or those acts which protect the right of ownership in our country. On the basis of the letter of the act, and of what I believe to be the spirit of the act, I have come to the conclusion that the amendment intended to protect the worker should appear elsewhere in the Criminal Code.

When we speak of “trespasser” or “trespassing”, to come back to the spirit of section 41, one thinks of someone who introduces himself somewhere without authorization. However, when one thinks of intrusion, one thinks of unwarranted intrusion into a society, a job or a place. We also know that, in Canada, no one, unless he has a special warrant, has the right to trespass on the property of a citizen without the latter’s permission.

Therefore, as I said earlier, I was struck by the fact that the spirit of the law seems to place a certain emphasis on the fact of intrusion.

In the explanatory notes, it is written that these dormitories are not rented—

—in the ordinary way.

I am thinking of companies that build small shacks, small camps, which can be comfortable for a period of time in the right season, and which are not rented. The people who live in them are neither landlords nor tenants. The landlord is the company, the contractor.

I think that we should normally respect private ownership which is a basic principle in our Canadian policy and philosophy.

We should also consider the point of view of the landlord. Usually, on these camp sites, there are dangers of all kinds, abuses of all kinds, for humans.

The security aspect also has to be considered.

That is why, in most cases, as we all know, the owner of buildings, the contractor or the