

Government Orders

There is a reason why I throw that out to the department officials. When we arbitrarily have to make decisions of the magnitude that we are proposing to make with the Canada Labour Relations Board having the necessity to choose a representative for the employers, it could cause not only a delay but also some long term labour-management relations problems. I am wondering whether the department officials could give us some explanation as to just how common or uncommon this is. Or is this is a brand new approach to a very difficult issue?

[*Translation*]

Mr. Vincent: I thank my colleague for his question. He should understand that we are trying to set up a system that we believe Parliament had already set up in 1973. Because of the interpretation given to section 34 over the years, we can see today that the spirit of the legislation passed in 1973 is not being followed by the courts. These amendments have the effect of clearly reaffirming what Parliament intended in 1973. I must admit to my colleague that the riding of Trois-Rivières has made history in this, since it is the first time that such a situation has occurred in Canada, with a legal tangle where the employers are fighting each other while the employees wait patiently.

I believe that the problem will be solved with this amendment to the Canada Labour Code. Concerning a provision that would allow the minister to appoint someone in advance, I think that is the board's job. The board is there precisely to hear the parties and make those decisions.

I would be reluctant to have the minister interpret law which has been the subject of various court decisions.

[*English*]

Mr. Nault: Madam Speaker, I understand where the department is coming from. However there is a big concern here.

Let us use the scenario that is before us that there are 60 or 70 employers. They have the right to go before the board to present their cases. When you talk about 60 or 70 employers we could be literally months before the board would have the ability to make a decision on the appropriateness of a particular representative to deal with the dispute.

At the same time we are dealing with the employees who may be on the picket line for a long period of time or without a collective agreement or who could be on strike. In that scenario we could in essence be making matters even worse for the particular employees.

I would ask the department whether it would not be appropriate for us to put a particular time frame for the board to make a ruling. For example within 30 days after a particular period of time has elapsed for the employers to suggest a representative, there would be a decision made as to who would be the representative for the employers.

The reason why I throw this out is if it has never been tried before and if the employers cannot make up their minds as it is and if they decide they want to play games with this whole process, they could tie up the board for months on end and then we would still be right where we started. In other words, the employees are left without a contract and the whole industry is basically in a state of flux.

I just want the department to explain to me whether it senses that is not a legitimate concern. Will the board have the power to move very quickly because of the individual circumstances of the particular process?

[*Translation*]

Mr. Vincent: Madam Speaker, I emphasize that we are dealing specifically with the marine sector. As we speak, the four marine employers in the port of Trois-Rivières get along well and the one in the port of Bécancour does not get along with the other four. Thanks to the employer in Bécancour, the only one there, we are bringing in this legislation. So my colleague will see that his example does not reflect the situation in the port of Trois-Rivières, the port of Bécancour, and even the ports of Montreal or Quebec City. I continue to believe that previous governments set up the board precisely so that it would have total freedom in making its decisions, as it should, based on its knowledge of the issues that applicants raise with it. Consequently, I think it would be rather dangerous to put in a time limit, but rest assured, that as far as the situation in Trois-Rivières and Bécancour is concerned, the employers, at least those in Trois-Rivières, are hoping that the matter can be resolved as quickly as possible, because they do not enjoy that strike either. With that in mind, these amendments are proposed for the best interests of the two parties, the economy of Canada and especially the economy of the riding of Trois-Rivières.