

*Private Members' Business*

I would like to conclude by saying that this problem has already been resolved in three provinces which together represent 70 per cent of Canada's population. As this bill targets a small portion of this country's labour force, it is obvious, in my opinion, that the federal legislation must take into consideration provincial legislation and fill in the gaps between the existing laws. It is high time, in my opinion, that federal legislation take a step forward and restore pride in work and dignity to workers.

[English]

**Mr. Maurizio Bevilacqua (Parliamentary Secretary to Minister of Human Resources Development, Lib.):** Mr. Speaker, I rise today to join the debate on Bill C-317, a bill to amend the Canada Labour Code and the Public Service Staff Relations Act which, if enacted, would prohibit the hiring of replacement workers by employers during a legal strike. The bill also contains provisions which are intended to ensure that essential services are maintained in the event of a strike or a lockout in a crown corporation and in the public service.

While this bill proposes changes to both the Canada Labour Code and the Public Service Staff Relations Act, my comments on this bill are confined to those changes which would affect the Canada Labour Code.

The two specific proposals advanced by the hon. member pertain to the institution of collective bargaining. If I may, I would like to spend a few moments outlining my views on this institution. In a nutshell, I believe in collective bargaining because it works and because it is an institution that promotes democratic decision making.

If one were to go through a copy of the Canada Labour Code, one would find at the beginning a preamble to part I, the section that deals with labour management relations. In my view, this preamble articulates in a very eloquent way why we need and why we have a system of free collective bargaining in this country.

The preamble refers to the promotion of the common well-being through the encouragement of free collective bargaining. It speaks of the freedom of association and of free collective bargaining as constituting the way to determine good working conditions and to promote sound labour management relations. It expresses the desire of the Parliament of Canada to extend its support to labour and management in their efforts to develop constructive collective bargaining practices. In other words, the preamble to part I of the Canada Labour Code conveys in no uncertain terms the federal government's commitment to the preservation and encouragement of collective bargaining.

Political parties of all stripes adhere to this belief in collective bargaining. Not surprisingly, labour unions also support free collective bargaining. Indeed, over the years they have resisted with all the resources at their command any effort to restrict worker access to free collective bargaining or to replace it with government regulations or other mechanisms.

Maintaining that integrity of the collective bargaining process is probably the most important concern of the majority of trade unionists. For many employers collective bargaining provides an efficient way of promoting stability in the workplace, for securing the consent of the workforce and for obtaining innovative solutions to a variety of workplace issues. Employers who value partnerships with labour realize that they can lead to a competitive advantage.

Paul Weiler, distinguished Canadian labour lawyer, author and Harvard professor, describes it best. He states that collective bargaining is a mode of employee representation which serves two vital social functions. First, it obtains for workers a measure of protection from the employer and the vicissitudes of the labour market, protection from substandard wages and benefits and from arbitrary and unfair treatment on the job. Second, it affords workers a degree of participation in an organization's decision making. It requires employees to take responsibility for defining, asserting and if necessary, compromising their concerns.

• (1805)

As Professor Weiler has written: "Collective bargaining is as intrinsically valuable as an experience in self-government. If one believes as I do that self-determination and self-discipline are inherently worthwhile, indeed, that they are the mark of a truly human community, then it is difficult to see how the law can be neutral about whether that type of economic democracy is to emerge in the workplace".

As I mentioned, I support our system of collective bargaining not only because of its democratic nature, but also because of its effectiveness. Something like 95 per cent of all collective bargaining disputes in federal jurisdiction governed by the Canada Labour Code are resolved without resort to a work stoppage.

When a third party is needed and the mediation and conciliation service provides assistance, about 90 per cent of disputes are settled without work stoppage. Time lost due to strikes and lockouts is but a fraction of a per cent, far less than the time lost due to workplace accidents.

The system works because it places the responsibility for the settlement of workplace conflict on the shoulders of those directly involved. It acknowledges that labour and management know best what their needs are and it calls upon them to take ownership of the terms and conditions that govern their employment setting.