

Parliamentary Employment and Staff Relations Act

[English]

Motion No. 10 attempts to give rights to a group of employees specifically excluded in Clause 4(2) and is contrary to the principle of the Bill adopted at second reading stage. I would refer the Hon. Member to Citation 773(2) of Beauchesne's Fifth Edition. Motion No. 11 will be debated and voted on separately.

[Translation]

Motion No. 12 gives the Chair some procedural difficulty in that it contravenes the basic principle of the Bill as adopted at the second reading stage and I would refer the Hon. Member to Citation 764(1).

Motion No. 13 will be debated and voted on separately.

[English]

To recap, the Chair has procedural difficulty with Motions Nos. 1, 2, 10 and 12. Motions Nos. 5, 6, 7, 8 and 9, having all been moved in committee, are not selected.

If Hon. Members wish to make procedural representations to the Chair, I am disposed to hear them now. If more time is required, I would be prepared to hear arguments at the conclusion of the debate on the motions that are now in order, if that is the choice, and we could begin with Motion No. 3.

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, perhaps you would wish to hear procedural argument on Motions Nos. 1 and 2.

Mr. Speaker: The Chair is trying to indicate that it is now ready to hear procedural arguments on the ruling or to hear them at the end and begin with Motion No. 3, whichever is the wish of the House. If Hon. Members wish to make procedural arguments now, that is fine.

Mr. Gauthier: Mr. Speaker, I would rather proceed seriatim if you do not mind, and then we could deal with the others as they come before us.

[Translation]

The matter of the admissibility of Motions Nos. 1 and 2, in the name of the Hon. Member for Hamilton East (Ms. Copps), is a rather complicated one.

The Chair will recall that the whole issue of whether employees of the House of Commons were subject to the Public Service Staff Relations Act or came under the authority of the Canada Labour Relations Board was challenged in the courts. The Federal Court handed down a ruling that was disappointing for the employees, who nevertheless persevered and took their case to the Supreme Court. On Monday, June 23, the day before yesterday, the Supreme Court received a request to appeal in connection with the matter now before the House.

Since the Supreme Court has not ruled whether the appeal is admissible, and since the motion in the name of the Hon. Member for Hamilton East says specifically that we should, and I will read the motion:

That Bill C-45, be amended in Clause 2 by adding immediately after line 17 at page 1 the following:

"(c) any Supreme Court of Canada decision on certification which shall take supremacy over this Act."

Since the Supreme Court's decision might be affirmative, that is, favourable to the employees, I think we could argue that the motion is admissible in that it anticipates the possibility that the courts might rule that House of Commons employees are subject to the Canada Labour Code.

That is my only argument, and that is all I wanted to say.

As for Motion No. 2, also in the name of the Hon. Member for Hamilton East (Ms. Copps), this amendment proposes to include the legislation now in effect for federal public servants, that is, the Public Service Employment Act and, of course, the Public Service Staff Relations Act. This is mainly an attempt to include in the Bill the various appeal procedures for appointments and everything that implies.

Here again, there is a good point that can be made, and I did so on second reading, Mr. Speaker, namely that the Public Service Employment Act should apply to House of Commons employees, so that people will know there is a staffing system that is fair and equitable for everyone.

Now I fail to understand why the Chair has grouped 1 and 2, when one motion appeals to the Supreme Court and the other asks for inclusion of an existing Act, an Act of Parliament, an Act concerning staff relations and an Act concerning employment. I do not see why the Chair—perhaps it would care to explain why—I fail to see how one can make a connection between 1 and 2. My point is that No. 2 in particular should be seen as distinct from No. 1, since it has no connection at all with the Supreme Court's decision. In any case, I think the Public Service Employment Act should be included as an amendment to Bill C-45.

[English]

Mr. Mike Cassidy (Ottawa Centre): Mr. Speaker, I do not propose to make procedural arguments at any great length. I would like to, but time is short as we are near the end of the session. We face a problem choosing between the need to consider an inadequate law and the prospect of no law at all. Under the circumstances I do not propose to challenge or to take issue with Your Honour's ruling, although I might do so at another time.

● (1530)

Mr. Speaker: I thank the Hon. Member for Ottawa Centre (Mr. Cassidy) for his procedural non-intervention.

The Hon. Member is asking the Chair why Motions Nos. 1 and 2 are grouped in the ruling. They are only grouped from the point of view of the Chair that they are both out of order. That is the only way in which they connect in the ruling.

In the case of Motion No. 1, as the Hon. Member clearly indicates and knows, it introduces a concept beyond the concepts adopted at second reading, as does Motion No. 1, which introduces or attempts to introduce into the Bill matters