of management or labour. The draftsmen of this bill have decided on the device of providing for a meaning of technological change by reference to section 149(1)(a) and (b) in relation to other sections, particularly section 152. It is just a question of decision, and that decision has been taken.

The Chairman: Well, it has not been taken by us.

Senator Martin: No, that decision has been taken by the department, and so on. It seems to me to be a reasonable one. I can understand Senator Grosart's argument, but I do not agree with it.

Senator Lawson: I have two or three comments in this connection. In my opinion, when we discuss the object of the legislation, it is to resolve matters of technological change which adversely affect large groups of employees.

The Chairman: It is to remedy the effects.

Senator Lawson: Yes.

The Chairman: But the effects are not mentioned in the definition.

Senator Lawson: The object is also to attempt to avoid or to minimize the number of labour-management conflicts which exist today in the absence of such legislation. With respect to the definition of technological change, if all year was spent drafting 50 pages, very valid technological changes which should properly come before a tribunal would still not be included. I do not believe that the definition is too general; it may not be general enough. The legislation should not seek to discourage parties from appearing before the tribunal for a decision, but to encourage them to do so in order that there may be a proper and speedy remedy.

The Chairman: Within the ambit of the legislation though.

Senator Lawson: Even if you have from time to time, I think your term was, "vexatious ones" that come by labour leaders trying to do this–I think that is something of a myth. I have always found that workers have an inborn sense of fairness. They know if something is a technological change that is affecting them and that they are being displaced, and they are going to look for a tribunal to settle it, to get a hearing. In 99 per cent of cases, if the hearing is conducted fairly and they are told, "this is the end of the matter; it is not a technological change; you have no right to interfere," they will accept that. I am more concerned that we put so many stumbling blocks in the way that they cannot get there, and they will do just what they are doing now: they will find their own remedy, which will be to fold their arms, sit down, and stop the whole production until some remedy is found.

It seems to me taht the whole thrust of the legislation should be to encourage people, to encourage the parties to come and sit down and negotiate, at the appropriate time, their own remedy. It seems to me that there should not be any concern about it being too general; the only concern should be that it is not general enough. We should encourage them to come and they should be heard, because in 1972, if large numbers of employees are going to be displaced in any way and they do not get a proper remedy, they will find their own remedy, and they will find it very quickly.

It seems to me that the thrust should be to encourage them to come and that they be given a proper hearing. Of six legitimate cases which come before the tribunal, if there are three or four that have no real need to come before them, there would still be a real need. There could be psychological factors involved, of people thinking they are being displaced and that nobody cares and they need a tribunal where they can come and be heard. I think that is what should be encouraged by the legislation, and that is what we should try to make as easy as possible for them.

Senator Grosart: I would not disagree with a word of that, because it has nothing to do with the question before us as to whether this is a good bill, as drafted. I agree with the intent, and with everything that Senator Lawson has said, but that is not my point. I am arguing that it is our task in the Senate to make a bill as precise as possible.

The Chairman: I am afraid that Mr. Wilson has had to leave us for a few minutes. He had an urgent call from Montreal.

Mr. Mitchell: May I give a hypothetical example to illustrate the drafting problem, which may explain why the draftsmen chose the technique they did? I will give you a hypothetical case that I thought of while the discussion was going on. Let us imagine that Parliament wanted to pass an act giving the court the power to destroy a dog that has bitten a human being. There are two ways of setting up that statute. The first is to define "dog" as a canine animal and then give the court the power to order the destruction of a dog where it is proven to the court that the dog has bitten a human being. The other way of doing it–and I think that is the way that is being talked about here–is to define a dog as a canine animal that has bitten a human being, and then give the court the power to order the destruction of a dog.

Either way would work; but in either case the court would have to be satisfied that the animal in question had bitten a human being. The same number of cases would probably be brought before judges under that hypothetical act, no matter which way you chose to do it. The traditional way is to define a dog as being a canine animal and then say that the court has the power to order the destruction of a dog where certain things are proven to the court. Perhaps that is a silly example, but it illustrates the alternative drafting approaches which can be used.

The Chairman: I suppose Senator Grosart wants to avoid bringing all dogs before the court.

Senator Goldenberg: Surely, if a labour leader is going to bring a matter before the board, it will not be enough for him to say, "There is a technological change within the meaning of section 149(1)(a) and 149(1)(b)."–and leave it at that? He will have to allege that the technological change substantially and adversely affects the terms and conditions or security of employment of a significant number of employees.

The Chairman: When a hearing before the board has started.