

the trade union, the Board can certify the trade union as the bargaining agent without ordering a representation vote. Sections 118(1), 120.1 and 126(c) give more freedom to the Board concerning representation votes; they allow it to make temporary decisions to settle certain matters and postpone its decisions as concerns the other matters and they protect the right of the employees by providing that the computation of the number of employees must be made on the date of the application for certification. On the whole, these amendments give the Board the power to issue an order if it feels that the circumstances of the application justify it.

The amendment which would require the Canada Labour Relations Board to order a representation vote when it is convinced that at least 20 per cent and less than 50 per cent of the employees in the unit are members of the trade union seems hard to justify. First of all, it should be noted that the Board does not reject automatically the application for accreditation of a trade union which does not include at least 35 per cent of the employees in a bargaining unit. The board studies and judges each application for accreditation on its merits, and in certain cases, it has ordered a representation vote even though less than 35 per cent of the employees in the bargaining unit were members of the applying trade union. Also, CLRB representatives have pointed out that approximately 57 per cent of the certification applications submitted to the Board involve bargaining units of less than 20 members. If the percentage required for a certification vote were lowered to 20 per cent for any 20-member unit, a certification vote would be compulsory if four were members of the union, which seems a rather dubious procedure in labour relations. On this point, Mr. Speaker, I want to repeat that motivation is extremely important. When we talk about the democratic process and give as an example the certification of 20 members, how would it be possible for the Board to certify a union if four members within the same union applied? We know for sure—

The hon. member for Nickel Belt may well talk back. However, the fact is what would happen then to the active participation of the union and the workers?

Obviously, it is possible to make unionization easier, as evidenced by Bill C-8 passed by the House of Commons last April. I should like also to point out one thing to the hon. member. It is not enough, let us say, to sign a membership card to set up a union, and come what may, for the simple reason that if there is certification with no employee participation, it will be of little avail, and the employer will be able to take advantage of and abuse the same employees if a union were not effective.

So, Mr. Speaker, I should also like to mention that the report of the Woods task force on labour relations deals with certification and the percentage of employees who must belong to the union before its application is considered and a certificate granted to it. The task force recommends that an applica-

tion for certification be turned down when the union which submits it cannot prove that it represents at least 35 per cent but less than 65 per cent of the employees.

So, Mr. Speaker, it is quite obvious from what I have said that if we want to have a participatory trade unionism, a trade unionism which stands up to the employers, the only way is to constitute a majority before applying for certification.

I wish to thank you, Mr. Speaker, for allowing me to express my views on Bill C-223. It is quite obvious that the member for Nickel Belt (Mr. Rodriguez) considers that the certification of a union makes it easier for the workers to function and join together, and I cannot disagree with the bill introduced by the member simply because of the percentage of representation at the level of the certification or of the application for certification which could be granted to them by the Board.

The hon. member for Nickel Belt (Mr. Rodriguez) had an opportunity to express his views which I understand quite well. However, I would like to express my opinion on Bill C-223 and, as I said earlier, I do not disagree with the member for Nickel Belt, but it is strictly a matter of logic when one talks about participation at the level of a union or of an employer, and of the efficiency both of the economy and the employees.

Mr. Jacques Olivier (Parliamentary Secretary to Minister of Labour): Mr. Speaker, first I should like to thank the hon. member for Nickel Belt (Mr. Rodriguez) for giving us the opportunity of discussing Bill C-223, and particularly for trying to promote a greater unionization through the amendments he is proposing. I believe that through his bill the member for Nickel Belt is about to succeed in doing what we, on this side of the House, have been trying to do for years, that is to show that our labour relations legislation is progressive in Canada, especially the latest amendments to the Canada Labour Code.

If we consider the principles contained in Bill C-223, and it might be advisable to quote the explanatory note:

"127. (1) The Board may, *in any case*, for the purpose of satisfying itself as to whether employees in a unit wish to have a particular trade union represent them as their bargaining agent, order that a representation vote be taken among the employees in the unit.

(2) Where

(a) a trade union applies for certification as the bargaining agent for a unit in respect of which no other trade union is the bargaining agent, and

(b) the Board is satisfied that not less than *thirty-five per cent* and not more than fifty per cent of the employees in the unit are members of the trade union.

the Board shall order that a representation vote be taken among the employees in the unit.

I stop here, Mr. Speaker, then I would like to quote section 118.1 of the present act, the new Canada Labour Code.

● (1742)

Where the Board is required, in connection with any application made under this Part, to determine the wishes of the majority of the employees in a unit, it