

Industrial Relations

that those who come before it will realize that they are dealing with a body which has semi-judicial power and is in a position to determine who may be committing an infraction of the act. It gives the board the right to institute or initiate a prosecution in the court as the income tax department can do now. The motor vehicles acts in the provinces are enforced in that way. In my opinion, unless we are prepared to enforce this legislation, it is absolutely valueless as it is at the present time.

Mr. J. H. Dickey (Halifax): I should like to speak on this bill. I had the privilege of being a member of the committee which studied the new dominion labour code two sessions ago. It has been a source of some wonder to me why so many bills amending this new labour code have been brought in both in the last session of the last parliament and in the first session of the new parliament. It appears to me that in spite of the very thorough and considered attention which was given to all these matters by the industrial relations committee and by the house in considering the labour code during not one but two sessions of parliament, it has been found appropriate to bring in substantial and important amendments to the code adopted after such care and attention. It would seem that hon. members feel that the labour code, and the provisions which have been placed in it, should not be given an opportunity to be proved by the test of time, and if they are to be found to be unwise or unworkable, or not what is required, then to change them in the light of experience. I would certainly prefer to see this labour code, as it was adopted by the last parliament, given an opportunity to prove itself or not to prove itself. If it appears, in the light of experience, to be not what the country needs, then it will be time to change it when the manner and extent of the changes which will be necessary become apparent from the experience of both employers and employees, the departments of labour in the provinces, and the Department of Labour of the federal government.

The bill sponsored by the hon. member deals, not strictly speaking with the question of enforcement, but rather with the procedure whereby punishment or sanctions may be applied to people or organizations which have committed breaches of the provisions of the labour code, and have committed what are termed improper practices or unfair labour practices.

The theory underlying the bill is that there should be set up in the board certain judicial functions which it does not have under the labour code as it now stands, and which in fact the board was never intended to have.

[Mr. Gillis.]

The board, as envisaged by the labour code, is one which deals with the question of certification of bargaining agents for a group of employees, and other questions which proceed, not on a basis of legal rights and wrongs, but upon the basis of the provisions of the act relating to certification or the various regulations in relation thereto.

This is not a board which through its personnel or in the manner in which it has been set up, was intended to act as a court of law. The hon. member and some others may consider that the functions of a court of law are simple, and that any other body which could be picked could carry out those functions just as easily and just as thoroughly, and with the same competence as if done by a court.

I submit that is an improper simplification. Our system of justice and our courts of law have been developed over many centuries of use of the common law. The personnel of our courts are carefully selected from men who have spent their lives in the practice and profession of law. The proposal here is to substitute in a very narrow field a board which has neither the experience of nor the talent required for a court of law, but which in this instance would be asked to carry out the functions of a court of law.

Mr. Gillis: The same as the income tax branch. There is no difference.

Mr. Dickey: The income tax branch is not a court of law, but a court of law with special jurisdiction has been set up to deal with questions arising under income tax legislation.

Mr. Gillis: It asks for the same powers as the income tax branch now has.

Mr. Mitchell: The hon. member would not compare a labour dispute with a breach of the income tax law, would he?

Mr. Gillis: Yes.

Mr. Mitchell: I thought you knew what you were talking about.

Mr. Dickey: I submit the comparison is not a good one. In any event a special court, properly constituted, has been set up for that particular purpose. They have not established a board to adjudicate upon certain features in connection with the preparation of income tax returns, and then, after having set up a board for that purpose, turned around and given it the functions of a court of law.

The actual provision within the bill itself is that an employer or trade union may apply to the board for an order that any person, employee, trade union, employer or