

*Private Members' Business*

of the provisions of the code and the federal jurisdiction universe to which it applies.

Having addressed what I view as the inappropriate nature of the legislative initiative which is before us, I would now like to focus on the specific issues which are dealt with through the proposed bill. The question of essential services and the public interest is a topic which has come before this House on a limited number of occasions, namely when hon. members have been asked to consider back to work legislation in the case of a work stoppage of major significance.

As indicated earlier, Part I of the Canada Labour Code provides the framework for the collective bargaining process and also prescribes the various forms of third party assistance which are available to employers and labour unions to assist in resolving their differences at the bargaining table.

The vast majority of labour disputes at the federal jurisdiction level are settled without resort to strike or lockout action on the part of the parties. However, situations do arise from time to time where parties are unable to reach a satisfactory settlement and a work stoppage results, causing significant disruption to the economy or compromising the health and safety of Canadians.

It is in cases such as these that the government, as the protector of the rights and interests of the public, must accept its responsibility and bring about an end to the work stoppage.

The point to be made here is that a strike or lockout is an economic weapon utilized within the bargaining process and brings with it certain inconveniences or discomforts for those citizens whose access to specific goods and/or services is affected. Each situation involving a work stoppage must be assessed on the basis of the degree of disruption which it poses for Canadians and the seriousness of such disruption: Does it represent a threat to the economic viability of the nation or threaten the health and safety of its citizens?

In the federal private sector the government has been under severe pressure from time to time to prohibit strikes in so-called essential services. I use the term so-called essential services, and I should perhaps offer a word of explanation so as not to sound somewhat cavalier.

If one were to attempt to define and list essential services in Canada, it would in my view call for much sober thought. The public's perception of essential services can be somewhat capricious and may be dependent upon its frustration of the moment at being considerably inconvenienced when deprived of a service or a product through strike action.

To illustrate this point, I might refer to a strike which occurred some years ago in the United Kingdom and which involved the people who were responsible for changing the bulbs in the traffic lights. If one were to sit down and list essential services, I hardly think that these individuals would come under this heading. However, as the strike progressed the traffic in London was slowly grinding to a halt. If this resulted in a paralysed city, I suppose such a service could then be considered essential.

Given that there is undoubtedly an area where the public rightfully is inclined to pressure government for restrictive legislation, we have nevertheless at the federal level opted not to seek legislation which prohibits strikes in our area of jurisdiction. Instead, this government has sought mechanisms to further improve the functioning of industrial relations and to assist the parties to negotiate meaningful agreements and improve their day-to-day relationships.

Our free collective bargaining system made operative through the Canada Labour Code assumes that parties to the collective bargaining process will come to the negotiating table with a spirit of determination, a commitment to make the process work, and a sense of compromise reflecting the necessary give and take of the collective bargaining process.

While not prohibiting the use of replacement workers in the event of a work stoppage, the Canadian Labour Code does strike a balance in providing the protection for those employees who are affected by strikes or lockouts. The code provides that workers involved in legal strike action cannot be permanently replaced and have preference over any one hired to replace them in returning to their job following the conclusion of the work stoppage.

In addition, the code prohibits an employer from suspending, discharging or imposing any financial or other penalty on an employee who refuses to perform