

*Criminal Code*

proposing this amendment because I think it is a good one. It is constitutionally sound. I hope we have a vote on it, and that it passes.

[*Translation*]

**Mr. Herbert Breau (Gloucester):** Mr. Speaker, I am pleased to take part in the debate on this bill, because I consider as important the future of this country and the relationship between employers and employees, and I think the substance of this bill deals with the relationship between employees and employers.

[*English*]

I agree with the hon. member for Winnipeg North (Mr. Orlikow) when he says that collective bargaining is a justified right of employees. I am not one of those who think it is a deterrent to society. It is true that we have had many strikes, some in industry and some in the public service, that have hurt the government and the public. But this serves to show the challenge in the field of industrial relations that lies before us in the years ahead.

We must not forget that collective bargaining preserves the rights of workers. An employer, usually a businessman, is interested in profits and higher productivity. He just may forget that his employees may not have the proper wages and conditions. I think it is essential that unions exist. I think it is also essential that union leaders and locals should be able to contact employees on the property of their employers. I will even suggest it would be practically acceptable for employers to encourage their employees to meet together on the employer's property.

[*Translation*]

Mr. Speaker, I admit that the collective association of employees is very important for our Canadian society. However, there is no need to go too far in giving rights to the labour unions, especially in the light of section 41 of the Criminal Code which reads as follows:

41. (1) Every one who is in peaceable possession of a dwelling house or real property and every one lawfully assisting him or acting under his authority is justified in using force to prevent any person from trespassing on the dwelling house or real property, or to remove a trespasser therefrom, if he uses no more force than is necessary.

(2) A trespasser who resists an attempt by a person who is in peaceable possession of a dwelling house or real property or a person lawfully assisting him or acting under his authority to prevent his entry or to remove him shall be deemed to commit an assault without justification or provocation.

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Mr. Speaker, in dealing with this amendment, it is important to really understand the meaning of section 41 of the Criminal Code. We must keep in mind that, in carrying out this amendment, we open the door to anyone who wants to visit an employee on the employer's property. In fact, section 1 of the bill reads as follows:

—an employer in using force to prevent any person from having ingress to, regress over, or egress from a dwelling house or real property in or upon which the employer houses an employee—

It may happen that the property where the employer houses the employee is exactly on the site of the plant where mining operations or construction works are carried out. Now, the security factor and the employer's right to receive persons other than members of a trade union should be kept in mind. I wholly agree that union leaders may go and meet employees, especially in their apartment or in their bunk-house, as the hon. member for Winnipeg North (Mr. Orlikow) said, but it must be remembered that persons other than trade unionists may go to these places. It could be people who want to make a disturbance or make trouble for the company for reasons having nothing to do with collective associations.

That is why I cannot support this amendment, because it should deal specifically with trade unions or collective associations.

• (6:40 p.m.)

I believe I agree with the hon. member for Winnipeg North (Mr. Orlikow) that it is regrettable that an employee cannot receive a union leader on his employer's premises, especially when it has been proven that unions are indispensable to workers. However I feel this amendment does not specifically cover the point in connection with union leaders or union meetings on an employer's premises. I might be able to support the bill if it specifically covered the point, but this bill does not. One part of the bill reads:

—to justify an employer in using force to prevent any person from having ingress to, regress over, or egress from a dwelling house or real property—

This means that if an employer has a bunk-house right near the mill he will not be allowed to stop trespassers or people who may cause him trouble by entering on his property. I do not believe we would be justified in taking this position. For these reasons, I cannot support this bill.