

Senator Grosart: Yes, within the meaning of the act. After all, an act defines its language in relation to itself. It does not mean that it is a definition which will be included in Webster's. Within the meaning of the act it would make a lot of sense to say that "Technological change" under this act must be technological change that adversely affects employment."

Senator Martin: Senator Grosart, you are guilty in the illustration you give of the very defect you complain of in the drafting of section 149(1)(a). Your definition of technological change is no more adequate than that contained in section 149(1)(a). It can only be understood by reference to the remainder of the act.

Senator Grosart: In the first place, I doubt if I am "guilty"; I may be wrong. In the second place, this just is not so. I did not say that by adding paragraph (c) the definition would be made perfect. I said this is one of several changes that could be made to provide a viable definition of technological change.

Mr. Wilson: Would you also include in the definition the fact that the technological change must affect a significant number of employees?

Senator Grosart: Yes, certainly. That is the present wording.

Mr. Wilson: You would then have one section containing both the definition and a substantive provision, whereas it must be broken down in order to arrive at an understanding of its meaning.

Senator Grosart: That does not make sense now. I merely say that the definition should define that what we speak of in the act, which is technological change and its effect. That would provide a starting point for the whole act. I agree with Senator Goldenberg that operational and other changes should be included in paragraph (C).

Senator Martin: I must say that as Senator Grosart spoke last night I made a point of referring to section 149(1)(a). Reference to that section indicates that in itself it undoubtedly is an inadequate definition of technological change. As I understand it, it seeks to provide a form or process which can only be understood by referring to other sections of the act and, indeed, section 149 itself suggests this. It does not say that this is the section which defines technological change. It provides: "In this section", not "In this section alone". Section 149(1) reads:

In this section and sections 150 to 153, "technological change" means—

Therefore the definition of technological change is contained in this section and in sections 150 to 153. The argument now has been that the only definition of technological change under this act is contained in section 149(1)(a). That is not what is provided by the section. Let me repeat:

In this section and sections 150 to 153, 'technological change' means—

Senator Grosart: It says that in this whole group of sections that is what technological change means. That is exactly right. It applies to this and the other sections.

Senator Martin: Yes, not this section alone.

Senator Grosart: It does not say that technological change means this in addition to provisions of other sections. Its import is that this is what it means.

Senator Martin: No, it says technological change is defined by section 149(1)(a) and sections 150 to 153.

Senator Grosart: With great respect, it does not say that at all. It reads:

In this section and sections 150 to 153, 'technological change' means—

It does not provide that it shall be determined by the other sections. It says it shall be this.

Senator Martin: That is a rule of judicial interpretation. I do not think you can change the meaning of section 149(1), which reads:

In this section and sections 150 to 153, 'technological change' means—

Your quarrel has been with paragraph (a).

Senator Grosart: With due respect, it cannot be with paragraph (a), because (a) and (b) are tied together.

Senator Martin: Yes, I agree.

Senator Grosart: Well, my argument does not quarrel with paragraph (a).

Senator Martin: I think, Mr. Chairman, it must be clear that the definition is not confined to the interpretation of this one section.

The Chairman: No, but I think that Senator Grosart's point is that this is a very general definition, which starts the whole process.

Senator Martin: That is right.

The Chairman: He points out that including this type of definition without any reference to the effects of the technological change may lead to abuse. A labour leader may be forced, if he is also in favour of his own job security, to submit requests to the board simply to take the chance that he can win his case or at least delay any change that he does not desire. He would at least appear to be a great defender of the rank and file if he does not have to contemplate the type of finding at which the board must arrive. I therefore think that it might be much more desirable if the objective of the legislation were included in the definition itself. In that case it would be obvious that a technological change in order to lead to the reopening of negotiations would have to substantially and adversely affect the terms and conditions or security of employment of a significant number of employees. This would prevent many unnecessary requests by labour leaders being submitted to the board.

Senator Martin: Your statement of the case is a reasonable argument, but the answer is that, no matter what is included in section 149(1)(a), it will not preclude vexatious action on the part