

Industrial Relations

Bill No. 88, for the relief of Bernice Beverly Corry Cohen.—Mr. Winkler.

Bill No. 89, for the relief of Bessie Zinman.—Mr. Winkler.

Bill No. 90, for the relief of Marion Lillian Gargan Thomson.—Mr. Winkler.

Bill No. 91, for the relief of Mary Piekos Rynski.—Mr. Winkler.

Bill No. 92, for the relief of Victor Chrysolor.—Mr. Winkler.

Bill No. 93, for the relief of Blanche Ruth Serokey Smith.—Mr. Winkler.

Bill No. 94, for the relief of Raymonde Belanger Skaife.—Mr. Winkler.

Bill No. 95, for the relief of Elizabeth Maud Gwendolen Tobi Hearn.—Mr. Winkler.

Bill No. 96, for the relief of Ruby Muriel Keith Gray.—Mr. Winkler.

Bill No. 97, for the relief of Laurel Jeanne MacGregor Thomson.—Mr. Winkler.

Bill No. 98, for the relief of Edith Sara Hamilton Warlund.—Mr. Winkler.

Bill No. 99, for the relief of Donald Duncalf Birchenough.—Mr. Winkler.

Bill No. 100, for the relief of Joan Gertrude Fox Corbett.—Mr. Winkler.

Bill No. 101, for the relief of Richard William Henry Wark.—Mr. Winkler.

Bill No. 102, for the relief of Eileen Dorothy Richards Turner.—Mr. Winkler.

Bill No. 103, for the relief of Janey Beryl MacPhail Shuttleworth.—Mr. Winkler.

INDUSTRIAL RELATIONS**AMENDMENT OF CHAPTER 54, STATUTES OF
1947-48—ENFORCEMENT REGULATIONS**

Mr. Clarence Gillis (Cape Breton South) moved the second reading of Bill No. 60, to amend the Industrial Relations and Disputes Investigation Act (enforcement).

He said: Mr. Speaker, I am glad to see that hon. members on the opposite side of the house are co-operating in getting this bill before the house. Since we have discussed this matter on previous occasions I am reasonably sure that the Minister of Labour (Mr. Mitchell) will give us a lot of help with it at this time.

The purpose of the bill is to repeal sections 43, 44, 45 and 46 of the Industrial Relations and Disputes Investigation Act. If this bill passes, and the sections of the act now known as the national labour code are repealed, it will have the effect of giving the national labour relations board the right to enforce the act. This is the board to which employers and employees come when they have a dispute. The board hears all the evidence, understands the nature of the dispute, and is then in the best position of anybody in

Canada to determine when either one side or the other may be committing infractions of the act. If the board decides that either employer or the employee is guilty of an infraction of the act it will have the right, under these amendments, to enforce the act by laying in the magistrate's court the information along with the evidence they have gathered. They will place the matter in the hands of the magistrate's court for the purpose of having imposed whatever penalties are contained in the act.

Some people argue that this would give the board judicial power. It does not. It is merely placing that body in the same position as the income tax department. The income tax department determines when an infraction of the Income Tax Act is committed. They have the right to initiate proceedings in the courts and have the courts fix the penalty which is contained in the act.

Since the national labour code was enacted we have watched it and we have seen how it works. One case was taken before the courts in Quebec, namely, the Hull Transportation Company v. the Brotherhood of Railway Employees. In that case, while there is no doubt about rank discrimination so far as discharge of members of a union for union activities is concerned, nevertheless the magistrate found in favour of the employer on the ground that the brotherhood did not prove their case on the basis of evidence, taking of course as his cue or precedent evidence as presented in a court of law for violations of the Criminal Code, and the matter was thrown out. The men remained dismissed. It has been my contention for a long time that legislation that is not enforced is not worth the paper on which it is written. If we are to have a national labour relations board we must give it some status. As it is constituted today the employer and the employee can appear before it. All the board can do is sit and listen, and no matter how unreasonable or unfair, or how many violations of the act are committed, the board is powerless to do anything about it. When the board institutes proceedings in the court on the basis of the evidence it has assembled the magistrate is in a position to determine the legality of that evidence and so on. If the employer or employee is not satisfied with the decision of the magistrate's court there is a provision in this bill giving them the right to appeal to a higher court.

Not wanting to talk this measure out, and wishing to give other hon. members an opportunity of saying something on it, I am going to rest the matter there. I think this is a step that is absolutely necessary to give the labour relations board some status so