

• (1640)

Mr. Angus: Mr. Chairman, I should like to move the following subamendment to the proposed Clause 13:

That the words "employers association" be replaced with the word "company".

I do not have the amendment in writing. I refer Hon. Members to Clause 2 of the Bill wherein the word "company" is defined as meaning the employers association or any member of the employers association, including any corporation listed in Schedule I.

The intent of my subamendment is to ensure that if employees of one of the companies make a decision to continue a lock-out, either because they are members of the employers association or because it is a decision of the company, they will be liable for the same punishment as members of the executive of the union whether they be in full-time paid positions or volunteer members of the executive. If my subamendment were accepted, it would ensure a total balance in terms of this particular clause.

Mr. St. Germain: Mr. Chairman, my understanding of Clause 13 is that the livelihood of union members would not be lost in that their seniority within ILWU would remain. By virtue of that fact, they could still earn a livelihood by becoming longshoremen.

In the case of a company member who is a director of the British Columbia Maritime Employers Association, he could return to his livelihood. A member of the ILWU could revert back to his original role as a longshoreman. It would not deny him the opportunity of obtaining a livelihood for his family or himself as an individual.

It is important to understand that each of them would be deprived of serving in their respective organizations as a result of a violation or breach of any law. However, it would not deprive them of returning to their original sources of livelihood. Union stewards or representatives come from the rank and file. Members of the British Columbia Maritime Employers Association come from the executives of various companies. Basically we have an equitable situation. I think the intent of the Minister when he brought forward this piece of legislation was not to deny the right of people to enjoy a reasonable livelihood.

The Chairman: The Chair finds the subamendment of the Hon. Member to be in order.

Ms. Copps: Mr. Chairman, if the Hon. Member for Mission—Port Moody is really sincere about fighting for equality, I think he has no choice but to support the amendment which puts companies and unions on the same footing and does not make a differentiation. That is a smoke-screen behind which they are hiding.

Mr. St. Germain: Mr. Chairman, I do not think the Hon. Member for Hamilton East is trying to mislead the committee. It is not a smoke-screen. It is equity that we are seeking. We

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are making certain that each individual can source a livelihood from where he or she originated. It is important to understand that they are not being deprived of the ability to work in their original function.

Mr. Benjamin: Mr. Chairman, I should like to indicate, for the benefit of the Hon. Member for Mission—Port Moody, that the same applies to the employer, the representative of the employer or the company. Such a person would be prohibited from being a representative or officer of the company but could return to his original employment in the company. The same principle applies. He can return from wherever he came in the company but can no longer occupy a position as he did for five years. That should apply to companies as it does to the union.

Mr. Foster: Mr. Chairman, this is an extremely Draconian measure. In fact, it has never been contained in a federal piece of legislation before. We are to deprive union members of holding office after they have paid a penalty or fine, which in this case can be as much as \$100,000.

If we look at the 1978 legislation dealing with Great Lakes shipping, there was no such penalty. The individual could be convicted of contempt of court. It was the same situation in the West Coast strike in 1982 and in the postal strike in 1979. There has never been a provision like this one before. I want to move an amendment which would completely remove Clause 13. I believe that the entire clause should be struck.

With the permission of the House, I would move that lines 9 to 16 on page 7 be struck. That would be my subamendment when we get to it.

The Chairman: I regret to interrupt the Hon. Member for Algoma on two grounds. First, I must rule out of order the subamendment which the Hon. Member is proposing to the subamendment now before the committee. Second, it being 4.45 o'clock, pursuant to the order made on Monday, November 17, it is my duty to interrupt the proceedings and put forth every question necessary to dispose of Committee of the Whole stage of Bill C-24. Accordingly, the question is on the subamendment.

Subamendment (Mr. Angus) negatived: Yeas, 14; Nays, 31.

The Chairman: Shall the amendment of the Minister carry?

Some Hon. Members: Agreed.

Some Hon. Members: On division.

Amendment (Mr. Cadieux) agreed to.

The Chairman: Shall Clause 13, as amended, carry?

Some Hon. Members: Agreed.

Some Hon. Members: On division.

Clause, as amended, agreed to.

Clause 14 agreed to.