

*Canada Labour Code*

proposed amendment to the Canada Labour Code. This particular incarnation is Private Member's Bill C-267.

On the last occasion he justified the repetition on the grounds that it gave him, and I quote:

—an opportunity to answer some of the criticisms levelled against the Bill the last time it was debated.

Will he consider it unfair if we take this opportunity to comment upon some of the arguments he raised before the House on February 6, 1979? I noted earlier that the Hon. Member virtually repeated himself in a number of instances. I will use some of his quotations from a previous speech to prove a point.

When the Hon. Member last spoke on this issue he was at pains to stress his view that opponents of the Bill deliberately had misnamed and misinterpreted the legislation. Although similar to American "right to work" laws, he preferred to call his Bill "freedom of association" legislation. He linked it to the contemporaneous debate over the entrenchment of a Bill of Rights, and this time he referred to the Charter of Rights, I believe, and said:

The cardinal principle of democracy is freedom of association, individual rights and collective rights.

He mentioned freedom of association again today. I suppose we are intended to read "liberty" for "democracy", but what relationship he meant "individual rights and collective rights" to bear to the principle clause is unclear in my view. Although their juxtaposition implies compatibility between the two terms, each being an integral part of "freedom of association" and "democracy", shortly after this assertion the speaker appeared to reverse himself asking:

To what extent, however, does the freedom of the individual have to yield to the collective rights of groups?

In spite of the speaker's apparent ambivalence his audience would, no doubt, have been all well disposed to forgive him his earlier confusion had he stuck to the high ground carved out and developed the important philosophical and practical issues posed by his question: To what extent does the freedom of the individual have to yield to the collective rights of groups? It is, after all, a debate stretching back probably at least to the first urban civilizations and counts among its more illustrious exponents such philosophers as Plato, Socrates, Aristotle, Hobbes, Locke, Rousseau, and even Hume in later years.

Unfortunately it soon became apparent in the Hon. Member's previous speech in February, 1979 that we could expect no such learned consideration of the question by the Member for Prince George-Peace River. In fact, the direction his comments took immediately following would appear to justify a suspicion that the question was raised primarily as an excuse to launch an invidious attack against what I say are Franco-phone Canadians and trade union members.

Let me explain, Mr. Speaker. What were the collective rights in Canada of which he most feared the exercise? The most dangerous apparently was:

The right of the Francophone majority in the Province of Quebec and the Francophone minorities in other parts of the country to speak their language.

His subsequent protest that he appreciates this collective right and respects it seems only to highlight his pronounced fear that the exercise of the right is likely to lead directly to separatism, since he went on to say:

I cannot help but wonder if it could in some instances be taken to the point where a minority language group says, "Look, you are not giving us our way, we don't like you any more, we are going to leave the country".

I note that the exercise of the collective linguistic rights which he fears are the rights of the minority. On the abuses of collective linguistic rights by the majority, he is silent. It is a curious tack for a man to take who professes to be introducing amendments to protect the interests of minorities of one.

He deplores separatism, and I do too, when it involves minority linguistic groups but is a staunch defender of the right of individuals to separate themselves from groups even when these individuals might continue to enjoy benefits obtained by the efforts of those groups. Is the Hon. Member in danger of giving the impression that his opinions are based not so much upon principle but rather upon his own interests and the interests of his particular group? I followed these questions and I intend to give my opinions and the answers to them.

Unfortunately, the impression the Hon. Member gives is reinforced by his second illustration. Coming finally to the point, he reveals his primary concern and motive which, evidently, again in my opinion and with all respect to the Hon. Member, is to weaken trade union solidarity and cohesiveness. It is not the rights of the individual which concern him really but, rather, the ability of the unions when he said:

They are not getting their way at the bargaining table, not only to withdraw their essential service but to opt out of the country.

He only confuses the issue when he concludes the phrase by saying:

—regardless of what that means to the individual rights of Canadians.

May I ask the Hon. Member, "What rights of which Canadians?" Doubtless he is referring to a supposed right of some people to receive a certain service. That this supposed right to receive a service might be assessed in relation to the right of other people to work or to withhold their work as they choose, obviously, is a question which the Hon. Member has not contemplated or has decided not to discuss.

Had he chosen to open up the issue, in all intellectual honesty he would have been forced to question the assumptions upon which his amendment lies. At the very least, if he has any real grasp of the terms he was tossing around so lightly and, I hope that he does, he would have been forced to admit that he was not discussing individual rights at all but rather the collective right of one group measured against the collective right of another which, of course, was the same problem with his analogy of competing linguistic claims.

Even if the Hon. Member failed to discuss effectively the issues arising from his question "To what extent does the freedom of the individual have to yield to the collective rights of groups?", it is, nevertheless, a question well worthy of consideration. He might have provided convincing arguments if he had, for example, raised the issue of the individual