

*Government Orders*

with scabs or, as the government prefers to call them, replacement workers.

This is not some sort of a curiosity when the CLRB has said that there exists a community of interest between the scabs and those who are on strike. The CLRB has said that scabs are members of a bargaining unit. In effect the CLRB has said that it is okay for the employer to attempt to break the certified union by hiring scabs. Taking this decision at face value and applying it to the directed vote provisions of this bill, we can see a reactionary shift in the direction of labour relations in Canada.

The CLRB is saying that the employer can hire scabs with impunity and that they become part of the bargaining unit. The government is saying that it can direct a vote on the employer's last offer to be taken by the bargaining unit. What is apparent therefore is that the collective bargaining relationship is being stacked in favour of the employer. The CLRB is redefining the bargaining unit; the government is defining what the offer is going to be.

Implicit in the government initiated amendments to part I of the code and the Public Service Staff Relations Act is the belief on the part of the government that the union or bargaining team does not represent the interests or the will of the membership. This directed vote is saying that the government or the minister knows better than the elected and accountable union executive or bargaining team what is in the best interest of the union membership at the bargaining table.

Such an anti-democratic inference should have no place in legislation enacted by the House of Commons. To suppose an arbitrary decision by the Minister of Labour is a superior process to those democratic structures of trade unions is offensive and calls into question the sincerity of this government's commitment to the collective bargaining process. It calls into question the commitment of the government to upholding the rights of the worker-controlled, democratic work place institutions and trade unions.

• (1230)

The existence of this provision in the code also poses a severe threat to the fundamental right of workers to withdraw their labour. By giving the minister the right to intervene at any time—it is important to note that is at

any time—after notice to collective bargaining has been given, it effectively allows the minister to circumvent the free collective bargaining process as well as the right to strike.

From a strictly pragmatic perspective the problem of carrying out a vote within a large bargaining unit such as the Canadian Union of Postal Workers is absolutely immense. There will be the problem of determining who is an eligible worker, finding the correct addresses, dealing with appeals by both the employer and the union as to who should be included and who should not and most important, how such a process is to be carried out if it is Canada Post that is behind a picket line.

Is the government going to order the workers back to work so that ballots can be delivered, so that workers can vote to reject the employer's last offer and so that they can go back to the picket line? As an example, in the CUPW certification vote a number of years ago it took over five months just to prepare the list of eligible voters. Is a five-month delay going to enhance the collective bargaining process or help find a resolution? I think not.

Yet another problem arises when one has to determine just what is the employer's last offer. Is it the last complete offer? Is it an amalgamation of offers? Will it include what is still outstanding as well as what has been agreed upon? Who is to determine what the last offer is? In collective bargaining there is always much posturing on one side or the other in terms of what was the last offer.

In the last round of CUPW/Canada Post bargaining there were at least three offers put on the table that the employer claimed was its final offer. The bill calls for a vote to include all matters remaining in dispute, but often in collective bargaining the less contentious issues are dealt with first and the more difficult ones are set aside. In most cases this means that wage offers are the last to be determined.

What this bill does is to allow the employer to agree to non-monetary issues and then throw out a wage offer that is non-negotiable claiming it to be the last offer. Intimidation will become part of the process. Will employers have the right to put out advertisements which purport to be the last offer? Will spouses of workers be contacted directly as in the past in the hope that they will influence their partner into accepting the