

courts to get approval for its disobedience of the laws of Parliament.

The government knows perfectly well that this is a legitimate, acceptable amendment. It probably does nothing more than correct an oversight in the drafting of the legislation by asking that the law before us today that is part of the collective bargaining process simply recognize the bargaining agent as the other part of the contract between the employer and its employee.

In fact there is court precedent for this. The Supreme Court of Canada in two cases stated that a collective agreement replaces the terms of a master-servant contract for individual employees. The law relating to individual employment contracts is irrelevant when the employer-employee relationship is covered by a collective agreement in which case the agreement is between the bargaining agent and the employer.

All this motion is trying to do is correct a sloppily written piece of legislation to recognize the legal fact that a collective agreement is between a bargaining agent and the employer and not between the individual employees and the employer.

There has been a very recent decision on that when again this government tried to introduce a system of bonuses into the Public Service feeling that it could totally bypass the legitimate representative of the employees it was dealing with and deal with those employees one-on-one. The Federal Court of Appeal told the government that it could not do that, that it has an agreement between a bargaining agent and the employer, in this case the Government of Canada, and that its obligation is to change that agreement with the bargaining agent.

This government must be really paranoid or really arrogant if it is afraid to accept this amendment. That this should even have to be debated is a waste of the time of the House. It is an amendment that simply recognizes what the legal facts are in any collective bargaining situation.

I cannot disagree with the Public Service Alliance of Canada that represents the workers who are hit by this legislation when it says that the text of the clause, as it is now written, appears to be directly aimed at excluding the bargaining agent as a party to the agreement being

put in place by the legislation, despite court rulings that say you cannot do that.

Instead of the government recognizing the havoc it has caused in hospitals across the country, in shipping lanes across the country and on the high seas, and trying at least to get through a half decent piece of legislation, it just sits there and ignores its legal obligations.

We are going to be voting on a lot of motions before this day is over and I have to express my personal absolute abhorrence for the government that refuses to even accept what the minister himself said was government policy and the policy of this place, that being that we no longer use sexist language in legislation. How dare they and how dare the Minister of State for the Status of Women sit there and say that she will pass another piece of sexist language based legislation in this House.

Mr. Howard Crosby (Parliamentary Secretary to President of the Treasury Board): Mr. Speaker, I do not see any point in prolonging the debate on this amendment. It was dealt with at the legislative committee. Members opposite had the opportunity to question counsel learned in the law on the complaint about clause 6. The answer was given that the amendment now being proposed was redundant, involving a kind of legalese that has no real effect.

• (1650)

Notwithstanding that, I suppose that under other circumstances the government might be willing to accept an amendment, but at this point in time, bear in mind that the bill is transitory, it will only last for a limited period. It will not have any long-term effect beyond the resolution of this labour management dispute. There did not appear to be any point in responding to the proposal to amend in a positive way.

It is as simple as that. If anybody wants to look at the records of the legislative committee, they will find a complete answer to the matter given by the counsel. I have seen no legal-based opinion to indicate that the amendment was necessary and there seemed to be no real purpose served by responding to it.

At the same time, no one wishes to poison the possibility of settlement and better negotiations. It would only be in that spirit that the amendment would be accepted. With no commitment on the part of members of this House to agree upon other amendments which would advance the cause of the hospital workers and advance the cause of the ships' crews in matters of pay