

truly efficient, but the unfortunate fact is that Bill C-230 is not going to add anything to it anyway.

This strike is an illegal strike, but there are strikes which are legal, and the fact is that it is not only illegal strikes that can hurt the public. Illegal and legal strikes can have equally bad results, but so long as a strike remains a private fight, so long as the public is not directly affected, then I can understand that the Minister of Labour would like to wash his hands of it and say, "Well, it is not my problem." That is precisely what he has been doing for the past eight weeks, but in this case not only was the strike not legal, it was not private. It was an illegal strike which hurt the public. Finally, the minister introduced Bill C-230 in an attempt to solve the problem, but the fact remains that this bill is meaningless and, in my view, permanent machinery should be placed in the Canada Labour Code to cope with such situations as they arise, and to cope with strikes which hurt the public, whether legal or illegal. Perhaps there could be something in the nature of a cooling-off period as is provided in the Taft-Hartley law or in the Quebec Labour Code. Sometimes that works; sometimes it does not. At any rate, that could be one measure employed.

• (1120)

Such a machinery could be reinforced by penalties which would provide, for instance, for the decertification of a union or even of an association of employers. It could provide for heavy fines in the case of lockout on the part of employers, although this is a situation which arises less frequently. But, as I say, it could provide for the decertification of a union or for the placing of a union under trusteeship.

In my view these tools should be embodied in the Labour Code and thus serve as a warning to the parties concerned that the minister and the government would eventually resort to such measures, the consequences of which would really be meaningful to the parties.

Honourable senators will remember that some years ago we dealt with a strike on the west coast by placing the union under trusteeship and in this manner solved the problems created by the situation. But that, too, involved a special act of Parliament because the tool did not exist to cope with situations like that. We must keep in mind that such a situation could develop while Parliament is dissolved and two months or two and half months or even three months could elapse before Parliament could be reconvened. What would be done in the meantime? While keeping in mind the precautions required to protect adequately the rights of the unions, the rights of the employers and the rights of the workers, the government should nevertheless equip itself to cope with strikes whether legal or illegal when they injure the public interest. This is the type of situation we are faced with today.

I am not convinced that the bill we are asked to pass today achieves anything in principle. In practice it seems to me that once Parliament has unanimously indicated that it wants this strike to end, and that it wants a resumption of stevedoring operations at the ports of Montreal, Trois-Rivières and Quebec, then the union, the officers of the union, the longshoremen and, of course, the employers should not hesitate to obey the law. Whether or not they obey this particular act of Parliament, I beg the Leader of

the Government to consider the silly position in which we find ourselves today, and the difficult position in which the government could find itself tomorrow through not having proper machinery to enable it to curb or even avert work stoppages or strikes, whether legal or illegal, when they hurt the public interest.

**Hon. Senators:** Hear, hear!

**Hon. Paul Martin:** Honourable senators—

**The Hon. the Speaker pro tem:** I must remind honourable senators that if the honourable Senator Martin speaks now, his speech will have the effect of closing the debate on second reading.

**Hon. Mr. Martin:** Honourable senators, it is not my intention to endeavour—assuming I were able to do so—to reply to the points made by the Leader of the Opposition. He has pointed out that there are certain inadequacies in the existing law; he has emphasized that those things which we seek to do through this bill are already covered in other acts passed by the Parliament of Canada. Whether or not one fully agrees with the conclusions he has reached, there can be no doubt that his statement of the existing law and the effects of this particular bill are generally as he has stated them to be. It should be recalled, however, that the Labour Code is an act which does not apply to a particular situation, and no one knows that better than the Leader of the Opposition. I do not state the obvious merely for that purpose, but simply to indicate that the *raison d'être* for the action which we are called upon to take was itself emphasized by the Leader of the Opposition in his able speech when he said he intended to vote for this bill because it was a declaration by the Parliament of Canada regarding a situation that has had the serious economic consequences which we all know.

Honourable senators, the Labour Code is addressed to all labour disputes that come within the competence of the Parliament of Canada, but we are acting now in the rare circumstances faced by Parliament on five other occasions. One of those situations was experienced by the Leader of the Opposition when he was a member of the government headed by Mr. Diefenbaker, and he will no doubt recall the difficult circumstances surrounding that particular situation. I can myself recall at least two other situations in which the Parliament of Canada was called upon to deal, not with a general labour-management problem in the country but with a particular dispute, as we are now dealing with a particular dispute in this bill. I would think that if there was any doubt—and I am not suggesting for a moment that the Leader of the Opposition thought that in the final analysis there was any doubt—about the action we are now taking, it is set aside by the fact that in the other place all the political parties, even though they disagreed on some points, were unanimous that this action had to be taken by the Parliament of Canada.

The Leader of the Opposition complains about tardiness of action; he says that the Minister of Labour should have acted earlier. Well, honourable senators, I am going to propose that this bill go to committee so that we can hear the Minister of Labour on this point, and undoubtedly he will be able to deal with the argument made by the Leader of the Opposition in greater detail and with more