

Labour Conditions

of purely administrative decision-making. Could anything more seriously violate the democratic tradition of the due process of law as it pertains to appeal procedures?

The company and the paper workers have been unfairly dealt with in this particular instance but I believe this is simply the beginning of a virtual flood of injustices affecting the working people, cases which will never reach the level of the appeal procedures as the Irving case has done. For reasons I will indicate soon most of them will go unnoticed unless we change the law.

Is it any wonder that, according to news reports in today's papers, the executive committee of the Canadian Labour Congress should contemplate recommending that the labour movement throughout Canada withhold co-operation in all joint projects with the federal government? Is it any wonder that responsible leaders of the trade union movement, perceiving such a profound injustice and perceiving that the federal government is taking no steps to change the law, should have decided that no form of co-operation with the government is acceptable to them? It is not surprising, Mr. Speaker, because they, more than any other leadership group in our society, have an obligation to the working people of the country both within and outside the trade union movement.

I want to say something about the appeal procedure as it presently exists. At the moment no decision of the Anti-Inflation Board on wages or salaries can be appealed until it has been dealt with by the administrator. But how does a matter get to the administrator? Can the union refer it? No. Can the company refer it? No. It gets to the administrator only if the board itself refers it to him, or if the cabinet does so.

However, I ask this question: when is it likely that either the cabinet or the board would make a referral to the administrator? Only, I suggest, in the highly improbable event of an employer paying more than the board deems proper. It is for this reason that the Irving case, unjust as it is, is not likely to be typical of the cases which come before the board. Most of the decisions which adversely affect working people will never get as far as the administrator. Yet it is when a case gets to the administrator, and only then, that it is possible to launch an appeal.

I turn now to another crucial step. Who can launch an appeal after the administrator gets hold of the case? The answer according to section 30 is that only a person against whom the administrator has made a ruling can do so. What this means in plain English is that only a company can launch an appeal. As I suggested last month when I first raised this issue with the Minister of Finance, the government never intended, in our view, that working Canadians should have any right of appeal under this legislation.

Mr. Blais: Read section 30. Read section 24.

Mr. Broadbent: You will have your chance to speak later. It is only because we have the very exceptional and, I should add, the very commendable situation of an employer, in this case Mr. Irving, paying more than the board thought appropriate that the case got to the administrator in the first place.

Some hon. Members: Oh, oh!

[Mr. Broadbent.]

Mr. Broadbent: The Liberals over there in their usual anti-democratic, anti-working person fashion are laughing themselves silly over this. I would ask the hon. member who is giggling most to go down to Saint John any day this week and talk to the paper workers who have been dealt with in this way.

This afternoon in the House, in reply to questions by myself, the Prime Minister acknowledged that the facts as I have outlined them with regard to the appeal procedure are beyond dispute. However, we failed completely to understand the undemocratic nature of the arrangement. He agreed with me that under the law as it now stands it is only the employer who has the right to appeal. It is important to notice his reason for approving the present procedure. He indicated that if the administrator found that the employer was paying in excess of the amount permitted by the guidelines it would be he, and not his workers, who violated the law. The Prime Minister then went on to say that as a result no worker or group of workers whose pay was reduced as a result of the administrative decision could claim that an injustice had been done against them. Surely this is legalistic nonsense. What the Prime Minister has done is to define justice in terms of the existing law.

The whole point of our opposition to the law—and our position is shared by spokesmen concerned with civil liberties outside the House as well as by the Leader of the Opposition (Mr. Stanfield) in the House of Commons—is that the law as it exists is an unjust one and should be changed. For the Prime Minister to define justice in terms of the provisions of the existing law is to indulge in mere sophistry, and surely he knows it.

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Surely it is wrong to say that workers who believe that their settlement comes within the framework of the law have no grievance, when a case that goes against their financial interests can be appealed only by their employer. That is what the Prime Minister said in the House of Commons this afternoon. I say to the Liberal backbenchers who are objecting that they should read the record and see what their Prime Minister has been saying. I ask, could anything be more unjust? Are working Canadians to lose all of their basic economic rights? Are they going to be denied, within the context of this law, the general right that all Canadians have taken for granted, which is the right to appeal administrative decision-making through due process? In effect the Prime Minister dismissed that question this afternoon.

We urge the government in the most serious way to bring forth amendments at the earliest possible time to ensure that the democratic right of appeal of all working Canadians be restored under this law. In our view such amendments should take the following form. First of all, they should enable anyone directly affected by a decision of the Anti-Inflation Board—I am thinking of employees and employers here—to appeal directly to some appeal body following the decision of the Anti-Inflation Board. If there is no appeal within a certain prescribed number of days then it would be assumed that the decision is accepted by all parties and that would be the law.

The administrator should have the authority, in our view, to levy fines on employers or employees only after