West Coast Ports Operations Act

(2) The arbitration board has, with such modifications as the circumstances require, all the powers and duties of an arbitrator under Section 157 of the Canada Labour Code.

(3) Notwithstanding any other provision of the Act or of the Canada Labour Code, the arbitration board shall be required to decide all matters referred to it under this Act within sixty days of its appointment.

Mr. Chairman, that is the amendment to Clause 4. I would like to now explain what the purpose of that amendment would be. In my remarks with respect to second reading of this bill I indicated that it was far more favourable, in our view, for all sides and, indeed, for precedents with respect to industrial disputes that we stick with the tried and true, traditional Canadian way of settling disputes through the process of arbitration. That should be the form that the intervention takes. We feel that it would hurt all sides and precedents for the future of industrial peace in the country to have this direct, unilateral intervention by the Government.

The specific wording that I have used comes directly from an intervention made by the Government in 1978 in the dispute under the Shipping Continuation Act in October, 1978. During a strike with respect to Great Lakes shipping, the Government decided that what it would do is not resort to this direct kind of unilateral intervention but indeed use the traditional arbitration process. That measure was brought in by the Liberal Government to deal with the strike on the Great Lakes in 1978. I have used exactly the same wording that the Government used in 1978.

I might say that it is worth while looking at the remarks of Government Members at that time to see whether or not it was preferable to use the arbitration procedure rather than this novel departure from our traditions. It was better to have arbitration as the way to solve our disputes rather than unilateral Government intervention.

The Government Minister of Transport of the day, Mr. Otto Lang, said this when dealing with that particular legislation:

We have presented to the House a bill which proposes a system for the ending of this strike immediately, and a manner of developing the collective bargaining agreement, the final agreement, between the parties. I urge members to support that bill.

The Minister of the day, Mr. Lang, was confronted with exactly the same situation on the Great Lakes that the Government today now has on the west coast. The Government of that day decided that it would stick with the traditions of this country that allow for the protection of all parties to the dispute, that they would go back to work and a final settlement would be decided by arbitration and not by direct Government intervention.

Indeed, the principles stated by the Minister at the time are certainly worthy of the consideration of Governemnt Members. He said this:

It is not with gladness that we ever ask parliament in this way to end a strike, but with the feeling that the public interest will be served, recognizing the harm that might befall the economy if this strike continues—and some members will say too much harm has already befallen it—and recognizing also the importance of the collective bargaining vehicle and the need generally to have people in our society accepting that the law is moving when it ought to move and in a manner in which it ought to move.

I believe that restraint in the collective bargaining process is necessary.

We know that in the face of another situation which demonstrates that, although people may all too easily think that the law can be a mechanism for causing certain things to happen, the law has its own limitations based upon our constant desire to respect—

And I underline this.

—the liberties of individuals and to assure that we move in a careful and guarded manner.

Mr. Chairman, this mechanism of reaching a final settlement between the parties does not deal with the root causes, as many people indicated earlier, of a 13-year long dispute. It was weak in that way and it is dangerous to substitute the traditional Canadian practice of having our disputes settled by arbitration and substituting in its stead direct unilateral Government intervention.

There is more at stake here than only the current problem. We have to get the people back to work. We will do that, but in our rush to do that we should not give up what Canadians have depended upon for generations when it comes to this kind of Government intervention in industrial disputes. That is why I hope the Minister and the Government will recognize the wisdom, at least, of their own move four years ago when Otto Lang brought in, in exactly the same circumstances, this legislation that I am proposing today.

The Deputy Chairman: The Chair has a procedural problem. The Hon. Member for Rosedale or other Members may wish to address themselves to this.

The amendment proposed by the Hon. Member for Rosedale essentially deletes Clause 4 of Bill C-137. There is some question in the minds of the authorities as to whether or not the entire deletion of a clause can be considered an amendment or whether the proposal which interests the Hon. Member for Rosedale ought to be presented after a vote has been taken on Clause 4.

The Chair would be pleased to have suggestions from any Hon. Member who may wish to pursue that matter. However, the indications so far would indicate that the authorities would oppose the submission of an amendment that deletes a complete clause.

Mr. Nielsen: Mr. Chairman, I would like the Chair to indicate more specifically what authorities the chair has in mind to support the contention that amendments cannot be moved for the purpose of deleting a Clause and substituting the wording that, in this case, has been substituted. In order to guide us in intelligently discussing the question that the Chair has raised, we should at least have the benefit of the basis for the Chair raising the question at all.

With respect to the second point made by the Chair, that the Committee should first deal with Clause 4 and then consider an amendment, I would respectfully suggest to the Chair that the authorities are quite abundant in prohibiting an amendment to a Clause which has already been adopted by the Committee. Once Clause 4 is adopted there is no way that the