Mr. Murphy: Mr. Chairman, according to the words he just spoke, the Minister is almost acting in such a way as to create no possibility of future success. The amendment, which is something we supported in previous conversations with the Minister, is something that is necessary. If there is a time frame in which employers and employees must agree on a person to head the inquiry which is not met, then the Minister can act unilaterally.

It is important to consult both the employees and the employers to see if they can come to some agreement as to who should head the inquiry. This is a safeguard which is used in many arbitration laws across Canada. The reason for that is that there are people who are knowledgeable in various areas of transportation and labour relations on which both parties can agree. These people have dealt with certain people in Vancouver and in British Columbia. I am sure the union and the employers association could agree on a person who would listen to their arguments and would have some basic understanding of the transportation industry in B.C.

I do not think the Minister would have to accept that much if he were to agree to this amendment. If he wishes, we could move a subamendment putting a time frame on it. That would be agreeable to our caucus. However, I do think it is important that he does consult with and get the approval of both parties, or at least make the attempt to get the approval of both parties. He said that the parties have not agreed on very much in the last 16 years and that may be true, but I do think it is important that the Minister take another stance to show that he does believe that they can work together and that he give them the opportunity for which this amendment calls.

The Chairman: Shall the amendment to Clause 7 carry?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Amendment (Mr. Foster) negatived: Yeas, 9; Nays, 29.

The Chairman: Shall Clause 7 carry?

Some Hon. Members: Agreed.

Clause 7 agreed to.

Clauses 8 to 12 inclusive agreed to.

The Chairman: Shall Clause 13 carry?

On Clause 13—*Punishment for offences*

Mr. Cadieux: Mr. Chairman, I would like to propose an amendment to Clause 13, copies of which were circulated to my hon. colleagues well in advance, I believe. I move:

That Clause 13 of Bill C-24 be amended by adding, immediately after line 16 on page 7, the following:

"(3) No officer or representative of a member of the employers association, including any corporation listed in Schedule I, who is convicted of an offence under this Act shall be employed in any capacity by, or act as an officer or representative of, the employers association at any time during the five years immediately after the date of the conviction."

That, I believe, reflects a very serious concern that was raised both yesterday and today in debate about Clause 13 and the additional penalty as it was referred to. I thought that concern had to be remedied. That is why the Government is proposing this particular amendment. Hopefully, Mr. Chairman, you will find the amendment to be in order.

The Chairman: The Chair does find the amendment proposed by the Minister to be in order.

Ms. Copps: Mr. Chairman, we do have a number of concerns about the clause. I am afraid, however, that this particular amendment does not respond to those concerns.

In the Bill, the Minister is suggesting that an officer or representative of the union can be prohibited from holding the position of officer or indeed from actually working. For example, a person who happens to work full time for the union who is involved in a work stoppage which is a contravention of the proposed law could be deprived of earning a livelihood for five years because this particular—

Mr. Scowen: Serves him right.

Ms. Copps: The Hon. Member says that it serves him right. We in the Opposition believe that there should be justice. The wording of the Minister's amendment suggests that no officer or representative of a member of the employers association may be employed by that association. That means that on the employees' side, a full-time union member can lose his job for five years, but on the employer's side, someone who happens to be a member of the employers association cannot hold office or membership in the association but can carry on his own private business in the private company which is a member of the association. On the employer's side, there is no way that a person may potentially lose his livelihood for five years, whereas on the employee's side, those who might be working full time for the union could actually lose their livelihoods for five years.

It seems to me that this is a punitive piece of legislation. We discussed this with the Minister and looked back on other precedents which do include fines or contempt of court charges. In fact, a five-year ban on officership in a union or on being an employee of a union is a penalty that is far too harsh when the impact of depriving one of membership in an employers association as called for in this amendment will essentially have no effect on the individual employer. It only means that an offending employer may no longer be a member of the executive of the employers association. However, people who work full time for the union and are involved in an illegal work stoppage can be thrown out of their jobs for five years.

Unless there is a similar prohibition against employers, this amendment is simply a facade because it pretends that we apply the law equally to employers and employees while in fact that is not the case. I believe that the current five-year penalty is too harsh and that it does not apply across the board. For these reasons we cannot support the amendment.