

Adjournment Debate

Mr. Mark MacGuigan (Parliamentary Secretary to Minister of Labour): Madam Speaker, my minister indicated in a response to a question on December 16 by the hon. member for Central Nova (Mr. MacKay) that he was prepared to consider amendments to the Labour Code with respect to any matters that are prejudicial to union members which can give the men protection.

It should be remembered that following Mr. Justice Norris' report and recommendations, the union was placed under a trusteeship pursuant to an act of parliament. It is reasonable to assume that the hiring hall arrangements provided for in the collective agreement between the SIU and the various shipping firms would have been a matter that would have been examined very closely by them. While the trustees expressed the desire that the parties examine joint administration of hiring halls, they made no recommendations with respect to legislative amendments in this area. It is interesting to note that in their final report, submitted under the signature of the chairman, His Honour Judge René Lippé, in December, 1967, the trustees made the following observation:

The undemocratic union practices of the past no longer prevail and the individual rights of seamen are sufficiently well protected both in law and in practice.

During the examination of industrial relations which was conducted by the Woods task force, the report of which led to the present Canada Labour Code, Part V, the subject matter of union hiring halls was considered. The Department of Labour, after studying the report of the task force and the representations made by representatives of labour and management, concluded that it would be a mistake to attempt statutory regulation of the relationship between the individual and the union to the extent recommended by the task force. This conclusion was based on grounds of both principle and anticipated difficulties in connection with enforcement of such statutory regulation. Further, it became apparent that unless there was demonstrable need, statutory regulation would be strenuously opposed as being undue interference in the internal affairs of the labour movement.

● (2220)

However, the Canada Labour Code was amended to provide for prohibitions relating to trade unions under Section 185 of the Code. While it is true that there is no reference to hiring hall practices in the present code, trade unions are prohibited from discriminating against a person in regard to employment, a term or condition of employment, or membership in a trade union. Further, a union is prohibited from taking disciplinary action against or imposing any form of penalty on an employee by applying to him in a discriminatory manner the standards of discipline of the trade union. A trade union is also prohibited from expelling or suspending an employee from membership in a trade union, or denying membership in the trade union to an employee by applying to him in a discriminatory manner the membership rules of the trade union.

It was obviously the will of parliament at that time that such provisions were sufficient to protect an individual union member from discriminatory treatment by a union.

I can only repeat what my minister said on December 16, that the department is prepared to consider amendments to the code with respect to any matters that are prejudicial to union members and which can give the men protection. However, apart from the evidence presented by the hon. member for Central Nova, there did not appear to be sufficient evidence to support at this time further statutory regulation of the relationship between individuals and unions. This new evidence will be carefully scrutinized.

I can assure the House that, if he had to consider only his personal preferences, the minister would welcome indeed the opportunity for a full public inquiry at the earliest possible time, but it is necessary for the minister and the government to consider the effect of such an action on the future of labour relations. Therefore, there has to be sufficient evidence to justify such a course of action, and the government cannot lightly embark upon investigations.

Motion agreed to and the House adjourned at 10:23 p.m.