Second, the bill would also prevent the corporation from re-assigning striking or locked-out employees to other corporate departments, or from hiring in the striken unit people who normally work in a company other than the Crown corporation.

The bill also provides that, at least seven days before the strike, both parties must reach an agreement concerning the maintenance of essential services. Should they fail to agree, the union gives the corporation and the minister a list of essential services. In both instances and under the proposed legislation the minister shall assess whether or not the essential services provided for in the list or in the agreement are sufficient. Those are the two main components of the bill.

Let us get back to the hiring of so-called replacement workers. We know that replacing workers out on a legal strike is a touchy and controversial issue. In Canada, only the Quebec Labour Code has provisions which, for all practical purposes, prevent an employer from calling in outside workers when the strike is legal. When examining the relevance of this kind of legislation with respect to the federal jurisdiction we must take into account a number of characteristics of industries regulated by the federal and provincial governments.

The Canada Labour Code applies to a sector of labour relations which, by and large, includes companies which play a leading role in the major economic sectors. For example, national and regional transport companies account for a large number of companies under federal jurisdiction. Once the requirements of the Canada Labour Code concerning the settlement of disputes have been met, there is no restriction on the right of employees to strike. In the Province of Quebec, note that some sectors such as health and municipal public transit services are protected in the sense that some workers are designated and cannot go out on strike. There is no comparable provision applicable to federally regulated private sector companies subjet to the Canada Labour Code.

• (1910)

Each level of government has evaluated its legislative needs taking into account the uniqueness of the industries concerned. One of the basic characteristics of the federal collective bargaining system is the recognition of the fact that competing interests between unions and employers often put their economic strenght to the test.

For the union, the ultimate expression of strenght is the planned withdrawal of the workers from the employer's premises. We know that in reality more that 95 percent of all collective agreements in the federal jurisdiction are bargained without work stoppage.

The employer, for his part, has an equivalent power. He can impose a lockout or strive to keep operating in spite of the strike.

The Canadian Labour Code, with its procedures and steps to get bargaining agents certified and to eliminate obstacles to efficient and constructive collective bargaining, including mediation, is aimed at allowing the parties to settle their disputes with minimal government intervention. In that context, Mr. Speaker, the Code states that the parties can voluntarily accept to be bound by the recommendations from a conciliation commissioner or a conciliation board.

Let us take a look at the effects the bill could have on operations, given the type of industries the Canadian Labour Code applies to. The national industries concerned, such as railroad companies and airlines, are characterised by their numerous bargaining units.

Instead, they are grouped on the basis of trades or ranks, as is the case with pilots, mechanics, stewards and train conductors, all of them having their own unions. For instance, CNR employees are represented by 14 unions and are subjected to dozens of different collective agreements. In the case of industries under provincial jurisdiction most are structured on the basis of individual industry and very often each plant has its own bargaining unit.

To determine the usefulness of the proposed bill, it would be necessary to examine the consequences of giving a fairly small bargaining unit the power to paralyze the whole national transportation system. If it were impossible for a railway company to hire other workers to carry out the duties of its striking employees, that company would be unable to remain in operation.

In such a situation, we realize that the proposed legislation would make it possible for a small bargaining unit to paralyze a major corporation.