

Canada Labour Code

An editorial in the *Globe and Mail* of April 4 covers the last point that I wish to make regarding the technological change provisions. I quote:

The new bill establishes three circumstances involving technological change in which the bargaining process with its ultimate possibility of strike or lockout may not be employed.

First, where the employer has given notice in writing of the proposed change during the open period (at least 90 days) which precedes each new set of negotiations. Here it will be presumed that the technological change, like any other change proposed by either employer or union, can be bargained at the usual negotiating table, with the usual give and take.

Second, where the collective agreement already sets out procedures by which the effects of a technological change may be negotiated and settled—usually by binding arbitration.

Third, where provisions are contained in the collective agreement to assist employees affected by technological change, and it is specified—something some unions may be reluctant to do—that the extraordinary procedures for between-normal-bargaining negotiations do not apply.

These changes have two obvious advantages over the previous bill prepared by the former minister of manpower. Again I quote:

They relieve that part of industry which has conscientiously tried to agree with labour on the proper approach to technological change from the insecurity of not knowing if it may be hit again in the middle of a contract. They will encourage industries to enter into negotiations with unions on the subject—because if they don't do it willingly they may find themselves doing it unwillingly, in unnecessary mid-term negotiations.

This is one area where the bill has been improved. However, in my opinion it must be kept in mind that the technological change provisions must be criticized and assessed in regard to their being a remedy to the problem. The problem is simply this: How do we encourage technological change so that Canadian industries can compete with foreign industries in domestic and foreign markets and, at the same time, minimize the adverse effect of such changes upon members of the Canadian labour force and, as well, protect the public interest and carry out our public responsibility?

• (2050)

The present urgency in seeking a solution to this problem is twofold. The kinds of technological change Canada has experienced in the last decade or so have been introduced at a more rapid rate than in previous years and current technological change has far reaching effects on industry's manpower requirements. In this regard, therefore, the bill we are discussing does not go far enough. The effects of accelerating technological change and a high level of unemployment, such as we have now, upon highly unionized industries have contributed largely to uneasy industrial relations in Canada. I think there needs to be some softening in this area.

Obviously, industry and unionized labour have an interest in technological change. It is equally obvious, although not so generally recognized, that the Canadian public has an interest as well: in the first place, as the beneficiary of an efficient and technologically competitive industry or the financial victim of an inefficient industry that is protected by tariffs or bolstered by subsidies; in the second place, as the tax source whose taxes are variously used to assist industry to make technological changes or to assist employees to weather such changes; and in the third

place, as the victim inconvenienced by industrial strife arising out of management's and labour's failure to reach agreement on technological change.

It is reasonable to conclude that the public has a vested interest in the problem of technological change and, arising only from that interest, a right and a responsibility to be a third presence with management and trade unions in contributing to the solution of these problems. So in closing, Mr. Speaker, may I say that the technological change provisions in Bill C-183 are an example of general legislation directed to a comparatively minor aspect of one of the problems engendered by technological change.

This is no doubt an assertion of the public interest into management-labour union relations. In light of the examples previously mentioned, it might be termed a minimal assertion of the public interest. One can admit the sacredness of private contract while proposing a profane but superior right of parliament to protect the public purse. So what is at issue here is whether the provisions of the bill are an adequate solution to this problem. For that reason I submit that these provisions and any counter proposals should be thoroughly considered in committee, for I regard the committee study to be one of the most important aspects of our work on this bill. I end with the hope that the minister and the government are willing to concede that the bill can be made much better with a few logical amendments.

Mr. Robert P. Kaplan (Don Valley): Mr. Speaker, most members of parliament come to this place with a perspective on Canadian society which is narrower than the total picture. Region, education, social background, family situation, former job, work environment—these are all factors that influence individual judgment about the national problems we are dealing with here. As my regular hecklers across the floor have often noted for the record, this applies to me as well. Coming to this place and being here gives a man an opportunity to see other points of view and, more important, to learn the reasons for the other points of view. In this process my own views have changed in many ways. One area has been in the field of industrial relations, the subject of the bill before us. I should like to take a few minutes tonight to talk about this subject.

There is no area of the Canadian economy in which the structure is so defective as the area of industrial relations. On a day like today, when about 300,000 members of the Canadian labour force of over eight million are on strike, many in critical jobs, this observation needs no support. The mail that I get, and undoubtedly the mail of most members of this House, is full of criticisms of these structural problems. This criticism is unusual in two ways and is not like the usual sort of criticism one receives in the mail. Firstly, it is unlike most general criticism, which tends to be rather complicated. The criticism regarding industrial relations is clearcut. We hear about good guys and bad guys. For some, it is management that is good and the greedy workingman who is bad; for others, the opposite is true. For some, the government is the principal villain; for others, it is American unions or the NDP which are at fault. The various publics of the Canadian population tend to have a very simple view of the causes of the problem.