

*West Coast Ports Operations Act*

may, by a subsequent amendment, such as Clause 4, make Bill C-124, which is an Act dealing with the public sector of Canada, applicable to all of the private sector which falls within the jurisdiction of the federal Government? If that is the case and we pass Clause 7, would all private agreements such as this one not then be subject to contempt proceedings?

**Mr. Caccia:** The answer is definitely no, Mr. Chairman.

**Mr. Kilgour:** I appreciate that the Minister of Labour is not a lawyer, but I see the Minister of Justice is here. Would somebody on that side who knows something about administrative law reply to the question?

**Some Hon. Members:** Oh, oh!

**Mr. Caccia:** Mr. Chairman, I would say to the Hon. Member that each case would be dealt with separately.

**Mr. Kilgour:** I should like to submit to the House and to the Minister that tomorrow the Government could bring in a new Clause 4 and make it applicable to every agreement in the private sector that falls within federal jurisdiction. If it is made a matter of contempt of court, then any group in the private sector in banking, the railways or whatever would be subject to contempt proceedings for breaching it.

**Mr. Fraser:** Mr. Chairman, I have a question for the Minister of Labour. I take it from what has happened tonight that when we have another dispute which is not settled effectively by the parties and Parliament has to intervene, this will be the pattern of legislation. Can the imposition of six and five be expected in such disputes?

Would the Minister of Labour answer that question, please? Is this Bill a precedent? Is the Minister going to be bound by this? What are the signals the Minister is giving to the public, to labour, to management, where disputes fall within federal jurisdiction, as a result of what is being done tonight?

**Mr. Caccia:** If the Hon. Member wants a frank answer, the signal to the world outside is that it is much better to settle things by themselves.

**Mr. Nickerson:** Mr. Chairman, I have a brief question for the Minister concerning the drafting of Clauses 7 and 8 and the interpretations in Clause 6. In Clause 6 there is a definition of "employee organization" which is precisely the same as the definition of "union" in Clause 2. Similarly, the term "employer" is used and it means exactly the same as the term "company", which is defined in Clause 2. Why has this been changed half way through the Act?

**Mr. Caccia:** Mr. Chairman, the Hon. Member is dealing with an amendment that has already been adopted.

**Mr. Nickerson:** These terms are referred to and defined in Clause 6, which has been dealt with very quickly and without any explanation, except to say that these were technical terms. The first opportunity we have to find out why the changes

were made is in considering Clause 7, which is the first time the terms are actually used.

**Mr. Caccia:** I will give the Hon. Member a more comprehensive answer than the one that was given when the amendment was moved. This is an amendment of a technical nature. I have difficulty understanding the substance of the Hon. Member's question. That Clause is not before us at the present time. The main point is that we made an amendment of a technical nature which is required for clarity of the Bill.

**Mr. Nickerson:** The technical amendment was made in Clause 6. Why is the term "employer" used in Clause 7 when it means precisely the same thing as "company," which is defined in Clause 2 and is used substantially in Clauses 3 and 4? Why has that been done?

**Mr. Caccia:** It is because the definition of "employer" in Clause 7 is compatible with the definition in Clause 6 as amended.

**Mr. Nickerson:** I should like to point out that the Minister of Labour is not making any sense whatsoever, Mr. Chairman. He has obviously not considered this matter. I do not know about my colleagues, but it would satisfy me if I could get an explanation of this fuzzy drafting. It appears to be a cut and paste job, as if some sections were taken from one Act and some sections from another, and then put together. If the people responsible for drafting the Bill wish to make an explanation to me privately, I would be satisfied; that is, if the Minister cannot do better.

**Mr. Robinson (Burnaby):** I should like to put a question to the Minister, Mr. Chairman. Can the Minister clarify for Members who do not have a legal background precisely what is meant by "punished by the court as for other contempts of court". Would the Minister tell us precisely what the punishment is for such a contempt of court? Will he confirm that any employee or any officer of a trade union who does not give notice under Clause 3(3)(a) to the members of a union that they are to return to work, or any individual person ordinarily employed in longshoring who does not forthwith return to work, will be thrown in jail if an application is brought by the federal Government? Will the Minister explain to the House, very clearly, what is intended as the ultimate sanction for violation of this legislation?

**Mr. Caccia:** This Clause refers to "employer or employee organization". I understand that the court sets its own punishment. In other words, there is no specific punishment involved in this Clause. The court sets its own punishment.

**Mr. Robinson (Burnaby):** Would the Minister indicate to the House what the maximum punishment is which the court can set for violation of this Clause?

● (2020)

**The Deputy Chairman:** Shall Clause 7 carry?