

I say to you, honourable senators, that I am not too sure that the application of this section will do anything. At this point we are concerned with the criminal law. It will be noticed that the people will have to be "wilfully doing" something, or will have to be "wilfully omitting" to do something. That "wilfully" will have to be proven. Therefore, the intent will have to be proven before this legislation can be applied.

Should a new dispute occur after the union and the longshoremen, let us say, have resumed their operations and have obeyed this law or the Labour Code, whatever they decide, the question arises as to whether it will be considered as something coming under the Labour Code or as something coming under this special legislation.

Section 147 of the Labour Code provides penalties for contravention of its provisions. I think at this point I should quote section 147 of the Labour Code in order to make my point clear. I have already read section 147(4) but in order to make the context complete I will read the whole section:

• (1110)

(1) Every employer who declares or causes a lockout contrary to this Part is guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred and fifty dollars for each day that the lockout exists.

(2) Every person acting on behalf of an employer who declares or causes a lockout contrary to this Part is guilty of an offence and liable upon summary conviction to a fine not exceeding three hundred dollars.

(3) Every trade union that declares or authorizes a strike contrary to this Part is guilty of an offence and liable upon summary conviction to a fine not exceeding one hundred and fifty dollars for each day that the strike exists.

(4) Every officer or representative of a trade union who contrary to this Part authorizes or participates in the taking of a strike vote of employees or declares or authorizes a strike contrary to this Part is guilty of an offence and liable upon summary conviction to a fine not exceeding three hundred dollars.

You will notice that subsection (4) provides for a fine not exceeding \$300 a day for every officer or representative of the union. If you calculate that over the 50 days that the strike has lasted you can see that if the court were to impose the maximum penalty provided in section 147(4), each officer of the union, if found guilty, would, under this provision, be liable to a fine of \$15,000 up to the present time—\$300 per day for 50 days. Nor is it necessary to prove the intent as is the case in the Criminal Code. The fine is simply there.

So I ask: What is going to happen after the resumption of the work if disputes of another kind arise? Will we go by section 147 of the Labour Code, or will we go by section 115 of the Criminal Code?

I come now to another point. This strike has lasted for over 50 days despite the fact that the Labour Code has in it all the provisions necessary to enable the minister to do something about the strike. As I have said already, we were not faced here with a strike of a private nature because, first of all, provisions of a public act were violat-

ed, and, second, it was obvious from the beginning that that kind of strike would soon hurt the public. In fact, it was so obvious that I cannot understand why the Minister of Labour, when he saw these obvious contraventions and violations of the Labour Code, did not after a few days simply warn the union officers involved and the longshoremen that he would resort to the enforcement of the act by prosecuting them under section 147.

If after one week the minister had adopted that attitude, or taken that strong position, the dispute might well have been resolved. Naturally, I would not expect him to invoke the measure without a fair warning. I realize that you cannot deal with problems of that kind on the basis of saying one day that you are going to lay charges the next day. There must be a period of warning. That is only fair. Nevertheless, I cannot see why the minister has never done anything when there has been such an obvious violation of the law and when, in fact, remedies for such violations actually exist in the Labour Code. Admittedly, they may not be very efficient, but they are just as efficient, I suggest, as those that could be resorted to after the passage of Bill C-230. This measure adds nothing to the law—nothing at all.

The fact is that the Labour Code has been violated and has not been enforced, and now the government, through the Minister of Labour, is asking us to make a new law by which to tell the union and the longshoremen to please obey the law. In other words, here we are passing a law ordering people to obey the law. That is the position in which the government finds itself today. I have never seen anything more stupid in the 15 years that I have been in Parliament. I have never before heard of legislation enacted to order people to observe existing legislation.

If what the government wanted was merely a moral declaration to persuade the longshoremen to stop their illegal strike, obviously it would have been quite easy to have Parliament declare: Stop disobeying the law and go back to work. We could do that, if that is what is wanted. If that is what this bill means, that is all right. In fact, that is why we are going to vote for it. We are saying to the longshoremen, "We are begging you to go back to work because you are acting in contravention of the present law, which we are repeating in case you did not understand it in the first instance." That, apparently, is what we are doing. We look a little bit silly, but if it achieves the objective, well, I am willing to look silly. But we do look silly, don't we? That is the position in which we find ourselves.

Honourable senators, I hope I have not kept you too long, although I have kept you longer than I intended. Perhaps I have quoted too many texts, but I thought it was important to put these facts on record. By way of concluding my remarks, I should like now to make one or two further observations.

In my opinion, something that is far more important than providing special legislation to deal with special cases is to have some permanent machinery provided in the Labour Code. I feel the government should seriously consider amending the Labour Code to provide such permanent machinery to deal with situations of the kind we have been faced with in the last 50 days. It may be that the Labour Code does not at the moment have the tools to be