

Canada Labour Code

This is supposed to be the basis for reaching industrial peace. This I refute.

Mr. Arnold Peters (Timiskaming): Mr. Speaker, I listened very carefully to the remarks of the hon. member for Hamilton West (Mr. Alexander) regarding the preamble of this bill. On reading it, I find that it is like motherhood: I cannot see anything wrong with it, but I agree that it does not carry much weight. It appears to be just a reiteration of what is generally accepted as being the requirement of collective bargaining and the right to free association. Therefore, I wonder if the hon. member would not be prepared to accept an amendment which would put this into clause 1 instead of removing the preamble. I have been unable to understand why the hon. member wishes to remove it.

One of the problems we have in Canada today is that the government is involved in this legislation to the extent of about half a million employees out of a total of five million organized workers in the country who are involved in collective bargaining. This means that 10 per cent are in government service. One of the difficulties we are having, not only in terms of what is happening in the federal government but in provincial and municipal governments, is that in most cases a new principle must be stated in the preamble which would allow collective bargaining in the government services, because to all intents and purposes it is non-existent on the municipal, provincial or federal level.

In any negotiation the two parties should bargain in good faith, eyeball to eyeball. Certainly no negotiations carried on with the federal Treasury Board are eyeball to eyeball. In most cases when difficulties arise, in the final analysis the cabinet intervenes and makes a decision which in the first place should have been reached through the collective bargaining process. This is true also in the municipal field, and one of the charges that is being levelled is that there has been a failure in negotiations between management and labour as a result of which there have been many strikes, particularly in Toronto, Montreal and Vancouver resulting, in some cases, in garbage piling up higher and higher day by day. In these cases negotiations have continued until a crisis situation has been reached and a strike has taken place.

• (1610)

We should strengthen the preamble of the bill and adapt it to modern needs. The power given to the minister to intervene, through a mediator, at an early stage in negotiations which involve the public interest will go some way toward meeting one of the problems which face us. So far, the public seems to have been left out; they appear to have no say in collective bargaining, though the result may affect them in many ways. My own view is that authority for the intervention of a mediator should be set out in one of the operative clauses of the bill.

I do not know why the committee decided to delete the preamble. The purpose would probably be better served if it were strengthened and if supplementary provisions were written into the body of the legislation. Lawyers, it has been said, have never found themselves able to interpret the preamble of a bill as having any legal force, anyway.

[Mr. Alexander.]

There should be contained in the legislation and referred to in the preamble a provision obliging both parties in dispute in the public service sector to negotiate in a meaningful way toward the compromise which is normally reached when two parties arrive at a contract. But the government has failed to negotiate in good faith with its employees in any of the major conflicts which have developed in recent years. They failed to negotiate honestly with the air traffic controllers, for example, or with the postal employees. Nor were negotiations in good faith carried out with the striking government employees in Quebec.

At yet another level, no meaningful bargaining took place between elected representatives and the strikers in major cities demanding a better reward for garbage collection. A similar situation has arisen in Ontario where the hydro dispute is still in progress. The workers are, in fact, not negotiating with anybody. It is true they have held meetings with officials, but those officials are not empowered to make decisions in the absence of further consultation.

In most cases it is only after a long and damaging strike that negotiations eventually take place between the workers and people who until then have not been involved in the negotiations in any way. It is not sufficient to deal with departmental heads. There are limits beyond which they cannot go, and as soon as they have made their counterproposals to union demands the negotiations have been completed as far as they are concerned.

I would be prepared to move that this preamble be included in clause 1 of the bill and that additional amendments be submitted to the minister, or by the minister to eliminate deficiencies in the negotiating process of which the hon. gentleman is surely aware. If the mediator who is appointed under this legislation to sit in on the negotiations is a man of any calibre at all, he will advise the minister that the heads of government departments and agencies are not carrying on meaningful negotiations and that changes must be made. The general public is aware that in most of the major strikes recently in the public service, the employees, whether municipal, provincial or federal, have not received an adequate response to their proposals and that meaningful negotiations have not, in fact, taken place.

I strongly urge the minister to make the changes which he, together with almost every Canadian who reads the newspapers, knows to be necessary. In the absence of such changes untold hardship is being caused both to workers and to the general public. The object should be to give a fair deal to the half-million citizens who must negotiate through the type of legislation which is before us and who give leadership to another four million who negotiate with boards, agencies and corporations in which the public has an indirect degree of ownership.

Mr. Robert McCleave (Halifax-East Hants): Mr. Speaker, I want to deal with one particular matter in speaking to the amendment moved by my hon. friend from Hamilton West (Mr. Alexander). I wish to encourage the Department of Labour and the government generally to broaden their vision and see that Canadian working conditions and standards are adhered to in the coastal waters of Canada. My reference will be to the Commonwealth Mer-