

HOUSE OF COMMONS

Monday, November 5, 1990

The House met at 1 p.m.

Prayers

[*Translation*]

The Acting Speaker (Mr. DeBlois): Pursuant to Standing Order 30(6), the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS—BILLS

[*English*]

CANADA LABOUR CODE

MEASURE TO AMEND

The House resumed from Tuesday, October 9, consideration of the motion of Mr. Plamondon that Bill C-201, an act to amend the Canada Labour Code (scabs and essential services), be read the second time and referred to a legislative committee.

Mr. Stan Keyes (Hamilton West): Mr. Speaker, the hon. members opposite are a little perturbed. I suppose they expected to be up first. Not always, fellows.

Mr. Speaker, it is my privilege, as always, to get up in this House on debate on any bill and, in particular, Bill C-201, as put forward by the hon. member for Richelieu. It is my privilege because, in my capacity as associate labour critic, I have points to make on the bill, which proposes amendments to the Canada Labour Code and basically deals with the treatment of scabs and essential services. On the one hand, the bill would prohibit the hiring of scabs to replace employees of Crown corporations who are on strike or locked out and, on the other hand, the bill would ensure that essential services are maintained in the event of a strike or lockout in a Crown corporation.

I share the sentiments of my colleague, the hon. member for Kenora—Rainy River, who is the labour critic for Her Majesty's Official Opposition, that the anti-scab portion of this bill has certain merits. The treatment of workers who are locked out or on strike at a given company are, of course, severely undermined by the use of scabs. After all, when bargaining breaks down or when new contracts come up for renewal and workers exercise their right to strike, a right which has been long fought for, they are at a great disadvantage when scabs are hired to fill their jobs. In this respect, that portion of the bill which enshrines and upholds the rights of workers to strike, without interference by scabs, deserves support. Some portions of the bill are quite clear on this matter. Clause 90.2 declares:

For the duration of a strike or lockout—a Crown corporation is prohibited from

(b) using—the services of a person not employed by the Crown corporation to discharge the duties of an employee who is a member of the bargaining unit on strike—

—namely, a member of the union itself.

However, Mr. Speaker, there is a caveat in the bill, signed at the end of clause 90.2, paragraph (c), by the use of the word "unless". While the bill is clear about its intention not to hire scabs to replace workers, it does permit the preservation of essential services which are ambiguous and not clearly spelled in the bill.

The member sponsoring the bill made this House aware that he was concerned about essential services and Canada Post, as many Canadians are, and the fact that Canada Post is one of the Crown corporations which experiences great difficulties with respect to the use of scabs during a strike or a lockout. However, although the bill may be designed to remedy certain problems associated with Canada Post, there are other Crown corporations which would be put at a clear disadvantage through this legislation. The part dealing with maintenance of essential services is one such contentious point.

The changes to the Canada Labour Code suggested in this bill are further complicated by the changes at Canada Post itself. Many of its services and the way it does business have been altered, and the day may come when a greater number of its services are contracted out. At least this is apparently the trend. As my