

The amendments being considered will give the Canada Labour Relations Board the authority, once geographic certification is granted, to hear and decide any question arising from the application of section 34 and in particular concerning the selection and designation of a management representative.

Under the bill, the management representative is required to represent fairly the employers on whose behalf he acts. This obligation is similar to the one that unions have under section 37 towards employees in the bargaining unit.

If an employer believes that the management representative acted in an arbitrary or discriminatory way or in bad faith in the performance of his duties and responsibilities, he can complain to the CLRB. In case of improper representation, the CLRB can order the management representative to perform his duties properly or make any order that it sees fit to correct the infraction.

This provision imposing a duty of fair representation on the management representative protects the interests of individual employers operating in the ports covered by the geographic certification and at the same time respects the integrity of a regime that has contributed greatly to stable labour relations in the docking industry since it was introduced in 1973.

• (1020)

Under the transitional provisions, the agents appointed pursuant to the provisions of the present section 34 will be deemed to be the designated management representatives in accordance with the provisions of this bill as of the date that it takes effect.

You will understand, Madam Speaker, that these transitional provisions ensure the continuity of geographic certification in ports across the country and will, I hope, enable the parties in the ports of Trois-Rivières and Bécancour to settle the conflict that has gone on, as I said, for six years because no collective agreement has been signed.

The purpose of the law is simply to correct the defective wording identified by the courts, by clarifying the scope of section 34, as I pointed out, which had been considered by Parliament when it passed the law in 1973. The proposed changes will fully implement the geographic certification regime.

Government Orders

I will conclude, Madam Speaker, by asking the opposition parties to continue the excellent co-operation that they have given us for the past two days so that the employees, the dockers in the ports of Trois-Rivières and Bécancour, will have what any employee is entitled to, namely an employer with whom to negotiate a proper collective agreement.

Mr. Don Boudria (Glengarry—Prescott—Russell): Madam Speaker, I am pleased this morning to participate in this debate and I would like to indicate to my colleague opposite, the parliamentary secretary, that we will be happy to co-operate with the government to avoid any unnecessary delays in the passage of this legislation.

The purpose of this bill is to correct certain flaws in the wording of section 34 of the Canada Labour Code. These flaws were identified by the courts with the result that the present act is, to all intents and purposes, at least in the case with which we are concerned this morning, inapplicable. The fact of the matter is that an injunction was handed down by the courts against the appointment of an agent. The injunction bars the agent from reaching a collective agreement for the ports in question.

[English]

I would like to indicate to the House that we on our side, along with my colleague from Kenora—Rainy River and others, feel that it is high time that the government came forward with this legislation. We recognize that it does require time to analyse what the court has said, determine how to react and how to ensure that the proposed piece of legislation will then stand up in the courts in the future.

I want to remind the House that the employees in question have been without a collective agreement for somewhere between six and seven years.

Working without a collective agreement, particularly in that kind of work, is not an easy thing to live with.

Employees in any sector, whose collective agreement has been terminated, are not afforded the protections they would want and cannot get redress for some of those grievances they have. It is not an easy situation.

First, employees are many times denied the benefits that they should be getting. Second, it tends to sour relations between the employer and the employee, even when nothing is wrong, simply because there is that kind of a vacuum, and that is most unfortunate.