

• (1650)

Let me talk somewhat specifically about the employer's last offer and this amendment as it relates to the collective bargaining process. The collective bargaining process is a very precise science and there are times when it will break down.

I can understand the minister's frustration when we look at the situation that took place in Yellowknife in the mining industry when the minister allowed that particular volatile situation to fester for months and months. Of course we all know about the deaths of the miners in the shaft that particular day because of the lack of scab legislation and the replacement workers who were allowed to work in that particular mine.

The excess infringement on the collective bargaining process is really what we are talking about here. We are also talking about what is best for the public interest as it relates to strikes or lockouts in areas of federal jurisdiction. I have difficulty understanding why the minister is suggesting that he does not have the tools, the ability under the present system to allow the present collective bargaining process to go through its normal course. If the mediation, the conciliation breaks down and in the event of a strike he still has the ability under the current system to bring back to work legislation into this House, as we have seen on numerous occasions.

That is the ultimate test of the public interest and the necessity for the good of all Canadians. We are really talking about the collective will of the people of this House making a decision that a strike or lockout is not for the good of all Canadians and therefore a decision has to be made.

As has been alluded to in this House, there are jurisdictions that have a directed vote on the employer's last offer and there are some different scenarios. Let me just relate to two that I think are good examples of how we may be able to make amendments to this particular issue of a directed vote on the employer's last offer that the minister has thrown on the table for us today.

In Ontario if there is a strike the minister can intervene by requesting that there be a last offer vote

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taken by the employees. The intention of that particular piece of legislation in the jurisdiction of Ontario is not to intervene in an offer made by the employer before the continual process is done. It allows the public interest to come forward after there is a prolonged strike, a complete breakdown in negotiations and the public at large is unduly affected by it. There has to be a necessity for the government to react.

The Saskatchewan Trade Union Act and the Labour Relations Board allow for a vote on the employer's final offer after a strike has gone on for 30 days. That is not what we are talking about here. We are talking about the minister having the ability to circumvent the collective agreement during any open period of the collective bargaining process. The employer can say to him: "This is my final offer. We are not going to negotiate any more. We request that you put this to the employees to see what they will say about it". That is a very scary precedent for the government to want to set.

It will set back the labour relations process in this country 20 years if the minister has the kind of powers to infringe in the collective agreement process that has worked very effectively in the past. There is no reason why the minister now should have any more powers than he already has under the particular piece of legislation which deals with industrial relations.

This is a very fragile science, as I said before, if you tip the pendulum one side or the other. It can be argued in the province of Ontario that the provincial NDP has tipped the pendulum too far on one side for the employees which is a bad thing. Then you can take a look at the labour relations situation in a province such as Alberta where the pendulum is too far for the employer's benefit which again is not a good process.

The object of a good labour relations policy in this country is to make sure that there is fairness within the system for both sides. I do not suggest that this minister would use this kind of power, but there may be ministers who will come along and use this kind of power to the detriment of the whole process. I would think before this party could support this kind of legislation that this amendment would have to be looked at very strongly.