

*Industrial Relations*

appeal the decision of the magistrate would render the magistrate almost powerless. Where would you go if your appeal was granted? Certainly you would not go back to the same magistrate. You would have to go to a higher court.

It seems to me, Mr. Speaker, that this bill would do away with the very foundation of unionism. Certainly in my judgment it would put an end to all forms of collective bargaining. Suppose this bill passed and a matter came up for collective bargaining between the workers and the company. If they knew this procedure would be followed, neither side would want to reach a decision, and then a conciliation board would have to deal with the matter. It would make no difference which way the board decided; the other party would feel aggrieved and would bring the matter before the government, either this government or any other. Then it would become a political football; and I do not think that is the best solution for our problems in labour relations. I believe collective bargaining would break down entirely, and for that reason I am afraid I must oppose this measure. I believe one of the most sacred rights labour has gained over all these years is the right of collective bargaining. I agree that in some cases disputes between labour and management have dragged out for weeks and months, perhaps for more than a year, without reaching a final decision. I think some arrangement should be made under which these decisions must be given within a certain period of time; otherwise that situation will endanger industrial relations in this country.

Having said this much, Mr. Speaker, I do not think I need say more; but I shall have to vote against the bill.

**Mr. Angus MacInnis (Vancouver East):** Mr. Speaker, it was not my intention to take part in this debate, but I am constrained to do so by the speech just delivered by the hon. member for Bow River (Mr. Johnston). Whether or not this bill is good legislation, I do not think it is the bill the hon. member has been explaining to the house. The board mentioned in the bill is not a conciliation board.

**Mr. Johnston:** It becomes one.

**Mr. MacInnis:** No, it does not; it is the labour relations board that determines whether or not an offence has been committed, which is altogether different from a conciliation board. The point I want to make is that there are two objections to the present procedures as far as the trade union movement is concerned. The first is that under the act the offending party cannot be taken

to court without the consent of the minister. Surely that is not the ordinary procedure in law. Surely an offence under the law is an offence, and a person has the right to take the other party to court when an offence occurs. He should not have to wait until the Minister of Labour decides whether or not he may go to court. In my opinion that is not the way British law, or for that matter Canadian law, is administered.

**Mr. Mitchell:** I think my hon. friend will admit that they have no laws like this in Great Britain.

**Mr. MacInnis:** I do not know as to that. The minister can catch me very easily when he asks about something about which perhaps neither of us knows anything. He knows I cannot say that is not the case, because I do not know. I have seen those tricks played before.

During the present session I have heard strong demands made on several occasions in this house that we should change the law that now prevents a person bringing the crown into court without the consent of the crown. Surely if that should be the case when the crown is concerned it should not be different in regard to organizations which under this act are considered as individuals. Now let us look at section 46 of the old act. In my view it is rather strange that the junior member for Halifax (Mr. Dickey) should take the worst of the sections that are proposed to be repealed in order to show why they should not be repealed. Section 46 reads:

(1) No prosecution for an offence under this act shall be instituted except with the consent in writing of the minister.

That is the Minister of Labour.

(2) A consent by the minister indicating that he has consented to the prosecution of a person named therein for an offence under this act alleged to have been committed, or in the case of a continuing offence, alleged to have commenced, on a date therein set out, shall be a sufficient consent for the purposes of this section to the prosecution of the said person for any offence under this act permitted by or commencing on the said date.

As a matter of fact here the Minister of Labour is acting as a judge of the law he is administering. If he says there is no offence, there is no offence, no matter how aggrieved one party to the dispute may feel. He never has an opportunity to take the other party to court and find out whether or not he has a case unless the minister consents. We had a case of that kind a couple of years ago, when two boards of conciliation appointed by the minister reported in terms as explicit as they possibly could that the employing company was responsible for the trouble. I am not sure whether or not the minister

[Mr. Johnston.]