

372. (6) No person, being an employee of an employer or a member of an organization of employees formed for the purpose of regulating relations between employers and employees, commits mischief within the meaning of this section by reason only that

- (a) he stops work as the result of a trade dispute between his employer and a trade union acting on his behalf, or
- (b) having stopped work, in the circumstances set out in paragraph (a) hereof, he attends at or near a house or place where a person resides or works or carries on business or happens to be, if he so attends, merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

Mr. MacDonald, Dr. Forsey and I would be glad to discuss the matter with Mr. Varcoe and yourself or any other officers of the Department of Justice at any time.

Yours very truly,

MAURICE W. WRIGHT.

THE TRADES AND LABOR CONGRESS OF CANADA

172 McLaren Street, Ottawa 4, Ontario

MARCH 18, 1953.

Office of the President

Mr. A. J. MacLeod,
Office of the
Deputy Minister of Justice,
Ottawa, Ontario.

165000-3

Re: Amendments to the Criminal Code

Dear Sir:

In reply to your letter of March 14th enclosing copies of proposed subclauses to be added to clauses 365 and 372 of Bill 93, these drafts have been discussed with other officers of The Trades and Labor Congress of Canada. While it is appreciated that these drafts have been prepared for discussion purposes only, they generally seem to provide the type of amendment we were seeking when we spoke with Mr. Garson and later submitted our views to the Special Committee of the House of Commons considering Bill 93.

However, we believe that the intent and application of these proposed subclauses could be clarified. We suggest that the word "termination" be deleted wherever it occurs in proposed subclause (2) of clause 365 and that there be substituted therefor the words "failure to conclude, renew or revise" so that the proposed subclause would read:

365. (2) No person, being the employee of an employer or a member of an organization of employees formed for the purpose of regulating relations between employers and employees, wilfully breaks a contract within the meaning of subsection (1) by reason only that he stops work as a result of the failure to conclude, renew or revise, in accordance with law, his agreement with his employer or as a result of the failure to conclude, renew or revise a collective agreement between his employer and a bargaining agent acting on behalf of the organization of which he is a member.