

The Chairman: Those in favour, please signify. I declare the preamble carried.

Senator Martin: I wonder if it is correct, Mr. Chairman, that if we had wanted to we could not delete that preamble.

Mr. E. Russell Hopkins, Law Clerk and Parliamentary Counsel: Yes, by voting against it, but a direct negative is not acceptable as an amendment and is not permissible.

The Chairman: I recall the Leader of the Government being declared out of order in the other place for trying to do exactly that.

Honourable senators, I will refer to sections rather than clauses when we deal with the content of Part V of the Labour Code so as to try not to be too confusing. Do you have any questions or objections to raise with respect to this part of the bill, dealing with sections 107 to 148 inclusive—that is, not including the sections dealing with technological change?

Senator Goldenberg gave a full explanation of this part of the bill last evening and, so far as I could see, no one in the Senate had any objection to raise with respect to these sections. Are you prepared to deal with them as a package?

Hon. Senators: Agreed.

The Chairman: Shall section 107 to section 148 inclusive, carry?

Hon. Senators: Carried.

The Chairman: We now come to the sections dealing with technological change, section 149, at page 34, to section 153, inclusive, at page 39.

Mr. Wilson, would you like to make an opening statement to explain these sections? If not, I will be in the hands of the members of the committee.

Mr. Wilson: Well, if any of the honourable senators have questions on sections 149 through to 153 I would be happy to answer them.

The Chairman: Are there any questions?

Senator Grosart: Mr. Chairman, I should like to raise the matter of the definition in section 149, subsection (1), paragraph (a) and paragraph (b). It looks like a very broad definition. Under this definition it seems that the introduction by an employer of any equipment or material different from that previously used in the business, and a change in the method by which that material is processed would be something that would fall within the definition of "technological change". I think it is not an exaggeration to say that, from the point of view of anyone who has studied science and technology, the definition is absurd. Many things would fall within that definition which are not technological change by any normal, standard definition.

For example, suppose a manufacturer's supplier runs out of the material the manufacturer is using and, as a result, the manufacturer

changes suppliers and, therefore, changes the material he is using. To some extent he may have to change the method by which he processes that material. According to the definition of "technological change" in the bill that would be a technological change. Now, is that not a bit absurd? Of course, it may be said in answer to that, that in other sections or clauses of the bill there are qualifications having to do with the effect of so-called "technological change" on job security, but the point I am making is that there are two operative aspects to this. One is that if there is an allegation of technological change then this whole cumbersome procedure can automatically be initiated. Later on, of course, the board is required to take into consideration its effect on job security. I suggest that there should be added to paragraphs (a) and (b) a further paragraph, (c), which would be a definition relating technological change to its effect on job security. Then you would have a sensible answer to any criticism that this was just a catch-all definition.

The Chairman: Could we delay in dealing with your second point for a moment, senator, and let the witnesses deal with your first point, the initial definition included in section 149. I have some questions about that myself. Then we can come to your second point later, if you do not mind.

Senator Grosart: I mentioned this because I have had the other answer before. I agree with you and I would like to deal with it just as a definition, having in mind what it will or could do. I say that because, taking this very broad definition, you can have a bargaining agent on one side who can apply to the board and start this whole process which could hold up even a minor technological change for a whole year. Would it not be better to have a definition that would bear some resemblance to what is normally known as technological change?

Mr. Wilson: The whole thrust of these clauses is, of course, to put the matter of technological change and adjustments to it into the area that the parties prefer, that is, in collective bargaining where they will settle their own affairs. There is a provision, as you have suggested, whereby they may elect to have arbitration on job security, and that, of course, is as it should be. Actually the definition could be much wider. In fact, in the railway agreements they deal also with operational and organizational changes; whereas, as you can see from this, it deals with technological changes and results flowing from them.

Senator Grosart: The definition does not deal anywhere with the results flowing from technological change.

Mr. Wilson: Well, there is a change in the manner in which an employee carries on his work which is directly related to the technological change.

Senator Grosart: I am suggesting that this definition has nothing to do with technological change.

Mr. Wilson: With the effect of technological change.

The Chairman: Certainly not with the effect of technological change.