

Private Members' Business

This bill is one small way, but a great start to put us on the path back towards more civilized relationships within industry, and more civilized relationships within society.

If I had more time, I would read some definitions of scabs and strike breakers and replacement workers that have been used from time to time simply to demonstrate to this House and to anybody who happens to be listening or reading the debates just how deeply some of those feelings are on the part of workers who see their jobs threatened by the use of scabs or replacement workers. It is important for us to understand the depths of those emotions so that we realize how important it is to adopt legislation along the lines now presented.

I and my colleagues in the New Democratic Party, and I think there are a few others, and perhaps even the author of the bill, believe that perhaps there is room for some refinement in the designation of what is an essential service. Is a definition which simply talks about the public health or public safety enough or is it too broad? Where are we going to restrict basic rights, which are as old as the Magna Carta? It said hundreds and hundreds of years ago that "no man shall be forced to build bridges". If they were not forced to build bridges, then I think it is entirely appropriate for us to believe today that the state, or any corporation, ought not to be taking measures to deny people the right to withhold their labour. It is a right which is as old as mankind itself. This proposal, which we welcome, is one which will introduce some civilization back into the workplace and back into industrial relations, and give us a chance to live harmoniously within this society.

We support the bill and look forward to seeing it in committee.

Mr. Greg Thompson (Carleton—Charlotte): Mr. Speaker, it is a pleasure to take part in the debate today on Bill C-201, an act to amend the Canada Labour Code. We have heard much about the intended purpose of the bill. We have also heard about some of the practical difficulties of implementing its provisions and about the implications for industrial relations in Crown corporations.

Hon. members who have spoken in debate have made a number of useful observations. Some of these remarks stand out as particularly relevant and, in my view, we

should want to bear some of these in mind as we come to a conclusion on the desirability of the bill.

One such argument was to the effect that the bill could give a relatively small bargaining unit of a multi-bargaining unit employer, the ability to halt an entire national transportation network. The example used was CNR, the Canadian National Railway. If a railway could not use other workers to do the work of a small unit of employees on strike, the enterprise would not be able to continue operating. This would be an intolerable situation and one would have to question how legislation could be passed that would allow it to happen.

Another potential problem is the impact Bill C-201 would have on multi-union bargaining structures. Labour and management in the railway industry have come together in large scale multi-unit, multi-company bargaining structures on occasions in the past. Such wider based negotiating arrangements have the advantage of limiting the number of potential strikes facing employers and unions during the bargaining round. However, under the proposed anti-replacement worker regime, the enhanced power given to individual unions would likely have a fragmenting effect, increasing conflict in the system and preventing the occurrence of such broad-based bargaining arrangements that have been attractive to both companies and unions.

There are also special competitive factors that certain Crown corporations face. Crown corporations such as CN Rail would find themselves under a significantly different legislative system than their major competitors. Canadian National would be prevented from replacing workers on strike while CP, for example, would be in a position to do so. Crown corporations, in effect, could be placed at a disadvantage operationally and at the bargaining table. In short, Crown corporations, relative to their private sector competitors, would be made less competitive.

The designation of essential services as proposed in the bill introduces its own unique difficulties. On one hand, single facility operations such as hospitals are adaptable to such arrangements. On the other hand, transportation systems that operate on a continuous basis and have national and international connections require the maintenance of a highly evolved system of human resources and equipment co-ordination. The minimum staff concept associated with single plant