

*Private Members' Business*

one group will feel that it is being wronged, that its rights are being denied.

Therefore, it is essential not to make hasty decisions on these issues. As I said, members have raised them often. It is all to their credit that they did not act impulsively and incoherently. I believe, however, that this bill's time has not yet come.

• (1905)

As the hon. member probably knows, the government has undertaken a complete review of part I of the Canada Labour Code. That part defines the framework for industrial relations and sets the rules for collective bargaining in federally regulated industries.

It applies to areas like rail and road transportation, pipelines, air and sea transportation, longshoring, grain handling, banking and broadcasting, as far as they concern interprovincial or international activities. Some crown corporations, like Canada Post, are also subject to the code.

For more than 20 years, the Canada Labour Code provisions on labour relations have not been reviewed. However, the collective bargaining process has changed tremendously during that time. Due to globalization, deregulation, technological change, and work environment restructuring, many requirements must now be met.

The government is holding major consultations with management and labour organizations, as well as with academics. Many concerned citizens have written to give their opinion on labour relations.

The task force examining part I of the Code must report to the minister by December 15, 1995. Certain complex and difficult aspects have been looked at already, particularly the use of replacement workers in legal work stoppages and the question of essential services. These are highly volatile issues, particularly the issue of replacement workers.

At the present time, the Canada Labour Code does not forbid the use of replacement workers but it does offer some measure of protection to workers on strike. The employer may not take disciplinary measures against an employee who takes part in a legal work stoppage or who refuses to perform the duties of another employee who is taking part in a legal work stoppage.

As well, according to Canada Labour Relations Board regulations, employees are entitled to resume their positions after the strike is over and to have priority over any other person who has been hired to replace them. In the United States, there is no measure of protection against hiring replacement workers. Employers are in fact even permitted to hire permanent replacement workers, although President Clinton is working to put a stop to this practice.

Here in Canada, several provinces have passed legislation to limit the use of replacement workers in legal strikes. Those who favour a measure to prohibit the use of replacement workers feel that, when collective bargaining breaks down, the parties will be motivated to reach compromises by the economic difficulties they face.

However, when an employer continues to operate his business during a strike through the use of replacement workers, he loses the motivation to bargain. Work stoppages last longer, and tension on the picket lines increases.

Some claim that, in Quebec, where the use of replacement workers has been banned since 1978, violence on the picket line has dropped. Others say that using replacement workers poisons labour relations and discourages employees from joining the union; they know they can be easily replaced during a strike, and consequently they doubt that belonging to a union would be of any use. This is especially true of companies using untrained low paid workers.

To those who say that banning the use of replacement workers would tip the scale in favour of workers, unionists and the like reply that globalization is already tipping the scale in favour of employers. Those who do not support banning the use of replacement workers say that it could discourage new investments and drive some companies to the United States where there is no law to this effect.

Those who oppose such legislation also maintain that most businesses under federal jurisdiction are infrastructure industries. Therefore, if these businesses have to stop all operations because they cannot hire replacement workers, the whole economy will suffer and we will have to use back to work legislation more often.

To those who say that the banning of replacement workers would reduce tension and violence on picket lines, those who oppose the banning reply that labour legislation is not the appropriate tool for solving this problem. They think that the government should turn its attention to those who commit these acts of violence.

This is obviously a very difficult problem, and it will not be easy to reconcile the two sides. It is therefore absolutely essential to continue to talk, to consult each other, to do research, to discuss and to think.

The comprehensive review of the code undertaken by the government should be allowed to continue before amendments can be submitted to the House for approval.

The issue of essential services is also very complex. Coming up with an exact definition of essential services is no small task. In his bill, our colleague seems to establish a direct link between essential services and services provided by crown corporations. Consequently, crown corporations would be covered by provi-