

• (6:10 p.m.)

What has happened as a result of this practice? I have in my files sworn affidavits from workers to the effect that in a period of six months they worked more hours than most workers who put in a 40-hour week work in a whole year. I have sworn affidavits saying that these workers worked an average of 100 hours a week, for seven days a week, six months at a time, and that they sometimes worked from 24 to 36 hours at a time without a rest. Why did they do that, Mr. Speaker? Not because they wanted to but because management said, "If you do not work these hours under these conditions, you will be fired." I suggest that any union would immediately have prevented that kind of exploitation. Yet union members simply were not permitted to enter that site.

Similar situations exist in the city of Thompson at the International Nickel Company's site. Because that company controls several hundred square miles of property in the area and because it had control for about two years of the railway link extending from the Hudson Bay line to the site of the company operation, it told the Canadian National to whom it could sell tickets to come to the property and to whom it could not sell tickets.

What was the result? For almost three years union officials from all unions were prohibited from entering the site and talking to workers. As a member of the legislature I was told I could not go to Thompson and talk to some of my constituents working there about the working conditions they had to endure. When at last I was able to go I was told I could not stay overnight because the local town administrator would not allow strangers to camp or otherwise stay on the site overnight. Not until I told the local administrator that he was free to call the R.C.M.P., that he was free to charge me with trespass, that I was willing to appear before the magistrate and if a fine were imposed I would refuse to pay it and go to jail instead, not until then was there positive action. The company permitted me to visit the site but not to move around on it. I was told that the company would send to me anyone I wished to see. Of course I knew, the company knew, and the workers knew that anyone visiting me would lose his job the next day.

That kind of thing has been going on and will continue to go on as long as employers have the right to abuse the provision of the

Criminal Code

Criminal Code dealing with trespass. I propose in this bill to introduce a simple amendment that will permit those living in rented accommodation on private property to receive visitors they want to receive. Such visitors might include union organizers who might wish to discuss with workers the question of joining a union.

I do not suggest that workers must join unions. I only suggest that existing federal and provincial legislation spells out the right of workers to join unions if they so wish. If this amendment to the Criminal Code were to obtain passage through the house, a long standing abuse of a section in the Criminal Code would be ended.

Mr. Colin D. Gibson (Hamilton-Wentworth): Mr. Speaker, as a new member rising for the first time in the house may I congratulate you sincerely on your appointment as permanent Speaker. It is obvious that Your Honour is especially well qualified for such a great task. I also congratulate Mr. Deputy Speaker on his appointment and compliment him for the fine manner in which he is carrying out his new responsibilities.

[Translation]

Mr. Speaker, I am very pleased to extend to you as well as to the Chairman of the committee of the whole my sincere congratulations.

[English]

The bill before the house today presents many problems. I suggest it creates more problems than it solves. In my opinion its effect would be to create confusion in a clear and concise section of the Criminal Code. The bill before the house seeks to amend section 41 of the code. Section 41, subsection 1, reads as follows:

Every one who is in peaceable possession of a dwelling house or real property and every one lawfully assisting him or acting under his authority is justified in using force to prevent any person from trespassing on the dwelling house or real property, or to remove a trespasser therefrom, if he uses no more force than is necessary.

Subsection 2 reads:

A trespasser who resists an attempt by a person who is in peaceable possession of a dwelling house or real property or a person lawfully assisting him or acting under his authority to prevent his entry or to remove him, shall be deemed to commit an assault without justification or provocation.

The amendment reads as follows:

(3) Except where a landlord would be therein justified under a covenant with a tenant for quiet enjoyment, nothing in this section shall be deemed