

*Industrial Disputes Act*

is giving to an individual the right to complain and one can easily see that if there was no discretion at all and it was mandatory that an inquiry should be set up on every individual complaint, we would have, I am afraid, to enlarge the capacity of the Labour department.

Mr. HEAPS: I quite understand that, but a question arises out of the answer of the minister. Could he tell the committee how many requests during the past twelve months were made to the minister for a board of arbitration and were refused?

Mr. GORDON: I assume what the hon. member means is requests for boards of conciliation?

Mr. HEAPS: Yes.

Mr. GORDON: At the moment I cannot remember one. There may have been some. Many disputes as defined under the act have arisen, but fortunately they have been settled and determined through the efforts of the conciliation officers of the department. It may be that boards, where it was possible to settle disputes in that way, were refused, but I cannot recollect any particular one. I do not remember where, when a board was applied for and the applicants complied with the statute, such a board was refused.

Mr. MITCHELL: The question raised by the hon. member for Bow River about complaints brings up an entirely different aspect of the matter. Who is going to decide? Take the question of a union shop, a closed shop. A couple of individuals make a complaint against a trade union under this section of the act which provides "either by employers or employees." The danger in the premises put forward by the hon. member for Bow River in my judgment is that it strikes at the very roots of organization on the part of the workers. I would like to know what was the necessity of inserting the word "employees." If the majority of the employees are organized in a trade union and some chaps outside it want to interfere in the strike to the detriment of the members of the trade union, I question whether those added words are going to be of any benefit.

Mr. GARLAND (Bow River): Before the minister answers, I assume the hon. member for East Hamilton does not wish to put words into my mouth. I did not raise the point, I asked the question. I understand the minister's reply has led to the peculiar

[Mr. Gordon.]

situation raised by the hon. member for East Hamilton. I certainly would not endeavour to undermine the prerogatives of organized labour.

Mr. KENNEDY (Winnipeg): I would like to invite from the Minister of Justice an expression of opinion as to a point I raised a little earlier in the discussion, namely, whether with the aid of complementary legislation from the provinces it would not be competent for the federal government to set up boards of conciliation to settle industrial disputes whether they came exclusively within provincial jurisdiction or not.

Mr. GUTHRIE: It would be competent to set them up and they might do good service, but if they were challenged in the courts, I do not think they would be worth anything.

Mr. KENNEDY (Winnipeg): Would it not be desirable as a step forward to broaden this amendment instead of limiting it to industries subject to the legislative jurisdiction of the parliament of Canada, a provision which puts the clamps on it and confines it? These words were not in the legislation before; they now confine these matters subject to the legislative jurisdiction of the parliament of Canada. In my view they rule out the possibility, even with complementary legislation passed by the provinces, of investigating industrial disputes that come exclusively within provincial jurisdiction. So I suggest to the minister that the scope be broadened and that there be no limitation to matters coming exclusively within the jurisdiction of the parliament of Canada. If cutting out that provision does not add to our jurisdiction, yet it does not limit it, and we find, if we do not limit it to matters coming exclusively within federal jurisdiction, the provinces will be glad—this may be a pious hope and I may be too optimistic—to cooperate in passing complementary legislation under which, as the Minister of Justice has indicated, much good service may be rendered to industry. If it is held upon challenge to be unconstitutional, then we shall know definitely whether it is an amendment to the jurisdiction as set forth in the British North America Act that we should press for.

Mr. MITCHELL: That is already covered in the act. Section 3, paragraph (d) reads:

Any dispute which is within the exclusive legislative jurisdiction of any province and which by the legislation of the province is made subject to the provisions of this act.