

*Government Orders*

I would leave that timing to the opinion of the minister and his advisers who would be involved in this.

Clause 2 seeks to amend Part I of the Canada Labour Code by adding a heading and proposed subsection 108.1 regarding a directed vote on the employer's last offer. This is where there seems to be more of a problem than in other sections of the bill because this was not discussed at any length with the people involved in the negotiations all along. Where notice to bargain collectively had been given and the Minister of Labour felt that the public interest would be served by such a vote, the Minister of Labour could consider or could order a vote among employees in the affected bargaining unit. Employees could vote to accept or reject the employer's last offer received by the bargaining agent on all matters remaining in dispute.

• (1600)

What I am suggesting is that clause 2 of Bill C-101 be amended as follows: by striking out lines 18 and 19 on page 1, and substituting the following: "interest of the employees of the affected bargaining unit that those employees be given the opportunity"; by adding after line 10, page 2, the following: "(1.1) for the purposes of determining the interest of the employees under subsection (1), the minister may take into consideration the following: (a) whether the rules of the trade union give the employees an opportunity to vote to accept or reject an offer of the employer and where there are no such rules, whether this is likely to be prejudicial to the employees; (b) whether there are reasonable grounds to believe that an insignificant number of employees wants a vote to be held; and (c) whether a vote is likely to end a labour dispute that, in the opinion of the minister, has lasted for an inordinate length of time".

Certainly the idea that bargaining unit employees may vote on the employer's last offer is not new in the Canadian labour relations system. Legislation exists in several jurisdictions on this issue. In Alberta, any time after bargaining proposals have been exchanged, either party may make one request during each dispute for the

Labour Relations Board to conduct a vote on the most recent offer.

If most of those voting accept the offer, then it is binding on the parties and must be included in their collective agreement.

The British Columbia Industrial Relations Act provides that before the commencement of a strike or lockout the employer may make one request for a secret ballot on its last offer to be held among bargaining-unit employees. The commissioner of the Industrial Relations Council then orders such a vote.

The act further allows that during a strike or lockout the commissioner may direct a secret ballot vote if he or she considers that it is in the public interest to do so.

Finally, British Columbia's bill 84 includes a provision that would authorize the Minister of Labour to direct a vote on the employer's last offer. I would note here that in this particular case where this act was passed, it was a New Democratic government that passed it. This seems to be the group that is going to give the greatest problem with the passing of this particular section.

I see my colleague is all ready to jump in here and I am waiting to hear what she has to say. I am sure she will have a lot to say and I hope most of it will be substantive.

In Ontario, which is also led by a New Democratic government, after the commencement of a strike, the Minister of Labour may direct a vote among the bargaining unit employees on the employees' last offer if he or she feels that this would be in the "public interest".

For example, in 1991, a legal strike by Toronto Transit Commission employees ended when the Ontario Minister of Labour, a member I believe of the New Democratic Party, directed a vote among the striking employees. A majority of the voting employees agreed to accept the employer's last offer. Further, the Ontario Labour Relations Act allows that before or after the commencement of a strike or lockout, the minister, in response to a request from the employer, will order a vote among the bargaining unit employees on the last offer.