

The Standing Senate Committee on Health, Welfare and Science Evidence

Ottawa, Wednesday, July 5, 1972

The Standing Senate Committee on Health, Welfare and Science, to which was referred Bill C-183, to amend the Canada Labour Code, met this day at 10 a.m. to give consideration to the bill.

Senator Maurice Lamontagne (Chairman) in the Chair.

The Chairman: Honourable senators, we have with us this morning Mr. Bernard Wilson, the Deputy Minister of Labour; Mr. Robert Mitchell, Director of Legal Services; Mr. William Kelly, Assistant Deputy Minister (Industrial Relations); and Mr. Robert Armstrong, Special Assistant to the Deputy Minister.

I understand that the minister is at the moment reporting to cabinet on the fight for job security in Montreal, Trois-Rivières and Quebec City, and that he intends to come to this meeting as soon as he can. We might start without him, and I am sure that we will have completely satisfactory answers to all our worries and concerns about this bill from the experts who are here with us this morning.

As far as procedure is concerned, this is an unusual bill, in the sense that it has a preamble and five clauses, the last four clauses appearing right at the end of the bill itself, clause 2 being at the bottom of page 70 and clauses 3, 4 and 5 being on page 72. You will see that clause 1 is a rather long one, starting on page 2 and continuing to page 70. This clause deals with the changes to Part V of the Canada Labour Code.

First of all, since I detect, unless I am wrong in my interpretation, that there does not seem to be too much objection to the last four clauses, I suggest that we deal with those clauses first. Then we could deal with the preamble. I would then try to put all of clause 1—if you do not mind, and you can object to this, as I said—starting on page 2, with the exception of sections 149, 150, 151, 152 and 153, so as to hasten the procedure. Would this be agreeable to the members of the committee?

Hon. Senators: Agreed.

The Chairman: Clause 2 appears at the bottom of page 70. I am quite sure there is no objection to that clause. Is it carried?

Hon. Senators: Carried.

The Chairman: Clause 3 appears at page 72. Shall clause 3 carry?

Hon. Senators: Carried.

The Chairman: These are all technical clauses. Shall Clause 4 carry?

Hon. Senators: Carried.

The Chairman: Shall clause 5 carry?

Hon. Senators: Carried.

The Chairman: Now we revert to the beginning of the bill. Shall the preamble carry?

Senator Macdonald: What is the purpose of the preamble? I thought we had done away with preambles in this day and age.

The Chairman: Mr. Wilson, would you agree that it is in the nature of a declaration of faith by the government?

Mr. Bernard Wilson, Deputy Minister, Department of Labour: Generally, that is so. The intention of the preamble is to refer to the long tradition that exists in this country with respect to collective bargaining between labour and management. It indicates that there is really a freedom of association on the part of employers and employees, and that the right to bargain collectively is the keystone of our industrial relations system. This legislation, as it is written, is a testimony to that, and the preamble is simply an indication of the faith of the government, as you put it, Mr. Chairman, in collective bargaining, the freedom of association and the right to organize.

Senator Macdonald: There is no preamble in the original act.

Mr. Wilson: That is right.

Senator Macdonald: I move that we delete the preamble, Mr. Chairman.

The Chairman: I am advised that your motion is out of order because it is put purely in the negative. It does not amend a clause of the bill and, apparently, is not in accordance with our rules.

Senator Grosart: The preamble is not a clause of the bill, Mr. Chairman.

The Chairman: It is a separate section of the bill. You can vote against the preamble, but I do not think you can move that it be deleted.

Senator Smith: Let us vote on it.

The Chairman: Does the preamble carry?

Some hon. Senators: Yes.

Senator Macdonald: No.