

ing rights available to all professional employees, subject to a statutory expression of preference for separate bargaining units. We all know that the professional man today is not necessarily practising privately and earning his fee in private practice. A very large proportion of professional men are now employees. This applies particularly to engineers.

The bill also makes such rights available for the first time to owner-operators of trucks in a position of economic dependency—that is important: a position of economic dependency—and also to fishermen engaged on a share-of-the-catch basis.

The Labour Relations Board would have discretion to include in a bargaining unit employees whose duties include the supervision of other employees, but persons performing managerial functions and employed in a confidential capacity in matters relating to industrial relations would continue to be excluded from the definition of employee.

Another definition which is broadened is that of the word "strike." Taking cognizance of changes in union practices and tactics, a strike is defined in the bill to include:

a slowdown of work or other concerted activity on the part of employees in relation to their work that is designed to restrict or limit output.

It is clear that this definition covers a wider range of strike activity than does the present law.

The interpretation section is followed by seven divisions of the bill. Division I defines the basic rights of employers and employees to organize. Division II, setting out the composition and powers of the Canada Labour Relations Board, proposes major changes which I shall outline briefly. Under the present act there is a part-time board consisting of a chairman and not more than eight other members representative in equal numbers of employers and employees. The board is concerned mainly with the determination of bargaining units and the certification of bargaining agents. It is now proposed that the board be reconstituted as a full-time independent body comprising a chairman, a vice-chairman and four members, although the size of the board could be increased if the need should arise by the addition of another vice-chairman and up to four more members. The board would have substantial new responsibilities relating to provisions in the bill governing unfair practices, individual rights and the effects of technological change. The board will be able, under this bill, on application of the employer or the trade union, as the case may be, to declare a strike or lockout to be unlawful. Moreover, an order or decision of the board may be registered in the Federal Court of Canada whereupon all proceedings may be taken thereon as if the order or decision were a judgment obtained in that court. That, too, is new.

The present act identifies as unfair and prohibits certain practices by employers or trade unions. The provisions in question are designed to preclude employer interference with the organization or administration of a trade union or the operation of the collective bargaining process. Responsibility for adjudication and enforcement of these provisions rests with the courts. In the amending bill before us the unfair practice provisions are strengthened

and extended in such a way as to offer additional protection for employers and trade unions, and for individual employees and trade union members. There is no restriction on forms of union security but the individual employee is protected against loss of employment because of a suspension or withdrawal of union membership for any reason other than a failure to pay dues. The discriminatory application of union membership or disciplinary standards is also prohibited.

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Responsibility for adjudication of unfair practice complaints would be transferred from the courts to the Labour Relations Board. The board would be empowered to issue prohibitory and compliance orders and to order reinstatement and payment of compensation for lost pay. It would not be empowered to award damages in the ordinary sense or to levy fines. Illegal strikes and lockouts would remain, as at present, a subject for prosecution in the courts.

I come now to Division III of the bill which deals with the acquisition and termination of bargaining rights. Present legislation makes provision for the determination of bargaining units and the certification of trade unions as bargaining agents. To be certified, a union must demonstrate, to the satisfaction of the board, that it has as members at least a majority of employees in a defined unit. In making its determinations on this question, the board has complete discretion as to whether or not it will order a representation vote, the results of which are determined on the basis of a majority of employees eligible to vote.

Under the provisions of the bill, a union seeking to displace an existing bargaining agent would still have to claim majority support at the time of application. But a union seeking certification for a unit without a bargaining agent would be entitled to a representation vote if it could demonstrate membership support of between 35 and 50 per cent. And the results of a vote would be determined on the basis of a majority of employees actually voting. However, under an amendment to the original bill, if the board determines that less than 35 per cent of the employees who are eligible to vote have voted, it shall determine that the representation vote is void.

The bill further provides that the board may make such arrangements and give such directions as it "considers necessary for the proper conduct of the representation vote, including the preparation of ballots, the method of casting and counting ballots and the custody and sealing of ballot boxes."

The bill also provides for successor rights to carry over bargaining rights when unions are merged or a business is sold, and when an agency of the federal government is transferred from the public service to become or form part of a crown corporation covered by the bill.

In the important area of dispute settlement, the bill would give the Minister of Labour increased flexibility in the use of techniques to bring about settlements.

At present, when a dispute develops, either party may seek conciliation assistance from the Minister of Labour. The minister may appoint a conciliation officer and, if the officer fails to bring about an agreement, the minister