

Canada Labour (Standards) Code

Mr. Speaker, it is necessary for the notice to be long enough for him to relocate in another job, to be retrained or to undertake whatever the case may require in his particular circumstances. In the various provinces there are different regulations covering this situation and we have seen that in most cases they are not adequate. However, I do not want to deal with that matter. I have no intention of talking until five o'clock, Mr. Speaker, because I do not want to be accused of talking out a bill.

Some hon. Members: Hear, hear!

Mr. Stewart (Cochrane): There are a few generalizations that I think it would be well to make here. I will not go over the codes, coverages or laws of the different provinces. Generally, all employers and employees, wage earning or salaried, whether in the public or private sector, are included except, as a rule, rural workers and domestic servants. Legislation generally provides for the inclusion or exclusion of various occupational groups or industries by subsequent regulations. Only Saskatchewan specifically excludes managerial staff.

The legislation of the provinces varies in respect of the length of notice which must be given. One week's notice is assured by a specific provision in Saskatchewan and Nova Scotia, or by the reasonable notice provision. There is some differentiation in four provinces, either by the length of pay period provision in Manitoba, Quebec and Newfoundland or by the service based provision of Ontario. Two of the three most recent pieces of legislation in Ontario and Newfoundland make it compulsory for employees to work out the full notice period, and this is a requirement not found in any other industrialized country.

The matter of reciprocity of obligations was referred to by the hon. member who introduced this bill. I should like to make one comment on that matter. Four provinces require the same notice for quits as for dismissals. Ontario provides for partial reciprocity, but the notice periods are considerably less for employees. Saskatchewan is the odd one out, requiring no notice from the employee.

I shall now talk about pay in lieu of notice, which in my opinion is a better method to use. Pay in lieu of notice is specifically provided for by one means or another. As in most industrialized countries, pay is defined as the wages due for the prescribed period excluding overtime. The criterion set out in Saskatchewan legislation is common in other countries as well.

An hon. Member: Does the hon. member know who brought that legislation in?

Mr. Stewart (Cochrane): There is usually a period of probation during which no notice is required. Probationary periods in which notice of dismissal provisions do not apply range from two weeks in Manitoba to three months in Saskatchewan, Nova Scotia and Ontario. A point which should be stressed is that barely one third of Canada's wage and salary earners are trade unionists, so

[Mr. Stewart (Cochrane).]

a great many people have no opportunity to become involved in the making of collective agreements. I wonder whether this is not a weakness in our system of bargaining and trade unions. Perhaps a permanent type of arbitration committee should be required which would deal with issues on a permanent and continuing basis, rather than directing its attention to specific contracts; negotiation would be a continuing process all the time.

● (4:50 p.m.)

I have other remarks to make, Mr. Speaker, but the clock is moving along so I think it would be well to terminate my observations at this point.

[Translation]

Mr. Prosper Boulanger (Mercier): Mr. Speaker, I hope I will not be blamed for speaking today because I am not of those who make speeches very often. But in view of the importance of this bill, I intend to say a few words.

I could have expressed myself better on the technical aspects of this bill, but as my colleagues did so before me, I shall deal with the human aspect of this whole matter.

The hon. member for Winnipeg North Centre (Mr. Knowles) doubtless is right in introducing this bill. If I understood my colleagues correctly, we agree on the necessity of making improvements. Unfortunately, as I have only a few minutes, I shall not be able to give all my reasons for supporting this bill.

Besides, if my colleague from Hillsborough (Mr. Macquarrie) had taken less time praising the member for Winnipeg North Centre (Mr. Knowles) whom he considers and expert in legal and procedural matters, perhaps I would not be accused of trying to talk the bill out. Regretfully, this may happen since I have many things to say and not much time left.

When he presented the bill, the member for Winnipeg North Centre said clearly that it consisted merely of subsection (b) and I quote:

lay off the employee; without having given the employee at least two weeks' notice of termination of employment or lay-off.

As do many of my colleagues, I find the two-week period rather short and I do not see any extraordinary advantage in giving the employee two weeks' notice.

In my opinion, the bill introduced by the hon. member for Winnipeg-North-Centre should have provided a minimum period of two months. It would have been appropriate.

Mr. Knowles (Winnipeg North Centre): Then move an amendment.

Mr. Boulanger: I will probably do so, if I have enough time, but the entire bill is based on that clause. In my opinion, a two-week period is too short. The hon. member should have asked himself whether a two-week period was really sufficient.