

Maintenance of Ports Operations Act, 1986

morning as saying the reasons the Prime Minister (Mr. Mulroney) appointed her were because she was a woman, a Catholic, and from the outports of Newfoundland. There were no references to capability or capacity. She was appointed simply because she was an outport woman who happened to be a Catholic. If that is the nomination process chosen by the Government in the setting up of this industrial inquiry commission, we see very serious problems in the actual application of the responsibilities laid out by the Minister, even as limited as they are.

Mr. St. Germain: Mr. Speaker, I rise on a point of order. I do not think this forum should be utilized by the Hon. Member to make statements relating to Senate appointments. I do not think it has anything to do with the debate. It is character assassination, and it should be stopped immediately.

Mr. Gauthier: Mr. Speaker, I beg to differ with the Hon. Member. That was not a point of order; it was strictly debate.

Mr. Deputy Speaker: The first part of the point raised by the Hon. Member for Mission—Port Moody (Mr. St. Germain) suggested that the Hon. Member for Hamilton East (Ms. Copps) might have commented upon Senate appointments. As far as relevancy is concerned, she did that for an extremely short period of time. Obviously the Hon. Member did not intend to speak on it for a lengthy period of time. I do not consider it to be a point of order. Also, I do not consider the second part of the Hon. Member's point to be a point of order.

Ms. Copps: Mr. Speaker, I believe my comments were related to subclause 7(1) wherein it is indicated that the Minister shall confer upon himself or herself the right to make appointments to the industrial inquiry commission. If we look at the precedent which was apparently set as a result of the Senate appointments announced today, obviously we have a few questions to ask the Government. We should like to propose—and we will be moving amendments to that effect—that the appointees to the industrial inquiry commission must have the approval of both the union and the management.

I think there are plenty of precedents. For example, if we look at the general composition of unemployment insurance boards, generally speaking there is a union representative, a management representative, and a third representative appointed by Government. We feel that that would be a more desirable model than the commission membership being appointed by the Minister.

Who is on the commission? What are their qualifications? What expertise do they bring? According to the Minister's press release, this is the result of 16 years to 17 years of debate and discussion; also there has been a number of studies. We should like to see someone on the commission who knows what he or she is talking about. Naturally, coming from the Conservative Government, that might be a little difficult to find. However, it is something which must be considered. We will be making some amendments in that regard.

We have concerns about appointees to the industrial inquiry commission. We should like to know how they will be appointed, and we should like to see an extension of the terms of reference of the commission. Because the terms of reference are restricted solely to the container issue, which represents from 12 per cent to 15 per cent of the business in Vancouver ports, 85 per cent to 88 per cent of the problem is not being dealt with. An examination of the brief submitted to all Hon. Members by the ILWU would be a good way for us to consider some of the amendments.

At the same time I must point out how concerned my Party and I are about subclause 13(2). It discriminates against union workers because it indicates that if one is a company man, there is no problem. The prohibitions against companies are excluded from Clause 13(2). If one is a union office holder then he can be thrown out of the union for five years. He can even be deprived of his livelihood if he breaks any of the provisions of the proposed legislation. It seems to me that fair is fair; if legislation is to be introduced which imposes a penalty on one party then the same penalty should be imposed on the other party. It will be our proposition that the only way of dealing with this unjust subclause in the legislation is to strike it altogether. There are plenty of precedents to suggest that contempt of court provisions, a fine or other such provisions may be substituted which will indeed get the point across that legislation which must be obeyed is being passed. However, at the same time we do not want to penalize someone by taking five years out of his life from union or working activity simply because he has not followed the provisions of the Bill when there are no similar prohibitions against the employer.

[Translation]

So there are certainly a number of amendments we would like to propose, including amendments which, I feel, are simply a matter of fairness to the workers, because if we look at the provisions of Clause 13 (2) of the Bill, they clearly reflect the policy of this Government which has decided that if employees do not agree and break the law and are convicted, they are faced with the possibility of being kept from promoting union policies for a period of five years. And the Hon. Member says that—I don't know whether he read the clause, but in any case, Subclause (2) provides that:

No officer or representative of a union who is convicted of an offence under this Act that was committed while the officer or representative was acting in that capacity shall be employed in any capacity by, or act as an officer or representative of, the union at any time during the five years immediately after the date of the conviction.

Unlike Subclause 13(1), the reference is not to both employees and employers, to both workers and companies.

The second subclause refers only to workers, not to companies: And we think that penalizing a worker or a union member by prohibiting him from union activities for five years is much too harsh. It is an abuse of the legislative process, and we would prefer to see the subclause withdrawn altogether. That would be our choice, first and foremost. Failing that, we