

Canada Labour Code

touching on or involving federal works. In essence, it governs labour matters that fall within federal jurisdiction, and accordingly has no direct bearing on provincial legislation of a similar kind.

The code contains the customary provisions relating to the rights of employees to join a trade union of their choice, the certification of bargaining agents for a unit of employees, and provides for the regulation of the affairs of the Canada Labour Relations Board.

Pursuant to section 161(a) of the code, a collective agreement may include a provision requiring, as a condition of employment, membership in a specified trade union. Subsections 1, 2 and 3 have the combined effect of obliging an employee to contribute his union dues to his bargaining agent on a check-off basis from his salary.

While sections 184 and 185 relating to unfair practices by both employer and trade unions respectively list unacceptable conduct of both parties, the dismissal of an employee is provided either by the employer on his own volition, or at the request of the union, where the employee has failed to pay his required union dues.

By the interaction of sections 161, 162 and 185 of the code, the payment of union dues is therefore linked directly with the right to gain and retain employment. Bill C-203 deals effectively with what may or may not be done in the political sphere with some of those dues so contributed by individual members of Canadian trade unions.

The purpose of the bill is to grant to the individual employee the right to determine whether any part of his union dues are made available for political purposes, and the bill provides, in that portion of the code which relates directly to the deduction by way of check-off for union dues, as follows:

Any provision in a collective agreement requiring an employer to make a deduction from the remuneration paid to an employee and to credit the deduction to a trade union, is invalid if any part thereof is, or is intended to be, contributed to or used to support a political party, unless the employee has expressly so authorized in writing.

Several trade unions in Canada have constitutions which permit individual members to opt out of the political contribution portion of their dues. These situations are rare, however, and require an overt act by an individual member of a trade union to gain what must be a fundamental right of all Canadians, the right to determine which political party, if any, is supported by them financially.

Peer pressure within labour organizations, and labour leadership disfavour, prompt many to fail to avail themselves of the opportunities to opt out of making a political contribution as a part of their union dues payments. As I have said, it appears that there are few labour unions under whose constitutions an individual member thereof may take advantage of the right to which I have made reference.

It is fundamental to individual freedom that Canadians, including members of trade unions, be granted the right to exercise freely, and of their own choice, who shall benefit from their financial support of political parties.

Mr. Robinson (Burnaby): What option do the shareholders have?

Mr. Gamble: We will deal with that, and I am sure the hon. member will too.

I submit to this House that no money should be extracted from Canadians in the fashion that union dues are to be spent on a political party which the contributor does not support. This bill will guarantee that funds contributed as union dues and directed to a political party will have the express written consent of the donor.

An hon. Member: Taxes.

Mr. Gamble: The New Democratic Party, the alleged supporters of individual civil rights, have long been the benefactors of enforced political taxation, and I can well understand why I now hear the clamouring from the left.

From the office of the Chief Electoral Officer, I have determined the following information pertinent to the 1979 general election.

An hon. Member: Let's hear where you got your money first.

Mr. Gamble: Individual candidates by political party affiliation received the following contributions from trade unions during and with respect to the 1979 general election: Progressive Conservatives, \$280; Liberals, \$100; Social Credit, \$50; and the New Democratic Party \$420,186. Registered political parties, by party affiliation, received the following contributions from trade unions: Progressive Conservative Party, \$430; Liberal party, \$2,849; and the NDP, \$1,765,083. On the basis of that analysis, I well understand why the most vociferous opposition has come so far and will continue to come from the NDP part of this House.

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That party has proclaimed itself as the champions of civil liberties, but its members are undoubtedly blinded by their own financial well-being when it is confronted with a proposal which grants to individuals the right and freedom to refrain from contributing to political party coffers through enforced political taxation. Fundamentally, economic freedom is permanently linked to political freedom. The recognition by individual members of trade unions that a percentage of their union dues support the NDP may, indeed, be one of the chief reasons that that party does so very poorly at the time of general elections.

Although they have been able to induce labour leadership to follow them, the NDP have signally failed to persuade the rank and file. It is well understood that the antagonism against NDP enforced taxation has the effect of alienating those people when they exercise their free will at the ballot box. Having regard to the practice in the House and the clamouring of the NDP benches, I have the decided advantage of confronting my NDP opponent, at the time of the next election, with the fact that I sought to relieve trade union members of a