• (1452)

It has taken the trade union movement a long time, and it has never fully succeeded through collective bargaining alone, to establish the contrary right, which is really a human right, but which has been referred to from a legal point of view, that the worker has the property right to his job too, just as the owners of the joint stock corporation or the capitalist, publicly owned corporation or multinational, have with respect to their property. This amendment goes a step toward helping this.

Again, I would like to ask the minister why he does not make these health and safety committees mandatory. While I am on my feet, Mr. Speaker, and not in direct reference to this amendment—but since I am leaving for my constituency and I have attended one of these meetings where I brought this up and the minister was not present—why is it that there is not the minimum of union security granted to the unions in this labour code? Why, for example, is not the agency shop, as it is now called in jurisdictions in the United States where it is so plentiful, and what we familiarly know as the Rand formula in Canada, not included in this new labour code?

The Rand formula dates approximately from 1948 and arises, as the minister knows, from the traditional conflict between the individual rights of workers to join a union. The collective right of the union is to negotiate on behalf of its workers since it is an agent for all of the workers within the plant and has been certified as a bargaining unit. Such a formula would give those workers who wanted to opt out of a union the freedom to opt out. But since the union is the agent in getting improved conditions, salaries and so on—and under this amendment will have an added impetus to improve the safety and health of the conditions under which the workers will work—why is it that the union does not have this minimum protection that union dues will have to be paid by all members of the bargaining unit, even if some opt out of being members of the union?

Mr. Deputy Speaker: Order, please. The hon. minister has introduced the amendment, and it was moved by the hon. member for Nickel Belt (Mr. Rodriguez). As the minister has already answered a question, and we are not in committee of the whole, he is entitled to speak only once. If he wishes to answer this question he will have to do it by unanimous consent. Is there unanimous consent to allow the minister to answer the question?

Perhaps it may be more in order, if there are other questions, that the minister seek one unanimous consent, but I am at the disposal of the House.

Some hon. Members: Agreed.

Mr. Deputy Speaker: There is unanimous consent.

Mr. Munro (Hamilton East): Mr. Speaker, I wish to thank the members of the House. I will answer the two questions as quickly as possible because I understand the hon. member has to leave.

The reason it is not mandatory is because we wish to put it through a trial period to test the validity of the general thrust of the 14 points to which the hon. member from the New Democratic Party from Vancouver just referred. It is simple to make something mandatory in the legislation, but if the desire to accomplish things in these committees, which do have equal representation of management and labour on them, is not there, then even if you put a policeman at the door to be sure that they stay in the room — the further specifics that the hon. member for Nickel Belt has in his amendments—if the willingness to accomplish anything of a meaningful nature through the committees is not there, nothing will get accomplished whether the committees are mandatory or not. Thus, it is the old story of management and labour and trying to get a degree of co-operation.

It can be likened to the collective bargaining process: they sit down and negotiate and accomplish nothing and make a mockery of the negotiating process. This often happens, as the hon. member knows, and I think there is a real analogy here. We felt that by treating the parties with a degree of maturity, perhaps they would see the wisdom of co-operation rather than the "big stick", which, as I have already indicated, comes up with precious few results if the spirit is not there. That is the reason that it is not mandatory.

In a sense it is more effective because the whole spirit of the legislation and its amendments is indicative of the hope on the part of the government and, more important, of parliament, that these committees should be formed to accomplish the purposes set out in the legislation. It is hoped that they will do it of their own volition and in their own enlightenend self-interest and, obviously, on the part of the employees. Employers with any degree of wisdom or compassion, or even in their own self-interest in terms of a long-term economic gain, should care about the health of their workers and do this of their own volition.

Our legislation calls for the safety officers to conduct education programs in the work place, and this should indicate to the employers the necessity and benefit gained by following it as a matter of volition. If, over a period of time, there is nothing but obstinancy and refusal to follow the legislation, then the minister can require it. Indeed, I would suspect that it would be a rather inadequate minister of labour if after a reasonable testing period there is still obstinancy in forming committees of this kind, he did not, in fact, take advantage of the provision parliament gave him to require it to be done. That is the philosophy.

On the second point, the Rand formula, the government has not gotten into the act in terms of saying what fundamental rights unions have, which they have earned over a protracted period of time in Canada, any more than stipulating certain rights that companies perceive that they are entitled to when they meet with agents of unions at the bargaining table. We would open up a new set of provisions that would be the subject matter of endless debate. As far as the Rand formula is concerned, it is almost incredible to think that that is not