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Chair

Mr. Dean Allison

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• (1215)

[English]

The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)): Pursuant to the order of reference adopted by the House on October 25 and to the motion adopted by this committee on November 23, the committee will now resume its study on Bill C-257. This meeting will go for a maximum of 75 minutes. I appreciate everyone's patience. We've been a little late this morning.

The witnesses will have seven minutes to make their presentations. There will be two rounds of questioning. There will be one round of seven minutes, followed by an additional round of five minutes.

I want to remind everyone to put all their questions through me as the chair. I'm going to start with Mr. Anders.

Mr. Rob Anders (Calgary West, CPC): I can always ask a question later, Mr. Chair.

The Chair: That's right. We're going to start with our first round. I'm going to start over on my right-hand side.

Mr. Gervais, you have seven minutes, sir.

[Translation]

Mr. Mario Gervais (President, Quebec Division, Canadian Union of Public Employees): I would like to thank you for giving us an opportunity to speak to you about the anti-strikebreaker legislation.

I would like to introduce my colleague, Jacques Dénommé, the Vice-President of the Communications Division at CUPE in Quebec. Since 1974, Mr. Dénommé has been working at Vidéotron, which bought out Cablevision in the 1980s. He is the union representative and the Vice-President of the Communications Division since the end of the 1980s. So he has been involved in the lives of Vidéotron workers and people employed in the communications division as a member and as a shop steward.

My name is Mario Gervais and I am the General Vice-President of the Canadian Union of Public Employers in Quebec. CUPE has 500,000 members, 100,000 of whom are in Quebec. CUPE represents municipal workers and employee in the health, energy, communications, education and ground transportation sectors. Approximately 10,000 members in Quebec work under the federal code in the areas of communications, value shipment service, marine transportation, and so on.

Our objective is to make Members of Parliament aware about the importance of anti-strikebreaker legislation for workers, and for the company, for workers in all sectors. It is also important to emphasize how such a piece of legislation improves labour relations for all concerned.

I have lived with anti-strikebreaker legislation as an employee and as union representative at Hydro-Québec. For his part, Jacques experienced the situation as an employee and as the union representative at Vidéotron. I will turn the floor over to him. He will be able to speak about this in much greater detail.

Mr. Jacques Dénommé (Vice-President, Communications Sector, Canadian Union of Public Employees): My name is Jacques Dénommé and I am the Vice-President of the Communications Division at CUPE-Québec. Our division includes many of the workers who come under federal jurisdiction within CUPE. We represent people who work for the Canadian Broadcasting Corporation, TVA, Global, TQS, the NFB, Vidéotron, Cogeco, and so on. So we are very much involved as employees who come under the federal labour code.

This morning, I want to speak to you more as a worker and union representative at Vidéotron. In this capacity, I have been involved in six or seven rounds of bargaining as a member of the executive, and during my time, most of these negotiations had a good outcome. They produced positive results for the workers and for the company.

However, there were two difficult periods which led to disputes. In the early 1990s there were two labour disputes, one involving a union whose certification had not been merged with ours at the time. One year later, there was another labour dispute having to do with our certification.

I would like to describe the context for you. This was a key period in cable television—it was the end of what was described as the monopoly. The company had to make some fairly significant adjustments, and as a result bargaining became quite difficult. Some significant changes had to be made in the way in which the work was organized, and people had to work within that context. At the same time, we had to ensure that the transition would occur in the context of acceptable job security for the members of our union. There was one difficult round of bargaining that led to a labour dispute.

This labour dispute, which lasted nine weeks, ultimately produced a good result. The power struggle was about economic considerations for both the company and the workers. Finally, some wisdom was displayed and people started to speak together about finding solutions that would be attractive to the company and to the employees as well. We continued along these lines and managed to develop productive, positive labour relations. It did take some time. Any labour dispute results in some bad mood for some time, that is to be expected. But at least we were able to build some excellent labour relations. The workers felt they were involved in the development of the company. Their contribution and their appreciation were very clear.

It was a very different matter at the time of the 2002 dispute, with which everyone is familiar. This dispute lasted close to a year and was incredibly bitter. The difference between these two strikes involved the use of strikebreakers.

In the first case, there were no strikebreakers. The company operated using its non-unionized employees and its management staff. We know that labour disputes are never easy for those who stay inside, for those who are outside, and also for clients. However, within this power struggle, the two sides come to a better understanding and to improved dialogue.

During the 2002 dispute, there were many strikebreakers, and they crossed the picket lines with their little fingers raised. There was provocation on all sides and clashes between strikebreakers and our employees. There was so much bitterness. Even after four years, there is still so much bad blood that we are having trouble getting over this and restoring more harmonious labour relations. Despite our efforts to turn the page and to move forward, the bitterness remains, so much so that we wonder how we will get through the upcoming negotiations. I think the reason for this needs to be considered.

• (1220)

The return to work after a labour dispute is another important consideration. Imagine workers who have been on the picket line every day and the people crossing their lines and giving them the finger and driving out with their truck to do their job, etc. Once the dispute is over, when these people go back to work, the employer hires a few of the strike breakers who then become their colleagues. They have to share the same premises with these people. That makes for an unbearable atmosphere within the company I do not think it is productive for anyone.

Moreover, when these workers come back, they get all the negative feedback from clients who suffered for a year because of the dispute. People were really furious with the company and vented their frustration at the expense of the employees who were coming back to work. So there was double frustration.

I think it took some time before any trust between clients and the company was restored. Furthermore, management and the employees of the company are still working on building that today. So I do not think our system benefits at all from an experience of this type.

[English]

The Chair: Thank you very much.

We're going to move over to Mr. Forder for seven minutes, please.

Mr. Paul Forder (Director, Government Relations, Canadian Auto Workers Union): Thank you very much, Mr. Chair.

First, I want to apologize for only having our presentation in English. Our translator couldn't get it done last night. I apologize to the members. We can get it translated quickly and will send it to the clerk.

I've also left for you a copy of a DVD that is 90 seconds long. It will show that, on June 24, 2002, one of our members was run down by a driver of a vehicle employed by London Protection International security services and Navistar, a truck plant in Chatham, Ontario. You will see something that's very violent and very painful. You will see a truck slam into a group of workers who were doing nothing but assembling peacefully.

When we talk about violence, this is not something that is fear mongering. This is reality. Our member has had twenty operations. He's been off work ever since. He's a young man with several children, and he's lucky to be alive. These are the kinds of tensions that mount when replacement workers are brought in, and also when firms are hired to bring in replacement workers.

I'd ask you to go on the website of the London Protection International security services. To all of you, as members of Parliament, as responsible legislators, not one of you would dare hire one of the people they depict on their website. They are large. They are designed to intimidate. They are military types. It's the kind of service that can only debase good labour relations in Ontario.

We thank the committee for taking this bill to this level after second reading, and we are appreciative of the Bloc's private member's bill, the total support of the NDP, the large support from the Liberals, and support from 21 Conservative MPs. This is very important to move to another stage of development in orderly labour relations in Canada. If we can eliminate impediments to free collective bargaining, then we will have done a good job and you will have done a good job. And if we can spare one injury such as the one you will see on this DVD—and I hope all of the members will take 90 seconds to view it—then you will have done a very good job, for that reason, in and of itself.

We represent 265,000 workers across Canada in the Canadian Auto Workers. Our president, Buzz Hargrove, would have been here, but he just returned from China yesterday and quite frankly couldn't make it to this important event. We have 30,000 members whom we represent in the federal sector, specifically in the interprovincial transportation sector. We represent 11,000 workers in the rail industry; 13,000 in the airline sector; 4,000 in the in-road transportation industries; and approximately 2,000 in marine transportation industries. All of those sectors, you can imagine, couldn't be run by replacement workers. Anybody who thinks they could be is just deceiving themselves.

The CAW applauds the introduction of this legislation and hopes all the parties will continue to support it and see it through to its conclusion, to final reading and royal assent.

Our view is that the evidence is clear. When replacement workers and strike breakers are used during strikes and lockouts, labour disputes last longer. I'm not going to get into an argument about the numbers, because numbers can be used to make any point you want. But they don't take into account the number of contracts that come due in any particular year and the fact that the large employers and large numbers can often skew numbers for people who are trying to ascertain whether a particular piece of legislation is having the desired impact.

We know there are real injuries when there are conflicts and when people are viewed as having their job taken away from them because they exercise their legal right to strike. I've asked the legislators I've met if they support, in a democratic society, free collective bargaining and the right to strike. Everyone says yes. So I then say they have to logically follow that to a conclusion and not support a law that denies a person justice because they opted to partake of the right to strike in a democratic society. So you opt to strike, but because of that, you now have another law that comes in and removes possibly your right to be re-employed in that workplace. That is absolutely nonsensical, and it doesn't flow in the generous and caring society that we in Canada have.

• (1225)

Contrary to the rhetoric used by opponents of the proposed legislation, the ban on replacement workers will not inflate labour costs or drive away investment. In fact, labour disputes are not shortened but prolonged by the practice of using replacement workers, which often generates a lingering animosity and can infect a workplace for years afterward with a poisoned environment. It wouldn't be very pleasant for you to work in Parliament in a poisoned atmosphere—well, sometimes there is a poisoned atmosphere. It would be better if there weren't such a poisoned atmosphere, as we try to focus on what's critically important to Canadians. You would have a better work environment as well. Maybe that's not a good example.

The examples we have in Canada—13 years in B.C., 29-plus years in Quebec, with all different parties in power—say a lot about that legislation remaining intact and doing what it was designed to do.

Finally, a ban on the use of replacement workers is necessary to redress the imbalance that we now see in the bargaining power between labour and management. It is essential to have fair and effective collective bargaining by having an equal table. Allowing employers to resort to the use of replacement workers or even the threat of it during a labour dispute gives the employer an unfair advantage at the bargaining table and renders meaningless the workers' right to strike. The right to strike is fundamental to the freedom of association, as is the right to organize and bargain collectively, and both are enshrined in the Canada Labour Code. It ensures balance and fairness in collective bargaining. A ban on the use of replacement workers during the course of a labour dispute will further the objectives of the code and remove obstacles to meaningful bargaining to permit the parties to reach a prompt and fair negotiated settlement.

The preamble of the code refers specifically to Canada's international obligations pursuant to convention number 87 of the

International Labour Organization concerning the freedom of association and protection of the right to organize. Pursuant to this convention, workers have the right to organize, the right to bargain collectively, and the right to withhold their services in the event that collective bargaining negotiations fail. The use of replacement workers during labour disputes undermines those fundamental labour rights. Workers who do not strike or who are locked out are discouraged from exercising their rights and participating in the strike when they are faced with the risk of losing their jobs. To workers, to break a strike is contrary to the spirit of the code and Canada's international obligations.

The argument that the use of replacement workers can be justified on the basis of democratic principles in the context of collective bargaining was rejected by one famous Canadian as disingenuous:

Justifying scabs in the name of the freedom of individual workers is the act of ignorance, and for the most part of hypocrisy...just as it is impossible for a group of stockholders to set themselves up as "lockout breakers" by the partial restoration of operations in the factory where the company is having a lockout, so it should be impossible for a group of workers to assure the operation of a factory as long as a strike is in progress there.

Pierre Elliot Trudeau, *The Asbestos Strike*, 1956.

In the interests of time, Mr. Chair, I'm going to skip to a conclusion.

I suggest that if we can remove elements of confrontation between management and labour, we'll all be happier for it. Keep in mind, we settle 97% of all agreements without strikes or lockouts. In some jurisdictions it's 98%. We are dealing with a very minute number of disputes, not that they are not important, not that they don't get the publicity in the paper. It is really important to the fundamental democratic principles of workers in a democratic society that we shouldn't be alarmed by Chicken Littles, such as what the Minister of Labour did on the last vote when this private member's bill came. All of a sudden, to hear what he said today is quite unbelievable, I must admit, and I think it's quite alarming to suggest that somehow there is economic chaos in our midst. That is a little bit of a Chicken Little, and it should be put in the proper context.

• (1230)

In conclusion, we thank the committee. We believe strongly that this will provide the kind of orderly, balanced labour relations that are required to make more amicable settlements within the federal jurisdiction, and we salute you for taking this challenge forward. Passing this bill is the right thing to do, and we are pleased the proposed legislation has won the support of all parties in the House today.

Thank you.

The Chair: Thank you, Mr. Forder.

Now we're going to move over to Mr. Whyte. It's your turn to present.

•(1235)

Mr. Garth Whyte (Executive Vice-President, Canadian Federation of Independent Business): Thanks, Mr. Chair.

I'd like to introduce my colleague, Corinne Pohlmann, who's our director of national affairs. She'll be helping with the questions and answers.

I want to talk about George. George is a CFIB member who owns a small regional airline that services northern communities. He's not nearly as big as Air Canada or WestJet, but his service is critical to the northern communities he services. His small planes bring supplies and offers travel connections among those communities that the big airlines don't serve. During part of the year, his services are the only link between those northern communities and the outside world. George has a union workforce. He knows each employee. He is an important employer in his community and he is federally regulated. George's company has never experienced a strike—yet.

I want to ask this committee to consider this question. How does Bill C-257, which restricts replacement workers, help George and his northern airline? How will this legislation impact on thousands of small and medium-sized businesses in sectors such as trucking, communications, and airlines that, like George, are important to their community and are federally regulated?

We've heard from powerful union leaders that their members need protection from big, federally regulated companies. What protection do smaller employers like George's company have from powerful, big unions? What protection do his employees have who may disagree with the strike action supported by a big union based out of Toronto or Montreal? Big unions claim they need this legislation to protect themselves from big business, but who will stand up and protect small business from big unions?

Actually, this bill is double jeopardy for smaller business employers like George. His business will be hit directly if there's a strike, and it can be hurt indirectly by a strike or a lockout between a major, federally regulated business and a big union. That provides an important service to his business, and his business depends on it. Big businesses have the ability to survive a strike that would shut down ports, trucking, railways, or the postal service, but it is small businesses that risk being put out of business when these services grind to a halt.

The impact of this bill will hurt small employers across the country. Without replacement workers, the farmer who relies on exports will not ship grain. Small retailers who rely on imports will have empty shelves, and products will not reach the customer through distribution networks like Canada Post.

When asked about whether replacement workers should be restricted in federally regulated businesses, 84% of the 10,000 small business respondents said no. I'd like some other people to bring some hard evidence. I've heard anecdotes. That's what our membership is saying.

This bill has made our members angry and afraid. Our members remember when the port of Vancouver was shut down. The grain shipments and exports were tied up for weeks. The cost to B.C. business was over \$75 million per day, but the impact was felt across Canada. Our members remember the Canada Post strike in 1999,

when a small business, on average, lost \$240 per day in higher delivery costs, lost sales, and delayed payments. It doesn't sound like a lot; however, the losses translated to more than \$200 million per day within Canada's small and medium-sized business community.

The Liberal government was forced to legislate CUPW employees back to work. Is that the goal of this bill, to force governments to legislate union workers back to work? Even the threat of this happening can have serious long-term impacts on business growth, job creation, and economic development. How does this bill improve Canada's competitiveness?

All four federal parties have recognized the importance of small business to job creation, to their local communities, and to Canada's overall economic success. During the past two elections, all federal parties—the NDP, the Bloc, the Liberals, and the Conservatives—endorsed policies that would help small business grow and create jobs. Why? Because they know that small and medium-sized enterprises account for 60% of total employment and 45% of the GDP. They know that small and medium-sized enterprises are important to the communities in their constituencies.

Canadians trust small and medium-sized enterprises to create the jobs. I've distributed some information that shows that. I can give you other items. They don't trust unions or big business to create the jobs. In fact, Canadians' preference is to work in or own a small business, not to work in government or in big business. Times have changed.

All four parties have told us it's good policy and good politics to encourage small and medium-sized business growth and job creation. All of you have told us that. That is why we don't understand Bill C-257. It's bad policy and it's bad politics.

Why is it bad policy? A very recent Human Resources and Social Development Canada study came out—October 24, 2006—and they observed many things. One thing they observed is that there is no evidence that replacement worker legislation reduces the number of work stoppages. They say there is no evidence that replacement worker legislation results in shorter duration of work stoppages. It also says that several academic studies on the impact of replacement worker legislation have concluded that a legislative ban on replacement workers is associated with more frequent and longer strikes. That's not just their study; it's several academic studies.

• (1240)

Is this the goal of this legislation—more frequent and longer strikes? Even if I'm wrong, shouldn't you take the time to make sure it's right? If this is such important legislation, then why is this committee and a minority government trying to quickly ram this legislation through the House?

This committee spent several months hearing witnesses in locations across the country to discuss job creation. Why is this committee restricting the number of witnesses and spending only two days to discuss legislation that we feel will be devastating to small business and Canada's competitiveness? Why was the B.C. business council turned down? Why can't they present and talk about the B.C. example? Why not take the time to get it right?

As employers and employees, we worked for several years along with government to improve parts I and II of the Canada Labour Code. We spent almost two years working on part III of the Canada Labour Code. The goal was to modernize the code to reflect the new economy.

This bill changes part I of the Canada Labour Code over a few months with very little input from employers, who will be significantly impacted by this bill. This is bad politics.

You have before you a letter that we've distributed, that we sent to every one of you—personalized, to every member of Parliament—on behalf of our 105,000 small business owners, informing MPs of the impacts of this legislation on small business in their communities. This is not just a big union, big business issue. This bill will have a significant impact on our members and on small business in your constituency. This bill will no longer quietly sneak through the House of Commons.

We do not have the financial resources that the CLC, the CAW, CUPW, or CUPE have at their disposal. We can't mount a massive lobbying campaign and ridings on the Hill like the CLC did, with 150 union activists blitzing MPs over a three-day period before you voted on the bill. However, we do have 105,000 small business owners as members, and we do make 4,500 small business visits every week. We will be watching each MP and how you vote, informing our small business owners in your riding how you vote on this bill.

You can't have it both ways by saying you support small business and then supporting this union-sponsored bill. Our members and small business owners across the country will be watching not only how you vote, but also whether or not you give the time for meaningful and serious debate on this legislation.

George and our members will be watching very closely.

Thank you, Mr. Chair.

The Chair: Thank you very much.

We're going to start with the first round of questions.

Mr. Regan, seven minutes.

Hon. Geoff Regan (Halifax West, Lib.): Thank you, Mr. Chair.

Let me first say that as I listened to some of the stories about some of the things that happen in strikes, I'm reminded a little bit of what Winston Churchill said about democracy. He said that democracy is the worst system devised by the mind of man, except for all the others. Of course, were he saying it today, he would probably say “the mind of people”, right, and be more gender neutral.

It strikes me that strikes are like that. They are a very imperfect process as a way to resolve a dispute. I think everyone here supports the right to strike, and we recognize that collective bargaining is important, but you sometimes have to wish there were a different process for resolving disputes among employers and employees about issues related to their collective agreements.

You may want to comment on that in a moment, but let me speak for a moment about one of the provisions of this bill. In proposed subsection 94(2.4) of the bill it states:

The measures referred to in subsection (2.2) shall exclusively be conservation measures and not measures to allow the continuation of the production of goods or services otherwise prohibited by subsection (2.1).

My understanding of what this provision would do is that it essentially means an employer could use managers or other workers who are not on strike to do work to make sure, for instance, that the trains did not fall apart, that they were painted or whatever, but not to keep them running, or not to ensure that the electricity was provided or that telecommunications services were provided on an ongoing basis.

It seems to me that's a concern. It seems to me that should not be what we should be trying to achieve here. What is your view on that? Do you really agree with that provision?

I guess I will ask Mr. Dénoimé and Mr. Forder particularly. Mr. Whyte is anxious to answer, so we'll let him.

• (1245)

[*Translation*]

Mr. Jacques Dénoimé: I'm sorry. I had trouble hearing the interpretation, and I think I missed part of your question toward the end. Could you summarize it please?

Hon. Geoff Regan: Fine. I will repeat it in French. Proposed subclause (2.4) reads as follows:

(2.4) The measures referred to in subsection (2.2) shall exclusively be conservation measures and not measures to allow the continuation of the production of goods or services otherwise prohibited by subsection (2.1).

As I understand it, that means that employers can use other workers who remain on the job and keep their jobs in order to protect and maintain the facilities, buildings, etc., but not to continue the companies' business.

Mr. Jacques Dénoimé: In my opinion, in the case of a labour dispute, of course the company will continue to provide minimum service. I know that the legislation sometimes refers to essential services. However, beyond this concept, any company involved in a labour dispute will ensure that it continues its activities to some extent, in order to provide services.

However, when replacement workers are used, the company goes beyond this. They try to say that the company is continuing to operate as though there were no labour dispute. In my opinion, that disrupts the balance of power. That is why the dispute last an extremely long time.

Hon. Geoff Regan: Under this subclause, the company could not continue to operate; it could simply maintain its property. I have a problem with that.

In cases where the company can only offer minimum telecommunications or transportation services—and we have already discussed ports, for example—the economic impact could obviously be severe.

Would there not be another way of dealing with these matters?

Mr. Mario Gervais: I work for Hydro-Québec. We have similar legislation in Quebec. It allows the employer to maintain production using the employees who were there before the dispute began. That means non-unionized employees, because the unionized employees are on strike, of course.

I would like to stress this point, because I have been involved in these disputes on both sides, and I know that they are extraordinarily difficult in personal terms for workers and clients and also as regard labour relations within the company.

Once an employer uses replacement workers, it takes years to restore a good atmosphere in the workplace. The atmosphere at work has been poisoned by the replacement workers. This would no longer happen under this legislation.

[English]

Mr. Paul Forder: Thank you, Mr. Regan.

First of all, if marriages lasted 97% and 98% and had that record, I think most people would say that's very successful, and when we put this into context, for the disputes that we have and for all the agreements that we settle, we're doing a pretty good job.

To get over the hurdle of the last 3%, at least, we've got to put it in context. Management can have salaried employees and management can take care of the operation to make sure it's primed, should the strike or the lockout become settled, so that there's minimal time down when you want to return, and that's good; that makes a lot of sense. You want to keep the boilers going and you want to keep everything primed. That's essential to making sure you have a good working relationship when it ends.

I don't think it's as dour as maybe you think it is, but what's really important here is to put pressure on both sides to get to that table and make a settlement.

When workers don't have adequate income and the employer doesn't have adequate income, they sit back and they knock their head. In the example I gave you about Navistar, you know all the terrible times we went through when the replacement firm was hired to hire replacement workers and not one production vehicle was sent out the gate—but after the worker was run over, the sides got together and said, "What the hell have we done here?" That became the impetus for a settlement.

When sides get pulled apart—

• (1250)

Hon. Geoff Regan: It's a pretty lousy impetus, though, isn't it?

Mr. Paul Forder: I know it's awful. It's an awful, painful experience. But sometimes that jars the parties into thinking, "What have we done? Where have we gone? Let's bring this back together and find a solution." That's why we know, and are convinced, that if we can take away that impediment, it will create more balance and you'll have more amicable relations.

For my friend who has CAW members at this airline and says he's never had a strike, give us a break; we're doing something right if we haven't even had a strike and we're working things out. So let's not try to look—

Hon. Geoff Regan: But isn't that his answer to your point, if things are working out already?

The Chair: That's all the time we have, but just to keep a sense of balance here, I know you also wanted to comment, Mr. Whyte.

Mr. Garth Whyte: I do want to make the comment that it's always good when the CAW represents us. I feel very good about that.

The point is that George knows the name of every employee. He knows their families. This is different. The small business working world is different from the working world of big union and big business. It's an employee-employer relationship very much like an insurance brokerage; you know that.

I just want to thank you for bringing this up. I was listening to the session just before this, and I heard people saying, look, the companies can still run because management can run the company. But now when you read the act, and when you talk about it...because that's what I was hearing here.

You're right, proposed subsection 94(2.4) says that you can just keep the lights on; you can't keep running it.

A voice: No, no.

Mr. Garth Whyte: Oh, yes.

[Translation]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): We should look at subclause (2.3). These measures have to do with subclause (2.3).

A voice: I know you're angry, but you should read all—

[English]

The Chair: I would ask everyone to go through the chair.

Mr. Regan, we thank you.

We're going to move to Madame Lavallée.

[Translation]

Mrs. Carole Lavallée: So it is my turn. Fine.

I would like to start by correcting one thing. When we talk about subclause (2.4), which reads: “The measures refer to in subsection (2.2) shall exclusively be conservation measures [...]”, the reference is to subclause (2.3), which reads:

(2.3) The application of subsection (2.1) does not have the effect of preventing the employer from taking any necessary measures to avoid the destruction of the employer's property or serious damage to that property.

I think you understand what that means; I do not have to explain it further. The measures taken to prevent damage to property can only be conservation measures. In other words, if you have an aluminum kettle and it is needing repair, the act would allow you to hire people to get this work done on the kettle. That is what the provision means.

That was the first point I wanted to clarify. There are a few points like that, because I heard some quite amazing things this morning and just a while ago. In fact it started this week, on December 7, with a message from the CNW Group, which Ms. Pohlmann quoted. She is the Director of National Affairs at the Canadian Federation of Independent Business. The quote reads as follows:

Members of Parliament who vote to ban replacement workers are actually speaking in favour of the disappearance of SMEs within their communities.

I felt out my chair when I read that, but I have been able to resume my seat since. The fact remains that saying things like that—you will understand this, Mr. Whyte—, is really a gross exaggeration. Have SMEs disappeared in Quebec in the last 30 years: no, not at all. I will give you a copy of this, Ms. Pohlmann, I would be pleased to do so. Have SMEs disappeared in Quebec in the last 30 years? Of course not. SMEs are still there, in fact the entire Quebec economy is based mainly on SMEs.

It is often said that anything that is overstated is insignificant. So you will appreciate that this cast doubt on all the statements you have just made, on your remarks and your presentation. And this is added to the fear campaign that has been waged here this morning. It felt like Halloween, because people were pouring out all the scarecrows they could. I would mention the threat of complete paralysis in Canada, the ensuing economic chaos, including the famous statement that the 911 emergency service and public services for people would be threatened by anti-strike breaker legislation.

As was said earlier, the 911 service in Quebec, in Longueuil for example, is a municipal responsibility. In other provinces, it is a provincial responsibility. This would not be affected at all by anti-strikebreaker legislation.

I would point out, Mr. Whyte, that you are one of the people who signed the advertisement that appeared in *The Hill Times* and that is the same kind of fearmongering tactics. Unfortunately, I did not see the French version of it, but the ad said that this legislation could result in an interruption of vital services for seniors, families, small businesses, the Canadian economy, including services such as 911, healthcare services, emergency services and so on. So here come the scarecrows again. None of this has any credibility. None of this has any balance.

This is quite unfortunate, because you say you disagree with the anti-strike breaker legislation, Mr. Whyte, it always seems that you do not disagree with the bill, but rather with unions and strikes. If you reread the presentation you made to us earlier you will see that every time you talk about the catastrophes that could happen, no distinction is made between the catastrophe of a strike and the ban on using replacement workers. They really seem to be the same thing for you.

Moreover, I can tell you that generally speaking unions are composed of people who are good negotiators—to say the least—but also people who know how to negotiate without losing sight of public health and safety. For example, within the federal government itself, correctional officers, who are represented by the CSN in Quebec and the union throughout the country, have the right to strike. The 6,000 correctional officers have the right to strike, but they have agreed that 100% of their services were essential. So, such things can be done through the union.

Then you spoke to us about Georges. I thought I had picked up an old copy of *Reader's Digest*, where there were articles about Georges' knee or his heart. Now it is about his plane. The famous Georges in question, once again, could use his management staff to maintain the service. Everything would not come to a standstill. It will not be the end of the world. We are very far from a chaotic situation. Moreover, with respect to your threat to go to see our SMEs in our ridings to tell them whether their member voted for or against the bill, I would like to reassure you that you do not need to go to Saint-Bruno this winter, but that you can go there as well if you want to. I have sent out a letter to everyone in my riding to tell them that I had voted for the bill and that I was very happy to have done so.

I just wanted to clarify some aspects of the situation that were ambiguous to say the least.

● (1255)

I would like to talk about Vidéotron, because it is of particular concern to me, and about all the scary possibilities that were talked about earlier. At the time of the strike at Vidéotron—and there were several—there was never an interruption in the cable service at my home.

The only time a strike at Vidéotron was really problematic was when some of its facilities were attacked. There was vandalism because the company had hired replacement workers.

I would like you to tell me why unionized workers sometimes find themselves in the situation in which the employer's facilities have been vandalized. I would like you to tell me a little about that.

[English]

The Chair: There's only one minute left, so keep that in mind with your comments.

[Translation]

Mr. Jacques Dénoimé: There is no doubt that in a situation such as the one we described earlier, whether it is a lack of balance in the bargaining and that in fact there are really no negotiations going on—a feeling of exasperation sets in. That is when things become desperate.

If the company had decided to organize a war, rather than a round of bargaining, and if it had been organized and structured so that employers would come into work and perform their duties day after day... Without bargaining, well I can tell you that a year is a very long time for people with families who lose their homes, for those who have tremendous financial difficulties, for those who declare bankruptcy, for those who become ill and for those who have all sorts of other things happen to them.

Violence breaks out when people on picket lines have lost hope. It is not organized, people do not set out to be violent. They do desperate things because they simply cannot take it anymore. There is no doubt that these conditions give rise to this type of situation. There comes a time when things get out of hand. People must be given hope that something will happen, that some day an agreement will be reached. I think violence happens once despair sets in.

It all comes back to the idea of balance. There must be balance so that the parties can dialogue intelligently and build a climate of trust, as we said earlier today. Without trust, no agreement is possible.

● (1300)

[English]

The Chair: That's all the time we have. We're going to have to move on to the next one. I'm sorry, no, you have to wait, maybe one of the other people will answer the question.

I do believe we're going to have summon this George to appear at this meeting, because he has been referenced a couple of times.

Ms. Davies, go ahead for seven minutes, please.

Ms. Libby Davies (Vancouver East, NDP): Thank you very much.

Thank you to the witnesses for coming.

First of all, to CUPE and CAW, I think it was very interesting to hear about what happened at Vidéotron when replacement workers weren't there and what happened when they were there. I think it's a really graphic example of what takes place during a dispute. I appreciate the fact that you've brought this important information forward.

Similarly, to the CAW, in terms of what happened in that situation, I'll certainly look at your CD.

I think it is important for us to understand what really takes place on the picket lines, with the violence that can unfortunately happen, and what it does to the labour relations environment afterwards. I think it is very much a part of this bill.

In terms of the presentation from the CFIB, I think you're proposing that the interests of small business are mutually exclusive to this bill and they're in direct contravention and opposition to each other. I guess I don't see it that way.

You posed a question to us on what would happen to this fellow and his northern airline and whether or not this bill would help. I guess my response is, yes, I think it would.

First of all, it may never have an impact on him at all. You said he's unionized. It sounds like he has a good relationship with his union and his workers. It's terrific, and no one's knocking that. In fact, on the contrary, it should be applauded. Hopefully, there would never be a situation where this bill would be used. But if there were a dispute or a strike and he tried to bring in replacement workers, then this bill would be used. There could be an impact on him through some other sector where this bill was being used.

But I happen to believe that in the broader environment of this bill, when there is a level playing field and replacement workers can't come in, allowing management to still do its job and allowing for essential services, it actually creates a better labour relations environment.

From that point of view, I don't think it would hurt the member you used as an example. In fact, if anything, I would think it would be conducive to a better and more positive environment. I really don't see the two as mutually exclusive. Otherwise, I wouldn't be supporting this bill.

I think it is important that we look at this bill in the context of where it would be applied and where it wouldn't be applied. It's not a blanket thing. It only kicks in for a very specific situation.

I think we have to be careful not to overreact to this bill. I realize you have some concerns about it, and that's fair enough.

I would ask all of the witnesses if they have any suggestions on where they would like to see any changes in the bill, because I think that's what we're also here to do. We're here to hear your overall points of view.

But if you actually have specific recommendations for any improvements or changes that you'd like to see in the bill, because we will be dealing with amendments, then I'd certainly appreciate your thoughts on that, if you have any suggestions in that regard.

The Chair: Mr. Whyte.

● (1305)

Mr. Garth Whyte: Thanks so much, Mr. Chair.

I guess I'd like to respond and thank you for your comments.

No one supports violence; we certainly don't. Everyone wants to do the right thing. Why can't you take the time to do it right? It's clear that we can misunderstand this bill.

We were just told that we were able to appear before you here on Thursday. We know there were different groups, with people talking about the B.C. example. The Business Council of British Columbia wanted to apply to appear and they were turned down.

Why not get all the facts? Why not do the right thing?

Quite frankly, my member, George, would disagree with you. He's not an expert on replacement worker legislation. He is an expert on his business. He is deathly afraid of this. He wouldn't let me use his real name because he is afraid of CAW and their tactics.

People are only talking about the big bad employer. What about the big bad union? This violence isn't just caused by big bad employers crossing the picket line. Big bad unions also cause violence. Think about that. I know this may not sit well with some people around the table, but it's the case.

This is not a federal issue, but there was a strike, a university teacher's strike. In this northern community, they didn't want to strike, but they had to because they were part of the union. Under this bill they're called scabs.

Does it apply to this airline? He has a couple of unions. Is there a certain part of the union that would be linked to the CAW? If there were a strike on airlines, would they be unable to cross the picket line, even though they're actually employers in the firm? Would they have the right to work?

We were talking about some foreign workers we're bringing in. Even with the telecommunications examples, most of those people were people who worked in that business and disagreed with their union. Is that right? Who speaks on behalf of those people?

I'm only raising some questions here. I'm telling you that we are afraid. We'll get the businesses in your ridings to phone you, and they can tell you how afraid they are.

Don't sneak the bill through. Let's hear both sides. We've had this discussion for a decade.

Ms. Libby Davies: We are hearing both sides.

Hon. Denis Coderre (Bourassa, Lib.): On a point of order, I'm starting to be fed up with having some witnesses who are trying to say we're pulling something off here.

[*Translation*]

I will say it in French.

[*English*]

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): That's not a point of order.

Hon. Denis Coderre: No. I believe we've been discussing this issue for a long time.

[*Translation*]

When we did things, we did them the right way. No one here tried to do anything sneaky. If the witness must justify his salary by raising his voice, there is no problem, he may do so, but no one here played any games. Everyone did their job properly.

So I would ask the witness to behave appropriately.

[*English*]

Mr. Patrick Brown (Barrie, CPC): On a point of order—

The Chair: Hold on. I'll just state the facts here. There was a motion proposed here to hear more witnesses that was shut down by this committee.

Hon. Denis Coderre: That's not sneaking.

The Chair: So until we have a fulsome discussion—and there are 40, 50, or 60 witnesses who can't come because we've limited it to 20 witnesses—

Hon. Denis Coderre: That's the chair for the Conservatives talking.

The Chair: No, those are the facts right now. So that is just what we're talking about.

Mr. Whyte, you can finish your comments.

Mr. Garth Whyte: I apologize. I shouldn't be saying “sneaking”, but that's how we feel. We have lots of people who would like to present, who are concerned about their business. If I'm speaking loudly, it's because we're passionate about this.

The answer is, we always seem to be the meat in the sandwich. We're always the ones that people forget about when the unions and big business cut a deal.

Yes, that's right. That's what happening. There's a part III in the Canada Labour Code—why?—because there are a lot of smaller businesses that are included under the Canada Labour Code.

We never contested the replacement worker provision in 1999. That was done with Nancy Riche and Don Brazier. That was the thing, because at that time, in that particular bill, it said that replacement workers cannot undermine the unions. It's there.

So we are surprised. We do think it's being pushed through. We just find out about this, and we're told that in three days we have to present about this. I think you forgot about our constituency.

The Chair: That's all the time we have for that round.

We're going to move now to Mr. Lake for seven minutes.

Mr. Mike Lake: I'll start off by saying, Mr. Whyte, that you don't have to apologize; you're 100% right in what you say.

I notice there's no point of order coming this time.

The Chair: Do we have a point of order here?

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): On a point of order, Mr. Chairman.

This decision was made by a majority of committee members. No one imposed anything that was out of order. So if you want to call the question again, Mr. Chairman, we will do so, in accordance with the Standing Orders of the House of Commons.

For ten minutes now, I have been listening to a lot of idiocy that questions the relevance of our decision, particularly the way in which it was made. A decision was made democratically, Mr. Chairman, in keeping with the rules and regulations of the House.

Perhaps some are not happy about the decision. They should present an official request along those lines, and we will consider it. However, to date, that has not been done.

• (1310)

[English]

The Chair: Thank you very much. I will state for the record again that we have had 50 or 60 witnesses approach us, and we have clearly said they can't come, because we're only going to hear 20 witnesses.

Once again, for the record, we did vote that. That is clearly how the committee voted. That doesn't change the fact that there are still 50 or 60 witnesses who wanted to appear before this committee who weren't allowed to appear before this committee. Those are strictly the facts.

[Translation]

Mr. Yves Lessard: With all due respect for your opinion, Mr. Chairman, if you want to call the question again—

[English]

The Chair: It's not my opinion; it's the facts.

[Translation]

Mr. Yves Lessard: We are not going to be discussing this with the witnesses, Mr. Chairman, we are going to be discussing it among ourselves. Why are we having this debate with the witnesses? If the witness mentions it once, that is enough. We will take note of that, but we will not discuss this matter with the witnesses.

[English]

Mr. Yves Lessard An hon. member: Because you brought it up.

The Chair: Okay, thank you. We'll move back to Mr. Lake.

Mr. Mike Lake: My time hasn't started yet, because I'm speaking to the point of order, actually. Decisions were made, according to the Standing Orders, to ram this through. Let's be clear.

The Chair: Continue.

Mr. Mike Lake: I'll go on with my questioning. I want to go back to this proposed subsection 94(2.4) now.

Mr. Forder, do you have a copy of the bill in front of you?

Mr. Paul Forder: Yes.

Mr. Mike Lake: I'm going to read proposed subsection 94(2.2) first. It states:

Despite subsection (2.1), an employer may use the services of the following persons during a strike or lock-out:

- (a) a person employed as a manager, superintendent or foreman or as a representative of the employer in employer-employee relations; or
- (b) a person serving as a director or officer of a corporation, unless the person has been designated to serve in that capacity for the person's employer by the employees or by a certified association.

I'd like Mr. Forder to read proposed subsection 94(2.4) for me, please.

Mr. Paul Forder: It reads:

The measures referred to in subsection (2.2) shall exclusively be conservation measures and not measures to allow the continuation of the production of goods or services otherwise prohibited by subsection (2.1).

Mr. Mike Lake: So what does that mean to you?

Mr. Paul Forder: You can conserve and maintain the apparatus.

Mr. Mike Lake: Who can?

Mr. Paul Forder: The employer.

This is an improvement over last year's bill, which didn't have provisions for this. We think this is a better provision, especially for the employer.

Mr. Mike Lake: What does the second part mean, "and not measures to allow"? What does the rest of that mean to you?

Mr. Paul Forder: There shouldn't be a continuation of production facilities because that would escalate exactly what we are trying to minimize by reducing the friction occurring when workers who exercise their legal right to strike see their jobs threatened because they've exercised that right.

Mr. Mike Lake: So it's clear to you in the bill that even management can't step in to operate the business?

Mr. Paul Forder: They can operate the business, as the legislation proposes, and we support it, and that is to maintain the business, to make it prime.

You know, there's not a big bad union here. We take a vote, and 66 2/3% of the voters must vote before there's a strike. So it's nonsense that all these people who don't want to strike are being dragged out there. That helps us get the settlement.

Mr. Mike Lake: Thanks, Mr. Forder.

I'd like to hear Mr. Whyte comment on what proposed subsection 94(2.4) means to him, and then I'm going to pass my time off to Mr. Anders.

Mr. Garth Whyte: What I'm reading is that you can keep the lights on, you can keep the equipment running, and you can keep it together, but you can't keep it going. I know that some big, big companies can keep going for quite a while without any production. With our firms, some of them can't keep going past the month—and it will hurt them. It will put them out of business.

Mr. Rob Anders: Before I came to the House of Commons, something I did was to represent workers who were abused by union leaders. So I'd like to pose some questions to the CFIB.

How does the CFIB feel about mandatory secret ballots on strike votes? There are some strike votes conducted in this country that aren't secret ballots.

How does the CFIB feel about union leaders being personally held accountable for wildcat strikes? In other words, if they go ahead and organize a strike illegally, should the fines be paid from their personal net worth, not from union funds, and jail time be assessed against them and not be bargained away?

Also, how does the CFIB feel about having police press charges for picket-line violence, rather than leaving it as a civil action? In other words, this would disallow snowballing, a practice whereby the charges are bargained away in the settlement of disputes.

As well, even the Quebec government itself found it could not operate within the confines of its own replacement worker law during the strike by SAQ several years ago. I wonder if you could comment on that and how this legislation has affected British Columbia.

• (1315)

Mr. Garth Whyte: First off, this question wasn't planted, because I certainly don't have all the answers on those things.

Some hon. members: Oh, oh!

Mr. Rob Anders: Rock and roll.

Mr. Garth Whyte: I just feel it should be a level playing field. I do think that where the violence comes from, the people should be responsible. I think people should be responsible in terms of the environment. There are great words coming from both sides, but if the party is abrogating their responsibility and breaking the law, they should be held accountable, absolutely.

What's unfair about that?

Mr. Rob Anders: That makes sense to me.

What about mandatory secret ballots, so people can't be coerced by union leaders?

Mr. Garth Whyte: Yes, we're in favour of that. Why not? It's supposed to be a democracy.

Why would you not have secret ballots? Well, because people can then coerce you and give you a hard time. We've seen that.

Mr. Rob Anders: What are your comments on why Quebec overruled, in a sense, its own replacement worker laws?

Mr. Garth Whyte: This is what I'd like the committee to pursue. I know we're hearing anecdotal information. Even I am not in a position to.... I need more time. Please spend some time looking at the department's own review of work stoppages and replacement worker issues.

I think Quebec has to modernize its laws as well. I think that's part of it.

Mr. Rob Anders: In British Columbia, you must have members who are very upset about the ban on replacement workers there, and how it's affected the B.C. economy, for example. Alberta is outgrowing British Columbia and probably has a larger GDP now than B.C., and B.C. and Quebec have higher unionization rates than Alberta.

Could you comment on that?

Ms. Corinne Pohlmann (Director, National Affairs, Canadian Federation of Independent Business): Our understanding of B.C. is that the employers are not too happy about this bill either. We know that the Business Council of B.C. wanted to come and talk on this today as well, during these hearings, and basically give their approach to the situation.

Our understanding of one of the reasons why it hasn't been touched is that so many changes were brought in at once by the Liberal government that they wanted to make sure they could deal with some of the areas they felt, at that point, were more important to deal with. Those were some of the reasons why this probably wasn't touched right away.

Just recently, this past summer, we asked our members in B.C. about repealing this particular legislation, and the majority said they would like to see it repealed. So we've been moving forward on that with the B.C. government.

The Chair: That's all the time we have here. We're going to move to the next round.

Go ahead, Mr. Coderre.

[*Translation*]

Hon. Denis Coderre: Thank you, Mr. Chairman.

I would like to congratulate Mr. Whyte on everything he has done so far. I think he should be nominated for an Oscar this year. I was very moved by what you did. You have to work a little harder on the

[*English*]

make my day

[*Translation*]

Someone has already won an Oscar for that. Quebec is a real breeding ground for small- and medium-size businesses.

[*English*]

Read my lips:

[*Translation*]

A breeding ground

[*English*]

means there's a lot.

[*Translation*]

We created them. The entrepreneurs of Quebec created them.

You boast quite rightly that you represent 105,000 members. That justifies your salary. The purpose of our work here is to ensure we have arguments. The number of witnesses is not the important thing. In fact, in the first motion that I amended, there was reference to flexibility. There's no knife in my back; no one can make me do anything.

We want to hear arguments. I have had eggs thrown at me by unions, and five coalitions were against me. I am not in the pocket of either the employers or the unions. It is quite simple: my job as a member of Parliament and a former minister is to ensure that we have a decent environment and that we can make decisions that promote social peace in this country.

Even if there are campaigns to vilify unions and even if people try to bring me to tears about uncle Georges, the fact is that my job as a member of Parliament is to ensure that there are the least number of strikes possible. The right to strike and employers' right to lock employees out exist, as do the rights of consumers, but first of all, there are the rights of employers and employees, which means that the situation leads to the least possible

[English]

economic fallout or social fallout possible.

[Translation]

That is what Bill C-257 is about. I was in Cabinet, and I know what that means. We are not going to come up with new statistics today or invent something altogether new. We are simply here to talk about the bill.

I have said from the very beginning, as the official opposition critic on labour, that it was healthy to have this type of debate and that we would be putting forward all the amendments possible so as to get the same type of system that Quebec has, where things work well, as they do in British Columbia, for example.

Are your members all unionized? We need to find out whether some of them are not unionized at all. We should not waste too much energy. It is like the situation involving my banker. He was there, and the journalist was taking notes. It looked good on television. We need to ask whether in a particular context there is a balance between workers and employers. That is the objective of the Canada Labour Code.

The objective is to ensure we avoid a 10 month-long strike. It is also to avoid the violence, but also to provide for what happens should violence occur. We also need to reach a settlement without the average people losing their jobs and at the same time allow the employer to continue making money and to have the consumer protected as well. That is what Bill C-257 is about, dear Mr. Whyte.

• (1320)

[English]

Do we want to have scabs or not? Do we believe at the end of the day that when somebody uses a lockout as a tool, he will use it in a way so that he can put in his scabs and it doesn't matter if the lockout lasts, because he will have exactly the same thing?

On the other hand, you don't want to create a situation for the employees, for the unions, to have a strike and say you can't have too much power, because at the end of the day it's all about balance. Do you believe...?

That's my simple question. I like to do a preamble sometimes. I've seen them doing that since the beginning and I decided to try it myself. You see, I like it; it's working. Do you believe, yes or no, that a scab...?

Let's say you're an employee yourself. You have a family. Christmas is coming—I can make people cry too. You've been on strike for six months and you see somebody who hires scabs—replacement workers is politically correct, but scabs. Do you believe it's fair, yes or no?

Mr. Garth Whyte: It depends on the circumstances.

Hon. Denis Coderre: Which circumstances? Do you believe it's okay?

Mr. Garth Whyte: For example, if I have three kids and I disagree with the union, I would like to work. Am I a scab? Do you agree with that?

I would like to step down from the podium for a bit, after receiving my academy award, and get down to what we're really about, because your government used our stuff regularly. Your parties used our stuff regularly. Your party used our stuff regularly. So did you.

We're seen as experts on small business policy. Why throw this in here? This is our business barometer. It'll be released in a couple of weeks. This is used by David Dodge, the Governor of the Bank of Canada. It's quoted in the Liberal budgets and the Conservative budgets. This reflects our members' expectations of the economy, because they're experts in this area. It's reported by Bloomberg around the world.

We're seen—

Hon. Denis Coderre: Mr. Whyte, hold on.

Mr. Garth Whyte: Please, Mr. Chair, can I answer?

Hon. Denis Coderre: No, hold on.

The Chair: Finish your question.

Hon. Denis Coderre: No, hold on. I just completed my M.A. I don't want to read that anymore. I'm asking a simple question.

Mr. Garth Whyte: You questioned my credibility!

Hon. Denis Coderre: Don't yell here.

Do you believe in scabs, yes or no? That's all I'm asking.

Mr. Garth Whyte: Can I answer this?

The Chair: Would you finish the question, Mr. Whyte?

Hon. Denis Coderre: Do you believe in scabs, yes or no?

Mr. Garth Whyte: I only want to ask you this. Give me some time to do some research for you, because you certainly use it everywhere else. Give us some time, so we can research and make this a good bill.

Why just have two phases of hearings?

Hon. Denis Coderre: It's the tenth time that they've tried to pass that bill.

Mr. Garth Whyte: As a private member's bill. When you were in power as a majority government—

Hon. Denis Coderre: You never heard about that before?

Mr. Garth Whyte: No, we did not.

Hon. Denis Coderre: You never heard about the fact that there are some situations in Quebec—

The Chair: Okay, that's all the time. We're into overtime.

We're going to move to Mr. Lessard for five minutes, please.

[Translation]

Mr. Yves Lessard: Thank you, Mr. Chairman.

I think we should always listen to people when they say they don't have time to express their views. We can make mistakes in life, but we do have the responsibility of taking what has been done into account. For example, over the past ten years, year in, year out, this bill was tabled and discussed over months, not weeks. In May, it was examined at first reading. We hear a great deal of testimony outside the sessions. We now have a framework to receive you. We thank you for being here today. You tell us that we might have to hear other witnesses. We will debate that issue.

As our colleagues said, we will soon have to make recommendations to the House of Commons. Those recommendations must reflect how things really are. I must point out that the debate started off quite badly when you told us that, if we were on the side of businesses, we would not be voting for Bill C-257. It's like when Mr. Bush told representatives of other countries that if they were not with him they were against him. That is the kind of message we received.

I think that everyone here—except the Minister—came before the committee with the intention of making relevant remarks. We cannot always all agree, and you have expressed your views extremely well, including your comments about Georges. You said that he and his friends as well as others and many businesses are worried. What I would like to know is what they are worried about, and whether Georges' company's is unionized. If it is not, there would be no strike. You say there are other people like Georges in many companies. Small businesses generate \$900 million per day in the Canadian economy. For those \$900 million to be in jeopardy, those people would all have to be unionized, and all be out on strike.

In small businesses which do have an employer and a union, needs are determined in terms of essential services. On that score, I would agree with you again. At the same time, I'm trying to respond to your concerns. For example, if Georges is delivering food in the Far North and is the only person to do so, then we and the union would consider that an essential service. However, if the client consists of a group of friends having a party and wanting to go hunt caribou, we would conclude this was not an essential service. Perhaps some other company may provide the service. We would have to see. Those things are done in a civilized fashion, we don't just go out and do things any old way, without even thinking about it.

You say that people are worried. To reassure you, I would like to draw your attention to Quebec's experience of 29 years and British Columbia's experience of 14 years. Both provinces, including the small businesses there, are not concerned about the experience. They are not waging a campaign to change the way things are. You say that you have no evidence. But doesn't their experience constitute evidence that labour relations can indeed be harmonized.

• (1325)

[English]

Mr. Garth Whyte: First, provincially in Quebec, if there's a larger company and they have plants outside Quebec, they can reallocate staff.

Secondly, under federally regulated businesses—these are businesses like Canada Post that go across the country, and it can be really harmful.

Thirdly, what does the smaller airline do in the middle of the strike? Where does he go to deem his service essential? By the time he figures that out, he's out of business.

I've been involved with labour issues in Geneva, in ILO, and in different places, and I've worked closely with union representatives from across the floor who worked on some stuff. Let me give you an example of what I'm trying to say. Legislation was passed that says employers should give two weeks' notice to employees when they let them go. That's fair. What we were going to introduce was that for a smaller employer, the employee should give two weeks' notice. What I'm trying to say is, we're different from a big business and a big union.

[Translation]

Mr. Yves Lessard: Mr. Whyte, the idea here is not to try to convince me but to help me understand what you are saying. For example, some bus carriers in Quebec are unionized. They cover Quebec city, Montreal, Laval and other places. I have even been in negotiation with those companies, which come under provincial jurisdiction. They have not gone bankrupt, nor have they left anyone to die. Essential services have been guaranteed. That has been within the framework of Quebec's anti-strikebreakers legislation.

What would you say to that? I'm trying to reassure you, because you say you fear the repercussions of these provisions. I'm telling you that they won't have the negative impact you fear. We have had concrete examples of how this sort of legislation operates in Quebec and British Columbia, as I explained.

• (1330)

[English]

Mr. Garth Whyte: You seem—

The Chair: Just a quick response, because we're out of time here.

Mr. Garth Whyte: A quick response would be, if I could sit down with you and talk about it when we had some time, let's work it through.

What I've been saying, and I want you all to hear this...I'm just saying we are not—

[Translation]

Mr. Yves Lessard: You don't need to negotiate with me. This is committee work we are doing here.

[English]

Mr. Garth Whyte: Exactly, but do you know what? We've been involved with hundreds of bills, and surprise, surprise, there have been some mistakes, and you had to go back and amend them. Why would you then want to push this through very quickly? We were not approached. We have 24,000 members in Quebec. Give me more time, and I can certainly find some examples where there have been some problems, but I can't on a day's notice.

All we're saying is, you cannot on one side say we really support the PME and on the other side say we're going to this bill without giving the PME time to respond.

The Chair: I would like us to move to Ms. Davies for five minutes, please.

Ms. Libby Davies: Thank you very much.

I want to disagree with you, because there has been adequate time to respond. A committee is not the only venue where we hear points of view. We get lobbied probably almost every day, and much of that is from business interests, but not exclusively. It's from NGOs, from associations, professional associations. But I have to say that I don't think I've ever been lobbied by any business organization about this bill prior to today. It has—

Mr. Garth Whyte: Well—

Ms. Libby Davies: Could you just wait a moment? You'll get an opportunity to respond.

If this were of huge concern to either your organization or the B.C. Business Council, for that matter...we've never heard anything. This has been in the public eye. It has now been debated for seven months going on eight months. I think people got worried and have been drumming up business in the last few days. We certainly haven't heard from the B.C. Business Council, not a word, prior to them now saying they want to appear. I know the B.C. Federation of Labour wanted to appear as well. They're not here either.

No committee hears all the witnesses that want to appear. It wouldn't be possible. As long as we have a balanced representation of various interests, that's what we strive to do. I think that's what's happened here. So I take issue with this idea that somehow you've had no opportunity to say what you think. The fact that labour was on the Hill should be applauded. They're using their democratic rights to come to speak to their MPs. There's nothing to prevent your organization from having done the same thing over the past six months, frankly.

You say you're now serving your members. It hasn't been an issue in B.C. That's why you're only at the point of looking at surveying your members, because it hasn't been an issue. I really believe that.

Anyway, I value your point of view, but I think there's a lot of overreaction and that a lot of fear is being created about this bill. I'm hoping as a result of this process we can undo some of that and make it a rational thing that isn't dramatically going to change the world. It is going to create a balanced playing field for both employers and workers. That's what it's going to do.

Mr. Garth Whyte: It was a private member's bill that wouldn't have gone through, I believe, if it wasn't for a minority government.

Having said that, we've spent ten years working with your government to rewrite the Canada Labour Code. We've had some rock-em, sock-em debates. We shouldn't be doing this in committee. We've sat down and we've done consensus building on a whole bunch of issues. One of those issues was replacement workers. Now we're hearing that even if you say it's several months...quite frankly, the bill didn't reach second reading until a couple of months ago, or just before the summer, I believe—October, sorry—and it's galloping through.

All I can say is this. This is important to us. The one thing we are experts on our membership. We do survey them, as you know, and you do get our results, and I'm telling you that our members, when they hear about this bill, are very nervous and very upset about this bill. We've had votes in the past about this, and they will be surprised if this came through. All I'm saying is let's take the time to do it right. If you're getting one side of things...and that's what I've been hearing

in this whole committee. It feels like a gang-up to me. That's how I feel. I'm not criticizing anybody, but that's how I feel, and I know our members all feel the same.

We don't feel we've had enough time to present. We were told it was going to committee on Wednesday, I think, and we were told that we may or may not be on the list, and then we were told on I think Thursday that we were going to present.

We've delayed a 12,000-survey response on immigration policy, which is being endorsed by all parties, because we've had to deal with this private member's bill. We've been working on that for a long time. We've been working on things to help the country, we believe. I'm not dismissing this bill, but I have not felt that we've had the time to be able to deal with this bill. And even when you hear presentations, it's big business and big labour. No one ever talks about small and medium-sized enterprises. I've even had some members saying, are you guys under the Canada Labour Code? Yes, we are. Think about it. That's understandable, because part I is focusing primarily on large firms and large workplaces. You didn't know this; you didn't realize it.

● (1335)

The Chair: We're almost out of time.

Mr. Forder has a comment—just a small comment.

Mr. Paul Forder: Thanks very much, Mr. Chairman.

Earlier, Ms. Davies asked if there were some suggestions we had. I think this is the primary fundamental bill that we support. If we can deal with the essential services question, which I know concerns the members, I think that's being addressed. We think that's fine and well.

Also, Denis Coderre asked how many members of the CFIB were in the union. They're a minority for sure of their 105,000 members. So when you say 84% say something and they're not in the union environment, it doesn't affect them in any event, that's important to keep in perspective.

Finally, George's employees chose to have a union. If they're not happy with the union, there's a decertification process, and that happens from time to time when people are not happy with their bargaining agent. So there are remedies there that already exist in the law to deal with situations such as this. But for the most part, orderly labour relations are desired by everyone, and I think if the members keep focused on that, then this will be a very good bill for progress for the future.

The Chair: Thank you, Mr. Forder.

Mr. Gervais, just a quick comment, please.

[Translation]

Mr. Mario Gervais: Out of 400 local sections in Quebec, over 200 have fewer than 25 members. But I have not yet seen any local section devoted to the goal of bringing their members to the point of going on strike. Their goal, rather, is to maintain harmonious working relations with the employer.

The people from Videotron were in partnership with their employer. They had developed their working relationship to the point of including the development of occupational health and safety measures, working on evenings and weekends, and even looking at market development.

So what happened? All it took was the replacement of one CEO for labour relations to go back to what they were. In our view, those are the situations in which we need anti-strikebreakers legislation.

When it comes to small employers, let's stop seeing boogie men where there aren't any.

[English]

The Chair: Thank you, Mr. Gervais.

We're going to move to Mr. Lake for the last five minutes.

Go ahead, please.

Mr. Mike Lake: Thank you.

For the record, I want to start by saying that I don't think Mr. Coderre has ever cried. Actually, even as a baby, I imagine that you... other babies cried probably more than you cried yourself.

I want to get to a couple of points, and I want Mr. Whyte first to respond. You were asking a rhetorical question, when you were interrupted by Mr. Coderre, about a Liberal majority government, what they did to pursue this when they had a majority. I would like you to finish your comment.

Mr. Garth Whyte: We did get several quotes from Minister Bradshaw and others. I can go down the list. They said this was not good policy and that they would not pass it, and they didn't pass it. I believe this is only getting through now because it's a minority government. This is what I am saying.

One thing we do is tell it to your face. We're straight up, and we're saying this is not a freebie. Up to now, there was an idea that this was a freebie. It was just big business and big unions and that was a no-brainer. That's what I wanted to identify.

Mr. Mike Lake: I heard various comments, too, from the other side. They're talking about it being the first time it has really been debated. In fairness, I believe this is the first time this has been studied in committee. I'm not sure, especially after this many years of talk, that taking two days when we're three weeks before Christmas is enough time to have a proper discussion with proper witnesses.

[Translation]

Mr. Yves Lessard: Mr. Chairman, he is starting again.

[English]

Mr. Mike Lake: Mr. Forder, I want to go back to proposed subsection 94(2.4). I want to get clarification, because you've ducked it each time it has been asked of you.

I want to ask you straight out if proposed subsection (2.4) means that managers will not be able to conduct revenue generation duties with their own companies in the case of a strike or lockout under this legislation.

• (1340)

Mr. Paul Forder: I would hope not. What you have to understand is that you want to protect the property—

Mr. Mike Lake: Would you hope not under this legislation, yes or no?

Mr. Paul Forder: It's not a yes or no. It's not that simple, with all due respect. The reality is—

Mr. Mike Lake: Proposed subsection (2.4) is pretty short. I don't want you to waste time.

Mr. Paul Forder: I'm trying to answer your question, with respect.

You have employers who can maintain the apparatus if they have products that are perishable goods, for example. They can deal with that under this legislation. If the operation can't function with replacement workers, that's fine with us. We'll be able to get a settlement earlier. That's something all members should be interested in pursuing. That's the whole purpose of the legislation.

Mr. Mike Lake: Under this legislation, then, they wouldn't be able to undertake revenue generation.

Mr. Paul Forder: On revenue generation, the act seems pretty clear. They wouldn't be able to perform the production that replaces a worker.

Mr. Mike Lake: Fair enough.

I just wanted to make a couple of comments as we've gone through this. Ms. Davies talked about negotiation, unions, and good negotiators. I would like to make it clear that under this legislation unions would no longer need to be good negotiators. They wouldn't have to be good negotiators because they would have every bit of leverage under this legislation.

I was a manager before I worked here. I managed between eight and twelve people in a non-unionized situation. When one person left my department, it was very difficult for me. If all eight to twelve people left my department at one time, even if I could have found replacements for them, there was no possible way I could have operated. There was no possible way I could have done the things I would have had to do. It would have hurt the organization I worked for greatly if that had happened, and it would have put pressure on me to negotiate.

Likewise, for employees, there's obviously pressure on them to make money for their families. But they do have an alternative. They can try to find other work in that situation. What you do in this situation is take away any alternative for an organization and put all of the leverage in the union's hands.

I have sympathy for employees who work hard and who wind up in strike or lockout situations. But I think this is a fundamental question of fairness, as I brought up before. What this does is it takes away any semblance of fairness in union negotiations, and that's absolutely wrong.

Do you want to comment on that? I'd like to hear from Mr. Whyte if he wants to respond.

Mr. Garth Whyte: I have a comment.

Something is not being discussed here, and this is why we were caught off guard. We're working with all governments and all parties to deal with one of the biggest issues facing us today. It's a shortage of labour. We're working together because there's a shortage of labour. It's our fastest-growing problem here. There are lots of options elsewhere if you lose your good employees. There should be no reason for this to happen. We're spending more time dealing with other things than that, and I just find it difficult.

The Chair: Do you have a quick comment?

[*Translation*]

Mr. Jacques Dénoimé: Yes. I think the issue which has just been raised is extremely interesting.

Over the next few years, many companies will be facing a manpower shortage. That is one of the challenges ahead, and we are

well aware of it. On that score, I can tell you that our company is already beginning to feel it. Given the kind of environment these disputes engender, how do you expect us to hold on to people nearing retirement's age longer?

Working conditions are a key factor in a company's productivity, but the working environment is just as important. Savage disputes like these will not bring people to stay with a company longer. But the problem is that we will have manpower shortages in the future, and that is something we have to take into account during the process of reflection.

[*English*]

The Chair: I'd like to thank the witnesses for appearing before us today.

We'll continue our study on Thursday.

With that, the meeting is adjourned.

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