House of Commons
CANADA

Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities

HUMA • NUMBER 046 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, December 7, 2006

Chair

Mr. Dean Allison

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● (1045)

[*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. The meeting will go for a maximum of 75 minutes.

Each group of witnesses we have before us will have seven minutes to make their presentations. There will be two rounds of questioning, one of seven minutes and a second round of five minutes. I will do my best to keep my eye on the clock.

I would like to remind everybody the questions should come through me, the chair, as I realize that all groups feel fairly passionate about this issue in one way or the other.

Deborah, perhaps you could start. We'll give you seven minutes. Thank you very much for being here today.

Mrs. Deborah Bourque (National President, Canadian Union of Postal Workers): Thank you.

I'm Deborah Bourque. I'm the national president of the Canadian Union of Postal Workers. On behalf of our 54,000 members, I want to thank you for the opportunity to present our views on Bill C-257. For your information, the majority of our members work at Canada Post. We represent some private sector bargaining units, some under the federal legislation and some under provincial legislation, but the vast majority of our members work for Canada Post and they are federally regulated.

CUPW members have seen our major employer, Canada Post, use scabs during strikes in 1987 and 1991. So we know first-hand how the use of scabs can cause suffering, can divide communities, can make strikes longer, and can cause violence on picket lines. I know this committee has already heard example after example, from the Canadian Labour Congress and others, of similar experiences.

I want to say that the Canadian Union of Postal Workers wholeheartedly supports the submission made by the Canadian Labour Congress yesterday.

On the other hand, there are many clear examples of the benefits of anti-scab legislation, and I'm sure you've heard some of those as well. I will underscore some of those examples. Provincially, Quebec outlawed the use of scabs in 1977, and the average number of days of work lost to labour disputes dropped. British Columbia ended the use of scabs in 1993 and experienced a 50% drop in the amount of work time lost to strikes and lockouts the following year.

I think it is ironic that the major strikes in Quebec and British Columbia that most rankled workplaces were TELUS and Vidéotron, and both fell under the Canada Labour Code rather than the provincial code.

Internationally, we have examples of anti-scab legislation in Germany, France, and Italy, as well as in northern Europe. Research done by Labour Canada, Statistics Canada, and the Canada Industrial Relations Board shows that anti-scab regulation, where it exists in Canada, has not disrupted the workplace balance, led to increased work stoppages, or brought unrealistic pay demands from union negotiators.

I note that our own employer, Canada Post, was a signatory to the full-page spread in *The Hill Times* this Monday lobbying you to dismantle this bill. I shouldn't be surprised, given Canada Post's choice of confrontation over negotiation and their use of scabs during our 1987 and 1991 strikes. I am, however, shocked that Canada Post didn't learn from those bitter experiences, which included violence. Certainly, the mail was not delivered and processed during that time. It was simply a confrontation. It was simply an attempt to break the union and to undermine our collective bargaining. It resulted in mass firings of folks who were reinstated later at arbitration, and it also had a serious impact on the future of labour relations in the post office, not to mention the exploitation of unemployed and largely immigrant workers who were forced to work as scabs.

The executive vice-president of the Canadian Federation of Independent Business, Garth Whyte, says that this bill will make Canada less competitive and that it threatens the survival of small businesses that rely on federally regulated services like Canada Post.

I want to say that the CFIB has a history of exaggerating the impact of postal strikes on their members.

In 1981 the CFIB stated publicly that our strike caused 3,000 bankruptcies. Statistics provided by the Superintendent of Bankruptcy proved that statement to be completely false, and in fact, revealed that the strike had no significant impact on business bankruptcies. In 2002, Mr. Whyte told *Direct Marketing News* that they had a 15,000-member survey in which respondents claimed, with no back-up, that the postal strike directly or indirectly impacted their business, and concluded that the 1997 strike was costing small business $300 million a day. I note that in recent op-eds and open letters he's saying it cost them $200 million a day. In July 2003, even about a threatened strike that didn't happen, Mr. Whyte said, “This postal strike has the potential of being SARS and BSE combined to our membership.” This is an absolutely outrageous prediction.

This committee should seriously examine the record of the CFIB in terms of its statements concerning postal strikes.

I want to point out, as well, that Canada Post is not an essential service. I would argue that it's an incredibly important service to the population and communities and business all across Canada and Quebec, but it's not an essential service.

I just want to speak briefly about the notion of essential services. Unions negotiate essential services with their employers, because they understand the importance of the work they do. This legislation should not impact on that. There's a large difference between folks providing essential services and scabs. Members that provide essential services are not even close to scabs—so that can be rectified very easily. We support essential services.

CUPW also understands that postal strikes have an impact on postal users, and we've tried to minimize that impact on the most vulnerable groups, such as seniors and low-income people. Our members actually deliver cheques during our postal strikes. The union meets for months with Canada Post before potential strikes to ensure those cheques are processed and delivered by our members in spite of any labour dispute we have with our employer—and we've been doing that since 1981.

In closing, I'd like to say that CUPW members support this bill because we've had direct experience with replacement workers and because we know that the use of scabs seriously undermines free collective bargaining and any notion of balance of power within labour relations.

I also want to take the opportunity to thank the members of Parliament who have supported this legislation and fought for it for years, and the many activists, as well, who have worked so hard lobbying, gathering signatures, and mobilizing support for this legislation.

Thank you for the opportunity to make this brief statement. I'd be happy to answer any questions.

● (1050)

The Chair: Thank you, Ms. Bourque, and thank you for keeping on time. You're a great example for the rest of our witnesses who'll be coming along.

We'll now take seven minutes for Mr. Vaudreuil.

Mr. Vaudreuil, seven minutes, sir.

[*Translation*]

Mr. François Vaudreuil (President, Centrale des syndicats démocratiques): Thank you, Mr. Chairman.

I would like to begin by stating that the CSD supports the introduction of Bill C-257, which aims to prevent employers governed by the Canadian Labour Code from employing replacement workers during strikes or lock-outs.

We are delighted that it has been passed at second reading by the House of Commons, and believe that passing it at third reading will result in a fairer balance of power between employers and unions during strikes and lock-outs.

Bear in mind that the right to strike and the right to impose a lock-out are cornerstones of the Canadian collective bargaining system, a system that, furthermore, relies on both parties negotiating in good faith.

With the exception of a few circumstances set out in the law, we are of the belief that there should be no third party intervention during a strike or lock-out—any financial conflict ought to be strictly between the two parties involved, the employer and the union.

We believe that employing replacement workers violates the fundamental principle of our industrial relations system that governs the relationship between the two parties by collective agreement. Indeed, the use of replacement workers upsets the economic balance of power between the employer and his employees. Our system is based on the premise that if employees cannot earn a living and employers cannot run their business they will be motivated to reach a mutually acceptable resolution to the conflict as quickly as is possible. Both parties are trying to keep their heads above water.

That is the way in which our industrial relations system operates. There are other characteristics of the system that must also be taken into consideration when discussing this matter. I would like to take this opportunity to tell you how frustrated striking employees feel when replacement workers are hired; they feel that their jobs are being stolen from under their feet. Along with giving rise to frustration, this situation also breeds resentment that sometimes lasts for years. Nothing is more harmful to a working environment than widespread resentment.

Such a situation also creates tension in the local community, tension that can sometimes take years to dissipate. I experienced the asbestos strike myself—we can discuss it during the question and answer period if you so wish. Decades after the strike, I heard testimony proving that communities had been deeply scarred, primarily because of the use of replacement workers.

Obviously, when the conflict is resolved, in most cases where replacement workers had been hired, it is more difficult to turn the page and create the healthy workplace environment that is so necessary to the success of a business.

I would like to end by talking to you about Quebec's experience in this field. The Quebec Labour Code has outlawed the use of replacement workers since 1977—this has allowed us to strike the right balance in our industrial relations system.

● (1055)

We have also noted that these provisions have resulted in other important trends. They have led to a considerable reduction in workplace violence and have improved the workplace environment in the aftermath of a labour dispute. Furthermore, they have in no way had a negative impact on the frequency or duration of disputes, nor on the performance of the business.

In conclusion, we sincerely hope that this bill will be adopted by the House of Commons, as it will strengthen our industrial relations system by creating a fairer balance of power between employers and employees.

Thank you, Mr. Chairman.

[*English*]

The Chair: Thank you very much.

We're going to move on to our next witnesses, from the Chamber of Commerce. Ms. Hughes Anthony and Mr. McKinstry, you have seven minutes, please.

Mrs. Nancy Hughes Anthony (President and Chief Executive Officer, Canadian Chamber of Commerce): Thank you very much, Chair.

I am accompanied here by Rob McKinstry, senior policy analyst with the Canadian Chamber, and I'm the president and CEO of the chamber. We represent more than 170,000 businesses from every industry, every region of Canada, every sector, and our members are deeply concerned about the impact of this bill.

You have a copy of our presentation, so I will not go into it in any detail. There are just a couple of comments I'd like to highlight.

First of all, I'll make a few comments about the impact of this proposed bill. I was listening to some of the earlier witnesses discuss the implications of this bill. Our reading, for example, of proposed subsection 94(2.4) of the bill is that it clearly states, in our view, that in the case of a strike there will be, as proposed by this bill, no measures allowed to continue the production of goods and services. That is our reading of that particular provision.

I would point out that federally regulated companies are federally regulated for a reason. They form the basis of a web of essential services for Canadians.

[*Translation*]

Canadians expect businesses and the government to deliver services that are essential to their health and wellbeing. Bill C-257 would undermine this expectation as companies would be forced to sit idle during a work stoppage. Federally-regulated companies are responsible for delivering the food that people eat, ensuring that 911 services are operable and accessible, and for executing financial transactions.

In the opinion of the Canadian Chamber of Commerce, it is unconscionable that a law would be enacted that would put services essential to Canadians in jeopardy without any demonstrated purpose.

[*English*]

Here are just a couple of facts. I believe this committee has been made aware of a study done in October 2006 by HRSDC that specifically states: “There is no evidence that replacement worker legislation reduces the number of work stoppages.” Further, it gives statistics that note that the number of work stoppages that fall under the Canada Labour Code is significantly lower than the number of work stoppages in Quebec.

In addition, there's no evidence that replacement workers legislation has reduced the average duration of work stoppages. Once again according to that HRSDC data, despite Quebec's legislation the average work stoppage in that province has risen from 37 days on average between 1975 and 1977 to approximately 47 days on average during 2003 to 2005.

Mr. Chair, I was going to refer to some of the history of policy-making around the Canada Labour Code. I understand the next witness will be going into that in some considerable detail. Here are just a couple of notes.

We are all aware of the task force that led to the amendments of part I of the Canada Labour Code, the Sims task force.

● (1100)

[*Translation*]

The primary objective of the Sims task force was to balance the interests of both employers and employees. The title of his report, dated January 31, 1996, was "Setting a Balance". Mr. Sims wanted to ensure that his report reflected the interest of all parties, not just those of one stakeholder group. Unfortunately, Bill C-257 would disrupt the balance.

[*English*]

I think there is some evidence, Mr. Chair, that in the twenty-year period before the establishment of the Sims task force, Parliament was forced to legislate an end to federal work stoppages on seventeen occasions. Since the 1999 amendments, there has been no need to pass emergency back-to-work legislation, so I would say the amendments related to replacement workers have done what they were expected to do.

The Canada Labour Code is a basic framework law that governs the Canadian marketplace, and Canadians depend on its balance. So do international investors when they are looking at Canada as a place to do business. It's part of our international competiveness framework.

To conclude, Mr. Chair,

[*Translation*]

we currently have a fair and balanced system, developed through consultation with both business and labour, which respects the interests of both employers and employees in dealing with work stoppage. In the opinion of the Canadian Chamber of Commerce, C-247 will disrupt the balance we currently have in place.

[*English*]

Mr. Chair, I was going to say that I was very concerned that there are many members of the Canadian Chamber of Commerce who would like to appear before this committee but who are not being given the opportunity to do so. However, I understand that the committee has passed a motion to allow additional witnesses. I congratulate the committee on that, because I know many Canadians want to express their views.

In a nutshell, we have a fair labour code. We don't need to change it just to benefit one party to the detriment of society as a whole.

I'd be happy to answer your questions. Thank you very much.

The Chair: Thank you again, Ms. Hughes Anthony.

We're now going to move to you, Mr. McDermott. You're going to have seven minutes to explain all those other things. I know seven minutes doesn't quite do the trick, but we appreciate your doing your best to try to fit it in during that period of time.

Mr. Michael McDermott (Former Senior Deputy Minister, Labour Program, Department of Human Resources Development , As an Individual): Thanks very much, Mr. Chairman.

Good morning, members of the committee. Thanks for allowing me to appear before you this morning.

I'm here as an individual, but in a previous life I had much to do with labour administration and the development of labour relations policy and legislation. I should make it clear at the outset that I do not intend to take a position on the inclusion of replacement worker provisions in the code, as proposed in Bill C-257.

[*Translation*]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Chairman, the witness is speaking so quickly that the interpreter cannot keep up.

[*English*]

Mr. Michael McDermott: *Excusez-moi, Madame, mais je vais prendre mon temps.*

I'm here as an individual, and I don't intend to take a position on the bill itself, but I want to address the process by which I believe labour laws are best amended.

During 33 years in the labour department, I saw two major reviews, one in the mid-1960s and the other, in which I was intimately involved as assistant deputy minister, was the Sims review and the legislative changes just mentioned.

Experience has confirmed to me that sound and durable labour relations laws must offer stability and balance to both labour and management in the rules established. Stability is not served by too frequent or piecemeal changes in the rules. The 25 years that elapsed between the two comprehensive revisions provided adequate time to determine what worked well and what, in the light of changing domestic and global circumstances, truly needed attention.

The durability of federal jurisdiction labour laws has been assured because careful study was undertaken, and unions and employers were afforded opportunities for substantive input to the review process, before the rules were established or adjusted.

I've included a long paragraph on the Ontario experience during the 1990s. I'll summarize it by saying that a tradition of carefully planned and consultive labour relations change was tossed aside, first by Premier Rae's government and then with a one-sided amendment bill with minimum consultation. The result was that when Premier Harris came in, he reversed the situation with no consultation, and you had a pendulum effect coming into play, which some people saw as very corrosive. Much of the labour unrest and division during the 1990s in Ontario can be attributed to this lack of process.

That process has been contrasted to what happened at the same time in the federal jurisdiction, and I refer to the review of part 1 of the Canada Labour Code, in which I was involved. The review stretched close to four years, commencing in late 1994 and terminating with the adoption of a revised statute in June 1998. The core of the review was a comprehensive examination undertaken by an expert task force, chaired by Andrew Sims from Alberta, as mentioned, who was accompanied by Paula Knopf from Ontario and Rodrigue Blouin from Quebec.

The task force held hearings across the country, and their report, *Seeking a Balance*, or *Vers l'Équilibre*, was the subject of round table consultations, also held across Canada and led by the Minister of Labour.

The task force and the responsible ministers adopted a highly consultative approach. In particular, Mr. Sims assured labour and management that any issues that they could agree on would be seriously considered for inclusion in the task force recommendations. I was privileged to be asked to facilitate a joint consensus committee for that very purpose, and had the pleasure of seeing agreement reached on a number of issues that were ultimately reflected not just in the task force recommendations, but also in the amended statute.

The resulting legislative package reflected a considerable compromise on the part of unions and employers. Like most compromises, it contained elements that one or the other party would have preferred not to include, and omitted things that one or the other party would have liked to include. However, it was a balanced and sufficiently attractive package for labour and management that it was found to be acceptable to the principal organizations representing their interests in the federal jurisdiction.

This joint support was based on the package being maintained in its entirety, and that it not be subject to cherry-picking subtractions or opportunistic additions. The replacement worker issue was a subject that the union movement would have preferred to have included. On the other hand, employer organizations would have preferred to see no treatment of the issue at all. However, it was an issue.

In the 1991 to 1994 period, leading up to the start of the legislative review, there were a total of 48 legal work stoppages in federal jurisdiction, 12 of which involved externally recruited replacements. These latter stoppages were on average five times the length of stoppages in which such replacements were not recruited. The length of stoppages was therefore a consideration, but it was also found that unfair labour practices were present in a number of the disputes. The disputes at the Royal Oak Mines' Giant Mine and Nationair were clear examples.

In addition to dividing labour and management, the replacement worker issue was the only one in which the Sims task force was not unanimous in its recommendations.

● (1105)

In his minority recommendation, Rodrigue Blouin opted for a full-fledged replacement worker ban. The majority recommendation, however, took specific aim at unfair labour practices. It provided for the use of replacement workers during a legal work stoppage, but included a specific remedy that the labour board could invoke if it found that replacement workers were being used to undermine a union's representational capacity rather than the pursuit of legitimate bargaining objectives—in plain language, when union busting was the name of the game. This majority recommendation was included and remains in the amended part I of the Canada Labour Code.

As I stated at the outset, I am not taking a position on what the nature of a replacement worker provision in the Canada Labour Code should be, although I remind you that part I already contains a provision that addresses the use of replacement workers. In my view, however, the process being followed with respect to Bill C-257 risks undermining the stability of the rules by which labour and management conduct their collective bargaining relationships.

In contrast to the intensive consultations held when labour laws have previously been amended, there appears to have been no attempt to reconcile differing views. The process invites retaliation and corrosive pendulum swings in the event of changes in the political conjuncture. It manifestly ignores the delicate balance achieved when part I was last comprehensively reviewed. It offers a one-sided and piecemeal addition to the statute that gives no compensating provision to those who disagree.

The 1998 amendments have worked well. I understand that dispute settlement statistics are positive, and with a few exceptions, work stoppages have been minimal. There has been no need for Parliament to pass emergency back-to-work legislation since the amendments were brought into force. In all, the members of the Sims task force would seem to have found what they were searching for as recorded in their report: “We seek a stable structure within which free collective bargaining will work. We want legislation that is sound, enactable and lasting. We looked for reforms that would allow labour and management to adjust and thrive in the increasingly global workplace.” They did that with the full cooperation of labour and management people working with them.

Thank you, Mr. Chairman, and thank you, members of the committee.

● (1110)

The Chair: I'd like to thank you, Mr. McDermott, for being here. That's one of the best overviews we've had of part I, and something we should have had before we started.

My question to you, and I haven't asked many questions during this time is this. If it took four years with experts to review part I, what type of timeframe—we haven't done this before—do you think we would need for such a piece of legislation, given the fact that there was no consensus the first time around?

Mr. Michael McDermott: I should qualify that the four years contributed to it by the fact that you had an election in between things. Bill C-66 was at third reading in the Senate when the election was called, so we had to do the same thing all over again with Bill C-19. It was really a two-year process.

The two years were divided between about six to seven months—first, a couple of months when I canvassed the parties to try to get some agreement without going through a full-fledged task force, and then canvassed the parties about the kind of process they would like to follow. I took about three or four months for that, and then we had a six- to seven-month task force, followed by a consultation period of another four months, and then the parliamentary process. We put that into two years. It was a comprehensive bill, however. With smaller issues you could cut that probably, but I would suggest 18 months is the minimum for a really serious legislative process.

The Chair: Thank you very much. That's what I figured.

We're going to move to Mr. Coderre, sir, seven minutes, please.

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Dedicated as you are, you have undertaken a comprehensive review of Part I, but to my mind it is an unfinished job. You have already held lengthy discussions and implemented your consultation process on replacement workers. Indeed, minority recommendations were issued, but as I said the other day, you cannot reinvent the wheel.

In other words, we have already heard both sides of the argument and have been through it with a fine tooth comb. There is no need to strike another task force on replacement workers as the matter has already been addressed by Andrew Sims and Rodrigue Blouin.

The unions will always be in the yes camp and the employers in the no camp—they have specific interests to protect.

That being said, Ms. Hughes Anthony, you raised a very relevant question on proposed subsection (2.4). We are prepared to amend it to ensure that it is consistent with subsection 87.4. The wording of the clause, which I will read to you, is very clear, and I think it answers your question. I think I will be of assistance to you today.

> 87.4(1) During a strike or a lock-out not prohibited by this part, the employer, the trade union and the employees in the bargaining unit must continue the supply of services, operation of facilities or production of goods to the extent necessary...

And this is the important bit for you.

> ...to prevent an immediate and serious danger to the safety or health of the public.

The meaning is as it says. If during a strike or a lock-out a threat to public health and safety arises, the requisite goods and services must be provided. I think that answers your question. The problem is that it is a telecommunications issue. While we are on the subject, 911 calls are a matter of provincial, not federal jurisdiction. The provincial legislation on the matter is already very clear.

However, if you do perceive problems relating to telecommunications, we should redefine essential services—after all, society is evolving and there are new ways of doing things. That is why we should focus on expertise.

I have a couple of quick questions. I would ask Mr. Vaudreuil and Ms. Bourque to give us the union's viewpoint, and then Ms. Hughes Anthony could give us the employer's view.

What do you understand by balance? When you consider that an employer can enforce a lock-out and, thanks to strikebreakers, can make it last a long time, I wonder if we do have balance.

As for the unions, what assurances can you offer on the matter of balance regarding replacement workers and strike breakers? Could it not be argued that strike breakers give greater power to the unions?

I am playing the devil's advocate because, to my mind, hiring replacement workers makes no sense for all sorts of reasons. It is probably because of my cultural background—I come from Quebec where this debate has already been held. Our understanding of the matter is different, perhaps because, with the exception of British Columbia and Ontario, the rest of the country has not really debated the issue.

I would ask Mr. Vaudreuil, and perhaps also Ms. Bourque and Ms. Hughes Anthony, to briefly explain to us what they understand by balance. What actually does it mean?

● (1115)

Mr. François Vaudreuil: Thank you.

I can say this: there is not necessarily the same viewpoint of where the balance is between union and management representatives.

Having said that, the balance is met in the following context: historically, workers chose to come together to negotiate their working conditions with their employers collectively, in order to establish a more balanced power relationship. Alone, I do not have the same power as if we are together. Our labour relations regime is based on the same premise.

In this labour relations regime, there are two types of conflict resolution: resolution that is legal in nature and resolution that is economic in nature. For example, union recognition is legal in nature. Interpretation, application of collective agreements will be referred to quasi-legal tribunals. However, when the time comes to negotiate collective agreements, the means of confrontation is economic in nature.

So we must ensure that there is a true balance. For us, this balance means preventing recourse to replacement workers, given everything that we have been through in Quebec since 1977.

Hon. Denis Coderre: Ms. Hughes Anthony.

Mrs. Nancy Hughes Anthony: I think that I see the question of balance from a different perspective. A strike or a lock-out is never good for employees or employers, and it is never desirable to have to hire replacement workers.

From what I can see, this bill aims at eliminating the possibility for a company under federal jurisdiction to continue to produce its goods and services.

Ms. Carole Lavallée: Mr. Chairman, point of order. We are going back to what we discussed the other day. That is an incorrect interpretation of the act.

Mr. Denis Coderre: That is her point of view.

Ms. Carole Lavallée: That is outrageous!

Ms. Nancy Hughes Anthony: That is how I see the situation.

So there is clearly a balance between employers and employees, but there is also a balance in society.

[*English*]

You want to be able to say that Canadians, in some way that is very respectful of the rights of both sides, will not be deprived of essential services or services that will continue to give them what they need. I note, and Mr. McDermott has confirmed, that in the existing Canada Labour Code there are limits on the use of replacement workers. There is also the ability of the Canada Industrial Relations Board to intervene in situations. That strikes me, right there, as the kind of balance that Canadian society would consider to be reasonable.

● (1120)

[*Translation*]

Hon. Denis Coderre: Mr. McDermott, I have a technical question for you.

This bill's Gordian knot is the issue of essential services, we agree on that. Do you think it is necessary to have an amending formula for the industry, in accordance with section 87.4, or do you think that occupational health and safety can cover it all.

Secondly, what is the impact, in terms of jurisprudence and other agreements already established in the code? For example, for grain handlers, there have already been agreements in the West. Do you see the need for amendments? If yes, what type?

[*English*]

The Chair: Let us have a quick response, Mr. McDermott, because we're almost out of time.

Mr. Michael McDermott: The essential service provisions in the code have been interpreted fairly broadly. They were not intended to include economic harm; it's clearly safety and security of the public. There's been, perhaps, a tendency to interpret more widely.

For example, I gather that in Marine Atlantic the whole of the service has been declared under that provision, even though the summer service only runs in the summer, so that in the winter we have a problem under essential services. In any event, I think the problem is that the code is a little too specific to cover some of the issues I've heard this morning.

The Chair: Thank you—

Mrs. Deborah Bourque: Can I respond to the question about balance?

The Chair: Actually, we're way over time. We're going to move on. Maybe we can work it in with the next questioner.

Just before we move on to Madame Lavallée, I want to ask the will of the committee as to whether we can release Mr. Toupin. I know we brought him in to help us out as legislative clerk, but he's a very busy man and he's been very gracious in coming here this morning. If it's the will of the committee that we release him now, I'm sure we'll have him back at another time.

Would that be okay with the committee?

Hon. Denis Coderre: I'm sorry, but no. I want to talk about it after the witnesses, shortly.

If you want to go and come back, that's okay, but we need to ask a few questions before.

The Chair: You don't want to talk to him on Tuesday? You want to make it—

Hon. Denis Coderre: I'd like to talk to him today. Could we have him come back at a certain time today? Do we have enough time for that?

The Chair: Could he come back, maybe at a quarter to one?

Hon. Denis Coderre: *Merci*.

The Chair: All right, thank you.

Madame Lavallée, you'll have seven minutes, please.

[*Translation*]

Mrs. Carole Lavallée: Ms. Hughes Anthony, in your presentation, you talked about the proposed subsection (2.4) of the bill. You took this section out of its context, in subsection (2.2), to give it an entirely new meaning.

Earlier, I raised a point of order on the subject with my colleague Mike Lake, who recognized it. I think that you were in the room at that time. I hope that you and the people who are in this room and who are listening to me will not go back to that, because you cannot use the proposed subsection (2.4). The words "The measures referred to in subsection (2.2) shall exclusively be conservation measures" refer back to proposed subsection (2.3) which precedes it and which reads as follows:

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

The proposed subsection (2.1) deals with prohibitions relating to replacement workers.

Next, subsection (2.4) says, and I quote:

> (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 [...]

The measures we are talking about are the measures that the employer will take, in other words he will undoubtedly hire additional personnel.

While the proposed subsection (2.4)does not apply to all of the proposed subsection (2.1), it is consistent with proposed subsection (2.3).

Is that clear, Ms. Hughes Anthony?

Mrs. Nancy Hughes Anthony: No, not at all.

Mrs. Carole Lavallée: Read it again. I have only seven minutes to ask you questions, so please take the time to read this at home or at the office. Then you can come back to talk to me about it later. You could also ask your legal counsel—

[*English*]

The Chair: There is a point of order, Madame Lavallée. I'll stop the clock.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): I'm just confused about what we're referring to, because you were talking about proposed subsection 94(2.4) and it being linked to subsection 94(2.3), I think, at some point. I don't think subsection 94 (2.5) has ever been discussed.

Can we clarify which points you're talking about here? Subsection 94(2.4) is not linked in any way to subsection 94(2.3).

[*Translation*]

Mrs. Carole Lavallée: I hope that this was not coming out of my time.

As I said earlier, the proposed subsection (2.4) refers to the proposed subsection (2.3), because subsection (2.2) states, and I quote:

> (2.2) Despite subsection (2.1), an employer may use the services of the following persons during a strike or a lock-out:

So the employer can use managers. That's what this says.

We, the members of the Bloc Québécois, would like the federal legislation to be identical to the legislation Quebec has had for 30 years. If we need to clarify certain things to have it be identical, and for managers to be able to work during a labour dispute or a lock-out, we could amend the bill next week, during the clause-by-clause consideration.

That said, the Bloc Québécois never had any intention of interrupting production. In any case, Ms. Hughes Anthony, if you look at Quebec's experience with this over the past 30 years, you will see that managers have always been able to work. Think back to the SAQ strike two years ago. Managers operated the SAQ for three months, serving customers and selling as much alcohol as people wanted, even during the Holiday period. So you shouldn't worry about that.

You are interpreting this provision to say what it does not in fact say. You are also talking about 911 services, which come under provincial jurisdiction in any case. But even though 911 services are subject to anti-scab legislation, there have been no catastrophes because of it. You are repeating the same arguments as the add we saw in the *Hill Times* this week, which predicted the repercussions on health and transportation services would be catastrophic. To me, that shows the arguments are not very strong. And therefore, we do not care to hear other arguments you may wish to advance.

Mr. McDermott, I have a great deal of respect for everything you have done, and I do believe that the legislation, the consolidation of Part I of the Canadian Labour Code, was well prepared at the time. The process extended over four years, but the actual work took two years. Afterwards, Rodrigue Blouin tabled a minority report setting out a number of important factors regarding balance. Rodrigue Blouin—a highly respected and respectable university professor—described what was meant by balance in his report.

Balance does not mean the employer's right to continue production. That's not balance, though that is the meaning the minister put forward elsewhere. A balance in the relationship between employers and employees is found when both parties can negotiate without a third player. Replacement workers are intruders in the negotiations between the employer and the union. That is why in Quebec the process works as well as it does, and why Quebec has found a balance. Moreover, that approach harmonizes long-term relations between employers and employees, something that the current legislation—the Canada Labour Code—has not achieved.

You say that process has been tried and tested, and that the balance is there. That is not true. Look at the Videotron strike, which lasted 22 months; the Cargill strike in Baie-Comeau, which lasted 36 months; the Radio-Nord strike in Abitibi, which lasted 2 months. And I haven't even mentioned the 12-employee strike at the Bonaventure radio station in Gaspe, which lasted 36 months. After two years, the 12 replacement workers asked for union accreditation. So you can see that there is no balance, and that intruders end up forming a sub-category of workers. In fact, the 12 replacement workers never obtained union accreditation, when normally people who work for two years at the same location can obtain it. So there's nothing normal about those situations.

You also say that we do not have much time to study the bill. However, bills of this nature have been tabled in Parliament since 1990. The Bloc Québécois has tabled 10 of them. The last one them was tabled only on last May 4th. Everyone has had ample time to make announcements, advertise, discuss the bills, debate them and take part in the debate. Moreover, this bill relies on 30 years' experience.

● (1125)

In that context, Ms. Bourque, I would appreciate hearing you talk about the long-term impact of anti-strikebreaking legislation.

[*English*]

Mrs. Deborah Bourque: Thanks very much.

Yes, my union has been subjected to the use of scabs in two of our strikes. I just wanted to say that when employers use scabs to try to break strikes, the long-term effect on labour relations can be disastrous. It takes decades for unions and employers to recover from those types of conflicts. It's always difficult for labour and management to renew that relationship after a strike or after tough bargaining, but it's especially difficult when the employer has chosen to use scabs, because of the intensity of the conflict, the potential and real violence that occurs on picket lines, and the ill feelings that are brought back into the workplace. The last time the employer used scabs in one of our strikes was 1991, and it took us at least a decade to recover from that and to begin to heal the labour relations in that workplace.

● (1130)

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

Thank you, Ms. Bourque.

Ms. Hughes Anthony, did you have a very quick response?

[*Translation*]

Mrs. Nancy Hughes Anthony: I simply want to point out to Ms. Lavallée that in our presentation, on pages 6 and 7, we quote figures that establish the difference between the situation in Quebec and the situation faced by industries that fall under federal jurisdiction. That is perhaps something you could take a look at.

[*English*]

The Chair: Thank you very much.

I want to point out that some of the confusion arises because there is a difference in translation between proposed subsection (2.4) in the French and proposed subsection (2.4) in the English. That will have to be addressed by the committee, because the French doesn't make reference to proposed subsection (2.2) at all. Once again, that will be something we have to deal with. I know it caused some of the confusion over here.

[*Translation*]

Mrs. Carole Lavallée: So we were both right. But I am more right because the bill was drafted in French.

[*English*]

The Chair: Sure. Thank you for the comments.

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

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Mr. Chair.

Before I get into my questions and comments, I wanted to note of two things. One is that Ms. Lavallée refers to the fact that this bill has been introduced 10 times. I would note that it was unsuccessful 10 times, and that might be an indication of why they keep repeating it. If it clearly cannot be passed the first number of times, perhaps there is something deeply flawed about this legislation.

As well, I hope that during our discussion, for the remainder of this time, we can refer to people as replacement workers and not as scabs, as I think the term “scab” is not included in the legislation and is a rather derogatory remark. It's a dehumanizing comment that I don't think should be appropriately used in this discussion.

I want to approach this from a top-down or a “big perspective” bird's-eye view.

I've been listening to this testimony for some time and I've been hearing the unions say that the genuine benefit of this legislation is that it will increase labour peace and reduce violence. And yet the statistics that we're given repeatedly suggest the very contrary; that there would be no increase in labour peace. In fact, all the evidence suggests there would be more work stoppages and strikes of longer duration if this bill were to proceed.

In terms of violence, one of the previous witnesses suggested that we've moved beyond that in labour relations in Canada, and that violence is really no longer an issue.

So I'm struggling with understanding the real motivation behind the introduction of this bill and why certain groups are so strongly supporting it when the evidence is so strong to the contrary.

On the other side, I see people repeatedly telling us, as witnesses and in evidence submitted to this committee, that the consequences of adopting this legislation are dramatic, that they're enormous on a domestic level and on an international level.

Domestically it would put essential services at risk. We're talking about emergency services; we're talking about access to isolated communities, as was mentioned by a previous witness; we're talking about transportation of food. Airlines and all kinds of things would be put at risk. The consequences sound tremendous.

And of course, on the other side the unions are saying that's over-exaggerated, that those statements are unrealistic.

It would seem to me that if there is even a remote possibility that these consequences could occur, it's a very serious thing to be considered, and I have trouble just setting those statements aside.

Another possible consequence that needs to be considered is the impact on competitiveness. We've had witnesses coming in saying that if they had to operate under this legislation they would not be able to compete with their U.S. and Mexican counterparts.

There are tremendous impacts on investment. We work in a global economy, and investors look at countries around the world to choose to invest in. We want Canada to be a competitive place to do business, and yet people are saying repeatedly that this would reduce our competitiveness.

Finally, and most recently, we have Mr. McDermott and others saying that to adopt this legislation would undermine the delicate balance that has been crafted over many years—this tripartite process of involving government, labour, and business—and the consequence of this would be to invite retaliation, as was said, or it would result in a pendulum swing and change in labour relations.

All that being said, I want to hear from some of these witnesses whether this is correct. Am I understanding the possible benefits and consequences from the right perspective? Before we drill down, I want to make sure we have the big picture in mind.

Ms. Nancy Hughes Anthony or Mr. McDermott, I'd appreciate your comments.

● (1135)

Mrs. Nancy Hughes Anthony: I'll take a first shot at it.

I agree with your statement, Mr. Hiebert. Some might say it just affects the federally regulated company. That is not the case. These companies are federally regulated for a reason. Although Madame Lavallée talks about the Société des alcools du Québec , we're not talking about the Société des alcools du Québec ; we are talking about companies that provide the kind of framework services Canadians depend on.

The outside world looks at us and says, “That is a country that has its act together.” So it's not only societal disruption; it is also an important piece of framework legislation that you just can't change from one day to the next, because the eyes of the world are on it.

I am extremely concerned about the kind of societal disruption, the kind of trade disruption, the ripple effect it has for all of the suppliers who provide services to federally regulated companies. And as I said, it sends a bad signal not only to Canadians but to the rest of the world.

Are we going to reconvene Parliament every time there is one of these problems? That will be the end result, and that, with all respect to the members of Parliament in this room, is an extremely inefficient answer to how we deal with these situations.

Mr. Russ Hiebert: So are you concurring with my summary?

Mrs. Nancy Hughes Anthony: I am.

Mr. Russ Hiebert: Mr. McDermott.

Mr. Michael McDermott: On the issue of pendulum swings, I think the Ontario experience that I referred to was classic. There is a risk in this. It was simply that the process lacked involvement of both parties, in the case of former Premier Rae's amendments.

There's an article I can refer you to on the 16th annual Sefton Memorial Lecture, given at the University of Toronto by Kevin Burkett, a respected and neutral arbitrator still at work in Ontario. In that lecture, published in 1998, he goes into this in detail. It's worth a look. I can give you the reference afterwards, if you wish.

What happened was that in came Mr. Rae's government and they put forward a one-sided bill. They went through a mock consultation process in which Mr. Burkett was asked to chair a party. He just threw his hands up and said, this is not possible; this is a list that the government has handed down; there's no room for consultation. The result was that when former Premier Harris came in, he was able to simply push it all back. He even annoyed management as well while he was doing it, because he pushed the balance way too far back.

So there's always a problem if you don't include labour and management and try to get them to come as closely together as they can, which I think in many respects Sims did, because he focused on the unfair labour practice side of the use of replacement workers—union busting.

Mr. Russ Hiebert: That's the major flaw here, that it's not—

The Chair: Mr. Hiebert, I'm sorry, that's all the time we have. That's over the seven minutes. We're going to move to the next round.

Mr. D'Amours, seven minutes, please.

[*Translation*]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Thank you.

[*English*]

Did you say seven minutes? Thank you very much.

The Chair: No, my mistake. You have five minutes.

[*Translation*]

Mr. Jean-Claude D'Amours: Thank you, Mr. Chairman.

Before asking my questions, I would like to make a comment.

I am eager to see how my Conservative colleagues will vote today on this bill that aims to redo the study of a bill that was adopted by the previous Parliament. We will see if they are consistent and how they will vote.

Whether there have been 10 or 25 bills on replacement workers, if we follow in their logic, after today's vote, the bill should never be reopened. So I am eager to see if my colleagues opposite will follow their logic, if they will do what they said they would.

My question is for Ms. Hughes Anthony. I listened to your presentation and I read your brief, to make sure I had clearly understood. When I vote in the House, my decision is based on facts. But I do not appreciate it when someone attempts to distort the facts.

Did you read the act in full prior to your presentation today?

● (1140)

Mrs. Nancy Hughes Anthony: The bill—

Mr. Jean-Claude D'Amours: No, the act in full and the bill.

Mrs. Nancy Hughes Anthony: I carefully read the bill, of course.

Mr. Jean-Claude D'Amours: Okay. Did you read the act?

Mrs. Nancy Hughes Anthony: I think my colleague Mr. McKinstry is quite aware of the details contained in the act.

Mr. Jean-Claude D'Amours: Okay.

Can you explain to me why you talked about emergency 911 services in your presentation, when those services fall under provincial jurisdiction?

Moreover—my colleague talked about this earlier, and these are things that bother me—the current act and the bill will not affect the sections dealing with emergency services and essential services.

So why did you say in your presentation that they would be affected? Why do you say that, when there will be no impact on emergency services or the delivery of essential goods and services? Can you explain to me why you said that when the bill will not affect these services?

[*English*]

Mrs. Nancy Hughes Anthony: Mr. Chair, I'll go back to our reading of proposed subclause 94(2.4) and the fact that a company—and let us take a telecommunications company—cannot continue to produce their goods or services. You would therefore not have a network that would function—I'm speaking theoretically here—whereby you could provide emergency services. If you don't have a company functioning, you cannot provide those services.

[*Translation*]

Mr. Jean-Claude D'Amours: Yes, I understand.

Ms. Hughes Anthony, I just want to make sure we understand each other.

The proposed subsection (2.1)(c) of the bill complies with section 87.4 of the act, which deals with emergency services. That section is not amended. It reads as follows:

> 87.4(1) During a strike or lock-out not prohibited by this Part, the employer, the trade union and the employees in the bargaining unit must continue the supply of services, operation of facilities or production of goods to the extent necessary to prevent an immediate and serious danger to the safety or health of the public.

Mrs. Nancy Hughes Anthony: To very clear, is that dealing with so-called conservation measures that are referred to in subsection (2.4)? Because I must say...

Mr. Jean-Claude D'Amours: We are not talking about conservation, we are talking about the maintenance of certain activities. And the activities are goods or services. So we are not talking about maintaining equipment or buildings. It means being in a position to guarantee the supply of services. Ms. Hughes, section 87.4 of the act states that the supply of services i must be maintained the event of an emergency.

If the services are maintained in the event of an emergency, why are you saying that in a case like that, people will be affected? Why are you trying to get a message out? I am going to weigh my words carefully, but why are you using that message, when it is not what it says in the current act? I am not talking about the bill, but the current act. Moreover, the bill contains protection relating to the current act and to that section.

[*English*]

Mrs. Nancy Hughes Anthony: I have a different reading of proposed subsection (2.4) than the committee member does. I say it prohibits the continuation of the production of goods and services, and that is the basis on which I have made my comments here today. If I am wrong or if the committee is proposing amendments, I would be happy to see that.

The Chair: Mr. D'Amours, that's all the time we have, sir.

[*Translation*]

Mr. Jean-Claude D'Amours: I will reread it: "...the trade union and the employees in the bargaining unit must continue the supply of services, operation of facilities or production of goods...". The production of goods does not simply mean leaving the lights on, but producing the goods.

[*English*]

The Chair: Thank you, Mr. D'Amours.

We're going to move to Mr. Lessard now. Five minutes, please.

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Thank you, Mr. Chairman. Thank you for coming this morning and for your contribution.

I also have a question for you, Ms. Hughes. I will not talk about statistics, but I will try to identify your true intention with respect to this bill. You say that you represent 170,000 businesses and 350 affiliated chambers. That is a lot of people.

Ms. Hughes, how many of all these companies are unionized?

● (1145)

Mrs. Nancy Hughes Anthony: I do not know the exact percentage of companies that are unionized.

Mr. Yves Lessard: Are they all companies that fall under federal jurisdiction as regards the Canada Labour Code?

Mrs. Nancy Hughes Anthony: Of course, they are all governed by Canadian laws, when they are located in Canada.

Mr. Yves Lessard: Are these companies involved in activities Canada-wide? Are some of the companies involved only in provincial activities and covered by a provincial labour code?

Mrs. Nancy Hughes Anthony: Absolutely. Our members include many Canada-wide companies; others operate at the local level, in a municipality, or a region. There are many of them.

Mr. Yves Lessard: How many? Can you tell us that? How many are strictly provincially regulated?

Mrs. Nancy Hughes Anthony: I cannot give you the exact number.

Mr. Yves Lessard: You cannot say.

Like other witnesses before you, you raised a concern about balance. As you know, in labour relations, there are also concerns about democracy. You intervened on the context surrounding the secret nature of the vote. All aspects of our society are based on relations that are, in my view guided by democracy. That means everything is based on power relationships, including in the House of Commons and in provincial legislative assemblies, which have government and opposition parties, as well as in the courts, with their Crown prosecutors and defence counsels, etc. Each party tries to present the best arguments, which will prevail.

The same dynamic exists in labour relations. I think you will agree with me on that. Both the employer and the union have their claims.

When we are concerned about balance and the issue is underway, for example negotiations, do you believe that having a third party get involved to support one of the players helps preserve the balance?

Mrs. Nancy Hughes Anthony: Look, Mr. Lessard, that can be useful in some circumstances but not in others. I am simply emphasizing the fact that the Canada Labour Code currently allows for that recourse. However, as mentioned by Mr. McDermott and by others, there are restrictions designed to ensure that the authority will not be abused. I feel that the balance in the current code is fair, and that is the opinion I have expressed today.

Mr. Yves Lessard: It may be helpful if I refer you to your report, to the brief that you presented here this morning. I skimmed over it. It might help you. For example, you say that Bill C-257 would negatively impact the workers. So the best way to ensure there is balance would be by allowing a company to remain operational during a strike.

Is that what you mean by balance?

Mme Nancy Hughes Anthony: We are talking about federally-regulated companies. That is different from the Société des alcools. I am saying that with all due respect.

I think that to have balance, corporate managers must have sufficient authority, should they deem it necessary, to be able to maintain certain activities for the good of Canadians.

Mr. Yves Lessard: You discussed that on page 3 of your submission, and I understand that.

Let's go a step farther. Since the issue is one of balance and power relationships, I will illustrate my comments. In various competitions, such as wrestling, boxing or hockey, there are two sides, or two teams. It's the same thing in negotiations. How would a power relationship be judged by the people?

Let's take an example. A hockey game is underway and one of the two teams has the right to double the number of players. Would you not agree that the public would boo that team? It wouldn't agree. I am not saying that to trap you or to cause you problems, I am simply trying to understand your logic.

Let's take another example. You're watching a boxing match. Personally, I find it quite violent, but nevertheless, it is allowed. If at some point during the fight, one of the two boxers is allowed to get help from someone else, do you think that is right?

● (1150)

[*English*]

The Chair: Mr. Lessard, that's all the time we have, but we'll get a quick response from Ms. Hughes Anthony.

Mrs. Nancy Hughes Anthony: I would never compare labour relations to a boxing match.

I think, as I said before, there are provisions in the existing Canada Labour Code. There is recourse to the Canada Industrial Relations Board, which is there precisely in the case when someone has a complaint or someone has a feeling that they are being dealt with unfairly. I would say the recourse is there.

The Chair: Thank you very much.

We're going to move now to the last questioner. Ms. Yelich, you'll have five minutes, please.

Mrs. Lynne Yelich (Blackstrap, CPC): Thank you.

I want to talk about small business, because that is who is coming to me in numbers.

My question is, do you think small business will be disproportionately affected by this legislation?

I had a constituent who wrote saying he really wants me to vote against Bill C-257; that the biggest obstacle faced in operating small business has been labour and unions slanted in their favour; they already possess a legislative power to shut down or cripple any business.

This is just one person. I know you represent 170,000 people, but I can't imagine how many people you really represent in a shutdown in federal jurisdiction.

I think that's what's missing in the arguments from the Bloc. We continue to talk about a liquor board store that is in a province. That's not shutting down a nation, because we can cross that border and get some in Ontario, I think. I really don't find that a valid reason, or that we can use this as an argument to say it would shut down an economy.

I really want your response concerning the fear, the climate. I think good companies can keep good employees, that there are good ways of having good relationships with employees. I can cite many businesses in my riding that have unions and haven't had strikes for years and years. At one time they were a crown corporation, they were a public service, and I think they've done very well.

I want to know whether this perhaps creates more of a hostile environment as well, rather than a friendly environment.

Mrs. Nancy Hughes Anthony: Yes, I would agree with you.

I would go back again to the whole concept of why certain industries are federally regulated. They are federally regulated because they are so important to the web of services Canadians expect, and on which that small business therefore depends. Whether you're talking about interprovincial trucking, rail service, port service, or airlines functioning, you have literally millions of businesses—and obviously Canadian society—depending on that to be well managed, on time, etc.

It absolutely has a huge impact, not only on society, some of whom won't go down to the corner to get the Pampers they need that day because they haven't come in, but on the corner store itself, which has nothing to sell because the goods have not come in, because a particular industry is on strike. I certainly agree with you that it has a huge impact on the very foundation of our economy, which is the small business.

Mrs. Lynne Yelich: What about investments? A lot of the groups you represent talked about the potential impact on competitiveness as measured by increased investment. Do you think this discourages investment in any jurisdiction that has increased labour legislation?

Mrs. Nancy Hughes Anthony: One of the indicators any foreign investor looks at when going into a jurisdiction, wherever it is—Canada, United States, Sweden, Singapore—is that they want to look at certain factors. What's the tax regime like? What's the regulatory situation like? What is the labour situation like? How many days of work have been lost in strikes? What is the situation and how easily can I function in this environment? How fair and balanced is the system?

Canadians want a balanced system, but certainly we also have to present a face to the world that says, yes, we are competitive with other jurisdictions. We have a balanced system here that is fair on both sides. In my view, the current system is fair and is balanced.

● (1155)

Mrs. Lynne Yelich: Why do you suppose not all provinces are adopting this? We know this legislation exists in two provinces, but there must be a reason other provinces don't. Would you like to comment?

Mrs. Nancy Hughes Anthony: Some of the statistics I put in my brief that relate specifically to the province of Quebec underline the fact that this has not been good for days lost and duration of work stoppages in Quebec. I believe you have another witness today from the Conseil du patronat from Quebec who can perhaps shed more light on that specific situation. I think other provinces look at that experience, compare their own situations, and say this is not the way to go.

Mrs. Lynne Yelich: I will ask Deborah Bourque, because she challenged Mr. Whyte's statistics. I think it's fair that you got it in dollars and cents, but what I think is unfair is that perhaps you don't understand how many.... I don't know if you can measure in it dollars if Canada Post shuts down service, because either we find an alternative....

Mail to me is essential, and I've seen in my own province sometimes the mail delivery diminished or some of the decisions made that have caused us undue stress. I wonder if it's fair to say this is statistics, or if you understand how businesses are affected, such as the person who wrote me. He wasn't even talking about Canada Post when he said this. He was talking about the chain he depends on for a lot of his essentials—either supply or to send out.

The Chair: Ms. Bourque, I'll ask for a quick response, because we're way over time.

Mrs. Deborah Bourque: My only point was that the CFIB tends to play pretty fast and loose with statistics, and one should be very cautious about relying on them. We understand the impact of a postal strike on communities, businesses, and individuals, and that's why we take the right to strike very seriously. There's been one strike in the Post Office in the last 15 years. We're in collective bargaining right now, and our commitment is to try to reach an agreement without a strike. We understand how important these services are to business communities.

It stands to reason that if employers have the ability to use replacement workers, and therefore the economic impact on employers isn't as great due to a strike, those strikes are going to be longer, and the mail is not going to move when they're using replacement workers. We have two examples of when they've tried to move the mail with replacement workers, and it hasn't worked. It's not in the interest of the small business community to have longer strikes at Canada Post, because there's no economic impact.

The Chair: Thank you.

I'm sorry, Ms. Yelich, you're way over time.

I do want to add one comment. I'm surprised the MPs didn't talk to you a little more about process, Mr. McDermott. I talked about it at the beginning.

You talked about 18 months. My thought is, using experts in four years...and I realize there are maybe two years. We're MPs trying to get our heads around legislation that, quite frankly, we are not experts in.

Mr. McDermott, a final word in terms of process and the importance of hearing and seeking expertise to look at making this a balanced approach to move forward—just a parting comment.

[*Translation*]

Mr. Yves Lessard: Your observation is very relevant, Mr. Chairman, and I think we should not deprive ourselves of this expertise. We could perhaps agree among ourselves to take time to hear from another expert witness or two. There is one person whose name has been mentioned often here. It is Mr. Rodrigue Blouin, who, in Quebec, is a leading expert on labour relations. I think that together we should perhaps look at the possibility of hearing from him. We would have to agree to that, but I think your observation is very timely.

[*English*]

The Chair: Thank you.

Mr. Coderre.

[*Translation*]

Hon. Denis Coderre: I think that would be important too, because we will be hearing from another group of witnesses later. We have heard the views of the union and management. We have of course heard their arguments, but I think that testimony by Mr. McDermott, and perhaps Mr. Sims and Mr. Blouin, would be useful, provided that Mr. McDermott can come back next week.

I think we have reached a stage where we will need an overview of the impact of amending various sections, based on expertise. We do not want to re-invent the task force, but we must focus on the impact, namely, the issue of essential services, on the definition.

I am sort of going back to what my friend D'Amours said earlier. We are not at the point of determining whether we are for or against replacement workers. In our case, it is clear. What is important for us is to ensure we are aware of the impact on the Canada Labour Code and that we obtain expertise on the very definition of what is meant by essential services.

You have already heard our point of view, Ms. Hughes, on the topic of subsection (2.4), which deals with the production of goods and services. I think we are at a different stage.

Mr. McDermott, if you are available, we would like to hear from you again next week, with other experts, to hold a discussion based on what we have heard this week regarding the views of the two most affected parties. We must also think about citizens and have an overview of the issue with the help of people who have expertise. I will make a motion to that effect later.

● (1200)

[*English*]

The Chair: Okay, thank you very much.

Once again, I want to thank the witnesses for being here today.

The meeting is adjourned.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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