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Chair

Mr. Dean Allison

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•(1210)

[English]

The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)): I would like to call this meeting to order. 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.

Our witnesses will have seven minutes to make their presentations. There will be two rounds of questioning, one round of seven minutes and a second one of five minutes. I will do my best to keep my eye on the clock, although when you have MPs asking questions, anything can happen. We try to keep everyone within the timeframe.

I also want to remind everybody that all questions should be put through me, the chair. We'll start with Mr. Roy.

[Translation]

Mr. René Roy (Secretary General, Fédération des travailleurs et travailleuses du Québec): Good afternoon.

Ladies and gentlemen, thank you for having us here to testify on a bill with which the FTQ is quite familiar.

The right to use replacement workers equates, for all practical purposes, to giving employers the right to dismiss all their employees when a labour dispute occurs.

There are two of us testifying here this morning. I am accompanied by Ms. Allard who worked at Canada Post Corporation and who experienced labour disputes involving replacement workers.

We have argued against the use of replacement workers for 30 to 40 years. Every time replacement workers are called on, labour disputes turn violent. It is ridiculous to believe, even in this day and age, that there would be no violence if replacement workers were to cross the picket lines.

A couple of weeks ago, in Montreal, residents came and demonstrated in front of strikers who had been on the picket line for nine months. It is absolutely ridiculous to believe that workers on strike for the last nine months would be in a good mood and that crossing a picket line that had been in existence for such a long time would not lead to violence.

In the United States, the government has practically dismissed a number of air traffic controllers. In Canada, early this century, the

Maclaren company used replacement workers. Union leaders were killed and their families were banished from the region for 50 years.

In 1974, United Aircraft faced a 20-month strike which led to confrontations, dismissals, and people going to prison and getting injured. The dispute was so bad that the company had to change name in order to continue to operate in Quebec.

Quebec's anti-scab legislation came as a result of this and other conflicts. Before this legislation was enacted, body guards shot at workers during a conflict at Robin Hood, in Montreal. More recently, there was a labour conflict at Vidéotron.

I'll now let Monique talk about the dispute at Canada Post Corporation.

Ms. Monique Allard (Member, Fédération des travailleurs et travailleuses du Québec): I'm going to testify in my capacity as a worker. I have been on the labour market for 40 years, 32 of which were spent at Canada Post Corporation. I've lived through several strikes, so I'm in a position to tell you a lot about my experience of the picket lines. Since I don't have much time, I'm going to try and give you a sense of what it means to be on strike and go on strike, with or without strikebreakers.

The decision to vote in favour of going on strike is a last recourse. No worker decides to go on strike with a great deal of delight. Being on strike leads to a high stress level since you don't know how long the strike will last or what sort of income you will have. Weekly allowances of \$150 to \$175 are certainly not enough to make an employee enjoy going on strike. You go on strike therefore as a last resort.

Let me take you back to the strike which took place at Canada Post Corporation in 1991. I worked at the Ville-Saint-Laurent mail sorting centre at the time and, as strikers, we were legally entitled to go on strike. Canada Post Corporation, which has a considerable amount of money, used strike breakers who were transported by helicopter over our heads to the facility. Furthermore, bodyguards with Doberman dogs patrolled the facility while we were stationed outside.

As if that wasn't enough, there was a convoy of about 10 bus loads full of strike breakers, which crossed the picket lines not only with the Montreal police but also with the anti-riot squad. I got three damaged ribs because of the anti-riot squad. I have to thank them for that and I often think about them.

I've known people who, throughout their career, were the types of people nobody ever talked about, model employees who, once on the picket line, changed altogether because they considered the use of replacement workers to be a legal form of theft. I believe our jobs are being stolen in such cases, even though we have the right to conduct a legal strike. Going on strike isn't something you consider doing initially, it is a last resort.

In my opinion, when you draft anti-scab legislation, you should think about the impact it may have on peoples' lives. Workers have seen their lives disrupted. Some people, including model employees, have lost their jobs because of strike breakers. Others have ended up with criminal records because of strikebreakers. Their lives are changed forever.

I don't know how many people around this table have experienced what I have just recounted, have been on the picket lines, been in confrontation with the police and not known whether they'd have a job when the strike ended. I don't know if many of you have had this experience, but I hope that you at least now get a sense of what such a dispute is like where, day after day, you have to go on the picket lines and watch strikebreakers cross over, sometimes with an air of arrogance, because they have police protection. I would not wish that on anyone.

•(1215)

[English]

The Chair: Thank you very much.

Moving on to our next group, we'll now give Monsieur Moreau and Madame Carbonneau seven minutes.

[Translation]

Mme Claudette Carbonneau (présidente, Centrale des syndicats nationaux): Good afternoon. Thank you for having us. I will get straight to the point. I have seven minutes to present and seven points to make.

Collective labour relations are based on three pillars that must constantly be kept in mind. First, freedom of association and union recognition; second, the duty to bargain in good faith; and third, the option of resorting to job action in order to increase the chances of reaching a collective agreement.

It is precisely in order to guarantee the third pillar that the bill we are discussing today has to be passed. The right to strike is a fundamental democratic right; you have to be able to exercise it under circumstances that do not minimize its impact.

Second, I will talk about the supposed balance. The balance to be sought in legislation is a balance between the parties, in order to increase the chances of reaching an agreement. However, the current legislation, which claims to balance the economic rights of both parties, actually only throws the power dynamics off balance. The right to continue operating during a labour dispute makes striking ineffective. Introducing a third party into this type of two party system does not work; it upsets the balance. In short, it leads to drawn out disputes, violence and the loss of workers' rights.

There is a third thing to consider: the current provisions are meaningless. The CSN does not agree with the minister that the enforcement provisions of the current code adequately protect

workers and their unions. For one thing, that legitimizes a practice that we consider illegitimate from the start. It also puts an unfair burden on the union, which has to establish that the employer intended to undermine the union's representational capacity, as if the consequences alone of that practice were not enough. So there are two conditions to be met, the pursuit of legitimate bargaining objectives, gibberish, a huge empty shell, a gratuitous pretext for legalizing scabs.

So it is hardly surprising, against that backdrop, that out of a few hundred disputes since 1999, only 19 complaints were lodged and 14 of them were withdrawn before they got to a hearing. That says a lot about the supposed enforcement mechanism.

The fourth point has to do with the fact that eight provinces do not want replacement workers legislation. That is a great excuse for embracing the status quo. The federal code applies to around 10% of the Canadian labour force. Those workers are governed by provisions that apply only to them and that are at times better, at times equivalent and at times worse than the various provincial laws. When the federal government uses the fact that eight provinces do not have replacement worker legislation to justify its own inaction, is not that tantamount to refusing to exercise its own jurisdiction over workers covered by the Labour Code? That reasoning is poor, irresponsible and inappropriate.

The fifth point has to do with the impact of replacement worker provisions on the lengths of disputes. The minister clearly tabled an incomplete and partial selection of statistics on strike days, in an attempt to show that these provisions have little impact. We have a radically different interpretation of that data. Federally, the number of strike days is generally higher than in Quebec, per 1,000 workers, and has been for the past 40 years, with an upward trend since the year 2000. In Quebec and Ontario, there has been a noticeable decrease in the number of days lost over the years. However, the trend is far more striking in Quebec than in Ontario; Quebec had 10 times fewer days lost in 2000 than in 1976-1977, and over the same period, Ontario, which does not have replacement worker provisions, has reduced its own results by five times, or two times less than Quebec. Between 1996 and 2005, the average length of disputes for workers under federal jurisdiction in Quebec was 19.7 days, versus 15.5 for those under provincial jurisdiction. That is not insignificant, when you find that gap over such a long time.

•(1220)

So, in our opinion, in Quebec as in British Columbia, the statistics overwhelmingly show that replacement worker legislation makes labour relations more civilized and reduces the number and length of disputes. I would add that in Quebec, a number of management representatives have frequently spoken publicly about the appropriateness of this type of legislation.

This brings me to my sixth point. When it comes to economic growth, I think this has to be given a bit more serious consideration. The level of investment depends on a number of factors; labour relations, workforce skill level, infrastructure, taxation, etc. Isolating these factors requires a lot of work, which neither the Montreal Economic Institute nor the Fraser Institute has done.

Union density in the private sector in Quebec is at 28%, and even less in SMEs. Given that, how do you explain the loss of 30,000 jobs in SMEs and the overall lack of investment in the private sector? It's total exaggeration, economic nonsense.

On a more serious note, I would refer you to the study done by UQAM professor Nicolas Marceau, who takes quite a different view of the situation.

And by way of conclusion, I would point out that the Parliament of Canada has an incredible opportunity here to pass a bill containing the exact same provisions that have been successfully tried and tested for 30 years in Quebec.

I would encourage members to consider this: a company is a legal entity; it doesn't suffer. Workers suffer, on a daily basis, from the effects of a labour dispute or a collective agreement signed in desperation. They have needs and dependents with needs of their own. It would be improper to put these two realities on an equal footing for the purposes of debating this bill. So, if social justice is of concern to you, here's what I think: this is an excellent opportunity to promote it.

• (1225)

[*English*]

The Chair: Thank you very much, Ms. Carboneau.

I'm going to move to the next group.

Mr. Facette and Mr. Lotito, seven minutes, please.

[*Translation*]

Mr. Jim Facette (President and Chief Executive Officer, Canadian Airports Council): Thank you, Mr. Chairman.

It's an honour for us to be here today to discuss this very important bill.

[*English*]

With me here today is one of those front-end experts that was discussed at your prior meeting. He is from the Greater Toronto Airport Authority, the vice-president of human resources, Mr. Vito Lotito. We think it's so important that we've brought in some front-line people.

Canada's airports believe that you should be aware of the potential devastating impact this legislation could have on the airport community across Canada. If enacted, this bill could result in a shutdown of one or more of Canada's airports in the event of a strike.

The Canadian Airports Council is the national association of Canada's airports. Our 45 members include more than 150 airports, handling virtually all of the nation's air cargo and international passenger traffic, and 95% of domestic passenger traffic.

Our position today is supported by the Air Transport Association of Canada, which represents Canada's air carrier sector, an organization that was not granted a hearing by this committee. We hope it will be in the future.

Canada's airports are an essential component of the Canadian infrastructure for the communities they serve, and indeed for the nation. Canada's airports play a vital economic and social role. They

also play an important part in the continued health and security of our nation: the military, medevac, search and rescue, and forest fire bombers all rely on airports as bases of operation. For northern and remote communities, airports are particularly important. For some communities, air service is the only link to the outside world.

To shut down an airport is to weaken our national transportation system. The Minister of Transport, the Honourable Lawrence Cannon, is keenly aware of the critical role played by our airports. In October of this year, he told the Senate Standing Committee on Transport and Communications that we must ensure that federal policies and legislation continue to strengthen our national transportation system. Getting them right matters for competitiveness.

This bill, we submit, does not get it right. This bill jeopardizes Canada's competitiveness. Such is our concern about the implications of this bill that we wrote the Minister of Transport, Infrastructure and Communities in November to advise the minister that if Bill C-257 becomes law, Canada's airports, in the event of a strike by certain occupational groups, likely would not be able to live up to regulated responsibilities under the terms of the Canadian aviation regulations. We must live up to them. We do not have a choice. But it is our opinion, and the opinion of our legal counsel, that airports in Canada will not be able to do so if Bill C-257 is enacted.

Let me give you just a few examples to illustrate the severity of our concerns. If aircraft fuellers strike, then aircraft will not fly. If aircraft de-icers strike, then aircraft will not fly in the winter months. If baggage and cargo handlers strike, then people and products won't be loaded and unloaded. With no passengers, no baggage, and no cargo, aircraft will not fly. If ground handling personnel strike, aircraft cannot be safely moved on the tarmac. Again, aircraft will not fly. If airport security personnel strike, facility security may be compromised and airport operations will be curtailed or will cease. If pre-board security screeners strike, then nobody flies.

Some may say that existing essential service protection, called maintenance of activities in subsection 87.4 of the Canada Labour Code, will ensure that these critical services continue to be provided during a strike or lockout. We do not agree. Regrettably, 87.4 has proven to be inadequate. Canada's aviation sector has not been well served by the current maintenance of activities provisions.

For example, aviation sector employers and unions alike have been anxiously awaiting, for almost six years, a final decision from the Canada Industrial Relations Board concerning air traffic control and related services provided by Nav Canada. If to this inadequate essential service protection you add a ban on the use of replacement workers, you will have a recipe for airport chaos in the event of a strike.

Given the essential role Canada's airports play in the functioning of our country, we anticipate that emergency back-to-work legislation will once again be the order of the day. Prior to the 1999 amendments to the Canada Labour Code, the federal government had to enact emergency back-to-work legislation on 17 occasions. Since the 1999 amendments, there hasn't been a single incident during which the federal government has had to legislate an end to a strike or lockout. This is the best evidence of a balanced labour code serving the interests of all parties: labour, management, government, and, most importantly, the people of Canada. We urge you not to upset this delicate balance.

You have been bombarded with conflicting statistics for and against the ban on replacement workers. We wish to add some views to this debate.

• (1230)

First, let me say that we respect the expertise and neutrality of the federal public servants who prepared the report entitled *Key Observations Regarding the Effect of Replacement Workers Legislation on Workers* this year. That document makes a number of very important statements, which we urge you to consider carefully as you consider this proposal to ban the use of replacement workers. There is no evidence that replacement worker legislation reduces the number of work stoppages, it says. There is no evidence that replacement worker legislation will result in shorter duration of work stoppages. It also states that there is no evidence that replacement worker legislation reduces the number of work days lost.

Apparently the policy experts at the federal Department of Labour do not agree with organized labour's assertions that replacement workers lengthen or increase the number of strikes. If you have not already done so, we urge you to read the federal Department of Labour's report.

We too have some telling statistics to share with the committee and parliamentarians. We represent 150 airports, each with at least one collective agreement that is renegotiated about every three years. This means that in the last ten years there have been at least 450 collective agreements renegotiated by airports and their unions across Canada. Put another way, that is at least 450 instances where a strike or lockout could have occurred. I am happy to report that there have been fewer than five airport labour disruptions in that time. The system is balanced. We urge you not to disrupt this delicate balance by dramatically and unfairly increasing the balance of power.

Canada does not need Bill C-257. There has been a restriction on the use of replacement workers for almost seven years, and the Canada Industrial Relations Board has yet to issue a single decision in circumstances where an employer has actually used replacement workers. Laws should only be changed to fix problems. There is simply no problem to fix.

In conclusion, Canada's airports are very concerned about Bill C-257 because it could result in the shutdown of one or more of Canada's airports in the event of a strike. Because of the vital role airports play in our communities and the nation, we hope this committee will not let that happen. This bill is not needed.

As we articulated earlier, our position is supported by Canada's air carrier sector. This bill would damage Canada's airports, the communities we serve, and the economy as a whole. Federal law must strengthen, not weaken, Canada's transportation and economic infrastructure.

Monsieur le président, merci beaucoup.

The Chair: Thank you, Mr. Facette.

We're going to now move to the last witness. We have Mr. Kelly-Gagnon and Mr. Giroux, for seven minutes, please.

[*Translation*]

Mr. Michel Kelly-Gagnon (President, Conseil du patronat du Québec): Good afternoon. My name is Michel Kelly-Gagnon. I am the President of the Conseil du patronat du Québec. I am accompanied by Mr. André C. Giroux from the Ogilvy Renault Law Firm.

The Conseil du patronat is an association of employers whose members, either directly or by affiliation with sectoral organizations, employ close to 70% of Quebec's labour force.

Our message today is straightforward and direct: For the love of God, throw this bill out, it will not be beneficial in any of the ways that have been predicted, rather, it will have many unexpected consequences.

I would like to clarify something right away. The member for Gatineau stated before this committee on November 28 that the Conseil du patronat du Québec had never made an attempt to block this bill to prevent the use of replacement workers in Quebec.

On the contrary, at the time, the Conseil du patronat went all the way to the Supreme Court of Canada in order to have its legal interest recognized and to fight this legislation. Then, after doing so at the Supreme Court level, the Conseil appeared before the Appeal Court of Québec to fight this bill. It ended up dropping the case at the Appeal's Court realizing it was a lost cause. Going to the Supreme Court and then to the Appeal's Court is not what I would call not making an attempt to stop this bill.

I thought it was important to set the record straight given that there is a lot of misinformation floating about on this issue.

I would like to remind you that the burden of proof lays with the political parties and groups supporting this bill, and not with us. Indeed, in order to gain your support for this bill the onus is on them to demonstrate it would be effective and beneficial as promised. They have to prove that this bill will, in and of itself, reduce the number of labour disputes, their duration and intensity, as promised. Let me reiterate: The burden of proof is on those wishing to amend the legislation.

I would like to draw your attention to page 5 of our brief, where you will find a table with data from Human Resources and Social development Canada's HRSDC current Website. If you are interested in where we got our statistics, just go to this Website.

The chart takes a comparative look at the frequency of work stoppages over a 25 year period, from 1980 to 2005. You will see that there have been fewer labour disputes in Quebec since 1977. That is indeed true, but what the components of this bill fail to tell you is that in jurisdictions where there is no legislation preventing the use of replacement workers the same trend may be observed and it is, in some cases, even more marked.

In other words, every jurisdiction has seen a similar drop in the number of labour disputes regardless of the existence of legislation banning the use of replacement workers. Furthermore, let me turn to how economic infrastructure and Canadians' financial security. You will note that my argument has nothing to do with Canadians' physical safety, but rather their financial security. In our opinion, this is a key argument because it goes to the heart of Canada's economic infrastructure.

We are not referring to florists or gift card shops; we are talking about banks, financial services, telecommunications, air transport, rail transport, and so on and so forth. As the representatives from the airport association explained earlier, the ramifications of any such paralysis are clear. Imagine the damage this could potentially do to our economy, to families and communities. I appeal to every one who cares about Canada's competitiveness.

The issue of balance had been brought up. Let me tell you what I understand by balance. According to the Canada Industrial Board in 2005-2006, 97% of collective agreements under federal jurisdiction were signed without a single work stoppage, that 97%? What are you trying to achieve with this bill? Jeopardize the security of Canada's economic and infrastructure for a mere 3%? You have got balance, in my opinion, with 97%.

•(1235)

I'd like to congratulate this committee for having had the wisdom to consider other studies. There has been a lot of talk about the Quebec model. Seven minutes is not enough time for me to give you a complete understanding of it, however I invite you to visit our beautiful province and to speak with our business people who have been under this legislation's stranglehold for the past 30 years. I am sure you would find that very useful.

I would also like to stress that it is perfectly normal for some political parties to support this legislation given that they have a natural alliance with the unions. They basically don't think twice before supporting such legislation. That is quite a normal way of functioning for these political parties which, I might point out, don't have much of a chance of forming the next government. In some cases they do not even intend to try. However, some political parties may be called upon to form upcoming governments. In my opinion, these parties should get more attention on this matter.

I would like to close by referring to an infamous statement made by Stéphane Dion in the House: We must say no, no, no, to Bill C-257, no to a bill which will not be able to make good on its promises.

Mr. Giroux will be able to speak to the issue of violence. Should you have any questions on this issue, we would be pleased to provide you with any details.

We must say no to a bill which will disrupt the balance of power in union management bargaining.

In fact, on the union side, a striking employee has the right to work if he or she so desires. The opposite would, however, not be true in the case of an employer wishing to hire replacement workers. Let me reiterate, labour relations at a federal level are just fine in the majority of cases.

We must say no to a bill which would affect the very economic infrastructure of our country and which is, in itself a threat to Canada's economic security. In my opinion, any threat to Canadians' financial security should be more than enough to raise doubts in the minds of committee members.

•(1240)

[English]

The Chair: Thank you very much, Mr. Kelly-Gagnon.

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

Mr. Coderre, seven minutes, please.

[Translation]

Hon. Denis Coderre (Bourassa, Lib.): You mentioned chaos and devastation. I'm from Quebec, and if I were to go by what I've just heard, I'd better go get my kids before it all comes crumbling down. I would suggest Mr. Kelly-Gagnon take a deep breath; it might calm him down a bit.

The role of a lawmaker and parliamentarian is to ensure that Canadians have a better quality of life. The goal is not to be a scaremonger or alarmist. As a matter of fact, the more you do that, the less credible you are. We should instead be asking what the true definition of the word "balance" is. Statistics show whatever you want them to show. The issue here is social harmony, a decent environment not just economically but also in terms of labour management relations. We have to ask ourselves whether we've done everything that needed to be done.

Mr. McDermott mentioned the Sims report. There was the issue of Mr. Blouin. He said that everything had been settled, except for the issue of strikebreakers. This kind of decent debate is to be expected, without descending into panic or sensationalism. I've been in politics for 25 years and I'm from Quebec. I don't know what you've got against florists; they contribute to the economy too. I don't see any signs of trouble when I go to Quebec. There's no war, no chaos, no total destruction. In my opinion, we have to calm down a bit and deal with the real issues.

In the proposed bill, two things interest me. Are we capable of maintaining a decent relationship among worker, union and employer? Above all, we must not forget Canadians, who, by the way, are also workers and employers. In my view, the issue of essential services, which is central to all kinds of debates, is crucial.

Ms. Carbonneau, Mr. Roy and the rest of you, you have experienced the situation in Quebec, but not in a vacuum. You know what's going on in the rest of Canada and elsewhere. You belong to international organizations that sign agreements, deal with freedom of association, etc.

Mr. Facette, section 87.4 is important. It provides that anything that has to do with public health and safety must be covered by essential services. In the event of strike or lockout, the employer and employees are required to agree within 15 days on the issue of essential services, in a collective agreement or bargaining. We are of course going to look into whether we went far enough and whether that is consistent with what exists currently.

Mr. Facette and Mr. Kelly-Gagnon, you've got something against unions. You seem very aggressive to me. If you worked for a company and there was a strike or lockout—which is a tool the employer can use—and you were replaced by someone else, would you find that acceptable?

Ultimately, the goal here is to determine whether or not we agree on having strikebreakers. Do we find it acceptable, while the employer and union are trying to negotiate a solution, for workers, except for essential services, to be replaced by other personnel?

I'd like to hear what Mr. Kelly-Gagnon and Mr. Facette have to say.

• (1245)

[English]

Mr. Jim Facette: Thank you, honourable member and Mr. Chair.

In answer to that question, what we support is what we have today. We have a Canada Labour Code that provides airports with what we need. We would advocate that this bill goes beyond that. So we advocate keeping what we have today with the Canada Labour Code.

[Translation]

Mr. Michel Kelly-Gagnon: Members of Parliament are supposed to serve the public. For a servant of the public, I find you very condescending and full of contempt.

Hon. Denis Coderre: Point of order, Mr. Chairman.

I've been elected four times and I've been a Member of Parliament for ten years. I've been in politics for 25 years. If you don't agree with my way of doing things, you should run against me. Meanwhile, your role is to represent people. I didn't launch any personal attacks. And you don't want to go there; you could be in for quite a battle. I have a temper too, but I want to remain calm. So, please, answer my question, because that's what you're here for.

Are you or are you not in favour of strikebreakers?

Mr. Michel Kelly-Gagnon: First of all, you should be saying “replacement workers”, because that's the terminology used in the bill before us. So I would ask you to use neutral terminology, please.

There is a fully justifiable place for replacement workers in a balanced situation. Absolutely.

Hon. Denis Coderre: Mr. René Roy and Ms. Carbonneau, do you have a quick comment?

Mr. René Roy: First, I'm surprised. Mr. Facette told us about a relatively recent strike at the Quebec City airport—perhaps two or three years ago—that lasted several months. The employer didn't use replacement workers or scabs.

I prefer the word “scabs”. That might upset Mr. Kelly-Gagnon, but I'm not the one who drafted the bill. I would have used the word “scabs” in the bill. So they didn't use “scabs” and they didn't close the airport down.

I'm surprised by the statements of Mr. Kelly-Gagnon, from the Conseil du patronat, with whom we have worked on a variety of matters over the years, including the anti-scab legislation and essential services in Quebec.

It's true that the Conseil du patronat fought the legislation at first; it went all the way up to the Supreme Court. I remember very clearly meeting his predecessor, around 1983. He had abandoned the proceedings, saying that the anti-scab legislation had virtually eliminated violence in labour disputes. That is what his predecessor said.

I suppose you can go and ask him yourself. That's why the Conseil du patronat gave up the fight over the anti-scab legislation.

• (1250)

Mrs. Claudette Carbonneau: Using replacement workers is a denial of the appropriate exercise of the right to strike. It is extremely unproductive.

However, I found your point very interesting, Mr. Coderre, about Canada's international commitments. What I'm hearing here this morning is an argument against the right to strike. I'm sorry, but Canada is a signatory to a number of conventions on this, and all of the international bodies that govern these issues say you can't take away or limit the right to strike on grounds of economic competitiveness. That would be disruptive and would make the whole labour relations exercise completely counterproductive.

There's a very delicate balance in terms of bargaining power, because when a replacement worker is used, it's like telling everyone who has been on strike for two or three months, or a year or two, that basically their strike is pointless and they can no longer put any pressure on the employer. That's unacceptable.

Hon. Denis Coderre: Point of order, Mr. Chairman.

Someone said earlier, it was Mr. Kelly-Gagnon, that the leader of the Liberal Party had come out against Bill C-257.

[English]

Since we have media in the room, I want to make sure we're on the record. Mr. Dion wasn't there for the vote. He never said he would be against. As a matter of fact, he was in favour of Bill C-257 before he was leader. Now as leader he will have to take a stand, but he never ever said no to Bill C-257.

The Chair: Thank you.

Mr. Coderre, that was not a point of order, but you made your point.

I want to remind the witnesses as well as the MPs that all conversations should go through the chair. I know people on both sides feel very passionately about this issue. I would ask that your comments be referred to me.

We're going to move on to Madame Lavallée for seven minutes.
[Translation]

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert): Thank you very much.

I wish to thank our witnesses for their testimonies this morning. In fact, I found Ms. Monique Allard's testimony to be very moving and human. I very much appreciated it.

In that sense, Mr. Kelly-Gagnon is entirely right. We, members of Parliament, are here in Ottawa to defend our fellow citizens and the interests of all workers. This is our job.

Mr. Kelly-Gagnon, your testimony puzzles me for several reasons. I am going over the conclusions in the document you have distributed to us. You start your comments with these words:

To prohibit employers from hiring replacement workers is the equivalent of giving trade unions the abusive power to completely paralyze the nerve centres of the Canadian economy [...]

This would mean that for the last 30 years, trade unions have abused their powers and completely paralyzed the nerve centres of the Quebec economy. I do not believe that I am making a fallacious argument by making this connection. In any case, it is more or less what I was expecting.

Yesterday, I went on your website. You have written a lot of submissions over the years. I was interested in knowing which arguments against the anti-scab legislation you were going to raise today. Your website contains archives going back to 1999, and includes all of your submissions. In 2000, you wrote 12 ; in 2001, nine ; in 2002, 15; in 2003, 10; in 2004, 13; in 2005, 15; and in 2006 you produced six submissions. That is good. We will add this one today.

Since 1999, you have presented 81 submissions. I asked somebody to read all of them. In how many of them briefings do you talk about the anti-scab legislation? Only in one. Do you speak out against the act? No, not really. You touch upon this subject in a document entitled "Reactions of the Conseil du patronat du Québec on the government paper entitled Renewing the Labour Code".

If trade unions have been abusing their power to completely paralyze the Quebec economy, you only mention this twice in the document. Once, you mentioned "anti-scab provisions" in parenthesis and in your conclusion, you talked about "Let us just consider the following provisions". You then elaborate further on the subject. You set out eight provisions, including one regarding "anti-scab provisions". Yet, not one single paragraph speaks out against the anti-scab law. You talk about other subjects including the notion of a dependant entrepreneur, independent workers, new wage systems, other concepts similar to these, but not once you condemn the anti-scab legislation.

Therefore, what I find strange is that the Conseil du patronat, which represents so many businesses and employers, has not defended society from the total paralysis that has griped the Quebec economy. In one of your submissions, you even wrote that "Notes for a meeting with Quebec caucus members from each party in Ottawa, November 2001", something not to be taken lightly. But you do not talk about the anti-scab law. I was surprised: you have written 80

papers in six years, in which you devoted only two lines to the anti-scab legislation.

That said, I also looked over your other conclusions, including the following:

To prohibit employers from hiring replacement workers is to trade a well functioning federal Labour Code that nobody complains about [...]

It is wrong to say that nobody complains. Ms. Allard, who is present today, is complaining; Mr. Moreau, is certainly going to give a testimony later about Radio Nord, he is going to complain bitterly about it. Do you think that the employees of Vidéootron are happy with the provisions of the Canadian Labour Code? Never. I am not talking about Sécur or Cargill. A lot of people are complaining. Therefore, Mr. Kelly-Gagnon, your statement is unfortunately, wrong.

Next, you say:

To prohibit employers from hiring replacement workers is to set a dangerous precedent that will encourage the other provinces in Canada to follow the same model [...]

Why will that encourage other provinces to do as much? If your first conclusion is true, then the nerve centres of the Canadian economy are going to be completely paralyzed.

• (1255)

[English]

The Chair: Madame Lavallée, could you slow down just a bit, so the translator can keep up?

[Translation]

Mrs. Carole Lavallée: I am sorry, I get carried away with this subject. I know, there is so much I want to say.

So why would any province want to pass legislation that would completely paralyze the nerve centres of its economy?

Since we are talking about nerve centres, you were actually saying earlier that it was really frightening, that the banks would be paralyzed. But, Mr. Kelly-Gagnon, less than 1% of banks are unionized, so that could hardly paralyze them. Apparently 0.25% of them are actually unionized. The replacement worker legislation obviously applies only to unionized workers. For banks, that is serious, but not for florists! But in Quebec, for 30 years, what groups sought better conditions? Florists, yes, but also doctors, specialists. They are not insignificant. So, 0.25% of banks and 100% of specialists, Mr. Kelly-Gagnon, are subject to strike legislation. I think people's health is far more important on our value scale than the economic health of 0.25% of banks.

Finally, since you said earlier that nobody was complaining about the absence of replacement worker legislation, I would like to give Mr. Yvon Moreau, representing the Radio Nord union, the chance to explain his experience in Abitibi, which lasted 22 months, in fact.

Mr. Yvon Moreau (President, Abitibi-Témiscamingue Communications, Centrale des syndicats nationaux): Absolutely. Over 22 months, almost 800 days, 800 sunrises and sunsets for 60 people, their spouses and their children. Obviously, I am not a politician. In every day life, I am a journalist in Abitibi-Témiscamingue, a region which, as you know, is still going through a major economic crisis.

I was listening to Mr. Kelly-Gagnon from the Conseil du patronat and I listen to the people from the Bloc Québécois and the Liberal Party. What I have been hearing since I got here this morning makes me think of a labour management dispute. Although I am the president of the union where I work, I do not want to refer to Bill C-257 as a bill that could be the object of a future labour management dispute. I want to refer to Bill C-257 as a way of harmonizing labour management relations, because for 800 days, my colleagues and I were on strike, and for 800 days, my managers had economic difficulties because of that labour dispute. Today, I have to tell you that federal replacement worker legislation would shorten labour disputes in Canada and at federally regulated companies. Let replacement workers replace people who want to settle a labour management dispute... The word "replacement" says it all. I lived through this situation for 800 days. Replacement workers are not skilled workers who have learned a trade day after day. Whether it is pilots, letter carriers, journalists or cameramen, replacement workers are people who show up without preparation to do a job that is usually done by people who know what they are doing.

So when you say replacement worker legislation will be harmful to the economy, let it be known that the disasters you anticipate, should conservatives, liberals, bloc and NDP vote in favour of this bill, won't come to pass, but the legislation will avoid the kind of tragedy we experienced in Abitibi-Témiscamingue. Radio Nord Communications—and my managers are not here, but they admit this at our weekly labour relations meetings—lost, over the course of this dispute, \$0.5 million. Had there been no replacement workers, we would have negotiated faster, settled faster and Radio Nord Communications would not have lost \$0.5 million. And above all, two years after the dispute, my co-workers would not be asked to reduce their payroll by the equivalent of 300 hours per week to recover that \$0.5 million.

So, the disaster the people from the Conseil du patronat and others anticipate, I have been through it, my 60 co-workers have been through it. So make sure it ends, because preventing management and labour from negotiating is silencing democracy. In my view, Canada, like all provinces of Canada, is a place where democracy rules. Let's make sure it continues to rule.

• (1300)

[English]

The Chair: Thank you, Mr. Moreau.

We're over time now. We're going to move to our next questioner.

Mr. Martin, seven minutes, please.

Mr. Tony Martin (Sault Ste. Marie, NDP): Thank you very much.

Thanks for being here today. This is important business that we do, as you've all pointed out. For me, yes, it's trying to create some harmony. It's also about creating stability in an industry and about creating stability in a community.

I was part of the Ontario legislature in the 1990s when anti-replacement worker legislation was brought in, and it did in fact, for the short period of time that it existed, create a level of stability. I know in my own community...I come from sort of a blue-collar steel city, and when I first got elected in 1990, there was a very difficult

strike on there. We haven't had another strike since, actually. But that was very difficult for the whole community, the people on the picket line plus the people going in, because we all had to then live together. We had to go curling. We had to go to the hockey game. We had to maintain our lives.

We in northern Ontario had a very difficult strike in Red Lake. I don't know how many of you remember that. It went on for years in Red Lake. What it did to that community was unbelievable. It just destroyed relationships and removed from that community significant economic opportunity, because a lot of the workers who were brought in to replace were from out of town. They weren't living in that community and investing and spending their money. Finally, everybody caved in, in the end, and nobody won, in my view.

I remember in Ontario, when we then got rid of the anti-replacement legislation under Mike Harris, a group of women called me from Kirkland Lake. They worked for the community living association. They looked after some of our more at-risk and marginalized and vulnerable citizens. There was a work stoppage. There was no legislation to stop replacement workers, so the association brought in a strike-breaking firm from Windsor. The first thing they did was collect everybody, all these very vulnerable individuals, and took them to a camp on a lake—that's how they managed this—and then created all kinds of havoc for the workers in that community.

I know that's not always the case. We all have anecdotal evidence of both sides of this, but I think the question for me is still that it's creating stability, and yes, harmony in a community, which I think is what we all want, as Canadians, for each other.

You may know better than I, on the Quebec and the Ontario situation—and I have another question for Mr. Facette and Mr. Kelly-Gagnon as well—but are there any statistics or is there any information that you might share with us today from the labour side that would indicate that in fact having anti-replacement workers does create that stability, for the workplace and the workers and for the community, but also for investment?

• (1305)

[Translation]

Mr. René Roy: In Quebec, the anti-scab legislation has been around since 1977. The statistics go back further than that and are mainly on violence on the picket lines .

Mr. Martin, surely you know the biggest and most difficult strike was the United Aircraft workers strike. It lasted 20 months, and the issue was union recognition. The company used replacement workers, with all its counterproductive consequences: Jailings, injured or fired workers, and so on. The strike was so difficult that the company had to change its name. It now called Pratt & Whitney and is located in Longueuil.

In Quebec, the anti-replacement worker legislation has, for all intents and purposes, restored a balance and eliminated violence during labour disputes. The Conseil du patronat actually acknowledged that, at a meeting in 1983. I agree with statistics that show a decrease in labour disputes, in Quebec and in other provinces. There used to be more disputes in Quebec, as Ms. Carbonneau pointed out. There has been less of a decrease in other provinces.

I am going to turn it over to her, because she appears to have some statistics for you.

Mrs. Claudette Carbonneau: I took a tally of the major disputes in Quebec over the past five years. Five per cent of CSN members are federally regulated. Of the 10 longest disputes, two were under federal jurisdiction. That figure alone indicates an imbalance.

I fully agree with what M. Roy said about violence in disputes. Some disputes were well known for that: Robbin Hood, United Aircraft, Firestone.

If asked, the police forces of the big cities could confirm that it is extremely rare these days for the riots squad to be called out to the picket line, although it was common place before the anti-replacement worker legislation was enacted. In terms of quality, the legislation has turned things around.

Disputes are quite painful at the time, but they also unfortunately leave major scars. It takes a very long time to restore some semblance of proper labour relations. A difficult and agonizing dispute brings out the strongest emotions in people.

It is felt that using strike breakers steals jobs and destroys any bargaining power or attempt to force management to focus on the legitimacy of any given demand and on the search for practical solutions.

Mr. René Roy: I would like to provide some statistics on the length of disputes. In 1976, the average length of disputes in Quebec was 40 days; in 2001, with anti-replacement worker legislation, it was 27 days.

[English]

Mr. Tony Martin: To Mr. Kelly-Gagnon and Mr. Facette, you've looked at the legislation. Are there any things we could do to make this more acceptable to you and to your industry? I understand your responsibility and your concerns, but are there things we could do with this bill—short of pulling it off the table—to make it more acceptable and supportable?

• (1310)

Mr. Jim Facette: The first thing you can do *is* take it off the table.

Mr. Tony Martin: We're not going to do that.

Mr. Jim Facette: But to be very honest, that is our first answer.

That said, in our reading of this there is an inherent conflict, in some of the language as written, between the English and the French. That needs to be carefully reviewed.

For example, if you look at proposed subsection 94(2.4), there is in our opinion a distinct difference between what the English version says and what the French version says. That would need to be resolved.

Other issues came up in our clause-by-clause review of this. If in the future this committee wanted to sit down with us, we'd be happy to look at it in some great deal of detail.

But our preference, Mr. Chair, is that this legislation is taken off the table.

The Chair: Mr. Kelly-Gagnon, a quick response?

Mr. Michel Kelly-Gagnon: No.

The Chair: Thank you.

We're going to move to our next questioner.

Mr. Lake, you have seven minutes.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): Thank you, Mr. Chair.

I'd like to thank you all for taking the time to come here today. I want to ask fairly quick questions and have you respond. I want to hear what all of you have to say.

Starting with you, Mr. Facette, I want to know what effect this legislation would have on airports serving particularly remotely located communities and the people of those communities who rely on the functioning of those airports.

Mr. Jim Facette: If a major airport were to have labour problems and had to shut down as a result, or had severe delays, it could essentially mean that smaller airport communities would not have access to other communities. They would not be permitted to take off.

I explained earlier that we have some regulations that we must abide by. If safety and security are in any way compromised, we have to take appropriate measures or else our members will lose their operating certificates. If we have severe backups, or if a major airport like Vancouver or Toronto is forced to shut down as a result of this piece of legislation, then those smaller communities will not have access to the big communities for such things as medevac, which is extremely important to smaller communities.

Mr. Mike Lake: Thank you.

Further to that, in light of what you were saying before, let's say we were to enact this legislation, there was a shutdown of the airport system across the country for whatever reason, and then we had a national emergency of some sort. Let's say this happened in the middle of the summer.

I guess the argument could be made that we could bring back some back-to-work legislation and force the workers back, but would we MPs, coming from Alberta and B.C. especially, even get back here in sufficient time to do so?

[Translation]

Mr. Jim Facette: Mr. Chairman, like they say, you are pushing it.
[English]

You would be on a journey of anywhere from two to three to four days, depending on where you're from.

While we jokingly respond to something like that, it's a very serious question, Mr. Chairman. All of you would have a very difficult time getting back to Ottawa to pass that legislation.

The Chair: A quick response from Ms. Carbonneau. She had her hand up.

[*Translation*]

Mrs. Claudette Carbonneau: I would just like to point out that in Quebec, public transit is governed by the Quebec Labour Code. When it comes to protecting public health and safety, we know all about that. Along the same lines, I would remind everyone that section 87.4 of the Canada Labour Code already makes full provision for that. In that sense, we are not venturing into an area where we have no experience whatever.

[*English*]

Mr. Mike Lake: Mr. Chair, I want to—

The Chair: [*Inaudible—Editor*]

Mr. Mike Lake: Okay, but my question was to Mr. Facette, because he's with the airports.

The Chair: Mr. Giroux.

Mr. André Giroux (Lawyer, Conseil du patronat du Québec): I have to disagree with something Ms. Carbonneau just said, because essential service as it's known in Quebec is not exactly the same thing as what operates in Canada. In Canada, you need to have imminent danger for the safety and health of the public, and this would include various things, but it would not include public transportation as you have in Quebec, where it's called an essential service regardless of whether or not it touches health and safety. Those are two different things, and I don't want them mixed up.

• (1315)

Mr. Mike Lake: Okay, thanks.

My next question is for Mr. Kelly-Gagnon. Regarding the tone of the conversation, it seems so far as if the overwhelming rationale given by union leaders who have been before us on this legislation... virtually every one has appeared to be violence-related, that these work stoppages and the use of replacement workers lead to violence. Upon further questioning, usually they will say half-heartedly that the violence isn't justified.

I want to ask you a question, and I totally reject the notion that violence should come into the equation. It's not justified one way or another. Is it true there's been less violence in Quebec due to this law?

Mr. Michel Kelly-Gagnon: It's a subtle answer. I would first like my colleague, Mr. Giroux, to give part of the answer, and then I will come back for a complement, if you don't mind.

Mr. André Giroux: My first answer to you would be, yes, there is less violence today in Quebec than in the seventies, but that situation is not different across the country. It may have served its point then, but there is still violence today on picket lines in Quebec. I'm not saying I'm the same type of attorney as Mr. McDermott is—I don't have his experience—but I'm a practitioner. I practise labour law, I represent employers, and I do have to appear before Superior Court when there are conflicts because there is violence on picket lines. So disregard the fact that there is anti-scab legislation in Quebec. It has not removed all violence on the picket lines.

[*Translation*]

Take, for example, office workers who have nothing to do with the dispute and who report for work because they are not on strike, and who are exposed to vandalism and threats because they cross the picket lines to get to work. They are not replacement workers, they are people who keep working for the employer in another area. There are situations where you are forced to go to court for an injunction to stop people from committing acts of violence on the picket line.

In my opinion, there is no place for violence in labour relations. The enactment of anti-replacement worker legislation had an impact in the 1970's, when violence incidences were much more frequent. I could also talk about the 1980s, before I became a lawyer. I was a Montreal police officer back then, and I experienced some violent situations on picket lines. But I do not think anti-scab legislation is a miracle cure. It is not a panacea.

[*English*]

Mr. Mike Lake: I want to give Mr. Lotito a chance—because we haven't heard from him yet—to talk about this legislation's effect him. We'll get a second round of questions.

Could you tell us how this legislation would affect your organization?

Mr. Vito Lotito (Vice-President, Human Resources, Canadian Airports Council): I would like to start with the aviation industry and the airports.

The number one operational assumption of any airport in Canada and in the world is always the worst-case scenario. We process in Toronto—the travelling public—80,000 passengers per day, 31 million per year. I'm not a lawyer, but I've been in this business for 30 years, labour relations, and the only thing I can provide you with is empirical evidence from the operator side. We have nine contracts with CAW; two with PSAC, the Public Service Alliance of Canada; and one with our firefighters. In the last ten and a half years, we have been through negotiations three times.

The first was very difficult, because when Pearson was transferred from Transport Canada, we inherited 27 collective agreements and nine unions. We were able to essentially blend all these agreements and unions into two units. So you can imagine going through negotiations...25 or 26 of them with different needs. Unfortunately for the two parties, we ended up with a strike—38 days. This was in 1998, before essential services. Anyway, we survived. The two parties were able to see the light. We found wisdom, helped by the deputy minister.

In the second round of negotiations we almost had a strike. We were able to negotiate a three-year contract. In those days, we had SARS in Toronto, so it was very tough.

The third set of negotiations was this past summer, and we, the employer and the union, can claim victory. We have a four-year contract. It's a beautiful contract.

What I'm trying to say is that the balance is there. In this kind of business, the labour relations field, you don't develop relationships overnight. It takes a long time. There is always tomorrow in this business.

• (1320)

The Chair: Thank you, Mr. Lotito.

We're going to move now to the second round.

Mr. D'Amours, five minutes, please.

[Translation]

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Chairman, the first thing I'd like to say is that, in my opinion, all sides are well entrenched in their positions. Management and employers want the status quo. Unions and workers want the bill to be adopted as is. Our discussions clearly point to the fact that essential services are a key issue.

Having said this, Mr. Facette, could you please explain to me once again your stance on airport emergency services? What did you say exactly during your presentation?

[English]

Mr. Jim Facette: Section 87.4 of the Canada Labour Code specifically states that we must maintain safety and security at our airports. What we have at the various airports is an activity agreement that allows airports to continue. The problem is that it's not good enough. This piece of legislation will go against our ability to maintain safe and secure operations. It goes further than it's intended to.

I'll let Mr. Lotito address it a bit further from a practitioner's point of view.

[Translation]

Mr. Jean-Claude D'Amours: But I simply want...

[English]

Mr. Jim Facette: Mr. Chairman, it's part of my answer. I would like Mr. Lotito to continue the answer.

[Translation]

Mr. Jean-Claude D'Amours: I'll come back to it, Mr. Facette.

There's something I'd like to know. You made a comment earlier. Can you tell me where your office is located?

[English]

Mr. Jim Facette: Here in Ottawa.

[Translation]

Mr. Jean-Claude D'Amours: As a member for New Brunswick, do you know how many kilometres I have driven over more than two years in order to serve the constituents in my riding because there isn't an airport near where I live? I haven't had to hitchhike. I have had to drive over 2,000 kilometres every week.

I'd like to come back to a comment you made earlier. You undoubtedly referred to section 87.4 having heard a comment I made at the last meeting. What did you say at the beginning of your presentation? Did you say that Canadians wouldn't get services?

Earlier, you referred to Medevac. Did you say that Medevac won't be able to assist the sick in getting around?

Is that what you said?

[English]

Mr. Jim Facette: We have a situation at airports, with civil aviation regulations, that we must adhere to. If an airport operator is of the opinion that they cannot safely and securely operate that airport, they have no choice but to shut down that airport—or have the regulator remove their operating certificate for them.

If that becomes the case and the airport is shut down, then planes of all types would be unable to land at the airport.

That is the worst-case scenario that Mr. Lotito addressed.

[Translation]

Mr. Jean-Claude D'Amours: I'd like to go a bit further. I'm aware of the current certification at a number of airports. I was previously the chair of the board of directors of a New Brunswick municipal airport. I know that certification is different depending on the size of the airport and the services provided. If a small airport located in a region like mine, where there is no daily air transport available, is able, with just a few employees, to provide a safe service in assisting the landing of an ambulance aircraft, how is it that you aren't able to make sure that you have a few employees to meet your operating certificate's requirements and provide a similar service?

• (1325)

[English]

Mr. Jim Facette: We would say that it's a matter of degree.

On that point, I'll let Mr. Lotito take over. He can talk about some of the operational issues we have to face every day.

Mr. Vito Lotito: I'm a bit confused. Are you saying that the smaller airports are not...? Under the federal legislation, I think the same rules will apply to them.

[Translation]

Mr. Jean-Claude D'Amours: No, that's not what I said. I said that I understand each airport will have a different operating certificate in accordance with the services it provides. But this is what I want to know: in the past, when a regional airport got a federal certificate it was able, with just a few employees, to provide an aircraft ambulance service. They managed to do this with just a few employees and a short runway. Why can't airports like the ones you represent make sure there are enough employees to provide the necessary emergency services?

A bit later, if I have any time left, I'll come back to Mr. Giroux's interpretation of section 87.4. I'd be interested in hearing what ever reading you've made of it. But I've interpreted it differently because the word "prevent" is used. You don't need to wait for an emergency to take steps. You can also take preventative action, in other words, take the necessary steps to prevent such an emergency from occurring. Prevention means taking action ahead of time, and not waiting for an emergency to occur. Now, in the case of an airport, you'll be able to ensure that planes, and in some cases helicopters, will be able to land to provide emergency health care. So I don't understand why some airports in Canada manage, and others don't.

[English]

The Chair: I'll let Mr. Facette answer the question, but that's all the time you have, Mr. D'Amours.

Go ahead, sir.

Mr. Jim Facette: The civil aviation regulations are very complex. They also apply to airports differently. Based on their passenger volumes, they're categorized very differently. The requirements of a very small regional airport are very much different from a Toronto one.

It would take some time to go through it.

The Chair: We're going to move to the next questioner.

Mr. Lessard, five minutes, please.

[Translation]

Mr. Yves Lessard (Chambly—Borduas, BQ): Thank you, Mr. Chairman.

Mr. Kelly-Gagnon, I read your press release this morning in which you made a public statement about Bill C-257. You said that it was about as effective as grandmother's chicken noodle soup. You're right. When I saw that, I was pleased. I said to myself, he's going to come and lend his support to the bill. In Quebec, grandma's chicken noodle soup is very effective. Grandmothers have healed a lot of children and grandchildren. They've also settled a lot of disputes. If it hadn't been for my grandmother, I probably wouldn't be able to walk today, seriously...

[English]

Mr. Michel Kelly-Gagnon: Oh, in English we said "folk" medicine. Maybe it was....

[Translation]

Mrs. Carole Lavallée: There's a translation problem.

Mr. Yves Lessard: I quickly realized that I was rejoicing too soon because, in fact, you are opposed to the bill. I gathered you would come here today and explain why you are against it.

I'm sure the Conseil du patronat has members who carry out research and development. In a lab, however, projects are directed on the basis of experience. In Quebec, I would have thought that 30 years of anti-scab legislation makes for a darn good laboratory.

The unions have described real labour conflicts to us this morning where, without anti-scab legislation, replacement workers were used, I would have hoped that you would have given examples to back up your remarks. I'm still waiting.

I'd like you to answer my question without being overly theoretical, even though you do a good job at this. What concrete experiences have your affiliates had in Quebec which would suggest that anti-strike breaker legislation had an impact on the economy and on employment, and led to the dramatic incidents which occurred before the adoption of anti-scab legislation?

• (1330)

Mr. Michel Kelly-Gagnon: Mr. Chair, rather than going by anecdotal evidence, we think it is more relevant to base our analysis on statistics from Human Resources and Skills Development Canada, which are included in the brief we tabled.

The honourable member says that he would have liked to have heard anecdotal evidence, and I will share some of this with him, but before this, I'd like to talk about the approach we have adopted. I'm sure both sides can come up with anecdotes to back up their arguments, but I think it is more relevant when you provide statistics over a 25-year period and compare jurisdictions.

Mr. Yves Lessard: With all due respect, I don't want to hear anecdotal evidence. These aren't stories that people have told us, they are real life dramas. I don't want anecdotal evidence, I want real and verifiable examples of situations faced by workers. But I don't want to get caught up on that, I want to know what has guided you in your analysis.

Mr. Michel Kelly-Gagnon: We won't debate the words "anecdotal evidence". So let's talk about a concrete example, for argument sake. Let's talk about Telus, for argument sake.

I'd like to finish my answer, if I may. Thank you.

Mr. Chair, several lengthy rounds of bargaining took place at Telus—I won't go into that now—but when the final offers were made by the company, the union leadership told me they had decided not to present the offer to the unionized workers.

Because of the current legislation, unionized employees were able to avail themselves of their democratic right to dissent. This was especially the case in Quebec and Ontario where virtually every employee went to work despite the union leadership's instructions to not do so. This is a point which hasn't been raised until now.

Replacement workers were not called in. The existing workers wanted to keep coming to work. However, should the current bill pass, and should a similar situation re-occur, these workers would not be entitled to dissent and, as a result, would not have the right to go to work.

Mr. Yves Lessard: Mr. Chair, I'd like to let Ms. Carbonneau have a chance to speak.

It is important to remember that witnesses live in Quebec and represent Quebec businesses. They have testified as to their experience in Quebec and they are not able to give us a single example of anti-scab legislation leading to the kind of disaster being predicted. That is what we are trying to say.

I don't want to be too hard on Mr. Kelly-Gagnon, but we're giving him an opportunity to answer our question, and he has chosen not to do so.

Ms. Carbonneau.

[English]

The Chair: That's all the time you have, Mr. Lessard.

I'll let Ms. Carbonneau finish her response.

[Translation]

Mrs. Claudette Carbonneau: This has already been said, Mr. Chair. But I wanted to stress that Telus is a federally regulated company.

Mr. Michel Kelly-Gagnon: In Quebec, there have also been cases where call centres haven't worked out and have had to close up shop.

[English]

The Chair: Mr. Martin, five minutes, please.

Mr. Tony Martin: Thank you very much.

I'm trying to understand the nature of the fear being presented here this morning. I hear Mr. Lotito say he's found a way to work with his workers and to find agreements and move forward. It's my experience with both management and workers that people are reasonable. They try to find ways to sort things out, particularly if there's a possibility of danger. As a matter of fact, a lot of the health and safety initiatives in this country have been driven oftentimes by labour management groups that focus on that, with participation by workers.

At my own airport, for example, I had a call just recently, not from the management but the workers there. There was only one firefighter on the property at the Sault Ste. Marie airport, and soon to be none. They are going to have to depend on a fire service that's twenty minutes away. This isn't a decision that was made by the workers; this is a decision that was made by management in order to deal with a budget. In my view, that's totally unacceptable.

To René or Monique or Yvon, is it your experience that workers would be irresponsible, in circumstances where we have anti-replacement workers, in light of some of these emergency requirements or where people's lives might be at stake? Or is it your experience, in negotiating with employers, that in fact those are the very things that sometimes come to the table and are dealt with before you deal with anything else?

Maybe you would talk about that. There's this sense that workers are going to be irresponsible.

• (1335)

[Translation]

Mr. René Roy: Absolutely not. That is not what experience has shown. It is not the right to strike that is being challenged, but rather the right to hire replacement workers. I can give you some examples, such as what happened with the Quebec Government. When it called for central services to be defined, it asked for 110% of the staff to be involved to meet essential services and therefore required to work. It simply showed that there were too few workers in the health sector.

Take the example of the health system, where people are very vulnerable. It was easy to find workers to meet essential needs in Quebec hospitals without creating any kind of a disaster.

[English]

Mr. Jim Facette: Just for the record, Mr. Chair, to make sure we have it straight, I spoke about civil aviation regulations. The decisions and the regulations of firefighting standards are set by Transport Canada. There is a new set of firefighting standards that Sault Ste. Marie airport will be adhering to that will require them to have the new set of firefighting and rescue operations that they've decided on.

So it is not just the airport that makes those decisions, Mr. Chair, for the record.

Mr. Tony Martin: Thank you. We'll certainly be following up on that.

In your experience, Mr. Lotito, are your employees responsible citizens of this country? For example, when that plane went off the runway, did your workers come to the table and ask how they could help?

Mr. Vito Lotito: Absolutely. The Air France incident was at 3 p.m. or 4 p.m., at a change in shift, and we had 135 additional workers helping out.

Mr. Tony Martin: Are you as anxious as the others are here, in light of this legislation that would not allow for replacement workers, that in fact in those circumstances your workers would be irresponsible?

Mr. Vito Lotito: They are responsible people, but we are against this piece of legislation. We believe the equilibrium will be totally taken away.

The Chair: Ms. Carbonneau.

[Translation]

Mrs. Claudette Carbonneau: I cannot believe that people who work to help people in the health system become monsters when there is a labour dispute. Our experience shows that the reverse is true.

I would like to remind you that the concept of essential services in the health sector was initially a demand by workers, which developed during the first provincial strikes. They tried to impose it and in some cases they took steps to have the lock-out right of health care employers eliminated.

[English]

The Chair: Mr. Martin, that's all the time we have, and Mr. Moreau wanted to say a quick word.

[Translation]

Mr. Yvon Moreau: Mr. Martin, as I said a little earlier when I spoke in response to Ms. Lavallée, we would have hoped, as employees at Radio Nord Communications, for there to be no replacement workers from 2002 to 2004, when we were in a labour dispute. That way, we could have continued to dialogue and work to resolve the dispute.

I would like to highlight the fact that our labour dispute at Radio Nord Communications was not about wages. We were not asking for better pay; we were not trying to stuff our wallets. The dispute initially came about because, as people working in the communications trades in Abitibi-Témiscamingue, we wanted people in our region to have better radio and television services. That was the source of our labour dispute.

Mr. Martin, I would say to you that if bill C-257 is passed then if the workers at Radio Nord Communications have to face the same situation some day, they will be able to talk with their bosses and everyone on both the union and management side will have to work out their conflicts and their differences as all reasonable people do in normal situations.

The current situation is like telling a man who is having marital problems that he can take a mistress thereby avoiding to solve his problem.

•(1340)

[English]

The Chair: Thank you, Mr. Moreau.

I know Madame Allard just wanted a quick comment.

[Translation]

Ms. Monique Allard: I would like to respond to Mr. Martin and talk about the sense of responsibility that workers feel in the case of emergency services.

I would remind you that when the last strike took place, in 1991, despite the fact that the employer was using scabs—I use that word because I think that it is more suitable—it was not able to provide the public with good service, particularly when it came to delivering old age pension cheques and welfare cheques. We asked Canada Post to deliver the cheques to these people but the corporation refused. Since it was not able to provide the service, Canada Post finally agreed and it was the letter carriers and clerks who finally went in to work during the strike to sort the mail and help those who were expecting cheques.

That is what I wanted to tell you with respect to the sense of responsibility that workers feel.

[English]

The Chair: Thank you, Madame Allard.

The last questioner is Ms. Yelich.

You have the floor, Ms. Yelich.

Mrs. Lynne Yelich (Blackstrap, CPC): I just want to make a comment and then I'll defer to Mr. Lake.

On that point, it's true, I think labour is really very concerned.

I wanted to just give you the scenario that happened in Saskatchewan, when their employer was the Saskatchewan government and the nurses got locked out. They really cared very much about those patients, and those patients got flown out of province and flown out of the country to be served. So you have to wonder whose interests were best served at that time, because the nurses wanted to and they were locked out. It did get ugly, and there was no replacement legislation in place.

Mr. Mike Lake: I want to start by making a comment on something Mr. Martin said. He talked about people being reasonable. I just want to point out that generally people on both sides of the issue are reasonable. I think that's fair to say, but we still need rules. And quoting from the Sims report, it said:

A labour code must be careful to maintain the natural balance of power. Any legislative scheme which tips that balance leads to uncertainty, instability and discontent.

I just want to remind everybody of that.

One of the things that I hear over and over again is this concept of fearmongering. I think we need to differentiate between fear and a legitimate concern for Canadians. I think what I'm hearing articulated, both in this meeting and previous ones, is a legitimate concern. And let's make sure we're not getting overly political in our comments on it. There is a legitimate concern for Canadians and for the economy here.

This question is for Mr. Kelly-Gagnon. I listened to Mr. Lessard and Ms. Lavallée, at different points, in different meetings, and it seems that they don't understand the differences between federal and provincial jurisdiction. Could you explain the differences in industries regulated by the two jurisdictions and why shutting down federal industries would shut down, or could shut down, Main Street, Canada?

Mr. Michel Kelly-Gagnon: Thank you.

Provincially regulated companies and our members are in the business of the production of private goods. If their manufacturer or company is shut down, there can be the consequence of having the business shut down, but it's not more than that.

By the way, I was asked by the gentleman from the Bloc to give additional examples. Mr. Chairman, they are

•(1345)

[Translation]

Direct Film; Biscuits David Ltd.; Magasins Continental Ltd., Victoriaville store; Zellers Ltd., Chicoutimi store.

[English]

These are court cases. I cannot discuss the private cases of private members, but I'm allowed to mention these court cases.

Your point is a good one, in the sense that if there's a provincially regulated company that gets shut down because of a strike, it's "only" their clients or suppliers, and the people related to their business, who will suffer the economic consequences. I'm saying "only". It's still a grave consequence, but it's a consequence that I think cannot be compared to the consequence of having CN or Air Canada in a strike, with no rights for additional options.

Also, it cannot be compared to a situation where a cable company is on strike and people from a region would be without access to their cable. They would incur millions of dollars in lost or delayed transactions, if nobody could repair the cables that were damaged.

These are very different situations from a private company producing a private product. I hope this subtlety will be understood by as many members of the committee as possible.

Mr. Mike Lake: I have a question for Mr. Facette. Yesterday I found that one of our witnesses, Mr. Forder from CAW, was very honest with us. I think he got to the real reason why there's support for this legislation on their side. He said:

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.

Basically if we can shut everything down, we'll win faster.

Can you comment on that, and how it might affect your industry and your ability to negotiate?

Mr. Jim Facette: If they have the ability to shut us down, it's going to be very difficult to negotiate in a reasonable, respectful way, which Mr. Lotito alluded to earlier. It makes things rather difficult.

Mr. Lotito is at the table, so I'll let him go further from there.

Mr. Vito Lotito: Negotiating a contract is not a science. It's more of an art, and it's based on relationship. My comment is that I don't believe so.

The Chair: Mr. Roy, do you have a comment?

[*Translation*]

Mr. René Roy: We have participated in a lot of negotiations in the airport sector, and up to this point, none of the airports has close down. As I have said, there was a strike at the Quebec city airport that lasted several months, and the airport operated just fine. The employer did not use replacement workers.

I also wanted to mention to Mr. Kelly-Gagnon that there have been some very long strikes in the telecommunications sector. The Bell Canada strike in 1988, for example, lasted 16 weeks. The company operated for 16 weeks without replacement workers.

I believe that companies can operate and, thanks to essential services, airports can operate easily; everyone can rest easy on that.

[*English*]

Mr. Jim Facette: If the committee would really like to understand how things went at the Quebec airport during that time, and how it may have been a little more difficult than may have been represented here today, I would encourage this committee to continue hearing witnesses and call the Quebec airport authority to talk to them directly.

The Chair: With that, thank you to the witnesses.

The meeting is adjourned.

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