



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

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

---

HUMA • NUMBER 012 • 2nd SESSION • 41st PARLIAMENT

---

**EVIDENCE**

**Thursday, February 13, 2014**

—  
**Chair**

**Mr. Phil McColeman**



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

Thursday, February 13, 2014

•(0845)

[English]

**The Chair (Mr. Phil McColeman (Brant, CPC)):** Good morning, everyone, and welcome.

This is meeting number 12 of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. Today is Thursday, February 13, 2014 and we're continuing our consideration of private member's bill C-525.

For our first hour today, we are once again joined by a robust panel of witnesses. From the Canada Industrial Relations Board we are joined by chairperson Ms. Elizabeth MacPherson and Ms. Ginette Brazeau, who is the executive director and general counsel.

We are also joined by Mr. Dick Heinen, executive director at the Christian Labour Association of Canada.

Joining us by video conference from Toronto is Mr. Satinder Chera, vice-president of communications for the Canadian Federation of Independent Business.

Also joining us by video conference from Paris, France, and appearing as an individual is Mr. Marcel Boyer, emeritus professor of Economics at the Université de Montréal and fellow at the Centre for Interuniversity Research and Analysis on Organizations.

I now turn the floor over to our witnesses for their opening presentations.

I ask that you please keep your remarks to seven minutes. I believe you've been advised of that by the clerk. We do have limited time. We will have limited for questions after that. We are still awaiting, I believe, the agenda for the day. I don't know whether you've received it, but we will proceed as per the introductions, beginning with Ms. Elizabeth MacPherson speaking on behalf of the Canada Industrial Relations Board.

**Ms. Elizabeth MacPherson (Chairperson, Canada Industrial Relations Board):** Thank you, Mr. Chairman. We thank the committee for the opportunity to make a presentation to you this morning in your study of Bill C-525.

I intend this morning to speak a little bit about the board's responsibilities and then to cut right to the specifics regarding the conduct of representation votes.

I'll be making reference to the paper entitled Certification / Revocation Votes under the Canada Labour Code, which I believe was distributed to the members earlier.

The board is responsible for the interpretation and application of part I of the Canada Labour Code, which regulates labour-management relations in the federal private sector. This jurisdiction includes the key infrastructure industries that are critical to Canada's economy, for example railways, airlines, interprovincial trucking, shipping, longshoring, banking, broadcasting, telecommunications, grain handling, and uranium mining. To provide service to this widespread community the board has regional offices across Canada staffed by industrial relations officers and case management officers.

As you may know, labour relations in the federally regulated private sector are mature and relatively stable. The unionization rate is approximately 40%, much higher than the national average of 17%. However, the rate does vary by industry. It's very high in the railways and airlines, but significantly lower in the banking sector.

In an average year the board receives between 70 and 100 applications for certification of newly organized bargaining units. In addition to this number the board also deals with applications from unions that have been voluntarily recognized by the employer but that wish to have confirmation of this status from the board. We also have applications from unions seeking to displace another union as the bargaining agent for an existing unit and applications from individuals seeking to revoke their bargaining agent's accreditation.

In the paper, figure 1 on page 2 provides an indication of the number of each type of application the board has received in each of the past four and three-quarter years.

When the board receives any of these types of applications, a notice is sent to the employer and is posted in the workplace to ensure everyone affected by the application is aware of it. The notice provides the affected employees with contact information for the board's industrial relations officer, or IRO.

An IRO is assigned to each of the files as it comes in. It is their responsibility to investigate the application, to gather submissions from the employer, the union, and any employees who wish to comment. The IRO also reviews and tests the membership evidence supplied by the applicant. This involves personally contacting a representative sample of the individuals who have signed a membership card in order to verify they did, indeed, sign the card, and they personally paid the mandatory sign-up fee of five dollars.

The IRO also investigates any allegations of impropriety that may have been raised. He or she then prepares a report summarizing the positions of the parties, which is sent to the parties for comment and correction if necessary. Through this process the IRO is often able to resolve differences regarding the scope of the proposed bargaining unit.

The IRO also prepares a confidential report to the board regarding the membership evidence. This report is not provided to the parties because section 35 of the Canada Industrial Relations Board Regulations requires that employees' wishes be kept confidential.

The file is then referred to headquarters for the assignment of a panel. The panel consists of a vice-chair of the board, an employer side representative, and an employee side representative. The panel reviews the application and the membership evidence provided, decides on the scope of the appropriate bargaining unit, and determines whether the applicant has majority support in that unit. Section 29 of the code provides the board with the authority to order a representation vote if it deems one is necessary.

Figure 3 on page 4 of the paper provides you with the summary of the number of representation votes the board has conducted over the period from April 1, 2009, until December 31, 2013.

If the board decides a representation vote should be conducted, the IRO is appointed to act as the returning officer. He or she meets with the applicant and the employer to make the necessary arrangements for the conduct of the vote. Any unresolved issues, for example whether a particular person is eligible to vote, or whether the vote should be conducted electronically, by mail ballot, or in person, are referred to the panel for decision.

On pages 4 and 5 of the paper we describe the three types of mechanisms we use for votes, the in-person, the mail ballot, and more recently the electronic voting via Internet and telephone.

● (0850)

We also outline the relative cost of each of these types of votes on pages 6 and 7.

I'll be happy to take any questions that members of the committee may have.

Thank you.

**The Chair:** Thank you very much for being under time. That allows us more questioning time.

Now we'll move on to Mr. Heinen.

**Mr. Dick Heinen (Executive Director, Christian Labour Association of Canada):** Thank you, Mr. Chair and honourable members of the committee, for the opportunity to speak to you today about this bill.

The Christian Labour Association of Canada, CLAC, is one of the largest independent unions in Canada and one of Canada's fastest-growing unions. Founded in 1952, we represent more than 60,000 people across the country. We have a very strong presence in oil and gas development projects in Alberta, natural resource development in British Columbia, as well as construction, mining, health care, and other industries throughout Canada. But particular to these proceedings, CLAC has a strong construction and mining presence

north of 60, which is the jurisdiction of the CIRB, and we are very much affected by the changes, as well as the transportation industry across the country, interprovincial.

Now fundamentally, CLAC believes in competition in the labour relations environment in Canada. We think that workers should have the right and be free to make their own choices when it comes to which union represents them or whether they want to be represented by a union at all. The Canadian economy benefits from a more competitive labour environment, and CLAC supports efforts to improve the Canadian economy and at the same time to strengthen the democratic rights of workers.

Fundamentally, competition offers a fairer deal for Canadian workers and helps to create a better workplace through freedom of choice. Now Bill C-525, on the surface, seems to support these objectives. Requiring a vote for both certification and decertification is, in many cases, a standard in provincial labour law, and moving federal law to a similar model makes sense. However, Bill C-525 makes significant errors that place it offside with labour standards across the country. Furthermore, because of the geographical reach of Bill C-525, there are some unique challenges in the application of the bill.

First, for a successful vote on either certification or decertification, Bill C-525 would require a majority of the entire bargaining unit. This standard of voting goes well beyond any other labour law in Canada and is beyond the requirements we see even in voting for federal and provincial general elections.

Requiring 50% plus one of the entire workforce is a standard that is unfair for a number of reasons. First, there may be many workers who simply prefer not to vote, and in some cases, be it sickness, injury, transportation, vacation, they are not able to vote. In such a case their decision or their situation not to cast a vote becomes a de facto vote against the union.

In effect, Bill C-525 would mandate that in a certification vote every worker would be counted as having voted no, unless they vote yes. Just let that sink in for a moment. If you choose not to vote or for some reason you're unable to vote, you're still counted as having voted. Now that's what the bill proposes to do. Can you imagine in your own ridings—

**A voice:** Oh, oh!

**Mr. Dick Heinen:** —if the number of voters who chose not to cast a ballot were automatically counted against you?

Second, no other labour law in Canada is based on this standard of voting. No other jurisdiction automatically counts non-voters as having voted against certification.

Bill C-525, as written, would disadvantage workers in workplaces under federal jurisdiction over workers anywhere else in the country. It seems to me the federal government shouldn't be trying to set double standards in the area of labour laws.

We propose that it be amended that all sections of the bill concerning voting for certification or decertification that state "the majority of employees in the bargaining unit" be replaced with "the majority of votes cast". This simple amendment to the bill would address the first issue that I've raised.

● (0855)

I would strongly encourage the committee to put forward such an amendment to this bill.

I also want to draw the committee's attention to one other aspect of the bill that I believe should be given consideration. That is how votes would be handled in remote workplaces and among workers in the federally regulated transportation sector who are often dispersed around the country.

Remote work sites, such as those often found in development projects in Yukon, the Northwest Territories, and Nunavut pose their own sets of issues when it comes to fair voting practices. In most cases, workers at these remote sites are rotated in and out to work at the work site. It means that, should a vote for certification or decertification take place, it is likely that only a portion of the workers would ever be available at any one time to participate in a secret ballot vote.

Similar problems would be experienced by workers in the transportation industry who are rarely, if ever, in the same location together. The problems to fair voting in this case are obvious.

I understand that Elizabeth just mentioned that there are other ways of voting. There are mail-in ballots and now there is electronic balloting as well.

**The Chair:** You have one more minute.

**Mr. Dick Heinen:** I'm almost finished.

I understand that these are options, but they have not been viable options for us in the north, and we have experienced all of them.

I encourage the committee to consider this as you deliberate this legislation. I suggest that the legislation should incorporate provisions to deal with remote locations and transportation workers.

I have a lot of personal experience with this and I would be happy to address it further in questions from the committee.

Thank you for allowing me to make a presentation and to speak on behalf of CLAC. I look forward to your questions.

**The Chair:** Thank you for your presentation, sir.

Now we move on to Mr. Satinder Chera from the Canadian Federation of Independent Business by video conference.

**Mr. Satinder Chera (Vice-President, Communications, Canadian Federation of Independent Business):** Thank you, Mr. Chair.

On behalf of the Canadian Federation of Independent Business and our 109,000 small and mid-sized members across the country, we thank the committee for allowing us to speak to Bill C-525 this morning.

Just by way of background, we at CFIB are a membership that is 100% voluntary. We represent all sectors in all regions of the country. We are strictly a non-partisan, not-for-profit organization. We are 100% funded by our membership. We accept no government dollars and, in terms of our policy agenda, we work through a democratic survey process that is one member equals one vote.

In terms of the issue at hand, I thought it would be helpful to provide some background material. On slide 3 there was a survey

that was recently conducted by Leger Marketing for the Canadian LabourWatch Association that asked Canadians about their preferences for being unionized. On slide 3 those results are for Canadians who have never been unionized and, as it makes it very clear, 71% have no interest at all in being unionized going forward.

On slide 4, of those who were formerly unionized, interestingly enough, 69% also prefer not to be unionized.

● (0900)

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** Mr. Chair, on a point of order, do we have those slides?

**The Chair:** We do. They were distributed electronically. We do not have the paper copies in front of you because we are trying to do our best to go paperless, but they are distributed electronically.

**Ms. Jinny Jogindera Sims:** Thank you.

**The Chair:** Continue on, Mr. Chera. I'll add that to your time, sir.

**Mr. Satinder Chera:** Thank you, sir.

I want to set this up because I think this issue really shouldn't be too controversial in that when you ask Canadians for their preferences when it comes to unions in general, it seems they have pretty strong opinions about not being part of a union, and more importantly, those who have been formerly unionized also don't think too highly of being unionized.

On slide 5, secret ballot votes are very much a cornerstone of our democracy. Our members, as well as working Canadians, very much support secret ballot votes. In fact, recently, CFIB submitted a letter to all MPs outlining our encouragement for a more democratic voting system in federally regulated workplaces.

On slide 6, we ask our members whether secret ballot votes should be mandatory prior to any union certification, and 76% were in favour of that outcome. Again, I would provide this background. Our members in provinces where there are card-based certifications in place often talk about the fear factor that is involved in union drives. So we think providing for a secret ballot vote would be one way to take out that fear factor so that workers, who should be the ones making the decision, can be free of intimidation, whether it's the union or the employer. They can do it with the comfort and the peace of mind that no one's going to know how they particularly voted.

On slide 7, there was also the question that was asked about in the Leger Marketing poll. Canadians were asked whether a secret ballot vote should be required when forming or removing a union from a workplace. We've broken it out here in terms of the result: those who are currently unionized and those who were formerly unionized. Again, there are fairly high levels of support for having a secret ballot system in place, so really it's non-controversial, I think, in that respect.

On slide 8, and concluding, Mr. Chair, we do very much believe that this committee should adopt Bill C-525. We think it's really non-controversial in the sense that the principle of a secret ballot vote is supported by taxpayers and by a vast majority of Canadians. Even those who are unionized or formerly unionized agree strongly that this should be put in place. I would simply make the observation that if secret ballot votes are good enough to elect our representatives in government, they should very much be good enough to elect a union.

Thank you very much for your time, and I'd be happy to take any questions you may have.

**The Chair:** Thank you for your presentation.

Now we're on to Mr. Boyer, as an individual, by teleconference.

Sir, proceed.

**Mr. Marcel Boyer (Emeritus Professor of Economics, Université de Montréal, Fellow, Centre for Interuniversity Research and Analysis on Organizations (CIRANO), As an Individual):** Thank you, Mr. Chairman and members of the committee.

I will be speaking mainly in English, although I could entertain questions in French. My notes are in French, so I may at times hesitate in finding the proper English words.

Let me start by saying that these are challenging times for unions, not only in Canada but across the world. Over the last 30 years, the unionization rate has dropped from something like 22% in the U.S. to less than 12%. In the United Kingdom it dropped from 51% to less than 30%. Similar drops have been observed in Germany, Australia, Austria, South Korea, France, Italy, Japan, New Zealand, the Netherlands, Portugal, and Switzerland. Only in Belgium, Finland, Norway, and Sweden have we observed a relatively constant level of unionization, of the percentage of the workforce being represented by a union.

In Canada the rate was around 34% in the early 1980s and has dropped to less than 30%. So the drop in Canada has been much smaller than it has been elsewhere, in particular in the U.S. and in the United Kingdom.

That's why I say that these are challenging times for unions as they try to find a way to adapt to a new economic environment characterized by globalization, information and communication technologies, cultural change, and new management practices. The world today is very different from what it was 25 or 30 years ago.

As you well know, in Canada we have two basic systems of union certification, one through compulsory secret ballot and another one through the signing of union cards. Each province has a slightly different system. Although the split is between those two regimes, the application of the regime is somewhat different from one province to the next.

It's fair to say that the most populous provinces, except Quebec, all have a secret ballot system. These include B.C., Alberta, Saskatchewan, Ontario, and also Nova Scotia. I'm not sure about Newfoundland. They were under a secret ballot system, but I remember that a couple of years ago, if not more recently than that, they were considering switching back to a card signing system.

It's clear that the arguments in favour of or against each of these systems are expressed in similar words, although they apply to different systems. For instance, if I take the access of the employer to the worker during the card registration or signing system, people who are favourable to the system of card signing argue that the employer may have privileged access to employees—much more than the unions or the union's organizers—when trying to get in touch with the employees and that therefore it is relatively unfair.

On the other hand, people who are in favour of a compulsory secret ballot argue that in the card signing system it is the union that has privileged access to workers, for workers hear only the point of view of the union, because the card signing procedure is relatively secret.

Maybe the major argument deals with intimidation.

• (0905)

People in favour of the secret ballot say that intimidation on the part of union organizers may be very important when workers are asked to sign cards, but union organizers or unions favourable to a card signing system argue that a secret ballot allows the employer to put pressure on its employees, to convince them to vote against the union, and that therefore this notion of intimidation is certainly one of the key aspects of the industrial relations board in terms of certification of unions.

Clearly intimidation has to be fought whether it comes from the union or from the employer. However, information provided by the union or by the employer is something that in a democratic system everyone should welcome.

In terms of timing, it is sometimes mentioned that the employer may pursue a strategy by which the industrial relations board or the organization responsible for conducting the vote would have a longer period of time between the accreditation demand and the formal vote. But in general, of course, the boards have been trying to hold those votes relatively close to the time at which the union can be certified.

• (0910)

**The Chair:** Could I ask you to quickly wrap up, sir? We're approaching your seven minutes.

**Mr. Marcel Boyer:** Another point besides intimidation is the issue of coordination between the labourers and workers in the firms, the employees, and the employer, developing an absence of conflict in firms in favour of a better...

My last comment is that union representation is not the only way by which workers or employees can be represented within firms. New management methods in fact call for diverse forms of labour representation in firms, which may be much more efficient in terms of protecting the rights of workers than was the case in the traditional union-employer conflicts.

My last point would be that in 2009—and I think Mr. Chera may have made reference to this—the Leger Marketing poll showed that 71% of people in Quebec—this was a Quebec-based survey—supported a secret ballot system, and among those people who were members of unions, 80% supported a secret ballot requirement to certify or decertify a union, and therefore there seems to be an important aspect in terms of the democratic process.

Thank you very much.

**The Chair:** Thank you very much for your comments, sir.

We move on to questioning now from members of the committee. From the NDP, the first questioner is Ms. Sims.

**Ms. Jinny Jogindera Sims:** Thank you very much.

I want to thank all the presenters for making the time to come today and share their perspective or expertise with us.

My first question is for Ms. MacPherson.

Do you agree with the conclusion of the Sims report—and by the way it's no relative of mine, and I did not write that report even though the spelling is the same—and support the tripartite approach to amending the Canada Labour Code?

**Ms. Elizabeth MacPherson:** I've been chair of the board for six years and prior to that I was the director general of the Federal Mediation and Conciliation Service. I have my undergraduate degree in industrial relations from McGill University, which I obtained in 1971. So I've spent more than 40 years in the field of labour relations and my experience has been that the tripartite system of consultation is truly the best system for achieving balanced labour legislation.

**Ms. Jinny Jogindera Sims:** Thank you.

Do you believe it was appropriate to exclude all parties in the crafting of such an important will?

**Ms. Elizabeth MacPherson:** I'm sorry but I have to ask the chair if it's appropriate for a public servant to answer a question of policy.

**Ms. Jinny Jogindera Sims:** My apologies. I withdraw that.

**The Chair:** It's actually not appropriate, so thank you for pointing that out.

**Ms. Jinny Jogindera Sims:** I do apologize. I did not mean to put you in that position.

As you can see, many of the changes that have been suggested here have highly politicized labour relations through this bill being debated in the House, and in the process that we have used here at committee. Today, for example, we had to have our amendments in even before we'd heard from the experts, or from our witnesses, and also now we're going to have only an hour to deal with not only the clause-by-clause but also the general debate. It's just a really rushed event.

What kind of a process do you believe should be taken if the labour code is going to be changed?

• (0915)

**Ms. Elizabeth MacPherson:** I believe the process that was followed following the Sims report worked very, very well. There was a lot of consultation during the preparation of the Sims report. After the Sims report came down, there were numerous rounds of

consultation again with labour and management over the amendments that would be made to the code, and were in fact brought into force in 1999. I believe, with one exception, there was total consensus on all of the changes that were made.

**Ms. Jinny Jogindera Sims:** Thank you very much.

As we all know, labour relations is not a very simple matter. It's a very complex issue, and because it is so complex, it's really important that we don't make willy-nilly changes. In other words, a little bit of a change here, a little bit of a change there, because once you make one change it begins to impact the whole.

I don't know how familiar you are with the ILO conventions, but possibly you could answer this. Is it possible that this bill may actually violate the ILO conventions we're signatories to?

**Ms. Elizabeth MacPherson:** I'm not an expert in international law. I really can't give an opinion on whether this meets the ILO conventions to which Canada is a signatory.

**Ms. Jinny Jogindera Sims:** Thank you.

My next question is for you, Mr. Heinen. Do you agree with the conclusion of the Sims report and support the tripartite approach to amending the Canada Labour Code?

**Mr. Dick Heinen:** Yes I do.

**Ms. Jinny Jogindera Sims:** Thank you very much.

One other comment I wanted to make, and then I do have a question, Mr. Chair. How much longer do I have?

**The Chair:** You have a minute.

**Ms. Jinny Jogindera Sims:** Thank you very much.

Is it because labour relations is so complex that it's not really something we would do by polling? That's not how we would establish a labour code, just as we would not do much of the work that this government does through public polling because there are many intersecting factors. So one of the other questions I have is, in this bill as it is presented, the voting requirement is "only those who vote", so how does that impact unionization in a workplace?

**The Chair:** Very quickly, please, 15 seconds.

**Ms. Elizabeth MacPherson:** Perhaps I could just give a quick answer to that. The bill could potentially have some perverse effects, probably, that were not intended by the drafters. Perhaps I can give you an example.

In the paper we speak about displacement applications. This is a situation where there is an incumbent union and another union that wishes to displace that union and become the bargaining agent. Let's take an example of a bargaining unit of 100 people. We conduct a vote and only 60 people show up and vote: 40 vote for the challenger, the new union that wants to come in; only 20 vote for the incumbent union. My understanding of the way this bill would work is that because neither of them got a majority of the people in the unit, i.e., a majority of the 100 people in the unit, the challenger would lose even though it won two-thirds of the votes of those who voted. The challenger would lose and therefore we would have to dismiss the application. The incumbent would remain in place even though it only had the support of 20 out of 100 people in the unit.

**The Chair:** Thank you very much.

We are over time, so let's move on to Mrs. McLeod from the Conservative Party.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Thank you to all the witnesses. I think you brought some great expertise to the table today.

I don't often agree with my colleague, but one of the elements that has created some concern within this bill—and some of the witnesses have touched on it—is the issue of all the people in the unit versus those who actually vote. So can I perhaps do a quick yes or no in terms of people agreeing that it should be 50% plus one for certification, and 50% plus one for the decertification process?

Again, Mr. Heinen, and I'll go quickly, do you believe that should be the system, versus all the membership? And I'll go around the table.

● (0920)

**Mr. Dick Heinen:** I believe it should be 50% plus one of those who vote.

**Mrs. Cathy McLeod:** Thank you.

Ms. MacPherson.

**Ms. Elizabeth MacPherson:** The board will administer whatever law Parliament sees fit to give us to administer.

**Mrs. Cathy McLeod:** Thank you.

Mr. Chera.

**Mr. Satinder Chera:** Yes.

**Mrs. Cathy McLeod:** That's 50% plus one.

Mr. Boyer.

**Mr. Marcel Boyer:** I have no opinion on that.

**Mrs. Cathy McLeod:** Thank you.

One of the things we've heard a lot about and that I've heard about is how, if it's a card check, the employers are saying that there's opportunity for pressure on one element, and if there's a secret ballot vote, people are arguing in terms of the employer having more access and opportunity. I think in our hearts we all believe, certification or decertification, that there shouldn't be undue pressure.

I do fundamentally believe, personally, in the secret ballot. To me, the secret ballot is more about the peer-to-peer relationship within the unit, as opposed to the employer or the union, because I know that sometimes it's a very difficult personal choice. Also, I know that sometimes those choices can create real issues in the workplace peer to peer, depending on the decisions, which is why sometimes the secret ballot takes that element out of it.

Ms. MacPherson, you alluded to the fact that we have our officers who are there. They're there to investigate undue pressure and intimidation on either part. Could you speak a bit about that particular element?

**Ms. Elizabeth MacPherson:** Yes. As I mentioned earlier, the federal jurisdiction is relatively stable and the board has a robust jurisprudence regarding intimidation and coercion.

I took a look at the last 10 years. In the last 10 years, the board has issued over 4,000 decisions globally on all of the matters that come before us. Of those more than 4,000 decisions, only 23 cases involved allegations of intimidation or coercion during an organizing campaign. Of those 23 cases that the board heard and decided, we only found six cases of intimidation and coercion. Four of those cases were intimidation and coercion by an employer. Two of the cases were in a displacement situation where we had two unions vying to represent the same bargaining unit, and the allegations were against the other union.

So that's a total of six upheld in 10 years. It's not a huge problem. I think that's because our jurisprudence is so strong. Everybody knows the rules of the game. They stay within the confines of those rules, and the board has the ability to deal with those outlier cases where someone misbehaves.

**Mrs. Cathy McLeod:** I think that perhaps it sounds like we have tools and mechanisms in place to deal with the intimidation issues. Again, to me, one of the key principles is, do we believe that a secret ballot is a fundamental right for workers?

Mr. Heinen, I guess I'd ask you. Again, I have to talk about the peer-to-peer relationships, because it is a very difficult decision, whereby some people might benefit and some people, with those changes, might have challenges with it. Can you talk about the secret ballot and your perspective on that?

**The Chair:** Mr. Heinen, you have 10 seconds, so very quickly, sir.

**Mr. Dick Heinen:** Yes, we are in favour of secret ballots. We think that's the right way to go. However, not all circumstances are ideal for a secret ballot vote; as I alluded to, in these remote locations where secret ballot votes simply don't work because of logistics.

**The Chair:** Thank you very much.

Now we'll move on to Mr. Cuzner for five minutes from the Liberal Party.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Thanks very much.

Thanks to all the witnesses who are here today.

This legislation will have an impact on 1.25 million Canadian workers.

Ms. MacPherson, you indicate that over 10 years there were 23 cases, and that only six of those cases were alleged to have been intimidation or coercion on the part of the employer, and only two on the part of the unions?

● (0925)

**Ms. Elizabeth MacPherson:** Four were upheld against employers. There were 23 cases where allegations were made. Four were found to have merit against employers and two against the unions. With the unions, it was an inter-union rivalry situation in both cases.

**Mr. Rodger Cuzner:** The sponsor of the bill said, and this is his quote, "When we hear one person complain about the actions of union organizers, that can be dismissed as a one-off situation. However when we see the mountain"—the mountain—"of complaints that end up at the labour relations board, it is concerning to me."

Would you consider six a mountain or a hill? A bump?

**Voices:** Oh, oh!

**Ms. Elizabeth MacPherson:** It depends on your definition of a mountain.

**Mr. Rodger Cuzner:** Always the bureaucrat.

What are the anticipated expected costs in the application of this legislation?

**Ms. Elizabeth MacPherson:** As our paper indicates, we currently hold representation votes in about 18% to 20% of the cases that come before us. If we had to hold representation votes in 100% of the cases, that would quintuple our workload. We estimate we would require three more industrial relations officers at about \$200,000 in operating money. That doesn't include the costs if we have to meet the concerns about remote locations that Mr. Heinen has expressed. If we decided that we had to go to an electronic voting system, that's probably the most expensive way to hold a vote. It costs about \$2,700.

**Mr. Rodger Cuzner:** Do you believe the organization has the resources to handle that?

**Ms. Elizabeth MacPherson:** Currently we haven't.

**Mr. Rodger Cuzner:** You haven't currently? Okay, so it would be substantially more.

Does the Industrial Relations Board have any evidence or reason to believe that the current card check system is allowing union coercion of workers in the certification process?

**Ms. Elizabeth MacPherson:** I think the jurisprudence and the statistics speak for themselves.

**Mr. Rodger Cuzner:** This was drawn from a response to his constituents. When I get concerns about constituents, they're asking if there is any way I can offer them a letter of reference or help get them into a union. I've never heard anybody contact my office and ask if I could get them out of a union.

My son was a member of CLAC. I can't say enough about the support he got from CLAC. I'm very pleased; sharing of information, it was all positive.

How much time do I have?

**The Chair:** You have about a minute and a half.

**Mr. Rodger Cuzner:** Mr. Chera, I missed the first part of your presentation. I apologize for that. How many members did you say you have?

**Mr. Satinder Chera:** We have 109,000.

**Mr. Rodger Cuzner:** You have 109,000. You surveyed your members about whether or not they believed a secret ballot was important?

**Mr. Satinder Chera:** That's correct.

**Mr. Rodger Cuzner:** How many of the 109,000 voted to support the secret ballot?

**Mr. Satinder Chera:** To be clear, a total of about 15,000 responses came in. Of those 15,000, 76% were in support.

**Mr. Rodger Cuzner:** So the bill would not have passed your association under this legislation where the non-voters count as a "no"?

**Mr. Satinder Chera:** It would not, no.

**Mr. Rodger Cuzner:** Thanks.

**The Chair:** Thank you, Mr. Cuzner. We won't get into deciding on molehills or mountains when we're talking politics because it's very subjective at that point, but thank you for those questions.

We'll move on to Mr. Shory from the Conservative Party for five minutes.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you, Mr. Chair, and thank you, witnesses, for the presentations you made this morning.

I have to confess something, Mr. Chair. I did not know that unions do not allow secret ballots. When I found out, I shook my head. I imagined if I went to seek a vote on a doorstep and asked my constituent if she would vote for me and vote for me in my presence, there would be an outcry. I believe the system was flawed to that extent. On the other hand I heard some comments on 50% plus one, which makes sense, to cast a vote for me.

I want to find out from you to start with—each of you can make a quick comment—if you have had any feedback from your membership since this bill was tabled? Mr. Chera just mentioned it.

● (0930)

**Mr. Dick Heinen:** If I may speak to that, this bill is very concerning for us, primarily because of the 50% plus one of an entire unit where people may or may not be present. It's an unfair system.

We are in favour of secret ballot votes where possible. I think it makes good sense. Everyone is entitled to their democratic right of voting. However, there are significant issues in remote locations that I don't think this bill addresses. Our experience with the CIRB has been very fair. They have treated card-based certification very fairly. You have to be very careful. You have to be right and you have to make sure the cards are properly done. But we've been treated very fairly on the card-based certification. It has worked, and I don't know what the problem is. I don't know why we need to change that.

**Mr. Devinder Shory:** Thank you, Mr. Heinen. I have very limited time. I want to hear from others as well.

**Ms. Elizabeth MacPherson:** We heard the same concerns from our constituency, labour and management, that this committee heard on Tuesday. So we've heard the same thing you have.

Currently the board uses secret ballot votes when it's appropriate. We use our discretion to do it when we need to.

One other thing I should point out in the bill that's of concern to us is the amendment to paragraph 28(c). Currently the board decides support for a union either on the date of the application or such other date as the board deems appropriate. A good example of this would be in the many seasonal industries within our jurisdiction, for example, shipping on the Great Lakes. If we lose the discretion to decide the date on which to test support, we could have perverse results where someone makes the application on a date when there are very few people in the workplace, and that decision will bind even though once the season starts again and people come back, they may feel differently.

So we would like to have our discretion back, please.

**Mr. Devinder Shory:** Thank you.

Maybe I should ask you another question instead of hearing from Mr. Boyer and Mr. Chera. If I have time, you can make a comment in a minute, but I want to ask Ms. MacPherson something.

How do you currently conduct certification and decertification votes? More specifically, what are the current methods of conducting the votes—email, mail-in, electronic, in person—and what percentage of each of those is successful?

**Ms. Elizabeth MacPherson:** We have the three types that you mentioned, the in-person, the mail ballot, and the electronic vote. On page 5 of our paper we've given you the statistics for the last four and three-quarter years.

In person tends to be our default, unless there's a reason to go to a mail ballot or an electronic vote. The electronic votes, as I mentioned earlier, are quite expensive, although they do ensure a better participation rate and there aren't spoiled ballots. You can't spoil a ballot under the electronic system.

**Mr. Devinder Shory:** Mr. Boyer and Mr. Chera, can you make quick comments on the feedback, if you have received any, on this bill?

**Mr. Marcel Boyer:** I don't really have an opinion on this, sorry.

**Mr. Satinder Chera:** Our feedback is based on the slide presentation that we provided to the committee today. We have surveyed our members on this issue in the past, and there is a high level of support. I would also add that it's not just our members. In terms of Canadians in general, those who have been unionized or are unionized, there doesn't seem to be any disagreement among any of those segments that there should be a secret ballot vote in place.

**The Chair:** Thank you very much for those answers.

We move on to the NDP, Monsieur Boulerice, for five minutes

[*Translation*]

**Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP):** Thank you, Mr. Chair.

My thanks to the witnesses for joining us for this important study.

I come from a union background myself. I was a consultant at the Canadian Union of Public Employees before being elected to the House. Before that, I was a journalist at TVA and sat on the executive board of my union, the Telecommunications Workers Union, which operates under federal legislation.

For me, joining a union by signing a card is the easiest and most effective way for workers to become organized. That is confirmed by most academic studies. It is effective because it can be done discreetly. There is no election campaign. The employer does not automatically have the means to threaten or intimidate workers who want to organize themselves in order to improve their working conditions.

When secret ballots were imposed in British Columbia and Ontario, the number of attempts at unionization went down. When there were attempts, the success rate dropped.

Ms. MacPherson, the figures you gave us earlier were eloquent, not to say astonishing. They show that the system of signing a card works relatively well. Sometimes it causes a vote, but not automatically.

There is an old expression that says:

[*English*]

If it's not broken, don't fix it.

[*Translation*]

My impression is that the current system is working rather well. Am I wrong to say that we do not need to fix a situation where the strengths of the employers and the union are adequately balanced?

● (0935)

**Ms. Elizabeth MacPherson:** Are you asking me to answer that?

**Mr. Alexandre Boulerice:** Yes.

Is the current system working well?

**Ms. Elizabeth MacPherson:** In our opinion, it is working well. With the board having the discretion to decide when a vote must be held, it works.

**Mr. Alexandre Boulerice:** In your view, when a vote is held, should only the ballots in the box be counted or should we also count the people who stayed at home and expressed no opinion?

**Ms. Elizabeth MacPherson:** As I have already indicated, a system such as the one in the bill can lead to problematic situations.

**Mr. Alexandre Boulerice:** You are talking about the current bill. Thank you.

Mr. Chair, I am going to turn over the two minutes I have left to Mr. Marston.

[*English*]

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Thank you, Mr. Chair, and to my friend for passing this on to me.

I'm very interested, Ms. MacPherson, in the materials that you've given us because, as Mr. Cuzner has indicated, the mover of this bill has talked about the mountain of people or however we want to describe it, Mr. Chair, the huge number of people making demands for decertification and very clearly when you're under 50 that's not a very big mountain no matter how you look at it.

The concern I have here is... What we're hearing from the testimony from a number of different people is that we have one of the best systems. We have a very democratic system in place now. You yourself have spoken of risks, some perversions included in this bill. Don't tempt me because I could go even further with statements on that.

But I'm concerned that this bill has the potential of putting at risk 70 years of balanced labour relations in this country. I raised it before that that will have an impact on capital investment in Canada. I'm not so sure people have considered that. What is your view on that?

**Ms. Elizabeth MacPherson:** I believe the committee heard on Tuesday from both labour and management. I think those are the views that the committee should take into consideration.

**Mr. Wayne Marston:** Again, the tripartite system that we've had has worked. It's not often I agree with CLAC. I'll be blunt with you. I come out of a different union and we've had our differences, but it's good to see that we can come together. That's the reality of the situation, in times and places when realistic people sit down with the problem we find answers, but this is a fix for a problem that doesn't exist and it's very concerning.

Mr. Shory, I want to add something. You were saying unions don't allow votes. I don't—

**The Chair:** Mr. Marston, just quickly, through the chair, please, not directly.

**Mr. Wayne Marston:** My apologies. I was trying to inform my friend.

We hold elections for officers. We hold referendums. We hold constitutional change, all by secret ballot, and collective bargaining offers from our employers are all secret ballot. So there is a great deal of support for a secret ballot method we agree, but this is very democratic.

How is my time? I must be getting close.

**The Chair:** You are almost at an end, sir, about seven seconds.

**Mr. Wayne Marston:** Thank you, Mr. Chair.

**The Chair:** Actually you're finished now.

Thank you very much.

We'll go on to Mr. Butt for five minutes from the Conservative Party.

• (0940)

**Mr. Brad Butt (Mississauga—Streetsville, CPC):** Thank you very much, Mr. Chair.

And thank you all for being here today.

Actually, that was a good segue, Mr. Marston, into my line of questioning, which is that we have had evidence before the committee, particularly from the president of PSAC the other day, where she indicated that she was elected by secret ballot, that when there is a collective agreement that they vote on they vote by secret ballot, when they have a strike vote they vote by secret ballot. The only thing they don't vote on by secret ballot is certifying or decertifying a union.

I don't quite see how there's this big, major change, this huge difference that Bill C-525 is going to have when all the other times the members of the union vote, they do it by secret ballot, except certifying or decertifying a union.

Can someone explain to me how this is some revolutionary terrible change that's going to take place within federally regulated unionized workplaces, when every other time the members vote they vote by secret ballot?

Who wants to start?

**Mr. Dick Heinen:** If I may, Mr. Chair, the issue isn't secret ballot. The issue is secret ballot of all the people in the unit or the secret ballot of 50% plus one of those who vote. That is the issue. We are in favour of a secret ballot of 50% plus one of all the votes that are cast, absolutely. We are in favour of democratic rights for the individual.

If I may say one more thing, Mr. Chair, and that is with the tripartite group. Mr. Sims was the author or developed the Canada Labour Code. He is currently working on amending the current Labour Relations Code in Alberta and he has done months of consultation with the union side and the management side and the government side and all that kind of stuff, and so he has been very actively involved in seeking a consensus as to what the industry should want. I think that's the way to go.

Thank you very much, Mr. Chair.

**Mr. Brad Butt:** Ms. MacPherson.

**Ms. Elizabeth MacPherson:** As I've said, we will administer whatever law Parliament sees fit to give us. If that includes a secret ballot vote, then we will.

**Mr. Brad Butt:** Let me just ask, with respect to CIRB, are you involved in supervising any of these other votes that take place such as strike votes that are done by secret ballot or voting on a collective agreement? Does your agency play a supervisory role in those circumstances that take place right now by secret ballot?

**Ms. Elizabeth MacPherson:** Not ordinarily. Those are all matters that are governed by the unions' internal constitution. There is one circumstance in which we may conduct a vote, and there's a provision in the code for a vote on an employer's last offer. The minister can direct us to conduct those votes.

**Mr. Brad Butt:** Okay.

But as I understand it, in this particular bill, because you mentioned the application for certification and your concern about being able to schedule the timing of these votes, as an example... As I understand it, this bill doesn't change that, doesn't affect that. You'd have that discretion to determine the appropriate time for the vote to be held in these cases.

**Ms. Elizabeth MacPherson:** Yes. It would be our intention, if we have to hold a secret ballot vote in every case, to amend our procedures so that we can do them much more quickly than we currently do.

The reason we can take the time we need to now is that we make the determination based on support as of the date of the application. The problem with the bill is that it's going to take away our discretion under that section of the code to determine a different date, if it's appropriate. As I mentioned, there are cases where we have seasonal employment, where the bargaining unit size would be quite different, for example, in July than it would be in January. That's why we would like the discretion to determine the appropriate date, if the date of application looks to us to be inappropriate.

**Mr. Brad Butt:** We've talked about the different methods that can be used to achieve ballots. Mr. Heinen, you mentioned rural and remote, and the ability to be able to vote. If it was a secret mail-in ballot, that certainly wouldn't adversely affect a person's ability to vote if they were in a very remote part of the country and were voting on certifying or decertifying a union that was going to represent them at the national level, I wouldn't think.

How would that vote not count in a circumstance where they're mailing in a secret ballot as to how they decided to vote yea or nay on a certification or decertification?

**Mr. Dick Heinen:** Well, Mr. Chair, the issue is this: a person goes away to work in the mine in the Northwest Territories, and he is there for three weeks. Then he comes home and he is home for one week. When he comes home, he has a pile of mail, plus a whole bunch of family obligations to take care of. The voting issue is not a high priority. In some cases he may have already been away for the date that it had to be voted on by, the expiry date, and so he would have missed the window in which he would have been able to vote.

Plus, one of the issues about voting in a unionized environment is that you should have the right to vote when the issue is alive. Situations change three, four, five, six weeks down the road. Every other province has a very expeditious process. Ontario has seven days, British Columbia has 10 days from the date of application that you should have a vote. That is because things go cold.

I don't think it's in the interest of the union to have this long-delayed time between the actual application and the vote.

• (0945)

**The Chair:** Thank you very much.

That's the end of the questioning and the end of our first hour. On behalf of the committee, I want to thank all the witnesses for taking the time to be here and to share your thoughts on this very important private member's bill.

**Mr. Rodger Cuzner:** Chair?

**The Chair:** I'm going to excuse the witnesses, then I'll recognize you.

So thank you for being here, and thank you as well, gentlemen, who've been video conferenced in.

Mr. Cuzner.

**Mr. Rodger Cuzner:** Mr. Chair, the testimony, especially today with CLAC and CIRB, is fairly compelling testimony. Outside of one witness, we haven't heard anybody speak in favour of this.

In light of this, I'd like to present a motion that would extend this study, that would extend the time put on this study, so that we are able to better represent what we've heard to date on this bill.

**The Chair:** Mr. Armstrong, you're next, and then Ms. Sims.

**Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):** I move that we go in camera.

**The Chair:** That's a dilatory motion for an immediate vote, so I'm going to proceed to a vote on the motion as just presented by Mr. Armstrong. The motion is to go in camera. All in favour?

**Ms. Jinny Jogindera Sims:** A recorded vote, please, Chair.

**The Chair:** A recorded vote has been requested, so we'll move to a recorded vote, Clerk.

(Motion agreed to: yeas 5; nays 4)

**The Chair:** The motion carries. We'll suspend briefly to move in camera.

[*Proceedings continue in camera*]

• (0945)

(Pause)

• (0955)

[*Public proceedings resume*]

**The Chair:** We now come back in session to deal with clause-by-clause of Bill C-525. The first item on the agenda is to postpone the short title if we can. Do I see agreement to postpone that until the end our clause-by-clause discussion?

Okay, thank you.

(On clause 2)

**The Chair:** Let's move on then to amendment G-1. I must tell members that in G-1 there's a line conflict with amendments NDP-1 and PV-1. If the amendment G-1 is adopted, amendments NDP-1 and PV-1 cannot be proceeded with. Amendment G-1 also removes any reference to section 28, which is in paragraph (1)(d). As both amendments NDP-2 and NDP-3 refer to that paragraph, if amendment G-1 is adopted, amendments NDP-2 and NDP-3 cannot be proceeded with. That's in dealing with this amendment so I will open it up to discussion of the amendment G-1.

Madam McLeod.

**Mrs. Cathy McLeod:** Thank you, Chair.

I have just a quick explanation. We've heard from the witnesses and I think what this has done is to better align the voting mechanisms for representation votes and the minimum employee support threshold to file a certification application with existing provisions in provincial statutes. It gives the ballots of supporters and opponents the same weight when determining the results of a representation vote. It's intended to remove redundancies and clarify the requirement for the CIRB to hold the representation vote before certifying a union. Also, it ensures some consistency. So, again, I think that is the intent of the government's amendment.

• (1000)

**The Chair:** Are there any other speakers on amendment G-1, the first government amendment?

Madam Sims.

**Ms. Jinny Jogindera Sims:** You have to give credit where the credit is due and I want to take note that my colleagues across the way have brought forward a sensible amendment that it is the majority of those who vote.

**The Chair:** Seeing no further...

Mr. Cuzner.

**Mr. Rodger Cuzner:** Mr. Chair, with all due respect, the process I think fails labour and employers in the intent. I've seen nothing through the testimony here that changes my opinion on that. So, as well intended as the amendments might be, I don't see supporting the amendment.

**The Chair:** Okay. Are there any other speakers to amendment G-1?

Seeing none, I'll call the vote on amendment G-1.

(Amendment agreed to [See *Minutes of Proceedings*])

(Clause 2 as amended agreed to on division)

(On clause 3)

**The Chair:** Okay, we move on to Government-2 and I must point out that with this amendment there's a line conflict with amendments NDP-4 and NDP-5. If amendment G-2 is adopted, amendments NDP-4 or NDP-5 cannot be proceeded with.

Madam McLeod.

**Mrs. Cathy McLeod:** Thank you, Mr. Chair.

Because the language was moved into the earlier section, it really basically just removes a redundant section and it's a technical change with no impact.

**The Chair:** Are there any other speakers to the amendment proposed by Government-2?

**Ms. Jinny Jogindera Sims:** Chair, can you just give me a moment please because we're going through this quite fast for me—

**The Chair:** Very good.

**Ms. Jinny Jogindera Sims:** —and I'm trying to see where all the different documents are.

**The Chair:** We'll slow it down.

**Ms. Jinny Jogindera Sims:** Thank you.

Once again, Chair, I'm just going to talk about the process. I share my colleagues' concern that the process has been fundamentally flawed. We're opposed to this amendment as it deletes all of section 29, which currently governs representation votes.

**The Chair:** Are there any other speakers to amendment 2 proposed by the government? Seeing none, we'll call the vote on amendment 2 as proposed.

(Amendment agreed to [See *Minutes of Proceedings*])

(Clause 3 as amended agreed to on division)

(On clause 4)

**The Chair:** We move on to government amendment 3.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Chair, can I clarify? As I look at government amendment.... May I have permission to speak to this?

**The Chair:** Absolutely.

**Ms. Elizabeth May:** I wanted a clarification because it didn't appear to me, unless I've missed government amendment 2 in repealing subsection 29(1), I'm wondering how that completely eliminates the amendment I'm proposing at subsection 29(2).

It's not the same language, so I wondered how in passing government amendment 2....

I'm sorry. I'm not in the clause yet. Excuse me. Sorry, Mr. Chair.

**The Chair:** Okay.

**Ms. Elizabeth May:** You will love this. I read Government-2 as Green-2. I'm very sorry.

**The Chair:** We'll move on now to the third amendment proposed by the government. I'll move directly to comments by committee members.

Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you, Chair.

This aligns the minimum employee support threshold that must be claimed in the decertification application with the related requirements for certification, so again I think it's an important improvement to this bill.

• (1005)

**The Chair:** Ms. Sims.

**Ms. Jinny Jogindera Sims:** We're opposed to this amendment because it does lower the threshold for decertification vote to 40%. We plan to bring amendments at the report stage, but I'm hoping my colleagues across the way will hear our concerns and will have addressed them before it gets there because I also realize if I try to amend it here, then that stops me from bringing forward an amendment at the report stage.

I am expressing our concern at the very low threshold of 40%.

**The Chair:** Monsieur Boulерice.

**Mr. Alexandre Boulерice:** I'm going to say almost the same thing in French.

[*Translation*]

I want to point out that we New Democrats do not agree with lowering the level at which a decertification process starts. That actually has major consequences for some, those in call centres, for example, or in any business that falls under federal jurisdiction. In our opinion, it should be a majority. We would prefer the level to be 50% rather than 40%.

[*English*]

**The Chair:** Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you, and I would like to point out of course it's written in the bill that it's 45%. We are moving it. So I think if you look at the norm, and we heard from the witnesses in terms of...this is certainly very much in line with some provincial norms and indeed perhaps a little lower.

**The Chair:** Seeing no further members wish to comment, I'd like to move this amendment.

(Amendment agreed to [See *Minutes of Proceedings*])

**The Chair:** Shall clause 4 carry as amended?

Madam Sims.

**Ms. Jinny Jogindera Sims:** I have a subamendment for this one. In clause 5(e)....

**The Chair:** Sorry. Are you on clause 5 or clause 4? We're still on clause 4 as amended. I just asked the question, "Shall clause 4 carry as amended?" We're not on clause 5 yet.

**Ms. Jinny Jogindera Sims:** We're not on G-4 yet? Okay. Thank you.

**The Chair:** No, we're not.

I'm going to step back for a second.

(Clause 4 as amended agreed to on division)

(On clause 5)

**The Chair:** I'm now going to allow you to move your subamendment.

**Ms. Jinny Jogindera Sims:** It's not a subamendment, Chair. I misspoke. It's an amendment.

**The Chair:** Okay. Then we will deal with Government-4.... I've just been advised by our legal counsel we need to take your amendment first so we will take your amendment.

**Ms. Jinny Jogindera Sims:** Thank you, Chair.

I'm going to say it. In proposed paragraph 5(e) replacing line 29 on page 2 with the following:

Subsection 5.39(1) of the Act is

The goal of the subamendment is to preserve important protections against unfair decertification in circumstances surrounding a first collective agreement or during a strike lockout. I don't think it was the intent of the government to delete that or in any way to embed that in their amendment.

**The Chair:** Just to be clear, this is an amendment, not a subamendment. It is new, as proposed by Madam Sims.

Is there discussion on this newly proposed amendment?

Seeing none, I'll call the question on this amendment.

(Amendment negated)

**The Chair:** The amendment fails.

We'll now move on to amendment G-4, and I must advise the committee that the line conflict here is with amendment NDP-6, so if government amendment G-4 is adopted, amendment NDP-6 cannot be proceeded with.

Is there discussion?

Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you, Chair.

This motion is going to ensure that the certification and decertification processes under the code mirror each other and, of course, both would require the support of 40% of employees so that the supporters and the opponents of union representation are placed on a level playing field.

Of course, I again want to note that Alberta, Ontario, New Brunswick, and Newfoundland have adopted a similar approach.

This also ensures that the ballots of those in favour and those against the revocation of the union certification are given equal weight to a representation vote. As currently worded, Bill C-525 could lead to a revocation of a union certification even if a strong majority of the employees casting a ballot are in favour of remaining unionized, so, for example, if a decertification vote were held under the code for a bargaining unit with 100 employees, and if 35 employees did not participate, it would be decertified. Again, we are addressing what was a significant concern by our witnesses. They think this is a very important amendment to the bill.

• (1010)

**The Chair:** Is there more discussion on this amendment?

Madam Sims.

**Ms. Jinny Jogindera Sims:** Chair, I realize what the government amendment is trying to do here, but we're still very concerned as the previous amendment moved by me was not accepted. That leaves us with big questions and a part of this bill that is not fixed. I am hoping that my colleagues across the way will have heard my concerns around the issues I raised and will be able to fix that before they bring it back at the report stage so we don't end up having a huge fight here.

I really do not believe it's the government's intention to undo what the original bill does, and that's why we brought the amendments that we did.

**The Chair:** Ms. McLeod.

**Mrs. Cathy McLeod:** I believe paragraph (e) was not changed, but I will have some consideration and perhaps we could come back to this particular issue at the end of this meeting.

Could we perhaps go to the next clause?

**The Chair:** Is that acceptable to you?

**Ms. Jinny Jogindera Sims:** I appreciate this very much.

**Mrs. Cathy McLeod:** I believe that, through the chair, paragraph (e) is not impacted.

**The Chair:** Okay, before we move to the next clause, we are going to deal with—

You'll have to excuse me. This is my first time to go through clause-by-clause as the chair, and I'm glad I have a legal expert to my right and my very capable clerk to my left.

There is another amendment proposed on this particular item, but we'll stand clause 5. The other amendment is a Green Party amendment, and we'll come back to this as well at the end, as proposed, as long as that's acceptable to you.

**Ms. Elizabeth May:** My only concern is to make sure members of the committee have the amendment that we'll be looking at so they have the text in front of them because I don't think it made it into the package, but that's a technical problem.

In terms of the order of sequence in which it's examined, I have no problem as long as the clerical and legal advice is that it will work.

**The Chair:** It's just being postponed, and we'll make sure they have a copy of it before we deal with it.

(Clause 5 allowed to stand)

**Ms. Elizabeth May:** Thank you.

**The Chair:** Then we'll move on to amendment NDP-7 which is a new clause as proposed by the NDP, which would be clause 5.1. I must tell the table that this is inadmissible. It seeks to amend section 98 of the Canada Labour Code and that section is not being amended by Bill C-525. I have a ruling from the legal counsel. If you wish me to read it, I will.

The essence of what's being said here is that because section 98 of the Canada Labour Code is not being addressed in any of Bill C-525, we cannot accept an amendment to something we are not addressing.

Madam Sims.

**Ms. Jinny Jogindera Sims:** Chair, this goes to some of the arguments made previously by me and others. This is what happens when you go in and try to amend one part of the labour code without seeing the whole. This new bill that's before us has a ricochet effect throughout on many parts of the labour code, and so I am very concerned. We were wanting to make this very specific in here. I am really disheartened by this ruling.

**The Chair:** I'm going to cut off debate because this is really, in many ways, non-debatable because it is a ruling from the chair. I'm going to read you the full ruling so that you absolutely know why it's inadmissible.

The ruling is: the amendment seeks to amend section 98 of the Canada Labour Code. As the *House of Commons Procedure and Practice, Second Edition* states, on page—

• (1015)

**Mr. Alexandre Boulerice:** Mr. Chairman, I want to challenge your call.

**The Chair:** Okay. That's dilatory, and so we'll move to a vote on challenging the chair's ruling on this—before I get to describe the whole thing. But let's move to the vote.

All against sustaining the chair's decision, so those opposing the chair's decision? Do you understand what I mean?

**An hon. member:** That's us.

**The Chair:** That's you guys.

**An hon. member:** Okay.

**Voices:** Oh, oh!

**The Chair:** Now all those who wish to sustain the chair's decision.

(Ruling of the chair sustained)

**The Chair:** The chair remains in place and the decision remains in place. There will be no further discussion of that particular item at this time.

(On clause 6)

**The Chair:** We move on, then. We move on to amendment G-5.

I would say on this that there's a line conflict with amendment NDP-8 and amendment Green Party-3. If amendment G-5 is adopted, amendments NDP-8 and Green Party-3 cannot be proceeded with. Amendment G-5 also removes any reference to proposed paragraphs 25(c) and 25(c.1) while creating a new similar paragraph. As both amendments NDP-9 and NDP-10 refer to proposed paragraphs 25(c) and 25(c.1), if amendment G-5 is adopted, amendments NDP-9 and NDP-10 cannot be proceeded with.

Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you.

Amendment G-5 to clause 6 is essentially to align the PESRA's certification provisions with those of the Canada Labour Code and give the ballot supporters of an employee organization the same weight when determining the results of a representation vote. It also, of course, removes redundancies and clarifies the requirements for the PSLRB to hold a representation vote before certifying an employee organization.

**The Chair:** Monsieur Boulerice.

[Translation]

**Mr. Alexandre Boulerice:** This amendment is nicely consistent with what was presented to us this morning, with what we are studying. If a vote has to be held—and you know that is not the preference of the NDP or the union movement—then at least the number of ballots in the box are counted, not the people who stayed at home. In our opinion, that is quite fair and reasonable.

[English]

**The Chair:** Okay.

Let's move to the voting on this amendment.

**Ms. Jinny Jogindera Sims:** On division.

**The Chair:** On division.

(Amendment agreed to on division [See *Minutes of Proceedings*])

(Clause 6 as amended agreed to [See *Minutes of Proceedings*])

(On clause 7)

**The Chair:** We move on to clause 7 and the amendments to clause 7.

This is amendment G-6, and it has a line conflict with amendments NDP-11 and NDP-12. If amendment G-6 is adopted, neither amendments NDP-11 or NDP-12 can be proceeded with.

Ms. McLeod.

**Mrs. Cathy McLeod:** Mr. Chair, this motion does not make any substantive changes, as the requirement for a representation vote to be held in all cases prior to certifying an employee organization would be moved to section 25 of PESRA. It simply removes redundancies and makes consequential changes.

**The Chair:** Monsieur Boulерice.

[*Translation*]

**Mr. Alexandre Boulерice:** Thank you, Mr. Chair.

My comment is rather a question to the legislative clerk. I just want to be sure that there is no contradiction between the English version and the French version. In the English version, point 3 of the government's amendment says:

[*English*]

"If the Board directs that a representation vote be taken..."

[*Translation*]

The French version says: "La commission doit, lorsqu'elle ordonne..." To me, "lorsqu'elle" means "when". So it is "when", not "if".

The sense of "if" in the English version is not in the French version. Is there a problem there, or not?

• (1020)

[*English*]

**The Chair:** Our legal counsel here does not feel comfortable answering that because this really goes to the drafters of the bill, not to his being here specifically for reference for us today as a committee, but I'll move to Mrs. McLeod.

**Mrs. Cathy McLeod:** Thank you, Mr. Chair.

We did have a discussion with the drafters and were reassured that what is important is the intent, and that the intent was the same within the two clauses. That question has been flagged and our expertise indicated to us that it was the same.

**The Chair:** Ms. Sims.

**Ms. Jinny Jogindera Sims:** Thanks very much.

I really appreciate that the experts think that the intention is the same, but we all know that we're all gone, and what's going to be left is the written word, and one written word says "if", and the other says "when". To me there is a marked difference between the two. So I'm hoping that you will bring it back addressed if you're not comfortable doing it today. I'm not a linguist, but I do know what language means once we put it into statutes, and there is a big difference between "if" and "when".

**The Chair:** Mrs. McLeod.

**Mrs. Cathy McLeod:** Thank you, Chair.

We did have Journal linguists look at this issue and again they indicated that, although it's not word-for-word when you are changing things, the paragraphs represent the same.

**The Chair:** Ms. May.

**Ms. Elizabeth May:** I will tread here carefully, but as a matter of statutory interpretation, I can't see how the English or the French would have different results. I'm sorry to have to support—

**An hon. member:** Don't be sorry.

**Some hon. members:** Oh, oh!

[*Translation*]

**Ms. Elizabeth May:** The word "lorsque" implies that it is not possible to imagine a circumstance. It is different too. It is the same event whether it is "si" or "lorsque".

[*English*]

If there's going to be a vote, then the key difference would be if it wasn't mandatory. "Shall" and "doit" are much more important to the sense of the paragraph. But I'm not a linguist either, and I think the objections can.... But as a matter of statutory interpretation, I don't see how there's a different result.

**The Chair:** It's good to have lawyers as members of Parliament.

**Ms. Elizabeth May:** Very few people would agree.

**Some hon. members:** Oh, oh!

**The Chair:** At times.

I'm going to move to the vote on this government amendment, G-6.

(Amendment agreed to on division [See *Minutes of Proceedings*])

(Clause 7 as amended agreed to on division [See *Minutes of Proceedings*])

(On clause 8)

**The Chair:** We're on to clause 8 and the amendments to clause 8.

We have government amendment G-7. It has a line conflict with NDP-13, so if the G-7 amendment is adopted, NDP-13 cannot be proceeded with.

Mrs. McLeod.

**Mrs. Cathy McLeod:** Thank you, Mr. Chair.

The motion ensures that the certification and decertification processes would require the support of 40% of employees so that supporters and opponents of representation by employee organizations are placed on the same level playing field. It also clarifies that representation votes to revoke an employee organization certification must be conducted by secret ballot. Again, we could give examples, but....

There are also the French/English grammar issues. I think, again, we had it checked by Journal linguists and we are confident that it represents the same issues.

**The Chair:** Ms. Sims.

**Ms. Jinny Jogindera Sims:** I just want to raise a concern again about the triggering for the decertification being 40%. As I said earlier, I'm not going to be moving a subamendment, but we will be looking at the report stage. Once again, I'm urging my colleagues to bring forward something different for that so we don't end up having that wrangle at that particular time. I would suggest that 50% sounds good.

**The Chair:** Shall the G-7 amendment pass?

(Amendment agreed to on division [See *Minutes of Proceedings*])

(Clause 8 as amended agreed to on division [See *Minutes of Proceedings*])

(On clause 9)

**The Chair:** Now we move on to the amendments to clause 9.

On G-8, this one is again, I must point out, in conflict with NDP-14 and Green Party-4. If G-8 is adopted, NDP-14 and Green Party-4 cannot be proceeded with. G-8 also removes any reference to paragraphs 64(1)(a) and (a.1), while creating a new similar paragraph. As both NDP-15 and NDP-16 refer to paragraphs 64(1)(a) and (a.1), if G-8 is adopted, NDP-15 and NDP-16 cannot be proceeded with.

Are there any comments?

Ms. McLeod.

•(1025)

**Mrs. Cathy McLeod:** Thank you, Mr. Chair.

Again, what we're doing here is aligning the PSLRA's certification provisions with those of the Canada Labour Code and the Parliamentary Employment and Staff Relations Act, by giving the ballot of supporters of an employee organization the same weight when determining the results of a representation vote, and by removing redundancies and clarifying the representation for the PSLRB to hold the representation vote before certifying an employee organization.

**The Chair:** Madam Sims.

**Ms. Jinny Jogindera Sims:** Once again, I do recognize the fact that this is a majority of those who vote, which is a move in the right direction.

**The Chair:** Any other comments?

Seeing none, we'll ask for the vote on this particular government amendment to clause 9.

(Amendment agreed to on division [See *Minutes of Proceedings*])

(Clause 9 as amended agreed to on division [See *Minutes of Proceedings*])

**The Chair:** We'll move on to clause 10—

**Ms. Jinny Jogindera Sims:** What about NDP-15? I know you said NDP-14—

**The Chair:** Yes, I did refer to NDP-15 and NDP-16 as being not able to be proceeded with, with the vote on that in the preamble.

**Ms. Jinny Jogindera Sims:** My apologies, Chair, because I only heard NDP-14 and Green Party-4.

**The Chair:** No, there was a second explanation as to paragraphs that nullified NDP-15.

**Ms. Jinny Jogindera Sims:** Before we move on, Mr. Chair, I'm hoping my colleagues across the way will have read our amendments and seen the great wisdom in those, and will maybe take a look at them before they bring it back to report stage so we don't end up having a wrangle on the floor. Some of those things could be addressed, maybe.

**The Chair:** I would think that point's been made over and over again at committee so far. I think the point is well heard by the government side. Perhaps we can proceed expeditiously to deal with the other clauses.

(On clause 10)

**The Chair:** We're moving on to the amendments to clause 10.

On G-9, this has a line conflict with NDP-17 and NDP-18. If G-9 is adopted, neither NDP-17 nor NDP-18 can be proceeded with.

Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you.

G-9 is not making any substantive changes, as the requirement for a representation vote to be held in all cases prior to certifying an employee organization would be moved to section 64(1) of the PSLRA. It simply is removing redundancies and making consequential changes.

**The Chair:** Ms. Sims.

**Ms. Jinny Jogindera Sims:** I really want to stress the fact that it's really important to have the timing of the vote codified after the application occurs. That's why our amendment would have done it within seven days.

Also, this is something I'm sure my colleagues across the way...we will have unanimous agreement on this, and that is that there should be a neutral place when a vote takes place. It shouldn't happen in a union hall, in a union workplace, nor should it happen at an employer's workplace. So I know our amendments have been shunted, but I'm hoping that you've heard that. I think that's very reasonable and goes along with the narrative I've been hearing from the other side about the need for neutrality and objectivity. I think a neutral place absolutely guarantees that nobody puts pressure on those who vote.

•(1030)

**The Chair:** I'll call the question on amendment G-9.

(Amendment agreed to on division [See *Minutes of Proceedings*])

**The Chair:** Now we'll vote on clause 10.

**Ms. Jinny Jogindera Sims:** But I had my hand up, Chair.

**The Chair:** Well, we're into the vote. I didn't see it. I'm going to proceed with the vote. I'm not going to recognize you on this. Sorry, but ....

**Ms. Jinny Jogindera Sims:** I am going to challenge the chair, because I put up my hand as soon as I finished speaking on the other. I'm sorry, but it's the only chance we get to have a go at this. The chair should look for speakers before going to the vote.

**The Chair:** We had dealt with the speakers on this particular motion.

**Ms. Jinny Jogindera Sims:** No, that was on clause 10. We're now moving on to clause 11.

**The Chair:** No we're not. We're still on clause 10.

**Ms. Jinny Jogindera Sims:** My apologies. I do know how to say sorry. *Mea culpa*.

**The Chair:** Thank you. Wow. You're making it difficult for me, aren't you?

I believe we had clause 10 carry as amended on division. Was that correct?

(Clause 10 as amended agreed to on division [See *Minutes of Proceedings*])

(On clause 11)

**Ms. Jinny Jogindera Sims:** Now—

**The Chair:** Now, let me introduce clause 11 and amendment G-10, which presents no conflicts that I can see.

Madam Sims.

**Ms. Jinny Jogindera Sims:** Once again, I will say we have a great deal of concern around the low level required for decertification, and I'm hoping my colleagues will bring an amendment. I can't move a subamendment here for obvious reasons, but I'm hoping they will look at a higher watermark for decertification.

Thank you.

**The Chair:** Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you. I'm surprised by the comments, because when this was reversed, it was seen as a challenge, so I think the fairer way forward is an alignment of both certification and decertification. This motion does just that. It aligns minimum in-place support thresholds that must be claimed with application with the related requirements.

**The Chair:** Monsieur Boulерice.

[*Translation*]

**Mr. Alexandre Boulерice:** Mr. Chair, I would like to make a quick comment.

I support Ms. Simms' remarks. I think the government should be careful about the minimum level required to start a decertification process. It has major consequences on people's lives, whether on their salaries, their insurance or their pensions. So I think the 50% level should be the standard.

[*English*]

**The Chair:** I see no speakers on amendment G-10.

(Amendment agreed to on division [See *Minutes of Proceedings*])

(Clause 11 as amended agreed to on division [See *Minutes of Proceedings*])

(On clause 12)

**The Chair:** On clause 12, amendment G-11 is in line conflict with amendment NDP-19. If amendment G-11 carries, amendment NDP-19 cannot be proceeded with.

Is there any discussion?

Madam Sims.

**Ms. Jinny Jogindera Sims:** I have an amendment on this. It's not a subamendment.

**The Chair:** So is it a new amendment?

**Ms. Jinny Jogindera Sims:** Yes, I think it's been discussed with....

**The Chair:** Have we received a copy of this amendment?

**Ms. Jinny Jogindera Sims:** My apologies again. That's on amendment G-12 and we're only....

**The Chair:** You're always one ahead of me.

**Ms. Jinny Jogindera Sims:** You know what? I keep getting the clause and the amendment number confused, and I just want to make sure I don't miss my moment.

**The Chair:** Okay. Is there any discussion on amendment G-11?

Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you, Chair. Again it's the alignment of the certification and decertification. I don't think it needs a whole bunch of additional explanation, because we have talked about it.

**The Chair:** Ms. Sims.

**Ms. Jinny Jogindera Sims:** My point is the same: that as much as we appreciate the watermark for the certification vote, we really feel there should be a different watermark to decertify, and it needs to really meet that higher level. In the same way, as you know, reconsideration of a motion that passes before committees in the world that I've lived in usually requires a lot higher landmark than did the motion that was put through first.

I really would urge my colleagues to come forward with something to address this before we get to the report stage.

• (1035)

**The Chair:** Mr. Marston.

**Mr. Wayne Marston:** I just want to add to the points I raised earlier. When you reach the point where you're considering decertification, you've had a well-established relationship between employers and employees via the union being certified. For these people with that established relationship, as my friend here was talking about, there are implications for the package they have in collective bargaining, and a variety of things will be set in motion that will have consequences even beyond what the government side has here.

I'm still very concerned about destabilizing. We have to be very sure that the members do want to decertify. If they do, then that threshold should be in a place that is very clear and there should be no chance of calling into question whether the representation vote is there for decertification. We need a higher threshold to do that.

**The Chair:** Mr. Cuzner.

**Mr. Rodger Cuzner:** With regard to the change in the threshold, could I get clarification on which of the witnesses suggested that?

**The Chair:** Perhaps Ms. McLeod would like to respond to that.

**Mrs. Cathy McLeod:** I'm trying to recall. A number of people in the first panel that we heard talked about 40% to 45% being a very appropriate.... I'll see if I can quickly dig up the name, but there was certainly some discussion on the panel on Tuesday in terms of that level. There was also some testimony around the provincial norms.

**The Chair:** We're going to call the question on Government-11.

(Amendment agreed to on division [See *Minutes of Proceedings*])

Now we move to the vote on clause 12, as amended.

(Clause 12 as amended agreed to on division [See *Minutes of Proceedings*])

Moving on to a new clause, I believe this is one that Madam Sims mentioned, which is amendment NDP-20.

I'm told by the legal advisor that you also have another motion, but first we're going to deal with your amendment NDP-20.

Has everyone received a copy of NDP-20?

**Some hon. members:** Yes.

**The Chair:** Okay. I will ask for anyone who wishes to speak to amendment NDP-20.

Monsieur Boulerice.

[*Translation*]

**Mr. Alexandre Boulerice:** Thank you, Mr. Chair.

We have listened carefully to the comments made by Ms. MacPherson, from the Canada Industrial Relations Board. She said that, if a vote has to be held, it is important for the process to be quite short and for things not to drag on for a long time.

With the voting process spread over a short time, if the employer uses any illegal, unfair or underhanded tactics and someone complains, the complaint has to be dealt with quickly.

That is why the New Democratic Party is putting forward this amendment. If the voting process lasts from 7 to 10 days, and it takes a month for a complaint to be heard, there is a kind of inconsistency and the rights of the workers are not respected. That is why amendment NDP-20 establishes a period of 48 hours.

[*English*]

**The Chair:** So this actually proposes a new clause 13, just to be quite clear, and it's brought forward by the NDP.

Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you, Chair.

I appreciate that we want to have timely responses and resolutions, but I think 48 hours is an unreasonable amount of time to make such an examination and inquiry.

This motion also opens a section that was not amended by Bill C-525, and I would question if it's even in order. But having said that, I think I've stated my two concerns with this.

**The Chair:** I'll call the question on proposed new clause 13, as proposed by the NDP.

**An hon. member:** Could we have a recorded vote?

**The Chair:** You can have a recorded vote if you wish.

(Amendment negatived: nays 5; yeas 3 [See *Minutes of Proceedings*])

We'll move on to debate another new clause being proposed by government amendment G-12.

Ms. McLeod.

• (1040)

**Mrs. Cathy McLeod:** Thank you, chair.

As the bill was written, immediately if it received royal assent it would have been the law of the land, and I think that is also unreasonable. I think having a coming-into-force timeframe of six months gives a lot better opportunity for the necessary adjustments.

**The Chair:** Ms. Sims.

**Ms. Jinny Jogindera Sims:** Thank you very much, Chair.

You know, six months comes and goes very quickly. I would say that when you have these kinds of changes that are going to be then embedded into the Labour Code....

I should maybe make a subamendment before I speak: change six months to 12 months.

**The Chair:** Okay. We have a subamendment as proposed, and we'll deal with that subamendment before voting on the amendment.

**Ms. Jinny Jogindera Sims:** If I may carry on making my points, I'll be very brief.

We need to give time for people to put structures in place because not only is this legislation going to pass, regulations have to be made. There has to be a timely way. We've already rushed the bill, so let's make sure we do the implementation of it in a way that does the least harm.

**The Chair:** Just for clarification, I believe this is an amendment to a new clause, not a subamendment, as I had mentioned.

Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you.

We're debating Ms. Sims' amendment to the one you're currently debating. If you look at the changes that we've made by all the amendments that we've put through, what we have is the mandatory certification vote. This is the essence of what's happening. As we've heard clearly already, we have systems and structures in place for mandatory certification vote. We're not looking at new infrastructure. We're simply looking at providing a little bit of time and ability to accommodate. It would be a valid point if there were significant new structures, but again, we already have the structures in place. We heard that very eloquently from the CIRB.

**The Chair:** We will vote on Madam Sims'—we can call it a subamendment if you like, or amendment, to the new clause, number 13, as proposed by the government.

Those in support of the amendment? Those in the nay?

(Amendment negatived)

**The Chair:** That amendment or subamendment is defeated.

We will now deal with the new clause 13 as proposed by G-12. Those in favour? Those opposed?

(Amendment agreed to on division)

**The Chair:** I do recognize, committee members, that the time is....

Mr. Armstrong.

**Mr. Scott Armstrong:** I'd like to extend the committee for a few minutes to finish this off.

**The Chair:** Okay. We don't have a long way to go. Can I see if there's consensus around the table to continue this meeting to finish this today?

**Some hon. members:** Agreed.

**The Chair:** There's consensus. We'll continue.

Was there a further amendment or new motion that you...?

Just before, I want to clarify with Madam Sims. We had earlier discussed one that you were introducing. Did it get introduced?

**Ms. Jinny Jogindera Sims:** We are introducing it. It was given over. It was taken from me.

**The Chair:** Do the members have a copy?

**Ms. Jinny Jogindera Sims:** Yes.

• (1045)

**The Chair:** This would be a new clause.

**Ms. Jinny Jogindera Sims:** When I moved it, I moved it a little bit differently. Somebody took it from me from the front table. I think it was your legal counsel.

**The Chair:** If that's the case, I've just been told that we voted on it.

**Ms. Jinny Jogindera Sims:** Okay. Shall I read it again?

Amendment on clause 5, where we're replacing line 29 on page 2 with the following—

**The Chair:** Just one second, this is dealing with clause 5? So we're moving back to clause 5, and that's different than what I was thinking we were receiving from you.

(On clause 5)

**The Chair:** Committee members, if you go back to clause 5, this is the one we had deferred and we stood on it because it dealt with a new amendment that was being proposed. That was defeated, by the way. I'll just refer to this because we're coming back now to revisit this. It's Government-4, and it is in line conflict with NDP-6. If G-4 is adopted, NDP-6 cannot be proceeded with.

Also, we will then move on to the amendment by the Green Party.

Let's discuss this amendment, which is G-4.

Ms. McLeod.

**Mrs. Cathy McLeod:** Thank you, Chair.

I think I did give the explanation, and that's documented, where we were looking at the recommendation by Ms. Sims in terms of...

**The Chair:** Those in favour of G-4.

(Amendment agreed to on division [See *Minutes of Proceedings*])

**The Chair:** Now we move to GP-2 and discussion on this particular amendment.

**Ms. Elizabeth May:** If I could, Mr. Chair, in terms of the process—and I want to get this on the record with you and with the

committee—because I'm hoping there can be a reconsideration of the process. This is my first opportunity to speak before the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities since the committee adopted a motion which has direct application of my rights at report stage.

I understand that there was a simultaneous motion that went to every single legislative committee of the House of Commons, identically worded in all committees, all at once, and the intent of it is to prevent substantive motions at report stage—

**The Chair:** Mr. Armstrong.

**Mr. Scott Armstrong:** We're discussing this bill. This procedural thing doesn't apply to this bill.

**The Chair:** Can you come to the point on this please?

**Ms. Elizabeth May:** Yes, because it is very much related to this, Scott.

The reason that this is out of sequence and came in late was because the motion that this committee—and all similar committees—adopted was not only unfair to my rights but places an undue procedural burden on clerks in committee.

**The Chair:** Okay—

**Ms. Elizabeth May:** There was an error in giving me a time that I was supposed to have and I appreciate that the clerk accommodated us, but that's why this particular...I mean it was a real scramble because we didn't get the 48 hours notice. I do think that this process isn't fair to me or to the committee, and that's the only point I wanted to make.

Now, going on to the substantive motion that I'm putting forward. GP-2 is a substantive change to clause 5 which does one simple thing, I can explain it very briefly.

Subsection 39.(2) of the Canada Labour Code makes a lot of sense. It's being repealed by the way this act is currently worded and if you earn a situation of decertification, if there's no collective agreement in place, but there is ongoing negotiation, and the bargaining agent is bargaining in good faith, you shouldn't actually create chaos in collective bargaining and labour relations.

Just to quote from the Canadian Labour Congress' brief to the committee, “that failure to improve this act”—as my amendment proposes—“will only serve to destabilize labour relations and undermine collective bargaining”.

I know this bill is a private member's bill, it's Blaine Calkins' bill. I'm not calling it the government bill. He's a diligent private member, but this is one of those examples of taking something....There is the old adage, “If it ain't broke, don't fix it”. This is one of a number of private members' bills, and some government bills, that aim directly at collective bargaining, as they have to other sectors, and say, “We're going to keep fixing it 'til it's broken”.

This little amendment would at least address this one gap in Bill C-525.

Thank you, Mr. Chair.

• (1050)

**The Chair:** Any other speakers to this amendment?

Seeing none, I'll call the question on amendment GP-2.

(Amendment negatived [See *Minutes of Proceedings*])

(Clause 5 as amended agreed to on division [See *Minutes of Proceedings*])

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Clause 1 agreed to on division [See *Minutes of Proceedings*])

**The Chair:** Shall the bill carry as amended?

**An hon. member:** A recorded vote please.

(Bill as amended agreed to: yeas 5; nays 4)

**The Chair:** Shall I report the bill?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

**The Chair:** Shall the committee order a reprint of the bill?

**Some hon. members:** Agreed.

**The Chair:** Thank you committee members for hanging in here to complete this today. Have a good constituency week.

The meeting is adjourned.

---





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

---

### SPEAKER'S PERMISSION

---

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

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

---

### PERMISSION DU PRÉSIDENT

---

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>