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Bill to Amend—Second Reading of Bill C-4—
Debate Continued

Questions by:

The Honourable Diane Bellemare

Thursday, December 1, 2016

THE SENATE

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[Translation]

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BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Is it not true, senator, that in addition to the \$5,000, Bill C-377 also provides for the names of beneficiaries to be disclosed as well as the reason for all expenditures? This includes all financial advisors, economists or anyone working even as a gardener or window washer on union premises. Anyone who receives \$5,000 or more at any time during the year will see their name, the reason for their remuneration, and other clear identifying information posted on the Internet. This violates the privacy charter. All the experts and everyone who appeared before the Banking Committee and the Legal and Constitutional Affairs Committee emphasized this.

Senator Dagenais: Talking about the Charter of Rights and Freedoms is all well and good. When I was president of the association, I, too, had to answer to my members. If someone told me I had to specify the name of the law firm when listing legal fees, I would not have hesitated. If someone told me I had to list the name of the actuaries, I would not have hesitated. I would also have not hesitated to disclose the salaries of the five vice-presidents as well as my own.

We are talking about transparency here. We have nothing to hide. When certain unions are uncomfortable with that requirement, I have to wonder why. You should know, Senator Bellemare, because you come from Quebec and you know about QFL Construction. I would not have hesitated to disclose people's names. What the president of the police union and others told me they resented was not a violation of their Charter rights, but of their safety. They were worried that their names would be seen. I would suggest they stop making websites with their pictures on them, which is worse. I raised the issue one day with Tom Stamatakis, President of the Canadian Police Association, and he told me that it was indeed a danger. I told him to take his picture down if he was so scared.

I was very comfortable with this measure. If I had been president of the provincial police association, I would have had no issue submitting my financial statements under Bill C-377. It is a question of transparency to the workers.

Senator Bellemare: I am going to switch gears with my next question. Isn't it true, Senator Dagenais, that Bill C-4 is not a bill that casts doubt on the merits of Bills C-377 and C-525, but a bill that seeks to restore the balance of power between employees, employers, unions, and bosses, in a context where legislation was adopted unilaterally?

• (1540)

I'm not at all against private bills, but in this particular case, two labour relations laws were imposed even though Canada's usual approach is much more consensual. The usual approach is to come to an agreement, not to unilaterally change the balance of power, as Bill C-377 and Bill C-525 were designed to do.

What do you think of this study, which was done not by an academic but by the then Department of Human Resources and Skills Development back when we started talking about Bill C-525 and then Bill C-377?

The study was entitled *Union Certification Regimes and Declining Union Density in the Canadian Business Sector*, and it identified factors that contributed to declining union density in Canada's private sector.

The study, which was tabled, concluded that, in Canada, if secret ballots in certain provinces had not taken place, the unionization rate would not have declined as much. The study corroborated studies done elsewhere, such as in the United States, as well as provincial studies.

The study was kept secret, and the report was released only recently. It was not until this past spring that the Minister of Employment, Workforce Development and Labour, the Honourable MaryAnn Mihychuk, made it public.

Senator Dagenais, as a former union leader, how do you respond to a study like this one that shows how some tactics limit the expression of democracy in the workplace and how employers can use these somewhat heavy-handed tactics against people who want to cast a vote in the workplace?

Senator Dagenais: As I explained during my presentation, I was a member of a union for 28 years, and I can tell you that the best way to vote has always been by secret ballot. Correct me if I am mistaken. You are saying that the rate of unionization has dropped because of secret ballots.

I have chaired a meeting where 2,000 people were in the room and I can tell you that I would have had problems without the secret ballot. I will give you an example. When there is a vote on a labour contract, it is not done by a show of hands. People had a ballot to vote for or against it. They listened to the explanations and then they went to vote in a designated area. If there were pressure tactics, do you think that I would ask them to vote by show of hands? That would have been uncontrollable.

I did not come up with any theories or conduct any studies, but I saw it with my own eyes for 28 years. Having a secret ballot is a way of expressing a viewpoint. Between you and me, when we vote in Canada, it is not by show of hands. We vote by secret ballot.

In my opinion, the secret ballot is very important. Union associations have recently been lining up in my office to ask that we keep the secret ballot. I do not see how the employer could exert any pressure. The employer usually allows its unionized workers to meet and that is the case for most people. I do not wish to speak about the RCMP because that is another matter.

Do all the consultations you like; people will approve of secret ballot voting because it is a way to express oneself, and more importantly, without being subjected to any undue pressure, which is what happened with FTQ Construction on the North Shore.

(On motion of Senator Tannas, debate adjourned.)