



# DEBATES OF THE SENATE

---

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 108

---

## CANADA LABOUR CODE

### BILL TO AMEND—THIRD READING— DEBATE CONTINUED

Speech by:

The Honourable Diane Bellemare

Tuesday, April 4, 2017

## THE SENATE

Tuesday, April 4, 2017

[Translation]

### CANADA LABOUR CODE

BILL TO AMEND—THIRD READING—  
DEBATE CONTINUED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I would first like to point out to Senator Tannas that I have received a number of emails from people suggesting that we repeal Bill C-525. People are quite anxious to see this bill repealed. I have also received a considerable number of emails on Bill C-377. People know that these two bills are part of Bill C-4 and that they have to be repealed.

[English]

Another thing I would like to point out about what you said, before I attack your amendment, is the fact that the actual or the proposed system of accreditation for unions does not involve a secret ballot. It does. It's written, the conditions, and more so all the processes of certification of unions that will be re-established, and that's the point. This is where it's different from what's going on in other provinces. It is managed by a tripartite board, where the employers are represented — the employers, unions and the government. The tripartite board just managed the system of certification of unions, so if something goes wrong with respect to employers, the employers can phone their employers' representative.

[Translation]

Colleagues, I will be brief. I will confine my remarks to the amendment before us because I believe that we have said enough about this bill. I rise today to urge you to vote against this amendment.

[English]

I invite you to vote rapidly against this amendment. Make no mistake, colleagues, even though Senator Tannas is very convincing and is a very nice guy, this amendment —

**Hon. Senators:** Hear, hear!

**Senator Bellemare:** Yes, of course he is a nice guy. I always thought so, but make no mistake: This amendment is not as friendly as its mover, as the sponsor. This amendment is not a friendly amendment. Be careful.

If adopted, it will bring us nowhere. Every one of you knows that this amendment will be rejected in the other place because it is an electoral promise and because it is a good thing to do. Also, it is the equivalent of voting against more than half of the bill.

Some of you may wonder, and I think it's important to explain, why this amendment is being introduced now and why it was not introduced in committee. It is useful to put on the record that this amendment is presented at third reading because it would likely

have been ruled out of order at the committee stage. Let me elaborate on this subject.

[Translation]

Colleagues, the amendment proposed by Senator Tannas seeks to remove from Bill C-4 all the clauses having to do with repealing Bill C-525, and it corrects certain errors. This amendment seeks to uphold in the Labour Code the certification system provided for in the bill introduced by members in the other place. It also corrects the errors that slipped through in December 2014.

[English]

In other words, if adopted, this amendment would have the effect of withdrawing, from Bill C-4, the abrogation of Bill C-525. If amended in this way, since Bill C-4 would abrogate Bill C-377 and correct the technical errors of Bill C-525, this could not have been done in committee because it goes against the principle of the bill adopted at second reading.

[Translation]

There are indeed rules on the admissibility of amendments presented in committee and it is up to the chair of the committee to enforce those rules. One of these important rules stipulates that amendments must respect the scope and principles of the bill. *Senate Procedure in Practice* states, on page 141:

An amendment must respect the principle and scope of the bill, and must be relevant to it. It is a fundamental principle that "[a] committee is bound by the decision of the House, given on second reading, in favour of the principle of the bill, and should not, therefore, amend the bill in a manner destructive of this principle."

The amendments moved today would not have been admissible in committee because they are contrary to the principle of Bill C-4 and narrow its scope. The principle of the bill is to restore the balance in labour relations that existed before Bill C-525 and Bill C-377 were passed. Bill C-4's summary is very clear, as was the testimony of the Minister of Employment, Patty Hajdu, before the Standing Senate Committee on Legal and Constitutional Affairs. In her testimony, she stated the following:

[English]

Let me begin by explaining to you our government's objectives with Bill C-4, and that is to restore fairness and balance in labour relations between unions and federally regulated employers. . . . Bill C-4 seeks to repeal Bill C-377 and Bill C-525, two bills which disrupted that balance. Honourable colleagues, that fairness and that balance matter both in the substance of the bills and in the process through which the legislation was brought forward. Unfortunately, those bills failed in both regards.

It is clear that the amendments of Senator Tannas go against the principle of restoring balance and fairness in labour relations. Indeed, both Bill C-377 and Bill C-525 changed the balance in labour relations against unions and in favour of employers.

Taking one bill out is an attack to the principle of the bill. This is why those amendments could not be presented in committee.

[*Translation*]

Basically, Senator Tannas could not present these amendments in committee because, as I said, the Senate approved the principles of Bill C-4 at second reading.

The rules regarding amendments presented at third reading are more lenient, even if these amendments have the effect of blocking the bill.

[*English*]

The rules concerning the acceptability of amendments in third reading are different from those governing the amendments at committee stage. It looks like the amendments of Senator Tannas are receivable, even though they are not pertinent and are equivalent to voting against an important part of the bill.

[*Translation*]

I said earlier that these amendments are not “friendly” because they go against the very principles of the bill. For that reason, I urge you to vote against them.

In fact, dear colleagues, when we really think about it, no amendment can really fix the problems contained in Bill C-377 or those created by Bill C-525. It is impossible to correct the imbalance in labour relations that the passage of these bills created without repealing them. No amendment can correct Bill C-377 to make it constitutional, respectful of privacy, or better balanced with regard to employers without the bill becoming unrecognizable. Similarly, no amendment can fix the fact that Bill C-525 is not the result of the tripartite consultation process used in federal labour relations.

In short, no amendment can transform these bills into two good bills. They must be repealed because they promote unstable labour relations and threaten the economic growth of the middle class. If a government wants to make changes to union accountability or accreditation — and I do mean a government and not individual members — it must start the process from square one with the parties involved, namely, the unions and employers.

During the campaign, the government promised to repeal this legislation. The House of Commons passed Bill C-4 with the support of over 70 per cent of its members. The Senate still has the power to refuse to pass the bill, but it would be ill-advised to do so. I therefore ask you to vote against this amendment and to pass Bill C-4 as quickly as possible.

---