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ECONOMIC ACTION PLAN 2013 BILL, NO. 2

Third Reading of Bill C-4

Speech by:

The Honourable Claudette Tardif

Thursday, December 12, 2013

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[*Translation*]

ECONOMIC ACTION PLAN 2013 BILL, NO. 2

THIRD READING

Hon. Claudette Tardif: Honourable senators, I would like to speak briefly to Bill C-4, the latest budget implementation bill introduced by the government.

The government has done it again: it has introduced another omnibus bill. Just like its predecessors, this bill is chock full of provisions that have nothing to do with a budget bill. It has almost become a habit in this chamber to remind Canadians that the current Prime Minister criticized omnibus bills when he was in opposition.

The Prime Minister was outraged by a 20-page bill that he believed would put members in conflict with their own principles, because they had only a single vote on everything contained in the bill.

Today, we must vote on a bill that is more than 300 pages long, amends 70 acts and contains several important measures that should be debated separately. For example, there are measures concerning Supreme Court appointments, worker health and safety, and labour relations with federal public servants.

A good example of a provision that has nothing to do with the budget is the amendment of the Supreme Court Act. Although I reread the budget documents presented last spring, I cannot find any mention of this act. The government is scrambling to amend this bill because of the controversy created by Justice Nadon's appointment. In my opinion, this controversy clearly shows that Canadians want a Supreme Court that is representative of the people and the traditions of our country.

As I have already said in this chamber, rather than rush things through and avoid any debate, I think this is the time to have a serious discussion about the criteria for appointing judges to the Supreme Court. This hasty debate completely glosses over another demand from Quebecers and francophones from across Canada, who not only insist that the court have excellent knowledge of civil law, but would also like to be understood directly by judges in the official language of their choice.

Furthermore, it seems unusual to me to want to change an act of Parliament while sending this very measure to the court so that it can give a ruling on it.

The government is also using its budget implementation bill to give itself greater powers in future collective bargaining processes. One must question whether this position will favour healthy labour relations within the public service.

Clause 17 in part 3 of the bill profoundly changes the collective bargaining process. As you know, some positions in the public service are considered essential, and some restrictions are therefore placed on employees' right to strike, and rightly so. In the past, the designation of essential services in the event of a strike was the subject of negotiations between the employer and employees.

Under Bill C-4, the government is granting itself the exclusive right to define which services are essential. It will also have the exclusive right to determine the number of positions needed to provide those services. Accordingly, it is significantly limiting federal public servants' right to strike, because if most of the members of a bargaining unit are designated as essential, striking will no longer be an effective job action.

In principle, a union and an employer have access to similar pressure tactics when it comes to collective bargaining. The employer has the right to a lockout and the union has the right to strike. By essentially gutting this principle, the government is taking away an important collective bargaining tool from federal employees.

Bill C-4 will have other effects on the rights of federal employees. Arbitration is often used to resolve disputes in the public service. However, the bill takes away the union's right to use this bargaining tool unless 80 per cent of the members of a bargaining unit do work deemed essential. The government is essentially giving itself the power to designate 79 per cent of the employees of a bargaining unit as essential, so it can reject the union's request to go to arbitration and force a minority of the employees — as few as 21 per cent — to go on strike. That scenario would be possible under Bill C-4.

The bill also amends the factors that arbitration boards must take into account when making awards. Arbitrators will now have to take the government's financial situation into account.

• (1630)

We feel that this will give the government the upper hand during negotiations. The government seems to want to prohibit almost all potential opposition from its employees by leaving them only the most ineffective methods of objecting.

In living, breathing democracies, unions play an important role in advancing workers' rights and protecting the middle class. Is it really in the country's interest to attack the principles that are meant to guide labour relations in the federal public service, as this bill does? Such significant changes to workers' rights deserve to be seriously debated in Parliament.

[*English*]

As honourable senators have mentioned, buried in Bill C-4 are also amendments to the Canada Labour Code that will significantly alter a provision designed to safeguard the health and safety of workers. The bill narrows the definition of "danger" so that it strictly means an imminent or serious threat to the life or health of a person.

This seriously reduces the right of an employee to refuse work that could lead to chronic illnesses, diseases or damage to their reproductive system. The current definition of danger was adopted in 2000 after wide consultations with representatives of both employers and employees.

If the government believes that the current definition of danger is problematic, it should not be imposing, in a budget bill, a new definition that limits the rights of workers to refuse unsafe work. It should be working with employees and employers to make workplaces healthier and safer through a fair and balanced process.

After more than two years of majority governance, it is becoming clear that the government wants to provoke a confrontation with the labour movement in both the public and private sectors. Instead of promoting balanced labour relations, the government has intervened in major labour disputes on the side of employers three times. They supported, with enthusiasm, private member's legislation that weakens unions, and now it is weakening the right of federal workers to fair collective bargaining and to a healthy and safe workplace.

Honourable senators, this bill offers no real innovative measures to help Canadians in difficult economic times. What we have seen over the years instead is disengagement, scaling back investments in our health care system, raising the age of eligibility for Old Age Security, no leadership on a much-needed Canadian energy strategy or to set ambitious post-secondary education attainment rates. Even the government's much-touted job training program is still non-existent because it forgot to talk with its constitutional partners. The government has spent thousands of dollars of scarce taxpayer dollars advertising a program that does not exist.

Honourable senators, the government has an important role in shaping the future of our country for the better, but it needs to be responsive to the needs of Canadians.

We have been talking in the past few years about the rising household debt of Canadians, stagnating incomes, the more than half of Canadians that have no workplace pensions, the unemployment and under-employment of young Canadians that remains higher than before the recession, and tuition fees rising at a much higher rate than the rate of inflation. Unfortunately, the government's budget does little to address these problems.