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**BILL TO AMEND THE PUBLIC SERVICE LABOUR  
RELATIONS ACT, THE PUBLIC SERVICE  
LABOUR RELATIONS AND EMPLOYMENT BOARD  
ACT AND OTHER ACTS AND TO PROVIDE FOR  
CERTAIN OTHER MEASURES**

THIRD READING—DEBATE ADJOURNED

Speech by:

The Honourable Larry W. Campbell

Monday, June 20, 2016

## THE SENATE

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### BILL TO AMEND THE PUBLIC SERVICE LABOUR RELATIONS ACT, THE PUBLIC SERVICE LABOUR RELATIONS AND EMPLOYMENT BOARD ACT AND OTHER ACTS AND TO PROVIDE FOR CERTAIN OTHER MEASURES

#### THIRD READING—DEBATE ADJOURNED

**Hon. Larry W. Campbell** moved third reading of Bill C-7, An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures, as amended.

He said: Honourable senators, I rise today at the third reading of Bill C-7 to voice my support for this bill, as amended. I realize that I've put myself in an awkward position by supporting the bill while advocating amendments. I will address that later in my speech.

It would simply be wrong to not try to make a bill more democratic and constitutional. This is a historic bill that will change the face of federal, provincial and municipal policing by the Royal Canadian Mounted Police.

I must stress that I am not in favour of handcuffing management. At the same time, I'm also not in favour of starting out the bargaining process with the table tilted one way or the other. I believe the committee struck a balance that will ensure that both sides of the table will be able to negotiate in good faith without handicap.

What we are trying to do is ensure that members of the Royal Canadian Mounted Police have the same bargaining rights as other police forces in Canada, be they provincial or municipal. I attended all of the committee's hearings on C-7, and witnesses made it clear that the sections on exemptions were unconstitutional. The government does not agree, but I think that we need to err on the side of caution and accept the possibility.

The defining testimony for removing the exemptions came from the Commissioner of the Royal Canadian Mounted Police. He stated:

Here is the thing. These exclusions, enumerated as they are in Bill C-7, did not need to be listed in this fashion. That was our advice to list them. Why? Because we thought that in this very acrimonious season of an RCMP union drive, there would be criticism that we were trying to pull a fast one.

I commend the commissioner for trying to be transparent.

The Defence Committee, therefore, struck the section on exemptions and replaced it with amendments recognizing management rights. These are the same rights that the management of the majority of police forces have in Canada. In essence, the management rights clause recognizes that notwithstanding any other clause in this bill, management has the right to the final decision. This of course can be grieved in due course, but the right exists.

The time frame to actually having a bargaining agent in place is really unknown — I've heard as much as up to three years. In the interim, members of the force have no real mechanism to engage with management. This is of concern to not only me but also other senators and the rank and file of the force.

The RCMP is in crisis. They're being asked to do more with less. This theme was repeatedly stressed in emails to us. Management has not been able to move into the new world but instead continues with the top-down paramilitary management structure that, quite frankly, is preventing the force from moving forward. I truly believe that this bill is the start of a process that will be ongoing in allowing all members of the Royal Canadian Mounted Police to participate in making the changes necessary. This bill is not about limiting management rights, but rather allowing real collective bargaining to begin.

With regard to introducing this bill, I know that other independent senators have been asked and in some cases accepted the invitation to introduce a bill from the Government Representative, Senator Harder. I absolutely and completely support this bill.

That being said, support for a bill does not preclude a supporter from attempting to make the bill better. In this bill, there are 74 clauses. I and other senators on the committee agreed that by changing two of them with consequential amendments, the bill would withstand the constitutionality question without changing the actual intent of the bill. With the shifting tides in the Senate, I believe that this situation will continue to evolve.

I don't think that anyone here believes that the old "whip" the vote and vote according to party lines is as relevant any more. That is a good thing. We are seeing governance and discussions in this place that quite frankly I've not seen in 11 years. This is a good thing. We're fulfilling our real constitutional role, not as gatekeepers but as a chamber of sober second thought, and that is a good thing. Now, if only the other place would be able to understand that.

In closing, I have to recognize the members of the Senate Security and Defence Committee. This committee has a full plate and took the time to address this bill. On a number of occasions while sitting on committees, we've asked for more witnesses and it hasn't been allowed for whatever reason. In this case, Senator Lang heard all of the opinions and did not put any constraints on the testimony.

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

**Senator Campbell:** This committee had all of the tools for a thorough examination of this bill: witnesses from legal minds to police union background to senior management, two ministers and the Commissioner of the Royal Canadian Mounted Police — they were all there.

I urge all senators to vote for this bill with amendments so that the RCMP can get on with moving forward towards modernizing their organization.

I'll take questions. Thank you.

**Hon. Mobina S. B. Jaffer:** Senator Campbell, as you know, the committee held six hours of hearings and then heard from the commissioner. When Minister Goodale came to committee, he explained why exemptions were put in this bill. Can you tell us why exactly he said the exemptions were needed?

**Senator Campbell:** In a short answer, my understanding is these exemptions were needed because the Mounties were going into the public service, and because of that the public service has those exemptions built in there. Therefore they believe that the RCMP should have them built in.

The argument is, of course, that being a member of a police force is different from being a member of the public service. I don't believe it was necessary for all of the exemptions to be taken out. I just wanted it to be up to the government to decide. Harassment — how can we possibly argue that this shouldn't be part of a negotiation where the workplace can help the management understand it?

Other issues probably aren't as important. My argument is you cannot take a square and put it into a round hole, and that's exactly what they were trying to do.

**Hon. Percy E. Downe:** Senator Campbell, the House of Commons may not reconvene until the fall. How would that affect the members of the forces if this bill is not passed when President Obama, for example, speaks on June 29? The House of Commons, I assume, could reconvene that day to pass the bill.

**Senator Campbell:** Well, I've been getting emails from at least one of the groups that wishes to represent the RCMP. They see urgency to this. I don't see that urgency. In fact, I believe that allowing the government the summer to take a look at this may allow them to understand why these exemptions should not be there and why, for instance, we decided that there should be a secret ballot.

The process to getting certification is very complicated. You need 40 per cent. There are over 700 detachments spread across this country, not counting headquarters staff here. At least two groups are trying for it. It's going to be a long and involved process. If they want to pass it when the President is here, that is fine with me, but I'm not lighting my hair on fire if it isn't.

[*Translation*]

**Hon. Ghislain Maltais:** Senator Campbell, would you take another question?

**Senator Campbell:** Certainly.

**Senator Maltais:** Will the certification vote for the RCMP be a secret ballot or show of hands?

[*English*]

**Senator Campbell:** If we pass this bill as amended, it will be a secret ballot.

**Hon. Joseph A. Day:** Will the senator take one more question?

**Senator Campbell:** Absolutely.

**Senator Day:** Flowing from your last comment, I'm looking at Bill C-7, subclause 64, which states:

If the Board is satisfied on the basis of the results of a secret ballot representation vote —

— of the majority, then they'll recognize that particular group.

You indicate that we need the amendments to Bill C-7 in order to have a secret ballot vote. What does this section mean?

**Senator Campbell:** It was our understanding from the study that within the agreement there was no allowance for a secret ballot. I think that is for the certification, I believe. Is that correct?

**Senator Day:** Certifying, yes.

**Senator Campbell:** I'm sorry, I misspoke. That's in there, but this will be for other votes that take place as they go forward. Quite frankly, I have no idea how you would not have a secret ballot. I don't know how you would get a ballot from Grise Fiord to wherever they were being counted without it being secret.