

*Government Orders*

natives, as well as transfers to the provinces, how can grain farmers be assured that this railway company will be able to continue on its own?

I would like to go back to the question of why Bill C-5. It has been argued, as I pointed out before, that if the Canadian Western Railway had come into existence 39 days after it did, that being the time that the new National Transportation Act came into play, it would not face the legal entanglements that it faces today. That is not exactly true.

The jurisdictional problem would still have been raised, as it has been by the railway unions representing the employees on the Canadian National Railway, for successor rights pursuant to Section 144 of the Canada Labour Code.

Furthermore, if Bill C-5 were to pass, federal jurisdiction over Central Western could be upheld on the basis of Section 92 (10) (c) of the Constitution Act, 1867.

The Canada Labour Relations Board has held that the Central Western Railway fell under federal jurisdiction. That decision was upheld by the Federal Court of Appeal. The company appealed this decision. The appeal to the Supreme Court of Canada is scheduled to be heard on March 19, 1990.

• (1030)

The government has been quite efficient this time in trying to get this legislation through the House. It could be argued that such zealotry might prejudice the court case should the bill become law before the Supreme Court has been able to hear the case. I hope that this is not the intent of the government in trying to pass this legislation as quickly as possible.

I raised the question of safety as well during the last debate. I would like to raise it again.

We were assured that employees of the Central Western Railway hold an "A" card under the uniform code of operating rules and that their examination had been filed with both provincial and federal authorities. I pointed out before, and I would like to point out again, that should Bill C-5 tip the scale and should ultimately CWR be declared outside federal jurisdiction, there would be no guarantees that this railway would continue

to be governed by the federal safety standards once the railway is declared to be wholly provincial.

I put to you the concerns of unions in that matter. Their questions were these. Would the employees be protected from having to work in unsafe conditions due to long hours of duty? Would they be covered by the mandatory rest order? If the Canada Labour Relations Board decision is upheld, the unions argue that Central Western Railway employees would be protected by the rest provisions of the agreements that were in place on the Canadian National Railway prior to the purchase of the Stettler subdivision. These agreements give employees the right to book rest after 10 or 11 hours of duty.

It was pointed out in the submission of the United Transportation Union to the legislative committee that there is a distinct difference between a contractual right and the whim of an employer to force an employee to work long hours. It was pointed out as well, and here I quote verbatim, what was submitted by the UTU:

These contract rules and government regulations not only protect the employees but also serve to protect the public along the right of way and we believe that not only the Central Western but any other short line railway should be required to comply with these standards.

In closing, I would simply urge this House to consider the few points I have mentioned in my speech but that I would like to highlight once more.

The Canadian Western Railway seems to be a profitable business venture and its financial health does not seem to be in jeopardy as we speak.

There is a matter of an appeal still to be heard before the Supreme Court at a later date and this House should let this judicial body arrive at its decision without any possible, even if unintentional, interference from this House.

The safety of workers might eventually be at stake if safety measures are not clearly established and controlled.

Finally, grain farmers who depend on this line for movement of their crops must be secure in the knowledge that they would not be at the mercy of a small, although right now financially healthy, business venture.

There is more at stake than the dream of a small businessman. There is the future of workers and farmers to consider.