

The Deputy Chairman: Is the committee ready for the question on the amendment moved by the hon. member for Peel South?

Some hon. Members: Question.

Amendment (Mr. Blenkarn) agreed to.

The Deputy Chairman: The committee will now consider the main motion moved by the Minister of Justice to amend subclause (3).

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, earlier today I gave notice of intention to move an amendment to subclause (2) of clause 16, the effect of which was to deny the right to refer work rules to an arbitrator. The minister in considering that proposed amendment, a copy of which was sent to him, sought to deal with the matter of the amendment which is now before us in the name of the Minister of Justice. This is dealt with in subparagraph (b), the reference being to an arbitrator, which reads:

shall not alter or amend any existing work rules or practices in a manner that could have an adverse effect on rates of pay, earnings or employment opportunities; and

I appreciate the action of the Minister of Labour in considering my proposal and in presenting his wording of the idea. However, I submit he has restricted it by the qualifying words in the latter part of subparagraph (b).

I suspect that many members are aware of the main issue involved at this point. The issue is one raised by members of the UTU with particular respect to the consist of freight trains. This was discussed earlier today. At the present time, the crew consist is made up of the engineer and brakeman up front and conductor and brakeman in the caboose.

There is a move on by the railway management to get rid of the brakeman in the caboose, in other words to reduce the consist of freight trains to three individuals. The UTU feels very strongly that this is a change which must not be made. Their fear is that if the arbitrator is free to change some of the work rules and practices, this is one that might be changed.

I know there are other rule changes the UTU would like to achieve, but they would prefer to achieve those by the process of negotiation. They would rather not win some of the changes they want to win and run the risk of losing their position with regard to the crew consist by virtue of that matter being one that could be referred to the arbitrator. As a matter of fact, the members of the UTU, the trainmen on the trains do not feel that the kind of arbitrator who will be called in to do the job set up under this bill will be qualified to deal with such a matter as work rules.

I feel very strongly that the intent of my earlier amendment should be observed and that the minister in subparagraph (b) should stop after the word "practices". Therefore, I move:

That the amendment be amended by deleting subparagraph (b) therefrom, and by substituting therefor the following words:

(b) shall not alter or amend any existing work rules or practices; and

It will be seen that this is a technical way of putting the amendment so that it will be clear. The effect is to remove those dangerously qualifying words in the minister's pro-

Railway Operations Act

posed amendment. I hope the committee, realizing that members of all parties have had representations made to them on this point by those on the running trains, will agree to accept this subamendment to the minister's amendment.

Mr. Munro (Hamilton East): Mr. Chairman, I wish to indicate to the hon. member that in the drafting of the amendment, I tried to cope in the best way possible. That is why the wording is in this manner. I think it is a clear signal to the arbitrator that we are concerned about the consist. We are concerned about this fourth man, the brakeman, about whom the hon. member spoke. However, it does not give him a specific direction. In each instance these are items that are in dispute. It does not identify it exclusively, but it does signal to him the concern of parliament. I feel that is preferable.

If we are now going to start to negotiate on the floor, and put certain things the arbitrator can deal with and certain things he cannot, and if management starts to make representations whereby they would like to take a few things out of the hands of the arbitrator which the union would like to have him deal with, we are into this whole business again. For that reason I hope the hon. member for Winnipeg North Centre will see the artistry we think is contained in the words in subparagraph (b).

● (0230)

Mr. Lewis: The minister has added certain qualifying words. I am not suggesting that my hon. friend should seek permission to withdraw his amendment; he himself will have to decide that. However, I should like to ask the minister whether he would agree to include the words "or safety" as an additional protection. Thus, if the committee does not accept my hon. friend's amendment the paragraph would read:

—alter or amend any existing work rules or practices in a manner which could have an adverse effect on rates of pay, earnings, employment opportunities or safety.

Mr. Munro (Hamilton East): I do not see any objection, since we have already added some qualifying words, to adding the words "or safety".

Mr. Knowles (Winnipeg North Centre): If the minister is willing to do that, I will be prepared to withdraw the amendment I have proposed. Either the minister or I could move that we simply add to the minister's motion, at the appropriate place, the words "or safety".

Mr. Munro (Hamilton East): Agreed.

The Deputy Chairman: Order. The hon. member for Winnipeg North Centre is seeking unanimous consent to withdraw his amendment. Is this agreed?

Some hon. Members: Agreed.

The Deputy Chairman: Since there seems to be a consensus, perhaps by unanimous agreement we could add the words "or safety" after the words "employment opportunities". Is this agreed?

Some hon. Members: Agreed.