

Maintenance of Ports Operations Act, 1986

He simply was put into a situation where he could not come up with a conclusion.

I do not think the proposal being made by my colleague would add substantively or enormously to the work to be done by the Commissioner in that the amount of track, so to speak, left to be put in place to complete some of those items is not that great. I think the commission is likely a better place for that to take place in that, as I said earlier, the referee may find it necessary on some of these points to come back through Labour Canada to the Minister, back to the House, to get direction through something other than Bill C-24 that would allow the process to be completed. I do not think that is what is intended by this legislation. I think that since the process as set out for the industrial inquiry commission is of a specific duration, that of six months in which to come up with the basic part of it, it gives the Minister some leeway in coming down with final contractual language and so on. This is really a more appropriate way for it to be done rather than throwing those uncompleted items to the referee who may in all likelihood be unable to complete them.

Mr. Murphy: Mr. Chairman, on the same point, unfortunately the legislation we are dealing with today is very complicated and difficult. Instead of referring all the problems related to the breakdown of negotiations to one body, we have a number of different agencies involved. However, as any of us who have been involved in collective agreements, either through negotiating them or administering them or just studying them, realize, what happens in one section of a collective agreement has a definite bearing on other parts.

One of the problems faced by the union with the proposal of the Minister is that if the inquiry comes down with a certain recommendation or recommendations regarding how the container issue will be resolved, it certainly will affect the clauses we have suggested and should also be referred to the same authority, for example, the clauses affecting such things as welfare, wages, automation, hours of work, hours of work at bulk terminals, et cetera. Obviously if there is a recommendation on the container clause that reduces the hours of work, it will have some effect on the workers. It will also affect how the pension plan is going to be implemented, as well as their medical and dental plans. It will affect a number of issues which are very important to the maintenance of that collective agreement. You cannot divide them. You cannot say the container clause is very important and we will send it over by itself and forget about the other items in that collective agreement.

If the worst happens as far as the employees are concerned and the container clause is removed and a number of people lose work, then obviously they are going to be very concerned with what additional benefits should be there concerning their pension. They are going to be very concerned about the hours of work and how they are determined. That being the case, it is very important that the Minister listen to the representations made by the Hon. Member for Regina West and the Hon. Member for Skeena and by myself to make sure he does not

send parts of the collective agreement to the referee and other parts to an inquiry restricted to the container clause. The collective agreement is one agreement. It affects the workers and their families. It affects the performance of the workers on the job and it is very important that it be dealt with by one group, especially when there can be no joint agreement.

● (1600)

It is very important that this matter be resolved in the manner which we have just suggested. If the agreement falls apart six, eight or nine months down the road, it could very well be because of the split jurisdiction which the Minister is recommending. If the container clause goes one way and the hours of work, automation and welfare clauses are not appropriate, there will not be peace on the waterfront in B.C.

Mr. Angus: Mr. Chairman, I would like to add a couple of points to the arguments made by my colleagues. It is not necessarily to the advantage of the union to have the recommendations in the Larson Report reopened. There are instances in which the Larson Report recommends in the union's favour, but those clauses are included in this package to allow that crossover. Instead of a very narrow focus on the container issue, a number of things are included to allow the give and take which is necessary in the collective bargaining process to arrive at an agreement which the parties are prepared to accept and tolerate. I urge the Minister to give very serious consideration to our proposal to broaden the scope of the Commissioner in order to achieve a true collective agreement. Clearly, anything imposed from above is not a collective agreement.

Mr. Cadieux: Mr. Chairman, the issue which has been raised today is very serious, and what we are doing today is also very serious. If the issue were not so serious, we would probably not have introduced this special Bill. This legislation was introduced in the House because, as far as I am concerned, the parties have a horrible record with respect to collective bargaining. They were not able to arrive at an appropriate agreement between themselves. We have given them all the help possible. We gave them a conciliator, a commissioner, and then two mediators. All efforts were made to enable the parties to sit at a negotiating table and prove to the Canadian people that they could finally reach an agreement. They have failed.

I have been to see the parties. I told them that they have the responsibility to reach an agreement and that if they did not we would impose an agreement upon them. The Larson Report is based upon discussions which have taken place with the parties. In the circumstances, I think it is the best compromise we can make. This does not prevent the parties from sitting down and coming to an agreement. We will not support the amendment.

Mr. Benjamin: Mr. Chairman, I regret very much the Minister's decision. Our amendment fits perfectly with the arguments he has just made. We were only asking that these