

*Proceedings on Adjournment Motion*

[Translation]

**Mr. Jean Chrétien (Parliamentary Secretary to Minister of Finance):** Mr. Speaker, I congratulate the member for the persistence he shows with regard to a problem I consider, as he does, very important.

However, the member should know, and I am convinced he does, that this particular problem requires special legislation from the government and that, due to circumstances since last June, Parliament has not dealt with new measures; however, it plans to do so with respect to that problem, as soon as possible, taking the usual priorities into consideration.

The member mentioned the legal problem this question involves. Of course, the government will have to act with discretion in view of the division of powers in Canada; this delicate problem will demand that the government move with great care, and legislate so as not to act illegally.

However, I can assure the hon. member that the matter is being studied and that legislation dealing with this problem will be presented to the house as soon as possible.

• (10:10 p.m.)

[English]

**PENSIONS—EQUITY OF RAILWAY EMPLOYEES PENSION FUND IN PROVINCES OTHER THAN ONTARIO**

**Mr. David Orlikow (Winnipeg North):** Mr. Speaker, this afternoon I asked a question of the Minister of Finance which was supplementary to a question asked by the hon. member for Winnipeg North Centre. The point which I raised was the conflict which appeared between the legal opinion expressed by the Minister of Finance hereon an earlier occasion and the legal opinion expressed by the Attorney General of Ontario.

As members know I am sure, the province of Ontario and the province of Quebec have passed legislation establishing standards for private pension plans which are put into effect by companies operating in those provinces on behalf of their employees. The Attorney General of Ontario, Mr. Wishart, in answer to a question in the Ontario Legislature made a statement, part of which I shall quote. This is his statement, Mr. Speaker, on January 26, 1966:

If the Parliament of Canada legislates upon the subject of pensions for employees of chartered banks, railways, and works for the general advantage of Canada, such legislation would be a valid exercise of the powers of Parliament; and if in fact the legislation covered the same area as the provincial statutes, the last mentioned statute would not apply—

A little later in the debate in the legislature he said:

It was our opinion that the provincial legislation applied, and we are still of that opinion.

He followed that with this statement:

Now it is quite clear that if the government of Canada moves into the pension field, that legislation would supersede and make invalid any provincial legislation bearing on the same area.

What is the provincial legislation, Mr. Speaker? The provincial legislation sets out that an employee working for an employer in Ontario—the same provisions apply in Quebec—and having worked for an employer for ten years and reached the age of, I think, 50 or 45 has his pension rights vested. The C.P.R. pension plan, to take one example, provides that an employee must have worked 25 years and must be 50 years old before he has any pension rights. What this means, therefore is that an employee working for the C.P.R. in Ontario will have rights which a worker working for the C.P.R. in other provinces will not have. Surely this is a ridiculous situation. There is another important and very disturbing aspect, Mr. Speaker, and it is this. I presume that the C.P.R. pension plan as it is now constituted has been worked out on the basis of actuarial estimates. If a person in the province of Ontario or in the Province of Quebec has his pension rights vested as a result of provincial legislation, as that vesting takes place the whole actuarial basis of the C.P.R. pension plan will be thus affected and will become completely meaningless. Workers of the C.P.R. in other provinces could find themselves at some future date not able to get their pension because the plan does not have the money to pay them.

This is an extremely important matter, Mr. Speaker. I am not at all impressed by the argument of the Parliamentary Secretary that we just have not had the time to deal with it. After all, who called the election? Who took months off to conduct an election campaign? The government. It seems to me that the government ought to proceed immediately to protect the rights of employees in banks, in insurance companies, in railways and air lines, who come under federal jurisdiction. They ought not to have their rights to pensions interfered with by the fact that this government has failed to act in this very important matter.

There is another matter, Mr. Speaker, which needs to be covered by federal legislation. Employees need legislation which will