

Industrial Relations

can apply for unemployment insurance, but most certainly he could receive unemployment insurance in such a case.

Mr. Herridge: My point is this: in a number of our woods operations men working at certain levels know that their employment will definitely cease at the end of the year, let us say, because above a certain level snow conditions would make it impossible to work. Because of those snow conditions many of these men want to work continuously throughout the rest of the year without taking time off for vacations with pay. They were interested in knowing if they could reserve those vacations with pay until such time as the logging or mill operation was closed down and they were then eligible for unemployment insurance. Would it be improper for them to draw their vacations with pay and at the same time draw unemployment insurance under those circumstances?

Mr. Starr: Mr. Chairman, I am afraid I cannot authoritatively answer the hon. member's question. I most certainly could look into the matter. It is quite possible that a test case would have to be made if there are no provisions for the sort of thing the hon. member has brought to my attention. I am afraid that at the moment I do not have an answer to that question.

Mr. Herridge: In order that the minister will be correctly informed and have the opportunity for a test case I will suggest that the manager of a certain lumber company provides him with that opportunity.

Mr. Peters: I would like clarification on one point, Mr. Chairman. Is it necessary under the regulations to take the vacation period in order to obtain the pay for that vacation period?

Mr. Starr: No, Mr. Chairman, it is not necessary. An employee may take the amount of money, 2 per cent or 4 per cent, in lieu of the vacation period.

Mr. Peters: Would it not be advisable to have it worded in such a way that the employee would have to take the vacation period in order to receive payment for it? I think that one of the reasons labour has asked for vacation pay legislation is that a vacation period should be one of rest and recreation. There are occasions when for reasons of emergency a worker will not take a vacation but will work during his vacation period. This is not the purpose of the bill as I understand it and I would suggest that the vacation pay should be paid only when the employee has taken a vacation.

[Mr. Starr.]

I would also like to ask whether there is any provision for the accumulation of vacation periods in cases where an employee chooses not to or is unable to take a vacation in one year? I failed to find such a provision in the bill.

Mr. Starr: Mr. Chairman, subsection (1) of the regulation provides for the postponement of a vacation by an employee or the waiving of the right of an employee to his vacation.

With regard to the other question, I do not feel that we should provide a restriction that would compel an employee to take a vacation. At times there are extenuating circumstances. For instance, an employee may be sick during that period of the year and after returning to work should his vacation period come along he may choose to work and receive his regular wages plus the vacation pay in lieu of his vacation. I do not think we should compel him to take a vacation in such circumstances and certainly it is his prerogative to work if he chooses to do so.

Mr. Herridge: Mr. Chairman, I apologize for rising again but I did not want the minister to think I was a bit of an ass because I mentioned a lumber company with respect to federal legislation. I used that illustration only to indicate what could happen and the reference I made to unemployment insurance would apply to companies coming under federal labour jurisdiction.

Clause agreed to.

Clauses 10 and 11 agreed to.

On clause 12—*Commencement.*

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, can the Minister of Labour say when it is intended to issue a proclamation bringing this act into force?

Mr. Starr: Mr. Chairman, we will give this matter immediate consideration as soon as this bill is passed.

Clause 12 agreed to.

Bill reported.

Mr. Starr moved the third reading of the bill.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, my remarks at this juncture will be exceedingly brief. One of the reasons I shall make them brief is that in case a recorded vote is necessary I would not want it to run past ten o'clock. As has already been indicated, we feel that this is desirable legislation. We are glad the government has brought it in and given parliament a chance to put it on the statute books of this country. However, we feel that when