

other payments such as those received from the Workmen's Compensation Board of Nova Scotia are also deducted from the guaranteed income.

2. Among other documents filed by the Corporation relevant to the issues before the Committee, were the following:

- (a) By-law No. 3 of the Cape Breton Development Corporation being the by-law relating to pension plans amended by the Corporation to include the Pre-Retirement Leave Plan,
- (b) The Non-Contributory Pension Plan,
- (c) The Sydney and Louisburg Railway Division Contributory Pension Plan,
- (d) The Special Management Pension Plan,
- (e) The Pre-Retirement Leave Plan.

3. After hearing the evidence and scrutinizing the documents at our disposal and examining our terms of reference, it is the opinion of the Committee that there are two issues to be decided.

FIRST: Whether DEVCO can legally deduct unemployment insurance and other benefits from the guaranteed proceeds under the Pre-Retirement Leave Plan;

SECOND: Whether the various pension arrangements as outlined in Paragraph (2) of this Report constitutes pension arrangements as contemplated under Section 18 (1) (i) of the Act.

4. Your Committee notes the following facts:

(a) that increases in Unemployment Insurance benefits, as announced in the House of Commons on Monday, March 22, 1971, will be in addition to the ceilings as noted before in Paragraph 1 (b);

(b) that Section 58 of the Unemployment Insurance Act provides that "Benefits are not capable of being assigned, charged, attached, anticipated or given as security and any transactions purporting to assign, charge, attach, anticipate or give as security any benefits is void, except that any amounts payable under this Act by any person and required to be credited to the Fund may be recovered out of any benefits payable to that person, without prejudice to any other mode of recovery."

(c) that Section 10 of the *Interpretation Act* provides that an Act of Parliament and each part thereof shall be interpreted according to its true spirit, intent and meaning and Section 11 of that Act provides that every enactment shall be deemed remedial and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects; applying these provisions, it appears that Section 58 of the *Unemployment Insurance Act* means that an unemployment insurance benefit is so personal to a recipient that it cannot be alienated from him by himself or any other person.

(d) that the Committee is advised by a DEVCO memorandum of March 1, 1971, signed by Mr. Cameron, that the employee may receive the Corpora-

tion's Pre-Retirement Leave Benefits plus his Workmen's Compensation award up to a combined total of \$375.00 per month.

5. Your Committee also notes the allegations of the Transportation Union in relation to the railway employees of DEVCO:

(a) in respect of the Pre-Retirement Leave Plan, DEVCO did not negotiate with all the unions concerned,

(b) that the benefits under the Pre-Retirement Leave Plan as relate to railway employees of DEVCO should be increased and at the very least be an earnings-related plan.

6. Your Committee does not believe that its function is to fulfill the role of a judicial body whose opinions should be accepted as a legal pronouncement upon the questions which may be referred to it. We reject any possibility that we should become a Judicial Committee whose legal decisions may become judgments by reason of the approval of the House.

Your Committee however, does believe that the Petition and the evidence establishes questions that are very much in the minds of the people under the DEVCO plan, and in the minds of the members of the Committee.

Your Committee therefore recommends:

1. That DEVCO and the employees and ex-employees enter into negotiations in an effort to effect an amicable settlement of the issues in question; or

2. Alternatively, that any employees or ex-employees or DEVCO consider the advisability of referring the questions set forth in Paragraphs 1 and 3 of this report, together with such incidental questions as have arisen in our proceedings, to a competent court for their determination.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 5, 6, 17, 18 and 20*) is tabled.

(The Minutes of Proceedings and Evidence accompanying the said Report recorded as Appendix No. 67 to the Journals).

Mr. Olson, a Member of the Queen's Privy Council, laid upon the Table,—Copies of the Final Report on Prices—Royal Commission on Farm Machinery, March, 1971—(Dr. Clarence L. Barber, Commissioner). (English and French).—Sessional Paper No. 283-4/109.

Mr. Greene, a Member of the Queen's Privy Council, laid upon the Table,—Text of an Address by the Deputy Minister of Energy, Mines and Resources to the Southwest Alaska Section, Society of Petroleum Engineers American Institute of Mining, Metallurgical, and Petroleum Engineers, Anchorage, Alaska, May 6, 1971.—Sessional Paper No. 283-7/31.