

Canada Labour Code

That is about all I have to say at this time. I should particularly like the minister to inform me whether certain industries which would normally fall under the provisions of this bill are to be granted deferment and if so, whether this will be consequent upon application or not.

Mr. Barnett: Subclause 1 of clause 5 of the bill says that the working hours of an employee shall not exceed eight hours in a day and 40 hours in a week. Listening to some of the members of this committee who have taken part in the discussion I found myself wondering whether they assumed that this was all clause 5 said. As I read it, however, the very first line of the clause states: "except as otherwise provided". My impression is that, far from being a restrictive and rigid clause, the provision as the minister has put it forward errs on the side of being too fluid. In other words, it is likely to depend a great deal on the approach taken by a particular minister of labour in a particular administration whether the provision of a 40 hour week and an eight hour day really means anything, or not.

However, I did not rise to discuss the broader aspects of this bill. Rather, it is my intention to consider one or two specific questions. The first is one which has been posed to me, namely "what is work"? There is a definition clause included in the bill. We are told what a day is. We are told what an employer is. We are told what wages are and what trade unions are. But nowhere does the clause define what "work" is. I think this is an important consideration in relation to the point made in clause 5—

—no employer shall cause or permit an employee to work longer hours than eight hours in any day or 40 hours in any week.

I may say that this particular question was raised with me by those who are concerned with the nature of employment in the airline industry, particularly. It has been explained to me that theoretically, at least, certain employees can be at the call of the employer for as long as 24 hours and for a period of 20 days a month, though they are not actually called upon to do any flying.

Here is a case where the question of what constitutes work becomes important. Are those employees being employed by the employer inasmuch as they have to remain at his call, at least by a telephone, for 24 hours a day? Are they working for those 24 hours, or are they not? I think this is a rather important question and certainly as far as I am concerned the minister should be prepared to

[Mr. Simpson.]

give us an indication as to whether this kind of thing, if it is not going to be specifically defined in the definitions section of the bill, is going to be set out in a detailed and understandable way in the regulations so that there will be no doubt whatever as to what constitutes work and when an employee is working for his employer and when he is not.

The minister is probably aware of the fact that in many trade union agreements in various jurisdictions within the country there have been negotiated provisions for what is normally referred to as call time, or some variation of that term, and that employees in many cases under those agreements are eligible to receive certain payments or wages from the employer even though they may not actually be physically or mentally working the hours that are provided for under those agreements. This is one of the very important aspects of this bill that I would like to see further clarified by the minister either now or at least at some time before we complete the consideration of this clause.

I, like other hon. members, was interested in the outline of certain suggested amendments which the minister intends to propose to this part and to the related provisions of clause 51. Undoubtedly the impact of his proposals in this connection will have to receive rather careful consideration; but on this particular point I would like, as I say, to have some real clarification from the minister on his views as to whether a definition could be included within the terms of the bill or whether it is a matter which it is intended to define by regulation in its relationship to different industries; and if this is the case, I would ask the minister what kind of definitions he has in mind.

Mr. Alkenbrack: Mr. Chairman, in connection with clause 5(1) I have a few comments to offer. First I would like to ask the minister, is this Bill C-126 applicable to small, independent, local retail feed mills? I ask what has been the minister's attitude and response to the representations made by small, local retail feed merchants across this country, particularly in eastern Canada.

The local retail feed mill is a valuable and indispensable entity in the local economy in each village and surrounding rural area which it serves. These mills are usually privately operated and even the owner has to wear overalls and work along with his staff to make a living. They usually give employment to village residents who work variable hours as the needs of seasonal fluctuations of the local trade require.