

*Railway Operations Act*

**Mr. Deputy Chairman:** The question is now before the House as an amendment, and nothing prevents the hon. member from moving a subamendment or an amendment to the motion to amend.

**Mr. Blenkarn:** Mr. Chairman, I have had some discussions with people on the other side of the House with respect to the drafting and the placement of the clause I suggested within the context of the statute. As we are aware, the minister has produced a new subclause 3 with a part (a), a part (b) and a part (c). I would therefore ask this House for unanimous consent to withdraw the amendment that I previously placed and to make a further amendment. I suppose the best way is first to withdraw what I have proposed and then place another amendment.

With the unanimous consent of the House I would ask leave to withdraw the amendment previously placed to subclause (6) on page 13 of the bill so that I may introduce a further amendment to the minister's amendment.

**The Deputy Chairman:** Does the committee give unanimous consent to the hon. member for Peel South to withdraw his previous amendment to subclause (6) of clause 16 on page 13 of the bill?

**Some hon. Members:** Agreed.

Amendment (Mr. Blenkarn) withdrawn.

**Mr. Blenkarn:** I therefore move that subclause 16(3) of bill C-217 be amended by adding a new subparagraph (d) as follows:

shall in respect of wages, specifically provide for the adjustment of wages to any increase or increases in the cost of living where the arbitrator is satisfied that such adjustment has not been previously or adequately provided.

**The Deputy Chairman:** Order, please. I am sure the hon. member would not have any objection if the Chair makes a necessary correction to put the amendment in the proper form. I think it should read as an amendment to the motion moved by Mr. Lang to clause 16(3) by adding subparagraph (d) which reads as follows:

shall in respect of wages, specifically provide for the adjustment of wages to any increase or increases in the cost of living where the arbitrator is satisfied that such adjustment has not been previously or adequately provided.

Shall the amendment carry?

**Some hon. Members:** Carried.

**Mr. Knowles (Winnipeg North Centre):** Mr. Chairman, I rise on a point of order just to protect my position. I wish to move an amendment to subparagraph (b) of this amendment now before us. I would prefer to do it after we have disposed of the new subparagraph (d), but I just do not want to have thrown at me a rule to the effect that I had to do it in order.

Perhaps I might elaborate on my point, Mr. Chairman. There is a rule in the book somewhere which says that subparagraphs have to be taken seriatim. I just want still to be able to deal with (b) after (d).

**The Deputy Chairman:** Order, please. I assure the hon. member that he will be entitled to move his amendment to

[Mr. Reid.]

the new subparagraph that will automatically, by the decision, be added to subclause (3) of clause 16.

**Mr. Howard:** Mr. Chairman, I tried to get this thought across earlier before the hon. member for Peel South moved his subamendment which raised a question in my mind. I thought that if he regarded my point as valid he might have been able to incorporate it in his amendment.

Apart from the fact that in substance this is what we attempted to do unsuccessfully earlier this evening, and apart from the fact that there is some uncertainty about what emphasis an arbitrator may place on the cost of living and so on, there is another question which comes to mind.

I wonder whether the amendment is limiting in its impact? In other words, I wonder whether the language of the subamendment proposed by the hon. member for Peel South might preclude the arbitrator from taking into account such questions as an increase in productivity that may be reflected in the wage structure as well.

Perhaps the subamendment moved by the hon. member for Peel South would be more broad and definite in its application if it were to include some phraseology to make sure that the arbitrator is not going to look at this in a narrow sense, and conclude from it that because it talks about "specifically provide for" increases etc. he need not feel bound by the law to proceed to tie it to such matters as productivity. I know that it comes down to a question of interpretation and I know that it is not the intent of the hon. member for Peel South that it be limiting but that it be broad in scope. I wonder whether the inclusion of some such phraseology would help. After the subamendment is dealt with, I may be able to say whether that sort of language might be incorporated in some way to ensure that no room for doubt exists in the authority.

● (0220)

**Mr. Blenkarn:** Mr. Chairman, there is clearly no room for doubt. The clause is framed the way it is because the award set out in clause 5 indicates that the figure set out there is partly for inflation, partly for increased productivity, and partly for something the people making the award were concerned with, namely, what is called catch-up.

In this particular clause we are concerned strictly with inflation. We have galloping inflation. This government seems incapable of controlling inflation. It does not want to control it. We are concerned about protecting these men against that. The arbitrator is required to ensure that, in making the award, the cost of living is taken into account, if this has not already been done, and to make variations to cover the cost of living.

**Mr. Howard:** If I can put it gently, that is misinterpreting clause 5. Clause 5 makes a simple declaration about which wage increase shall apply on an absolute basis one year and on a percentage basis the next. It does not talk about catch-up or any other factors. I can understand the hon. member for Peel South in his jealousy to guard himself, in that he voted against the cost of living concept earlier when it was clearly put to the committee on an absolute basis of equality, but he does not have to misinterpret the whole position in order to justify his case.