

*Maintenance of Ports Operations Act, 1986*

the legislation. Quite frankly, and to be perfectly blunt, there is no incentive for the employers to continue the collective bargaining process. I say this because in my opinion, and in the opinion of many others, the employers believe that they have the least to lose when the matter goes before a referee and when they cannot agree on the interpretation of various parts of the Larson Report or on the contractual language. It is our view and that of the longshoremen that they would prefer to have these matters dealt with by the industrial commission or the Commissioner. They would rather rely on that binding decision than that of the referee.

I submit that this will make the decision making that might be required of the referee less onerous in terms of the numbers of items on which the referee will have to make decisions since they will have already been considered by the industrial Commissioner. Thus the remaining items of the collective agreement will be subject still to the collective bargaining process and the rulings of a referee.

I submit that this would speed up the process and that there would be less time required of the referee. I admit at the outset that this would place more duties on the industrial Commissioner. However, the Commissioner already has access to a number of people. I presume the Minister will be generous in terms of the number and quality of staff the Commissioner will have. I presume that they will be the most competent people available, including the official he has sitting in front of him. In fact, the official he has in front of him now would make an excellent industrial commissioner. In fact, he would make a good Minister, provided he ran for the NDP.

In all seriousness, this is not only a genuine concern but a sincere request of the Minister to consider this amendment favourably. We provided copies of the amendment to the Minister and to members of the Official Opposition in advance. We have had conversations and the Minister has assured us, and we believe him, that he will give the most favourable and sympathetic consideration he can to this matter. He has said that he will continue to think about it right up until the time at which he has to decide whether he will accept it or vote against it.

I am faced with an onerous task, one which I do not know if I am quite up to or not. With all my charm, my perspicacity, my sweetness and light, I am trying to persuade the Minister, if he is not persuaded already, that this amendment is a good one. It is worthy of acceptance. I think it will help in the matters which have to occur over the months ahead, particularly in the next six months. I think it will also help to get a message through to both parties about reaching an agreement on all the other remaining items to be negotiated in the collective agreement.

● (1550)

Goodness' knows, both sides need to be given a message on many items. The Minister is somewhat more optimistic than I or many others are about the possible success of the collective bargaining process until the end of 1988, without the referee

having to do very much, if anything. I might say to the Minister that I believe his optimism is on very shaky ground. In fact, in light of his experience and that of his predecessors, he is somewhat more than optimistic and is on very, very shaky and weak ground. What he is faced with is the fact that the referee is going to end up doing the collective bargaining. It is highly unlikely, in my opinion, that the two parties will reach agreement on very many if any of the clauses other than the container clause. That is why, Sir, we ask the Government to accept this amendment. We genuinely believe it will assist him, his officials and the two parties to get a fair decision from the Commissioner on the clauses we have mentioned in the amendment.

It will also, we believe, spur the two parties on to reach an agreement on the remaining items. That would also serve for the time when there are disputes not only in the ports but in many other areas, whether it be railroads, grain handling or whatever. I would think it would have a beneficial effect on disputes in bargaining in many other areas of this country. When they realize what Parliament did in this instance, particularly if the Minister will accept our amendment, they are more likely to come to an agreement rather than lock-outs or strikes.

All of us who have been here any length of time have had to face this sort of situation, at least since I came here, six or seven or eight times. Nobody likes it, nobody wants it. No one on any side of the House is a winner. All Members and all parties are damned if they do and damned if they do not, and both at the same time. That is why the better this Bill is, the more likely that it will have an effect on collective bargaining in many other areas of the country. Both employers and unions will have to think about this as they begin the collective bargaining process.

Sir, I know the road to hell can be paved with good intentions but we feel this is a good intention worthy of acceptance. We really do believe from discussions and meetings we have had in many places and with many people, including Members of this House, that it will be helpful. It will strengthen the legislation. I plead with the Minister, who has been sitting carefully thinking, to agree that this motion is acceptable and would be of assistance as well as a good addition to this legislation.

**The Chairman:** The Chair finds the amendment proposed by the Hon. Member for Regina West to be in order.

**Mr. Fulton:** I have just a brief point in support of what my colleague has reminded the Minister of. The Minister is aware that some of the points dealt with in the Larson Report are not conclusive. They have not completely gelled. I am thinking of matters relating to pensions and welfare plans and the UIC carve-out and so on. Quite frankly, I do not think the referee is going to find it that easy to get together with the two sides and simply find contractual language in that Larson, as he completed his study, found certain points that had not gelled.