

Industrial Relations

call attention again to a point I made at an earlier stage of the discussion, namely that this bill as it is drawn up at present—at least as I understand it, and the minister may correct me if I am wrong—makes provision for holidays only for those who have served periods of continual employment with one employer. In other words, this rules out the possibility of vacations with pay for certain skilled tradesmen who by the nature of their work usually move from one employer to another. As I pointed out, when vacations with pay were first brought in in British Columbia this problem did come to light, if my memory serves me correctly, and the legislation was modified to correct that situation. I am wondering what consideration has been given to this problem by the minister and those who advise him, and what the minister's reaction is to the fact that this measure does not cover a great many people who because of the nature of the trade they follow normally move from one employer to another, even though they may be in continuous or relatively continuous employment.

The legislation in British Columbia provides that a percentage of wages should be paid when employment is terminated and thus, over the course of a year, an employee accumulates the amount necessary to enable him to take a vacation at a normal time.

Mr. Starr: Mr. Chairman, every employee is entitled under this act after 30 days of continuous employment to 2 per cent of his salary, and in clause 6 it is provided that:

Where any particular federal work, undertaking or business in which an employee is employed is, by sale, lease, merger or otherwise, transferred from an employer to a new employer, the employment of the employee by the two employers before and after the transfer in the work, undertaking or business shall be deemed to be continuous with one employer, notwithstanding the transfer.

And clause 9, which is the clause dealing with regulations, subclause (k) provides:

For the calculation and determination of vacation and vacation pay in the case of seasonal or temporary employees or in other suitable cases.

Mr. Barnett: As I understand it, clause 6 to which the minister refers, covers the case where an undertaking is transferred. I am thinking of the situation which arises, for example, in the construction industry where a particular contractor will employ a large number of employees until the termination of his contract. Then another job comes up and the bulk of the employees may move to the service of another contractor. Am I correct, in the first place, in understanding that no provision is made for covering a transfer of this sort?

Mr. Starr: I pointed out to the hon. member that this matter to which he refers in

respect of seasonal work or construction work is taken care of through calculation of the period of time a man has worked under the regulations in subclause (k).

Clause agreed to.

Clause 8 agreed to.

On clause 9—*Regulations*.

Mr. Herridge: Mr. Chairman, this clause reads:

The governor in council may make regulations for carrying out the purposes and provisions of this act, and, without restricting the generality of the foregoing, may make regulations . . .

And then it goes on to list subclauses (a), (b), (c) and so on. I wish to refer particularly to subclause (h) which reads:

Prescribing the time when vacation pay shall be paid.

And to subclause (l) which says:

Providing for the granting of vacation or payment of vacation pay in the event of temporary cessation of employment.

I want to ask the minister two questions. Is there not a duplication of intent in subclauses (h) and (l), and does subclause (l) actually mean you provide for the paying out of the vacation pay at the same time as a man might be unemployed and eligible for unemployment insurance. We had that situation come up last winter in a lumber organization in my area. This concern was ceasing operations in the new year and was wondering whether it should grant paid vacations during the period when the men were unemployed and receiving unemployment insurance, but it was not quite sure whether it was proper to do so under the Unemployment Insurance Act.

Mr. Starr: Subclause (l) of the regulations provides for lay-offs of extended duration and indefinite lay-offs and it is entirely separate from subclause (h) which gives authority, or at least prescribes the time when vacation pay will be paid. In other words, it could be one day before the vacation period or two weeks before the vacation period. I do not know whether I understood the hon. member with respect to a person who has received 2 per cent, say, or 4 per cent in lieu of his vacation. And then I think his question was: can these men draw unemployment insurance? Well, if a man is on vacation he is still with an employer and drawing his pay, but if he is discharged he receives 2 per cent, or 4 per cent, whichever the case may be, of the amount he received for the year or for the period of time in which he was employed, and then, of course, after being discharged, he must wait before he