

*Adjournment Debate*

[English]

## UNEMPLOYMENT INSURANCE—REASON FOR DENIAL OF BENEFITS TO EMPLOYEES OF BRITISH COLUMBIA RAILWAY—GOVERNMENT POSITION

**Mr. John A. Fraser (Vancouver South):** Mr. Speaker, first of all I want to thank the Minister of Manpower and Immigration (Mr. Andras) for being here this evening. I know that he, along with other members of this House, recognizes that the difficulties along the British Columbia Railway with respect to unemployment insurance payments are serious, especially at this time and in the context of the economic difficulties afflicting that part of my province.

The chronology of this dispute is important, Mr. Speaker. On November 4 an illegal strike was commenced by five of the unions which had been negotiating with the British Columbia Railway. That strike was recognized as illegal; an injunction was obtained and the strike was ended.

There were incidents at the time of the illegal strike and, if my information is correct, they amounted to the fact that in certain places along the British Columbia Railway north of Williams Lake certain members of other unions at first hesitated to cross the illegal picket lines. Things moved on, and there was a dispute with respect to certification which involved only the five unions which were on strike. I am informed that they comprise only about 500 people, leaving another nearly 2,000 people who worked for or are connected with the work of the railway.

On November 21 the legal strike commenced. I am informed that up until that time the non-striking union members had indicated their determination to go to work, and in fact the railway was operating at about 50 per cent capacity. When the legal strike commenced the British Columbia Railway Company laid off all its employees. As a consequence we have a situation where a strike, now brought legally by about 500 people, has put another nearly 2,000 people in a very difficult position.

The Unemployment Insurance Commission says that only 400 people have applied for benefits. But I say through you to the minister, Mr. Speaker, that the number of people now out of work, not on strike but laid off, is probably closer to 2,000.

● (2250)

I am asking the minister tonight what steps will be taken to exercise that discretion which I believe lies within the Unemployment Insurance Commission to read Section 44 in such a way, without contravening the legal position set out in Section 44 of the Unemployment Insurance Act, that will enable these people to draw their unemployment insurance benefits.

Many of these people, probably the majority of them, have never drawn unemployment insurance benefits. They belong to a very stable work class. As a consequence they are not the kind of people who have been taking advantage of the unemployment insurance system.

I repeat that I am pleased to see the minister here tonight. My question is: what steps is the government prepared to take immediately to exercise an interpretation of Section 44 that will enable these people to collect their unemployment insurance, keeping in mind that the apparent reason for denying these benefits is that there was

some refusal to cross illegal picket lines in a strike which was illegal, and which took place before the legal strike that is now in existence?

As far as I am aware there is no indication that these men, apart from the striking workers, have in any way refused to go to work or to be available to the company. The fact is that the company has laid them off.

At this time in British Columbia, along the length of that entire railroad, there is very grave difficulty and serious economic loss. That is what I wish to bring to the minister's attention tonight. I would ask him to intervene personally. I ask the government to make every effort to exercise the discretion which I think is available under Section 44, and make an interpretation of that section which will give to these men at least limited benefits at this very grave and discomfoting time in the province of British Columbia.

**Hon. Robert K. Andras (Minister of Manpower and Immigration):** Mr. Speaker, may I congratulate the hon. member for the clarity of his presentation, and tell him that in the short time since first he raised the matter I have not had a full opportunity to explore it.

I am told that the Unemployment Insurance Commission, in accordance with the Unemployment Insurance Act and established jurisprudence, disentitled effective November 4, 1974, members of the United Transportation Workers, Canadian Union of Transportation Employees Local 1, the Brotherhood of Railway and Airlines clerks, and some other unions because they were held to be members of a grade and class of workers who were participating in a labour dispute by honouring the picket line established by the shopcraft unions. This was imposed under authority of Section 44(2) of the Unemployment Insurance Act. Although this picketing and honouring by the other unions occurred in the northern section of the British Columbia Railway system, around Prince George, the entire British Columbia Railway system is considered as a single "premises" under the Unemployment Insurance Act and established jurisprudence.

Subsequent to the picketing by the shopcraft unions and refusal to cross by the other unions, there was a partial resumption of work effective November 13, 1974. This was, however, not considered to be "substantial" within the umpire's interpretation of what he contends to be "a termination of the stoppage of work" and sufficient to terminate the disentitlement previously imposed effective November 4, 1974. It is, therefore, considered to be one labour dispute and the stoppage of work has not yet terminated.

I should point out to the hon. member that the unions have filed an appeal against this decision to the board of referees. This is an impartial body set up to hear such cases and render a decision in accordance with the circumstances. The appeal is to be heard on December 23, 1974.

Notwithstanding this information I am conveying to the hon. member, I am intrigued by his presentation. I would like to take a further look personally although I cannot promise to intervene because I am not quite sure it would be proper for me to do so at this time. However, I will look more deeply into the matter and, privately or otherwise, convey to the hon. member further findings that may come to light as a result of that analysis.

Motion agreed to and the House adjourned at 10:56 p.m.