

floor of the House perhaps some progress has been made toward its resolution. Certainly this amendment would go a long way to eliminating once and for all the type of question that comes up when accidents occur in and around our docks.

● (4:30 p.m.)

The difficulties involved in accidents result from provincial jurisdiction. Many of these ports do not come within the federal purview. An injured individual has no recourse, because it is not spelled out either under provincial or federal law whose responsibility it is for the safety of these workers. There are all sorts of safety conditions laid down and they are spelled out in working agreements. This forms part of the philosophy and administration of ports operated by the National Harbours Board, cities, corporations and other port agencies. I suggest there is some difficulty in respect of national defence operations. This problem will not be solved as a result of the adoption of this amendment. This problem has been recognized. The hon. member has attempted to deal with it, and I hope the House will allow this matter to be referred to the committee in order that it may make recommendations to the government to accept responsibility and jurisdiction in this type of accident.

The comment I should like to make about this bill is that I am still not satisfied with the Canada Labour (Safety) Code because it does not effectively deal with accidents occurring in connection with vessels at military bases. I refer to military vessels tied up at a dockyard, a shipyard or at a military-controlled dock, port, pier or wharf. People working on these ships work under safety standards. They adhere to these standards. In my view federal jurisdiction should extend to accidents occurring in these areas. Men who are injured while working on these ships find themselves without recourse or redress under either federal or provincial legislation.

In the hope that this matter will proceed to the next stage, I suggest that safety standards be set rather than talked about. These safety standards should cover port workers, dock workers, longshoremen, freight handlers and others involved in this type of activity. There is a deficiency in our legislation now, and I hope hon. members will be courteous enough to allow this question to be debated by the committee so that the problem may be solved. This has been a problem since confederation. Something should be done so that marine workers at least have some recourse when an accident occurs.

**Mr. D. Gordon Blair (Grenville-Carleton):** Mr. Speaker, I think we are all indebted to the hon. member for Moose Jaw (Mr. Skoberg) for raising this important matter. He has perhaps exposed to public view what one might call the ragged edge of jurisdiction over labour in this country. I am sure that hon. member was speaking with personal knowledge of some of the unsatisfactory conditions we face regarding jurisdiction over labour in Canada.

As I understand the governing rule of law, federal jurisdiction over matters of labour is sharply circumscribed by the provision which limits jurisdiction to mat-

#### *Canada Labour (Safety) Code*

ters clearly within the federal realm. I suppose in the broad sense this includes railways, telegraph and telephone companies as well as shipping. I am sure the hon. member for Moose Jaw will appreciate that the courts have interpreted the jurisdiction of the federal government in respect of labour on a very narrow basis. Even though the great railway companies of this country are subject to federal jurisdiction in respect of their main operations, it has been held by the courts that their hotels are not subject to federal labour laws.

Similar decisions have been made in respect of other federal operations which the ordinary person would think appear to be part and parcel of the whole sphere of federal jurisdiction. If I interpret the hon. member's speech correctly, his concern is principally in respect of people who carry out repair work on ships. He also includes longshoremen and port workers. Perhaps, as lawyers say, he has done this out of an abundance of caution, not to miss anybody. He, like myself, comes from the great province of Saskatchewan and perhaps we do not speak with a perfect knowledge of maritime operations.

● (4:40 p.m.)

The fact is that at the present time longshoremen working at the major ports in Canada are subject to federal labour laws. The longshoremen's unions of Montreal, Vancouver and elsewhere are subject to the jurisdiction of the Canada Labour (Safety) Code. The safety act as it is now worded applies to longshoremen. This is made clear also by some of the references made by my hon. friend and colleague from Sarnia, who referred to certain reports emanating principally from the port of Montreal, such as the Picard report which dealt extensively with port problems in Montreal. He referred also, I believe, to an agreement between longshore employers and employees at the port of Montreal which in a comprehensive way covers safety of operations. The same situation, I am sure, jurisdictionally applied in every major port in Canada. There can be no question that longshoring is a matter which falls under federal jurisdiction and therefore falls now within the ambit of this legislation.

One might wonder why anyone would question whether the other type of worker, the person employed by a shipyard who is brought on board to do repair and maintenance work, might not be covered, but this is part of the great legal conundrum which exists in our courts and in the interpretations which they have given to labour legislation. I make the serious suggestion to the House that we might encounter catastrophic consequences if we adopted the language proposed in this bill. I hold the view, and I believe it is a proper one, that following the decisions of the courts to which I have referred, it could be held that ship repair workers fall outside the ambit of federal jurisdiction, and were this Parliament to attempt to include them specifically in the legislation we might be faced with the possibility of some court, in its wisdom, some day saying that all the legislation is bad.

In my judgment—and in this I share the views expressed by the hon. member for Moose Jaw (Mr. Sko-