

Canada Labour (Standards) Code

understanding because I am dense. I am not suggesting that this is the suggestion of the minister or the government, but as I read it, whether or not Christmas day is to be one of the general holidays depends entirely upon the regulations to be drafted. Could the minister indicate how the workers concerned will be guaranteed the same provisions in respect of vacations and holidays as are workers who come under the general definition of an employee under the single employer relationship?

I realize there is a subsection in this proposed section 34D which refers to equal treatment, but I am not sure in my own mind that this will cover the situation I have raised.

Mr. Nicholson: I am not going to attempt to give a legal opinion, although I have given them from time to time over a period of many years, because I am prevented by my office from doing so in this house. Let me, however, draw my hon. friend's attention to the interpretation section which also applies to part IV. In the main interpretation section defining general holidays, Christmas day and seven other holidays are included. This definition also includes any day which might be substituted for any such holiday pursuant to section 28. I think the answers to most of the hon. member's questions can be found in the two sections to which I have just referred.

Having regard to the other part of the hon. member's question in relation to payment, we have suggested, on the basis of experience in other cases where there is a percentage relation to annual vacations and general holidays, that this matter be dealt with in that way.

Mr. Barnett: As I understand what the minister is saying, the interpretation section at the beginning of the existing act will apply to part IVA in respect of the definition.

Mr. Nicholson: Yes, it does apply.

Mr. Barnett: That is what appeared to be an ambiguous point, but I am prepared to accept the minister's assurance.

Mr. Nicholson: Of course the interpretation section applies to the whole act, but there is also a special interpretation section for this part only.

Mr. Barnett: I should like to ask the minister one other question in relation to proposed section 34D (1) (c). I am not quite clear as to the purpose of the authority for making regulations prescribing the minimum rate of wages that an employee shall be paid for time

[Mr. Barnett.]

worked by him on a general holiday. Is this provision included to cover employees coming under this part who may not be covered by union agreements, or employees who will not be paid in some other way. Why is it necessary to have a reference to the prescribing of minimum wages?

Mr. Nicholson: I cannot say definitely, but my understanding is that under part IV there is provision covering situations where more favourable benefits can be paid. For instance, if employees are to be paid double time for such holidays as they work instead of time and a half, because of some collective agreement, we must be able to guard against limiting those benefits. However, there cannot be any lesser benefits applied than the minimums provided in the act.

Clause 1 agreed to.

Title agreed to.

Bill reported.

Mr. Deputy Speaker: When shall the said bill be read the third time?

Mr. McCleave: By leave, now.

Mr. Nicholson moved the third reading of the bill.

Mr. Frank Howard (Skeena): Mr. Speaker, in passing perhaps I should congratulate the minister for choosing a day when the hon. member for Lapointe (Mr. Grégoire) was absent to ask for unanimous consent.

Hon. J. R. Nicholson (Minister of Labour): Mr. Speaker, may I thank all hon. members for their wholehearted co-operation and the assistance in giving this bill approval today.

Mr. H. W. Herridge (Kootenay West): Mr. Speaker, I just wish to tender my appreciation for the minister's recognition of the rights of labour and for his success in solving the difficult problems with which he has been faced.

Motion agreed to and bill read the third time and passed.

● (4:40 p.m.)

OLD AGE SECURITY ACT AMENDMENT**PROVISION OF GUARANTEED INCOME SUPPLEMENT AND DETERMINATION OF PENSIONERS' INCOMES**

The house resumed from Friday, December 9, consideration of the motion of Mr. MacEachen for the second reading of Bill No. C-251, to amend the Old Age Security Act.