

Supply—Labour

persons who are appointed to put forward the appropriate representations. However, Mr. Chairman, I do agree that where possible the persons directly affected should have a chance to go before the board.

Mr. Aiken: Mr. Chairman, I have raised this matter with the unemployment insurance commission on several occasions. The chief commissioner has been quite good in this connection and on three or four occasions has directed a rehearing on the basis of the fact that the people misunderstood their rights because of the letter that was sent out. But they are still sending the letter out. I do not know who can direct them to change it, but the same type of letter is still going out, certainly from the Toronto office.

Mr. MacEachen: We will look at that letter, Mr. Chairman, and see if we cannot get it changed.

Mr. MacInnis: Mr. Chairman, I wonder if the minister, when he is drawing the request of the hon. member for Parry Sound-Muskoka to the attention of the commission, would also draw to the attention of the umpire a recent case in which he made a decision in Cape Breton during a mine tie-up, when a group of railway workers were disqualified from collecting benefit because of his particular ruling. Would the minister point out to the commissioner that these men were operating under a constitution which stated that they did not have to cross a picket line? This is the reason they were disqualified, namely because they did not cross the picket line.

The constitution does not require them to cross any picket line; in fact it emphatically states that it is not necessary for them to do so. Would the minister also point out the fact that the company, in calling these railwaymen to work, placed a condition on their employment for that particular shift which was contrary to the labour laws of Nova Scotia. That being the case the umpire and the board of referees have gone astray and are obviously wrong in the decision which was handed down. I ask the Minister of Industry on behalf of these Cape Breton railway workers to bring this situation to the attention of the umpire and the board of referees. Would he do that?

Mr. MacEachen: My hon. friend will realize that, under the law even the commission itself has no authority over an insurance officer who has given a judgment. The judgment of the insurance officer is subject to an appeal to the board of referees. The judgment of that

[Mr. MacEachen.]

board can be taken before an umpire, who in this case is Mr. Justice Kearney of the exchequer court. That is the apex of the situation. I do not know whether it would do very much good to bring this case to his attention, or whether it would even be proper, but I will consider this and if I decide that it is a proper course I will then consider taking that action.

Mr. MacInnis: Will the minister tell us who appoints the board of referees?

Mr. MacEachen: The chairman of the board is appointed by the governor in council, and the representatives of the employee and employer are appointed by nomination of the employer association and the employee associations.

Mr. MacInnis: Since there is no connection between the minister's office and the appointment of these referees, does he not consider it proper to call the circumstances of this case to the attention of the board of referees, pointing out that they were entirely wrong in deciding to deny railway workers that which they allowed miners under similar circumstances? The minister must be aware of the fact that these men are operating under a constitution which states that they are not required to cross a picket line, and for that reason this ruling was wrong.

I should also like to point out to the minister that if he reads the Nova Scotia labour laws he will realize that no company is allowed to impose the conditions of employment, which in this case were imposed on these railway workers, calling them out to work and asking them, before they went on shift, whether they would cross a picket line. I suggest in that way a condition of employment contrary to the law was imposed on these men. I am sure the minister has the authority to pass on to the referees the information in respect of this case, and I think he should pass it on in very strong terms.

Mr. MacEachen: I think any minister of labour would be subject to a great deal of justifiable criticism if he attempted to impose or express his opinion on a board of referees which is set up by law for a definite purpose, namely that it shall be completely independent in reaching decisions. I am sure my hon. friend would not want me to do something that is contrary to the purposes of the law.

Mr. MacInnis: All I am asking the minister to do is have this matter re-examined. We can