

Railway Operations Act

off. There has also been some improvement suggested to the NDP amendment, and the hon. member agrees that the wording in his amendment is very restrictive: almost every employee would have to go back immediately. I am sure the hon. member has not tried to create a ludicrous result, but to ensure that they would go back with reasonable promptness and without the delays experienced last time. Perhaps we could stand this clause and some wording could be worked out with reference to the hon. member's suggestion. This would also give us an opportunity to strengthen the lay-off section.

The Deputy Chairman: Order, please. The suggestion is to stand the amendment of the hon. member for Skeena. The hon. member for Cape Breton-The Sydneys is seeking the floor and I wonder if he wishes to speak on these two amendments only, or on another point; otherwise I think we should wait until we come back to these two amendments and the solution which might come back to the committee.

Mr. Muir: Mr. Chairman, I tried to get your eye on a couple of occasions but was not successful. However, the hon. member for Saskatoon-Biggar and the hon. member for Skeena to some extent brought out what I had in mind. Even if we are to stand these proposed amendments, I think we must have something more concrete than just the minister saying that it would be ludicrous, or that we cannot say everyone has to go back to work and there would be nothing for them to do, etc. We must have something more concrete to provide protection for these men.

Clause 4(3) provides:

No person acting on behalf of a railway company shall

(a) refuse to permit, or authorize or direct another person to refuse to permit, an employee who went on strike before the coming into force of this act to resume the duties of his employment forthwith—

I have been around here for quite a long time, Mr. Chairman, and I have heard lawyers talking about legal terminology, the meaning of terms such as "may", "shall", and "forthwith". Perhaps the minister could tell us just what "forthwith" means. Does it mean one day, two days, ten days, five days? In the past, in cases where there was a pretty rough foreman or superintendent, sometimes a worker was never taken back to work. I am informed that in certain areas now the word is out from foremen and supervisors to this effect, "We are going to fix you. We had 64 employees and now we are going to get along with 40."

Much as we may dislike the situation, now that it has been introduced into this chamber we are responsible for what takes place. Are we going to arrange it so that these men go back to work one day after the act comes into force, or are they going to be tagging along for several weeks, as was mentioned by the hon. member for Skeena? Indeed, in some instances where there is a personality conflict or a clash of some sort, the worker will probably not get back. The minister has said that the workers would be standing around doing nothing. From my knowledge of the CN there is plenty of work to be done around the yards and the stations. If they want to get the work done, and have excess labour for a few days, they can easily find work for them.

[Mr. Munro (Hamilton East).]

I think it is the duty of the minister to tell this committee during the discussion on the amendment just what he means. He is speaking now on behalf of the government. Are these men going to be penalized? Are they going to suffer? Are they going to be discriminated against? Are those who went on strike on a certain day going to be working the day the trains get moving again? Are they going to be called back as soon as everything gets moving? I suggest that they should.

● (2140)

Mr. Munro (Hamilton East): Mr. Chairman, I have already indicated that it is the government's desire to protect all the strikers, all those laid off. It is also our desire to see that not only are their jobs protected, but that the railways, which are ordered by this legislation to resume operations immediately, act with promptness to bring these men back on the job.

One of the protections in the bill is ordering the railways, as soon as this bill comes into force, to resume operations immediately. The legislation guarantees the jobs of the strikers and of all those laid off as a consequence of this strike. They will be brought back with reasonable promptness. Their jobs are protected.

It is certainly the government's desire not to leave any employee open to discrimination or to prevent him from getting back his job reasonably promptly after this bill is passed, and after the railways get back into operation. We can attempt to devise some wording that will cast a burden on the railways to act promptly.

I wish the hon. member would appreciate that we cannot very well come up with wording that imposes an absolute obligation from the minute this bill comes into force to bring every single solitary person back. It will take a considerable number of days before the railways can be in full operation just as they were prior to the commencement of the selective strikes. I am sure we can devise some appropriate wording that will be satisfactory to the hon. member who just spoke and to the hon. member for Skeena. That is why I suggest the clause should stand to see what we can work out.

Mr. Baldwin: Mr. Chairman, I wish to make a suggestion. This illustrates the points that have been made here before. There are 264 tried and true men and women trying to write legislation. I stood with 12 lawyers and 12 politicians trying to draft proposals. I know how difficult it is.

Some hon. Members: Oh, oh!

Mr. Baldwin: I should say lawyers and would-be politicians. I suggest that the minister and his officials exercise their ingenuity and try to come up with a general covering clause, something to the effect that no person acting on behalf of the railway company shall allow, or permit, any form of discrimination to be exercised against any person who has been on strike who lost his position temporarily by reason of the strike. If you do that, you cover everything. If we try to cover every case without a covering clause, we will be in trouble. We will be here all night.