

is, once again, unprecedented and unique in our labour relations and criminal law.

Clause 44 speaks to the establishment and composition of the Railway Safety Consultative Committee. In our view it is simply inequitable and indefensible to limit the participation of the representatives of the employees of the railway companies of this country to only three members on that committee.

We believe that the above-noted deficiency is compounded even further in clause 50 of the bill, wherein, although the minister is required to establish a committee to conduct a comprehensive review of the operation of this act within the next five years, there is no guarantee whatsoever that such a committee will even include at least one representative of the employees, their trade unions or the Canadian Railway Labour Association. Surely, at the very least, there ought to be some input from the Canadian Railway Labour Association if any comprehensive review of the legislation is undertaken.

At the present time there is in place a tripartite Rail Safety Advisory Committee to the Railway Transport Committee of the Canadian Transport Commission. Upon the abolition of the Canadian Transport Commission on January 1, 1988, this advisory committee was kept in place by the new transportation agency. The Rail Safety Advisory Committee was established as a result of the general safety inquiry conducted by the Railway Transport Committee in the late 1970s. A recommendation of this inquiry was that a working advisory committee be established with one representative from the railways, the unions, the Canadian Railway Labour Association and the commission staff, on a tripartite basis. This group was to be chaired by a commissioner of the Railway Transport Committee.

The group was established and called the Rail Safety Advisory Committee. As we understand it, this advisory committee is now chaired, on an interim basis until the Railway Safety Act is in place, by a director general of the National Transportation Agency. The function of the Rail Safety Advisory Committee is to examine proposed new or revised safety regulations before they are introduced to ensure input from all of the parties involved with the safety regulations on a day-to-day basis.

The Rail Safety Advisory Committee is supported by technical working groups that are also made up on a tripartite basis. The proposed new or revised regulations are directed by the Rail Safety Advisory Committee to specific working groups for examination by representatives from the railways, the railway unions and the commission staff, who have specialized knowledge in the particular areas of railway operation dealt with by the proposed new or amended regulations. It is in these working groups that the individual senior officers of the respective railway unions have their input, and they are experienced men, many with 25, 30 and 35 years' service.

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The United Transportation Union and the Brotherhood of Locomotive Engineers are represented by senior officers in the working group that deals with specific regulations involving

[Senator Turner.]

the employees they represent. The Signal and Communications Union and the Maintenance of Way Employees Union are similarly represented in a working group that deals with specific regulations involving the employees they represent. The Brotherhood of Railway Carmen is represented in a working group that deals with regulations pertaining to equipment maintenance and inspection. Following this process, the revised regulations are reported back to the Rail Safety Advisory Committee, with any disagreements or unresolved matters as a result of discussion in the working groups, for final resolution.

The object of the exercise is to ensure that there is adequate input from the various unions that represent the employees who must work under the regulations, and the railways that must comply with the regulations, before the regulations are actually put into place by the regulatory body.

All railway unions involved in this process are members of the Canadian Railway Labour Association, which acts as a coordinating body between the railways and the regulatory body. The railway unions, the railway companies and the regulatory body, based on over ten years' experience, have found this process meaningful and very productive. We have had reasonable assurance that the Rail Safety Advisory Committee process and the working groups will be continued when the new Railway Safety Act comes into effect. However, we want to make sure.

The Rail Safety Advisory Committee, in our opinion, does not serve the same purpose as that contemplated by the proposed Railway Safety Consultative Committee, as outlined in section 44 of the proposed Railway Safety Act. Our association would not support replacement of the Rail Safety Advisory Committee by the proposed Railway Safety Consultative Committee since, in our view, they serve two different and distinct purposes.

As we understand the proposed consultative committee, it will serve a broad and general purpose. The function of the consultative committee will be to monitor the general operations of the Railway Safety Act from the railways', the users' and the railway unions' point of view to ensure that the future changes and methods in operations are discussed and brought to the attention of the Minister of Transport, to enable his office to keep the legislation current by amendment, if required.

A serious omission in the consideration of the proposed consultative committee was that there were no representatives from public interest groups. However, I understand that has been corrected. In addition, although the Canadian Railway Labour Association, as already stated, is comprised of, and under the policy direction of, the senior officers of the railway unions that represent the employees covered by the Railway Safety Act, one nominee from the Canadian Railway Labour Association is not sufficiently representative of the railway unions. A more balanced railway labour input would be achieved if the representation was expanded to three. I have heard that they will agree with this.