

possible for the government to accept this suggestion put forward by the union.

On August 10 and 11, the membership of the union was polled, the results of which authorized the union executive to take strike action. The efforts of the Department of Labour being to no avail, the other west coast ports were struck on August 23. The next day the Minister of Labour met with the parties in Vancouver. No negotiations were then in progress. However, he did persuade them to reopen talks the next day. The parties, however, made it clear that they did not wish the assistance of the minister's department at these talks. Regrettably, no early agreement was forthcoming. In view of this, and because the national interest was involved, the government decided earlier this week that parliamentary action was essential. It was the only other option open to the government. I think that there has been universal approval of the government's decision to seek the recall of Parliament.

The other problem involves the handling of grain by five companies in Vancouver. In this case the most recent collective agreement expired at the end of November last year.

Honourable senators, the bill before us provides in Part I that longshoring operations shall be recommenced the day after enactment of this bill and that the parties shall continue their bargaining in an effort to reach agreement. The agreement which expired on July 31 is extended to December 31 of this year, or until such time as the parties agree to a new contract, whichever is the earlier.

Part II of the bill applies similar terms to the grain handling situation. However, these terms are only to become effective on proclamation, and it is hoped that this will not prove to be necessary.

This is so because since the expiration of the grain handlers' agreement negotiations and conciliation board procedures have been actively pursued. The conciliation report was presented to the minister on August 16, and, although a strike or lockout could have legally commenced at midnight on August 23, the union accepted the report, subject to certain clarifications; and the employers, although opposed to the recommendations, have not yet resorted to a lockout. We earnestly hope that the parties can reach an agreement very soon. However, it is essential that we safeguard the situation. For this reason, Part II of the bill has been included, but we trust that its proclamation will not prove to be necessary.

Part III of the bill provides for mediation procedures under both Parts I and II. Mediation under Part II of the bill will not, of course, become necessary unless Part II is proclaimed.

The mediation procedures set forth in the bill provide that the Governor in Council may appoint a mediator to conduct mediation during that period of time during which Part I, and if necessary Part II, is in force; that is to say, until December 31 of this year. The mediator will report under the terms of the bill to the Minister of Labour as to the progress he is achieving. The mediator will have all the powers conferred on a conciliation board by sections 139 and 140 of the Canada Labour Code.

[Hon. Mr. Martin.]

Since the introduction of this bill in the other place, the government has accepted an amendment to clause 7, which relates to Part I, by adding the following subclause:

Notwithstanding section 5, the terms and conditions of any collective agreement entered into in amendment or revision of the collective agreement to which this Part applies shall, unless the parties thereto otherwise agree, have effect on and from August 1, 1972.

This is providing for retroactivity in respect of matters that may be agreed on as a result of the negotiations which will take place between now and December 31 next. It may well be that the parties themselves will, as a result of these negotiations, agree to see that benefits and rights and the terms of agreement entered into will be retroactive, and that they will be part of the agreement itself. In other words, the government proposes that a new collective agreement between the employers and the union shall take effect as from the expiration of the last collective agreement.

The bill will come into force on the day immediately following its enactment.

As I said at the beginning, no one likes to resort to these measures. The national interest, however, must come first. Our national interest is involved. Therefore, the government had to interfere, through this measure, with the normal collective bargaining process, and I have no hesitation, for these reasons, in commending the bill to the Senate.

**Hon. Jacques Flynn:** Honourable senators, I hope that this is truly the last day of this Twenty-eighth Parliament. We thought it would be some time last April, when we were pushed into adopting amendments to the old age pension legislation under the threat that the senior citizens of this country would not receive the \$10 retroactive payment provided in the bill if it were not passed before a certain date. We thought there would be dissolution of Parliament during the Easter recess. Then on July 7 last, when we had to pass legislation to provide for the reopening of the Quebec ports of Montreal, Three Rivers and Quebec, we were sure that the adjournment to October of this year was simply to provide time for the government to make up its mind and decide when the people of this country would pass judgment on the administration that we have had since 1968.

• (1420)

Now we are back, but not for an emergency session. We are here to deal with a matter of urgency, but this is a resumption of the present session. I must correct the government leader in this respect—although it is really only a technical error. We are back, although some three or four days ago the Prime Minister was saying something like, "I am not going to interfere. The government is not going to interfere. The government should not do anything. There is nothing serious or important enough, in the situation on the west coast, to justify recalling Parliament."

That was the position taken recently by the Prime Minister. It was also the position taken by the Minister of Labour. It is really ironic to compare the situation in which we find ourselves today with the one in which we found ourselves when we adjourned on July 7 until Octo-