

Canada Labour (Standards) Code

[English]

Mr. Jack Cullen (Sarnia-Lambton): Mr. Speaker, I welcome the opportunity to participate in this debate and to give my unqualified support to second reading of Bill C-228. This bill is an indication of the government's concern for the workingman. I am pleased to note that not only are we improving the present legislation but are branching out into a new field, namely, legislation providing for severance pay. I am sorry that time will not permit me to touch upon every area covered by the bill. Circumstances limit me to commenting on only one or two areas. However, from looking over the bill one cannot help conceding that it is legislation with which parliament should be concerned and should be happy to support.

• (9:50 p.m.)

As a former lawyer, I welcome the proposed amendment which would prohibit an employer dismissing, suspending or laying-off an employee solely on the ground that garnishment procedures have been or may be taken in regard to the employee's wages. It was inconceivable to me that an employer, because he was put to some additional bookkeeping, would see fit to terminate a man's employment because his wages had been garnished. In many cases the garnishee was not warranted nor, in fact, was it allowed by the court. Quite often the threat only that a garnishee proceeding might be taken would force debtors into a position of entering into unconscionable transactions in order to protect their jobs. I am pleased the government has seen fit to remove this form of legal blackmail which has been too readily available to creditors.

Mr. Speaker, I now want to say something about the proposed federal standard dealing with severance pay. It is my understanding that there is no existing federal or provincial legislation in respect of severance pay. It would be my guess—I do not have the statistics—that a large percentage of employees working under major collective agreements in Canada are covered by severance pay plans of some kind. It would also be my prediction that the proportion is almost certain to increase because of the interest in job security that is manifesting itself.

Mr. Horner: The uncertain times of today!

Mr. Cullen: Mr. Speaker, if the hon. member for Crowfoot (Mr. Horner) wishes to speak, I shall be happy to yield the floor. He is interrupting everybody tonight, but I feel honoured that he has listened. I shall continue as I have only five minutes left, but I should like the hon. member to sit down or go outside the House.

Probably the most common type of plan provides for payment to employees with one year's service of severance pay equal to one week's pay for each year of service up to a maximum period. To me this is one more indication of the benefit or responsible collective bargaining and is the kind of thing union leaders should be looking for when negotiating on behalf of their members. The government has recognized its responsibility to workers coming within federal jurisdiction who do not—

[Mr. Dionne.]

Mr. Horner: Can you read the parliamentary secretary's note?

Mr. Cullen: The parliamentary secretary's note says, "Don't let Horner bother you. He has been talking like that all night."

Mr. Horner: I did not know I was so effective.

Mr. Cullen:—have the benefit of a collective bargaining agreement or membership in a union. In Bill C-228 we have provision whereby an employee whose job is terminated for reasons other than just cause, and who has completed five consecutive years of employment with the same employer, shall be entitled to severance pay of two days' pay at his regular rate for each year of continuous service up to a maximum of 40 days' pay. Employees who are entitled on termination to an immediate pension under a registered pension plan, old age security, and so on, are not entitled to receive this severance pay as a matter of law.

The bill goes on to define what a lay-off is. It is my impression, Mr. Speaker, that no one can properly attack the principle of severance pay under this bill. I suspect that members of the opposition will see fit to find ways of suggesting a shorter period of time in which an individual would have to be employed. That is only natural, and I think if I were sitting over there I would be making this kind of representation to the government. It is my feeling that the Department of Labour under this particular minister cannot be accused of "stand-patitis." I think the legislation that we have here is the kind that all members of the House will welcome, and if it is possible to improve it at committee stage I hope that improvements will be made.

I was particularly impressed with the provision in the bill covering mass lay-offs and the responsibility that employers in the federal field will have to face in the future. They will have to recognize that some attempt must be made to help individuals. Recently Polymer Corporation found it necessary to lay off 47 employees at a plant called Kayson Plastics and Chemicals, Limited. Rather than simply laying off these employees and letting them find their own jobs, they decided to notify the government two or three months in advance so that they could take advantage of the opportunities under manpower training and the Department of Labour of Ontario. They set up a citizens' committee, and in addition appointed an individual who is described in the *Financial Post* of February 20, 1971, in the following way:

Another key Polymer move has been the placing of an employee relations official from Sarnia into the Kayson plant.

The man is Pat Muise, a warm ex-Cape Breton coal miner. His assignment: find jobs.

This man canvassed industries and plants in the area and found 13 jobs that had not been previously advertised. This has cost Polymer something like \$1,000 per job. The headline of the article, written by John Schreiner, is "The \$1,000 Goodbye: How to Turn Layoff Into Jobs". The Crown corporation has set an admirable precedent.