

Canada Labour (Standards) Code

logging section where it is not uncommon for a logger to work for four or five employers during the course of the year, possibly within the jurisdiction of three or four local unions of the International Woodworkers. This has been the course followed in the industry—the course of seeking a collective agreement with a retroactive feature in it. It is true this necessitates employers going through their books to find out who was eligible for what, and making payments where called for. But it was felt that those working in the industry should not be denied the benefits of a collective agreement simply because negotiations continued longer than had originally been expected.

• (4:20 p.m.)

I submit that this is the situation here. We are looking at something with hindsight which oftentimes is better than foresight. In effect, we are agreeing that this is something which should have been contained in the act in the first instance but the problems were not foreseen at that time. I think that parliament should and does have an obligation to the employees working in these industries to say to them that we made an error and omitted something from the law which came into effect on July 1, 1965. I think we should carry out our obligation now and see that these payments are made retroactive. We should see that these people are not denied something which in essence this parliament intended to provide for them. I hope the minister will accept these remarks in the light in which they are intended.

It is not our intention to cause this industry undue work in checking through its past records, wage bills, and so on. This is an obligation, however, which we owe the employees working in that industry, because the purpose of the law is to provide the minimum fringe benefits to employees working in federal undertakings and businesses coming under federal jurisdiction. We could carry out our part of the bargain by making this retroactive to the first of July, which is the date of the original act.

Mr. Nicholson: The point made by the hon. member I think is well taken. I raised it myself during discussions with the industry. The situation, however, really is not as simple as it is when you are negotiating a collective agreement or a series of collective agreements with one industry. In this case the stevedoring firms involved have to bid for business and they bid in a competitive market. Later they send out their bills to shippers all over the

[Mr. Howard.]

world. There are thousands of ships involved, and in some cases only a few dollars or cents are involved. It is not as simple as the hon. member has suggested to make this legislation retroactive.

In the very early stages of my discussions I brought up this matter. I think it is likely that in the forestry industry the approach would be quite different. But here were people bidding on the market having had the advice of their lawyers and chartered accountants, the bills have gone out and have been paid. This was all explained by me to the longshoremen in July or August of this year. I explained the reason. This is why, in my opinion, we should not make the provision retroactive, and this is the reason the government could not recommend it.

Mr. Bell (Carleton): Mr. Chairman, might I ask the minister when he brings down his promised statement with regard to deferments, whether he would include therein the disputes which are in existence between employers and employees in relation to whether employees come within section 2(c) of the act. I think it would be helpful if he would so do. Were it not for the fact that I agree with the minister that it would not be in order to discuss this problem at this stage, I would raise the whole question of the C.B.C. and the dispute which exists between the corporation and set designers, costume designers, cameramen and others. I think an unfortunate situation exists within this corporation. I hope this will not be allowed to continue.

I take it that the minister's department believes these employees should be placed within the terms of the act, that they are reasonably within the terms of the act, and that it will not be necessary for litigation to result in order to bring about a solution of the situation. I think it would facilitate matters if the minister would bring down a statement concerning what is intended in these matters.

Mr. Nicholson: While I cannot give any undertaking such as I gave the hon. member for Skeena, I will gladly give the hon. member's request sympathetic consideration.

Mr. Howard: Mr. Chairman, I appreciate the reasoning the minister has given us with regard to not making the bill which is before us retroactive. But I think some consideration should be given now, inasmuch as we are close to the Christmas and the New Year holiday, to amending the bill by inserting words to the effect that it shall be deemed to have come into force on, say, December 15, or some date prior to Christmas. In this way the