

*West Coast Ports Operations Act*

**Some Hon. Members:** No.

**The Deputy Chairman:** All those in favour please say yea.

**Some Hon. Members:** Yea.

**The Deputy Chairman:** All those opposed will please say nay.

**Some Hon. Members:** Nay.

**The Deputy Chairman:** In my opinion the yeas have it. I declare Clause 5 stood.

On Clause 6—*Definition*.

**Mr. Blais:** Mr. Chairman, I move:

That Clause 6 of Bill C-137 be amended by striking out lines 17 to 22 on page 4 and substituting the following:

<p>“employee organization” “employer”</p>	<p>“and who is a member of a union; “employee organization” means a union; “employer” means a company.”</p>
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● (2000)

This amendment is of a technical nature, Mr. Chairman, and has the effect of removing the words “—within the meaning of Part I” from each of the definitions in that Clause. Those words are not necessary in the definitions as the expression “union” and “company” in the definitions are defined in Clause 2 for the purpose of the whole Bill, not only for Part I.

**The Deputy Chairman:** The amendment proposed by the Minister of Supply and Services is deemed to be in order by the Table.

**Mr. Nielsen:** I wonder, Mr. Chairman, if we should not, before dealing with that amendment, deal with the new proposed Clause 6, and the renumbering of Clause 6 and 7, and divide on that?

**The Deputy Chairman:** The House has heard the amendment proposed by the Hon. Minister of Supply and Services. Shall the amendment be carried?

**Some Hon. Members:** Carried.

Amendment (Mr. Blais) agreed to.

Clause 6, as amended, agreed to.

**Mr. Crombie:** Mr. Chairman, I would like to move:

That Bill C-137, an Act to provide for the resumption and continuation of longshoring and related operations at ports on the west coast of Canada, be amended by adding the following Clause 6 and renumbering Clause 6 and 7 of the said Act as Clauses 7 and 8 respectively, and Clause 8 as Clause 9. Clause 6(1) would read:

“6 (1) The Minister of Labour shall, after the coming into force of the Act,  
(a) within 14 days appoint an arbitration board consisting of three members, of which Business, Labour and Government would each nominate one

member, and refer to that Board the further extension of the term of the collective agreement to which this Act applies to include the period referred to in subsection 2(a) and all the matters relating to the amendment of the collective agreement that in the opinion of the arbitration board, at the time of its appointment, are in dispute between the employers association and the union; and

(b) provide for the form in which the decision of the arbitration board in respect of all matters referred to it shall be set forth.

6 (2) The arbitration board has, with such modifications as the circumstances require, all the powers and duties of an arbitrator under section 157 of the Canada Labour Code.

6 (3) Notwithstanding any other provision of the Act or of the Canada Labour Code, the arbitration board shall be required to decide all matters referred to it under this Act within sixty days of its appointment.

6 (4) When the arbitration board decides all matters referred to it, the collective agreement to which this Act applies is deemed to be amended by the incorporation therein of such decision and by the incorporation therein of such other amendments as may have been agreed to by the parties thereto prior to the decision of the arbitrator, and the collective agreement, as so amended, constitutes a new collective agreement that shall be deemed to have effect on and from the date of that decision.

6 (5) Nothing in subsection (1) shall be deemed to limit or restrict the rights of the parties to the collective agreement to which this Act applies to agree to vary or amend any of the provisions of the collective agreement as amended by or pursuant to this Act other than a provision relating to the term of the collective agreement and to give effect thereto.”

That is the whole of the amendment, Mr. Chairman. It combines the two motions which I originally moved some two or three hours ago. I hope this time the Chair and the House will see fit to accept it so we can have a vote on the matter.

**The Deputy Chairman:** Since Hon. Members do not appear to find any issue they wish to raise as to the procedural acceptability of the proposed amendment, the Chair will proceed to put the question on the amendment. Shall Clause 6, as amended, carry?

**Some Hon. Members:** No, no.

**The Deputy Chairman:** That is what I was inquiring about. Is it a new Clause 7?

**Mr. Nielsen:** Clause 6, with existing Clauses 6, 7 and 8, being renumbered 7, 8 and 9.

**The Deputy Chairman:** I thank the Hon. Member.

Shall new Clause 6 as proposed by the Hon. Member for Rosedale carry? Those in favour, please say, yea.

**Some Hon. Members:** Yea.

**The Deputy Chairman:** Those opposed will please say, nay.

**Some Hon. Members:** Nay.

**The Deputy Chairman:** In my opinion, the yeas have it.

Amendment (Mr. Crombie) negatived: Yeas, 72; nays, 126.

● (2010)

On Clause 7—*Order to comply*.

**Mr. Kilgour:** Mr. Chairman, I have a question for the Minister of Labour with respect to Clause 7. If this Clause should pass, can the Minister tell us whether the Government