

*Canada Labour (Safety) Code*

He said: Mr. Speaker, this bill if accepted would amend the Canada Labour (Safety) Code and that part of the code especially applying to marine workers. This part of the code would read:

(c) 'federal work, undertaking or business' means a work, undertaking or business to which, in respect of employment thereupon or in connection with the operation thereof, this act applies and includes ship repair workers, longshoremen and all port workers when working on domestic or foreign registered vessels and domestic and foreign government vessels while in Canadian ports.

The new provision contains the wording, "and includes ship repair workers". That was my concern in bringing forward this amendment to the Canada Labour (Safety) Code. It appears that in the case of ship repair workers there is a legislative no man's land. I understand that this is the case in Nova Scotia. It appears that the Nova Scotia Industrial Safety Act might well cover the point but that there is reluctance on the part of the province in implementing the law because of uncertainty regarding jurisdiction. Since there is this doubt, Mr. Speaker, I thought it would be best to present an amendment along the lines of this bill. I hope it will be referred to the standing committee for further study.

As a member of the House of Commons I am greatly concerned about the safety of workers throughout this country. It appears that ship repair workers are either not covered by the law or that the law applying to them presents jurisdictional difficulty. Over the years, when protesting against inadequate safety regulations on board naval, domestic or foreign ships at the dockside I have not been able to get the federal or provincial departments of labour, especially those parts of the department concerned with safety, to assume the responsibility that ought to have been assumed in this field.

It appears that there will not be any real concern with respect to jurisdiction for as long as the authorities do not assume responsibility. I suggest that somewhere along the line someone will have to assume responsibility in this field. Either provincial departments or the federal department will need to develop some standards relating to safety in the area I have mentioned. I understand that provincial inspectors exercise jurisdictions in the shipyards. That jurisdiction is doubtful in respect of dry docks, graving or floating docks as well as ships at the wharfside. In those cases we must ask who is responsible for implementing and enforcing these regulations that are so necessary for safety. If hon. members thought it more advisable to amend the Canada Shipping Act and thereby provide for the safety of these workers, I would have no objection to this course of action being taken. As hon. members know, I am not an expert in this field and anything along those lines that they deem to be appropriate I would willingly accept.

The main thrust of this amendment to the Canada Labour (Safety) Code is to clear up any possible no man's land in the field of legislation relating to the safety of Canadian shipworkers. If there is a no man's land in this area, it ought to be defined and omissions ought to be rectified. That there is in this area a type of no man's land as between federal and provincial authorities is

[Mr. Skoberg.]

demonstrated by the type of conciliation board report with regard to the eastern and western ports of the country that has just been handed in. There should be no disparity between federal and provincial regulations of this type. Any disparities between regulations affecting the eastern and western ports of the country will be removed very shortly, I hope.

May I refer to the jurisdiction which is exercised at present? It is a rule of thumb that any work done in the area of the dock, which comes within the area swept by the boom when unloading a ship, is under the jurisdiction of the Department of Transport and the Canada Shipping Act. Any work done beyond this area is governed by the Canada Labour (Safety) Code. It appears that there is no precise definition of jurisdiction relating to the ship repair worker. This amendment may be of assistance because, if passed, the federal Department of Labour could consult with the provinces with a view to settling problems in this no man's land. I suggest, Mr. Speaker, that this would strengthen the position of the federal department inasmuch as at present longshoremen and dock workers are recognized as coming under the jurisdiction of the federal government. They come under the provincial regulations for purposes of compensation, etc. So far as ship repair workers are concerned, there appears to be a legislative no man's land. If accepted, this amendment could assist in clarifying the problem of jurisdiction.

• (4:10 p.m.)

I am sure everyone in this House is concerned to see that the people engaged in this area of endeavour are covered by some type of legislation. It is not enough to say that we do, or may, have legislation either federal or provincial which looks after ship repair workers. If this bill could be referred to the Standing Committee on Labour and Manpower, the committee could call witnesses from both federal and provincial government departments, examine the proposed amendment, determine whether or not there is any basis in fact for the concern I have expressed today and then, if it were considered necessary, make changes which would greatly benefit those affected.

I urge the government not to prolong this debate but to refer the subject to the committee I have suggested, in order that the committee itself may determine whether or not amendments should be made to the Canada Labour (Safety) Code as far as marine workers are concerned.

**Mr. Jack Cullen (Sarnia-Lambton):** Mr. Speaker, try as we may, it seems to me we cannot get away from the constitutional dilemma in which we so often find ourselves. It is refreshing to see an hon. member on the other side of the House recognizing that we do live under a federal form of government and that we do encounter difficulties of the kind to which he referred.

I believe the legislature of Nova Scotia is to be commended for taking what might be called the first timid steps in the area affecting the safety of these workers. I compliment the hon. member for Moose Jaw (Mr. Sko-