

Industrial Relations

On Clause 3—*Application of act.*

Mr. Starr: At this point, Mr. Chairman, I should like to put forward an amendment to clause 3 of this bill. Many collective agreements have provision for the granting of annual vacations with pay which have operated satisfactorily for a number of years. While the vacations with pay provision in the agreements may conflict in some particulars with the provisions that have been proposed in this legislation, the sum total of the vacations with pay provisions in the collective agreements may be considered by the parties to the agreement to be more satisfactory for their purposes than the vacations with pay provisions provided in the legislation.

I think there should be some provision in the bill to meet this type of situation. I do not consider that the legislation should impose a completely rigid pattern for vacation arrangements. It should leave a reasonable scope for some variation in the vacation with pay provisions agreed upon in collective bargaining as long as the provisions are satisfactory to the parties and adequate in relation to the minimum standards of frequency and duration of holidays set forth in this legislation. However, these arrangements should still be subject to the approval of the minister responsible for the administration of the legislation. Accordingly I put forward for approval an amendment to clause 3 of the bill by adding a subclause 2 thereto in these words:

This act does not apply to employment under a collective agreement entered into after the coming into force of this act and containing provisions, approved by the minister, for the granting of an annual vacation with pay.

I ask my colleague the Minister of National Health and Welfare to so move.

Mr. Monteith: I move:

That clause 3 of bill 16 be amended as follows:

1. Insert "(1)" after "3", and

2. Add the following subclause—

"(2). This act does not apply to employment under a collective agreement entered into after the coming into force of this act and containing provisions, approved by the minister, for the granting of an annual vacation with pay."

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I am very happy to give endorsement to this amendment. Indeed, I am happy to congratulate the minister on having his colleague propose it. Perhaps I might be pardoned for drawing attention to the fact that in the bill which will now not get a chance of coming before us again at this session there was a clause, the purpose of which was to make sure that nothing in that bill would affect any provisions for vacations with pay enjoyed by any employees where any provisions were more favourable than those

provided in that bill. I am glad to note that, although the Minister of Labour is not prepared to accept one of the really important provisions of my bill, he has picked out this provision and written it into the bill now before the house. That gives me hope that further progress may yet be made.

Mr. Barnett: Mr. Chairman, I hope the amendment the minister has proposed, and which the hon. member for Winnipeg North Centre has seen and I have not, does what he thinks it does. That was the question I was about to ask. I was quite aware of the phrasing chosen by the hon. member for Winnipeg North Centre in his bill but I was not sure, either from the reading of the amendment as I heard it or the statement made by the minister, that that was the purpose the minister had in mind in introducing this amendment. If it is, I hope he will say so in so many words. I noted that the explanatory statement he gave us was a carefully generalized one and I was going to suggest that if he would give one or two explicit examples of the situation he has in mind to be covered by the amendment the understanding of the committee as to what he is driving at would be improved.

Mr. Starr: There is provision in clause 8 that if in a collective bargaining agreement there is a better provision for vacations with pay then that shall prevail. The legislation does not apply in those cases but it does apply in cases where the collective agreement does not provide as well for vacations with pay as does the legislation.

Mr. Barnett: Perhaps I am a little more sceptical than my colleague, the hon. member for Winnipeg North Centre. As I understand the amendment introduced by the minister, it would be possible for the minister to agree to a holiday provision which was less favourable than the minimum provided in the bill. As I say, his explanatory statement was so general that it did not really mean very much. The amendment must have arisen because of some situation of which the minister has knowledge. Can he not give us an example of what kind of variation from the normal holiday provisions might make it necessary or desirable for him to agree to a variation?

Mr. Starr: Mr. Chairman, this amendment is introduced in order to provide for those cases where employers and employees in conjunction wish to apply to the minister because of certain stipulations in their collective agreements particularly with regard to vacations with pay and to leave it to the judgment of the minister to grant their request in regard to that aspect of the bill. I can assure the hon. member that no minister