

commitment that there would be consultation with the parties, as there was consultation with the parties for the appointment of an arbitrator with respect to Bill C-85, the railway bill.

Senator Argue: Could you elaborate a little more? Are you going to consult with the parties? Are you going to try to get them to agree on an arbitrator? Is that the reason to consult with them? Will you ask them for their suggestions? Will you be taking suggestions to them yourself? Do you want to settle it all in one meeting? Are you prepared to meet with the parties from time to time if you can make some progress towards getting an arbitrator in place?

Mr. Cadieux: As I indicated in the House of Commons yesterday, suggestions will be accepted from the parties, as was the case in the railway legislation. We will be asking each party to submit a list of names of potential arbitrators. I will make my decision once I receive those suggestions, bearing in mind that I may have my own suggestions. Perhaps my suggestions will coincide with theirs.

Senator Olson: Honourable senators, I believe the minister was in the gallery when I asked what clauses are being brought into this agreement from the collective agreement in Vancouver. As the minister knows, that refers to clause 5.

Clause 7 says that all matters relating to staffing will be sent to the arbitrator for his recommendations, and I presume once the arbitrator has made those recommendations they will be binding. Does that mean that the question in dispute is, who decides how the plant is going to be managed? Up to this point in time management have said that the question of who will operate the computers is a decision of management. The union, of course, for all kinds of reasons—including a decline in the number of workers in the plant—say that they ought to have something to say about that.

There is no clause in the Vancouver agreement that deals with the distribution of positions, particularly the positions relating to the operating of computers. There must be another part of the Vancouver agreement, then, that would have to be incorporated into this agreement in order to amend the period that is outlined in clause 5.

Mr. Cadieux: The main issue in dispute—and I am not saying that this is the only issue in dispute—is the one that is commonly known as manning of the grain centre. In clause 7 the word “staffing” appears rather than the word “manning”, because the Department of Justice suggested that the word “manning” is a sexist expression. Consequently, we had to use a non-sexist word. As one of the Bill Kellys mentioned to me the other day, on ships, if a disaster occurs, we will not say, “Let’s man the boats,” but we will have to say, “Let’s staff the boats.”

The staffing issue relates to the number of union members who will be working in a particular grain centre. On all the other issues the parties agree with the Vancouver collective agreement, and in fact they want those terms and conditions to apply to them. The only exception is the staffing issue, which was not resolved in that other agreement and which obviously was not resolved during the lengthy negotiations that occurred

here. As you are aware, they have been negotiating the various stages of the process for close to four years, including some appearances before the CLRB and the Federal Court of Appeal of Canada.

The position of management is based on a CLRB decision, which has, unfortunately, been misinterpreted. That CLRB decision dealt with inclusion or exclusion of foremen in the bargaining unit, which is not the question of manning or staffing that we are dealing with right now. Notwithstanding the fact that management was informed of that misinterpretation on their part, they still refused to go ahead with voluntary arbitration, notwithstanding the suggestion that was apparently made by the Right Honourable Leader of the Opposition that I try to get them to agree on an arbitrator.

Senator Olson: Thank you for that information.

When you talk about staffing, that is clearly the designation of positions by management, either as a supervisory position or a union position, or is there more involved than that?

Mr. Cadieux: Staffing is strictly the number of people who are working in a particular grain centre.

Senator Olson: Is it then possible for management to designate certain positions, wherever they may be—and in this case obviously it is in the room where the computer controls are located—as management positions? I understand we can talk about the issue of the number of members in the union, but the designation of positions is important to both sides. It is particularly important to management, because they have said over and over again—or at least the press has reported—that they are going to decide how to manage the grain centre, which includes the designation of positions, either within the labour union or outside of the labour union, in a supervisory or management role.

Mr. Cadieux: That issue is within the jurisdiction of the CLRB. They have already gone to the CLRB in order to determine whether or not the foreman should be included or excluded from that particular bargaining unit.

Senator Argue: Honourable senators, I would like to ask another question. This question could be asked with regard to a particular clause, but if we get the answers on clause 1 we will not need to take as much time with the individual clauses.

The penalties are very severe: a maximum of \$10,000 and a minimum of \$500 for individuals. An amendment asking that the minimum penalty be removed so that a judge could set a small penalty if he thought the infraction deserved a smaller penalty than the current minimum was negated in the other place. I think that that is the way for legislation to be drafted in a democracy. The judge should be given that authority rather than to have a specific provision that a high minimum payment or minimum fine shall be imposed. Perhaps the minister could comment on that.

• (1600)

I welcome what I believe to be a fact, namely, that the punitive provisions in this bill are not as severe as the punitive provisions in Bill C-86, which provided for the resumption and