

Railway Operations Act

I think the employees have suffered enough and we should ensure that they get fair treatment when they go back to work.

I do not know whether the House in general is aware of the attitude of the Unemployment Insurance Commission during this strike. More than one worker has telephoned me because as an individual he was thrown out of work and, although he was not directly involved in the labour dispute, he was denied any opportunity to collect unemployment benefits, despite the fact that he had been unemployed for two or three weeks and would probably continue to be unemployed for at least another week. He was denied unemployment benefits despite the fact that he had consistently paid into the fund.

We have the spectacle of the Unemployment Insurance Commission deciding that it would treat all the people who were connected in terms of work with the two railway transportation systems as though they were in effect out on strike, when in fact many of them were not on strike at all. It adopted a blanket approach.

I question the right of the Unemployment Insurance Commission to adopt a blanket approach. I thought the commission was responsible to each employee because he paid into the fund and therefore was entitled to be treated as an individual. However, this government does not treat people as individuals but rather as a mob. That is what it did with people who were thrown out of work. One worker telephoned me and said: "I do not have a job any more and probably will not have one any more".

I think that this clause does not adequately protect those persons because it refers in paragraph (a) to workers who went on strike, but I am also concerned with those who are idle as a result of the strike, that is, who are idle involuntarily. Therefore I move, seconded by the hon. member for Assiniboia:

That paragraph (a) of subclause (3) of clause 4 of Bill C-217 be amended by inserting after the word "Act" in line 25 the words "or were laid off as a consequence of the strike".

I would say that if the minister responsible would see fit to incorporate this of his own volition, it would be acceptable to me. My purpose is merely to see that this protection is contained in the act.

The Deputy Chairman: At this time I will put the amendment. The amendment is as read by the hon. member.

● (2120)

Mr. Munro (Hamilton East): Mr. Chairman, I might add that there is considerable merit in this amendment. I fully realize the intention of the hon. member to protect those who were laid off as a result of this strike. In many cases they were not strikers themselves, but were either with the trainmen or the shopcrafts. Many non-ops were laid off who were not part of the selective strike and who lived in some other geographic region.

Although the amendment has merit, I think it can be improved. After we examined the NDP amendment we thought that a second part should be added to it. I suggest that the following words should be incorporated. We could stand the clause and return to it after we have had a chance to consider the amendment, which might read:

[Mr. Gleave.]

That no such employees shall again be laid off by any such railway company as a consequence of any such strike.

In other words, even though we may pass the hon. member's amendment this may happen: a person who has been laid off may be called back for a day and then may be laid off again. I think, as a consequence of our amendment, he could not be laid off again. If the clause could stand until we have had a chance to do some checking on this particular wording, we could move an amendment along these lines. I take it that the NDP would agree. In that case, this amendment would apply not only to subclause (3) of clause 4 of the bill but to the other lay-off clauses further on in the bill. The NDP has given advance notice of their intention to move amendments to these clauses.

The Deputy Chairman: Is it agreed that we suspend discussion of the amendment put by the hon. member and thus give the minister time to draft the appropriate wording? We could come back to the point raised earlier by the hon. member for Egmont and the hon. member for St. John's East.

Some hon. Members: Agreed.

Mr. McGrath: Mr. Chairman, we think the amendment is reasonable and we think the minister's suggestion is reasonable. We are prepared to wait until the minister has had a chance to examine the clause and submit an amendment of his own.

Mr. Howard: Mr. Chairman, I want to be clear, as do other hon. members, that we are just standing the amendment. I understand that would leave the clause open for further discussion. I hope that is the case, because I have another proposal to make with respect to another part of the clause.

The Deputy Chairman: The hon. member read the mind of the Chair. The Chair feels that other hon. members want to discuss generally the subject matter of clause 4, and by standing the amendment and coming back to it later I think we would not prevent hon. members from participating in debate at this stage.

Mr. Howard: Mr. Chairman, I wish to raise another matter somewhat analogous to that put forward by the hon. member for Saskatoon-Biggar. It relates to railway workers some of whom were on strike and some of whom were laid off as a result of the strike. It flows from an experience that railroad workers went through in 1966 following the passage of the law that time. The wording of subclause (1) of clause 4 is almost identical to the wording that was contained in the act of 1966. That related to the resumption of operations. In that sense the wording was identical. That is what I want to talk about.

In 1966 we discovered, following passage of the law that required the railway companies on the coming into force of the act to resume operation, and required every employee then on strike to resume the duties of employment, that although the railway companies resumed operations the law did not require the railway companies to call their employees back as soon as the companies had resumed operations. In 1966 we found that although the railway companies resumed operating the railways, some