

Transportation

copies in English and French which could be passed around to hon. members.

It has been brought to my attention that there is a deficiency in this bill with respect to dislocation costs for employees when branch lines have been abandoned. Looking over this bill it seems that only as subclause 6, an additional subclause to section 314D, can this amendment be included.

The amendment deals with section 182 of the Railway Act, which reads as follows:

The company shall not, at any time, make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of section 181 are fully complied with, nor remove, close, or abandon any station, or divisional point nor create a new divisional point that would involve the removal of employees, without leave of the board; and where any such change is made the company shall compensate its employees as the board deems proper for any financial loss caused to them by change of residence necessitated thereby.

● (3:30 p.m.)

It has been ruled that this section of the Railway Act does not apply in cases of branch line abandonment, and this was recognized in the drafting of Bill C-120. It is possible that not many members of the committee have a copy of the old bill handy. But I will read to them what appears on page 5 of Bill C-120. Clause 6(3) states as follows:

Where the operation of any line of railway is to be abandoned pursuant to an approval under subsection (1) of this section or paragraph (b) of subsection (3) of section 314B, the company shall compensate its employees as the board deems proper for any financial loss caused to them by change of residence necessitated by such abandonment.

On the opposite page of the bill there is an explanation of the new subsection (3) as follows:

Section 182 of the Act at present provides, *inter alia*, for the compensation of railway employees for financial loss incurred by them through changes of residence necessitated by a deviation or alteration in a line of railway or by the abandonment of a station or divisional point.

It has been held that this provision does not extend to the abandonment of a branch line. The proposed subsection (3) would apply the requirements of section 182 with respect to such compensation to the case where the abandonment of a branch line necessitates the change of residence.

I should like to put a little more on the record in connection with this subject. In course of doing so I would refer to Bill C-48 which is in my own name—an act to amend the Railway Act (Responsibility for Dislocation Costs). Hon. members will understand that this measure reinstated a previous bill, and Bill C-48 is in language identical to that

of previous bills on the subject. I should like to read from the report of the standing committee on railways, canals and telegraph lines, dated December 20, 1963, on this particular private member's bill. It reads as follows:

Complying with an order of the house of June 27, 1963, your committee has given consideration to the subject matter of Bill C-15 (later, Bill C-48), An Act to Amend the Railway Act (Responsibility for Dislocation Costs), and has heard evidence from representatives of the railways, from officials of various brotherhoods of railway employees, and from Mr. Howard Chase, a former member of the Board of Transport Commissioners.

The committee was favourable to the subject-matter of Bill C-15 and commends it to the house and the government; and to further clarify our views on the situation relating to the subject-matter, the committee recommends that:

The government give consideration to amending section 182 of the Railway Act to ensure the rights of railway employees in those cases where abandonment, merger or co-ordination between railways, or the closing or near-closing of terminals and shops or the introduction of "run-throughs" is undertaken by the management.

The committee would prefer that such matters as adjustment, compensation, re-training arrangements, and other ameliorations of the dislocation be a matter of negotiation between management and the employees legitimate bargaining agencies but it recognizes that a strong encouragement to such means of settlement will ensue when section 182 is read in such a legal way as to offer firm protection to the employees.

This is evidence that a former standing committee of the house, a committee comparable with the present transport committee, supported this action and unanimously agreed that it should be incorporated in railway legislation.

This does not involve as much as might appear on the surface. I do contend, however, that even if there is only one man affected by this question of compensation to employees whose interests are harmed by the abandonment of railway lines and so forth, some provision should be made for his compensation. I would refer briefly to the recommendation of Mr. Justice Freedman who agreed that some method of compensation should be worked out in the case of people whose affairs were dislocated because of technological change. The abandonment of branch lines is, in a sense, the result of technological change.

As I say, the number of employees affected would not be great. Not long ago I questioned Mr. Gordon before our standing committee. I asked him how much maintenance of rail work was carried on in connection with these branch lines at the present time, and how many employees were involved. I recall that Mr. MacMillan answered me. At this point I can only paraphrase what he said. He agreed