

Canada Labour (Standards) Code

Mr. Orlikow: Can the minister indicate the date by which all the applications for deferment will finally have been decided by the department? I do not mean, by this, a date when there will be no further exemptions given.

I am concerned about instances of application for deferment made by industries without consultation with the workers concerned. The employees are worried because the department has not yet dealt with these applications. The men fear it may be 1967 before the department finally deals with an application, at which time the department will probably allow an 18-month deferment. Thus, it would be the middle or, indeed, the end of 1968 before the provisions of the code with respect to hours of work would come into effect.

I am sure the minister knows that certain dining car employees, members of the Brotherhood of Railway Trainmen—

Mr. Nicholson: On a point of order, Mr. Chairman. I have already given an assurance that I will give an up to date report on this matter after the turn of the year, as soon as possible after the session resumes. I say this in all sincerity. But the hon. member is now dealing with a subject which is entirely outside the scope of the bill now before us. I did not raise a point of order because I invited the co-operation of the committee and, having done so, I felt I should be the last to raise too many points of order. But having given the assurance I have, I hope we can now stick to the bill.

Mr. Orlikow: The minister gave an assurance that he would make a report. Members on this side appreciate that assurance. The report will make clear which applications have been dealt with and, I suppose, those which have not been dealt with. I am asking the hon. gentleman now to tell the house at some time in the near future the date by which all these applications will have been handled and decided.

Mr. Nicholson: Unfortunately I cannot give such an assurance today, or tomorrow or, probably, for several days.

Mr. Howard: Before I relate my remarks to another aspect of this subject I would respectfully say through you, Mr. Chairman, to the minister that it was the minister who first raised at this stage—

Mr. Nicholson: I have not finished my statement yet. All I have been doing lately is answering questions.

Mr. Howard: Perhaps I can retain the floor on a point of order, just for the moment, to indicate that the minister was the one who made the first reference in committee stage to the hours of work clause in the bill. We are merely following along.

Mr. Nicholson: With respect, I said I thought it might be helpful if I dealt with the observations made by the hon. member for Skeena and other hon. members. This matter was raised by the hon. member in his opening statement.

Mr. Howard: Yes, I raised it first on second reading. The minister opened the subject in committee. He did not raise a point of order but he did indicate a wish that the hon. member for Winnipeg North would get off the subject of hours of work because it was not germane to the bill. Yet, he was the one who started it all. He cannot get halfway into a subject without letting anyone else get into it.

Mr. Nicholson: I accept that reprimand. Perhaps, to avoid another, it would be better to proceed with the clause by clause discussion.

Mr. Howard: I want to refer to the non-retroactive feature of this legislation. I realize this is a complicated clause and that what I propose would involve searching through back payrolls to ascertain the payments made to employees, some of whom might no longer be on the job.

For many years it has been standard practice in negotiations between labour and management in cases where a new contract is signed some months after the termination date of the old contract and made retroactive to the terminal date of the old contract, for the company covered by the agreement to go back over its records to ascertain the eligibility of its employees for statutory holidays, vacation pay and the like. The minister will be familiar, because of his association with the forest industry, with the situation on the west coast of British Columbia where for many years the collective bargaining process has been conducted between at least eight local unions of the International Woodworkers of America and I don't know how many companies which combined to bargain through Forest Industrial Relations Limited. So, there has been a collective agreement in effect between eight unions and many scores of companies, all in the forest industry.

The concept of a multi-employer relationship exists in the industry, especially in the