

to the proposed Railway Safety Act are all represented by the member unions of the Canadian Railway Labour Association.

The Canadian Railway Labour Association supports the introduction of the Railway Safety Bill, Bill C-105. Our association, however, has some serious concerns with certain aspects of the proposed legislation.

As honourable senators are now well aware, the United Transportation Union represents men and women working in various positions in the running trades across our nation and in the U.S.A. In Canada we represent conductors, trainmen, yardmen and other classifications all across the Canadian railway system, including the two national railways which are, of course, the Canadian National Railway and the Canadian Pacific Railway.

We believe it is fair to state that the United Transportation Union is an organization which has, throughout its history, spent a considerable amount of time, effort and money promoting issues not only connected with the health, safety and comfort of our members but also for the benefit of all Canadians. Our union has large and sophisticated legislative and protective departments, which are headquartered in Ottawa, with branches and representatives in every local across Canada. The interests of the legislative department specifically include the promotion of issues, training and programs designed to enhance the safety of all railway operations. The legislative department, in conjunction with the protective departments in every local across Canada, encourages preventive programs designed to eliminate safety hazards before they become accidents, in fact, long before an accident can happen which would result in the loss of an arm, a leg or a life.

Furthermore, representatives of all of our brotherhoods participate in safety committees every month at each and every level in every railway company across Canada. We therefore believe it can fairly be said that our union has a sincere, demonstrated and long-standing commitment to safer railway operations across our country.

The philosophical thrust of this legislation is clearly reflective of the government's objective to deregulate transportation in Canada. That objective was already established by the enactment of the National Transportation Act, 1987, which became law on January 1, 1988. The major thrust of the National Transportation Act was to abolish the Canadian Transport Commission and to introduce a new, deregulated economic environment into Canada's transportation systems. Let me say, honourable senators, that it is not working very well. The philosophy which will apply to Canada's entire transportation system of rail, truck and airlines is that a competitive framework will be to the advantage of the users of the transportation systems and will ultimately result in the various modes of transportation becoming more effective as they strive to meet the competitive demands of the marketplace, both intermodally and intramodally. In sum, the survival of the fittest.

Honourable senators, I made similar remarks to these during the debate on Bill C-18 and Bill C-19, and I am sorry

[Senator Turner.]

to say that my predictions are coming to pass. Last Saturday, in the *Toronto Star*, there was an article about what Bill C-18, the National Transportation Act, was doing to the trucking industry across Canada.

Unfortunately, in our opinion, the same basic philosophical assumption underpins the Railway Safety Bill. This assumption is that the railways will ensure an adequate level of operational safety in their own interest and that if there is any deviation from the broad safety objectives set out in the regulations introduced pursuant to the proposed Railway Safety Act, then the monetary fines set out in the act for such violations will ensure compliance. The motivation is self-interest and the deterrent is monetary fines. The government believes that the self-interest of the railways and the threat of monetary fines will ensure that the railways will operate at an acceptable level of safety. I am sorry, but it will not happen. The Canadian Railway Labour Association does not share this philosophy or belief. We believe that the level of railway safety will deteriorate over time and will be determined by the economic health of the railways. In our view, public and employee safety should not be in any way correlated with the economics of the railways at any particular point in time.

The Canadian Railway Labour Association is also deeply concerned about the concentration of power in the Minister of Transport by the Railway Safety Bill. A long-standing concern of our association with the Railway Act and the former National Transportation Act was the conflicts of interest created by the same Canadian Transport Commissioners legally seized with the power and authority to regulate the railways economically, to ensure public and employee safety by regulation and to conduct investigations into the cause of railway accidents.

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In addition, our association held the view that, under the quasi-judicial structure of the Canadian Transport Commission, the Minister of Transport and Parliament were powerless to set policy direction for the suppliers of transportation in Canada. In our opinion, a quasi-judicial, non-elected body such as the Canadian Transport Commission should not have been given the power, either directly or indirectly, to shape transportation policy in Canada for the past 20 years. This was never the intent of the McPherson Commission, on whose report the National Transportation Act was based. We will also comment on the many clauses of the Railway Safety Bill dealing with the consultative committee, medical and optometric information, the amendments to the Criminal Code, the assessment of fines and imprisonment for violations of the act and the possible introduction of drug testing for certain railway employees.

You would think, honourable senators, by what the minister wants to do to us that we were all criminals. We do not believe that what he is trying to do is very conducive to morale problems on the railroads of Canada.

We have already stated that, in our opinion, a quasi-judicial body such as the Canadian Transport Commission should not have been isolated from the Minister of Transport and Parlia-