

Railway Operations Act

The Deputy Chairman: Shall the clause, as amended, carry?

Some hon. Members: Agreed.

Mr. Andre: Mr. Chairman, I rise for the purpose of introducing an amendment to this clause, one which we believe will substantially improve the bill.

Yesterday and today, but especially today, we heard a good deal of rhetoric, some of it inspiring, much of it repetitious. It has been said repeatedly, both inside and outside the House, that the process called for by the bill, namely the process of continued conciliation, mediation and, if necessary, arbitration, is a charade; that it will not in fact result in a just settlement. This is a cause for concern. I do not believe this myself, and I sincerely hope it is not true. Nevertheless, our purpose in introducing this amendment is to provide further protection for the employees so that should this process not result in a settlement which will allow the railroads to continue operating, if, in fact, dissatisfaction were to reach such a stage, ten members of parliament could bring this question back before the House for disposition.

A similar provision was included in the 1966 legislation. I should like to point out—and I hope this will be acknowledged by the unions—that we are proposing a realistic safety measure. It is not a gimmick. We are not talking about 40 Members of Parliament, but about ten. I would therefore move:

That Bill C-217 be amended by inserting therein, immediately following subclause 16(6), the following:

“(7) A copy of any decision by an arbitrator appointed under subsection (1) shall be laid before the House of Commons not later than five days after the day the decision is made or, if that House is not then sitting, within the first five days next thereafter that the House of Commons is sitting.

(8) Where, within five days after a copy of a decision by an arbitrator is so laid before the House of Commons, a motion for the consideration of the House of Commons, signed by not less than ten members of the House, is filed with the Speaker to the effect that the decision be revoked or amended, the House of Commons shall, within the first fifteen days next after the motion is filed that the House is sitting, in accordance with the Rules of the House, take up and consider the motion, and if the motion, with or without amendments, is approved by the House, the decision of the arbitrator shall be revoked or amended in accordance with the terms of the motion as so approved and the collective agreement to which the decision of the arbitrator had applied shall be so amended.

(9) All questions in connection with any motion taken up and considered by the House of Commons pursuant to subsection (8) shall be debated without interruption and decided not later than the end of the third sitting day next after the day the motion is first so taken up and considered”.

● (0240)

Mr. Broadbent: Mr. Chairman, it would be charitable to assume that this amendment proposed by the Conservative party is in the form we see because of the fact it is 20 minutes to three in the morning. However, I am not in a charitable mood at this time of the morning and I find it completely ludicrous that a member of that party, whose members argued earlier during this debate that parliament should not involve itself in the resolution of conflicts on a continuing basis but only in circumstances involving some kind of an emergency, should now make this kind of a proposal. What is its logic?

[The Deputy Chairman.]

I suggest the logic of the amendment is that if any 10 members of the House find an objection to any decision made by the arbitrator, parliament once again will be involved in a debate on the issue at hand. Surely if that party to my right wants to be consistent with its leader's statement, who suggested we should keep parliament out of these disputes, it would not present this amendment. However, this is fully consistent with that party's totally inconsistent behaviour during this debate, so I am not surprised.

An hon. Member: Don't get nasty.

Mr. Broadbent: I think the amendment should be rejected outright. I am not going to prolong the debate by saying anything other than that the Conservative party has not only committed illogical inconsistencies but, beyond that, has misinterpreted what was done in 1966. If hon. members of that party would get the Statutes of Canada for 1966-67 and look at page 5 of Section 11 they will find there is no such precedent for the kind of proposal they have now placed before the House. In fact the proposal in that section refers to restrictions exclusively in respect of regulations, which is a completely different proposal from the one before us, and I urge that this committee reject it.

Mr. Mackasey: Mr. Chairman, unlike the hon. member for Oshawa-Whitby, I do my best at a quarter to three in the morning. I do agree with what he has said. I think the hon. gentleman did advance this proposal in good faith but has probably missed the point. In 1966 the proposal had reference to 10 members, but the review of the work of the arbitrator was very limited in scope, in fact limited to the terms of reference to the arbitrator. The proposal by this member would involve a complete review of the decision of the arbitrator. That in turn would mean a periodic review, and this could go on and on, forever and ever and ever. I would urge the hon. member to withdraw his motion.

I have nothing further to say, but I hope the employers of the railway employees who are in the galleries will realize that a negotiated settlement a week ago would have been a lot less expensive than what they will have to pay as a result of the amendments that have now been adopted.

Mr. Andre: Mr. Chairman, the simple purpose of this motion was to enable members of the NDP to assure the unions that there was a safety valve. In view of the fact that the government and the NDP will obviously not support it, I would ask for unanimous consent to withdraw the amendment.

The Assistant Deputy Chairman: Is it agreed?

Some hon. Members: Agreed.

Some hon. Members: No.

The Assistant Deputy Chairman: I must remind hon. members that the hon. member requires the unanimous consent of the committee. Does the committee agree?

Some hon. Members: Agreed.