

West Coast Ports Operations Bill

Mr. Gleave: Mr. Chairman, a few minutes ago the minister made the point that he did not want to interfere with the bargaining process but wanted to leave the parties to the dispute in a position to follow the normal process of bargaining. I suggest that by virtue of the inclusion of this clause, which can be brought in by proclamation, the parties to the dispute are no longer equal. This is what the hon. member for Moose Jaw is trying to get across. He suggests that fact should be considered here. I think the minister should deal with this either by amendment to the bill or by verbally assuring those of us who are being asked to agree to this measure that fairness and equity will be assured to both parties to the dispute, that the one party which will be weaker by virtue of this measure will not have to resort to desperate action. That is the question being raised by the hon. member.

Mr. Horner: Mr. Chairman, the minister talked earlier about the unanimous conciliation board report. Could he enlighten the House and the country on the basic wage increase recommended to the companies? I do not want the dollars and cents, but could he give us the percentage? It seems to me that these agreements come up for renegotiation too often. Will this agreement be for a longer period than usual? The minister indicates it will be for two years. Why cannot that be stretched out a little longer so we will not have confrontations and hold-ups in the grain movement as often? Was there any thought given to this?

Mr. O'Connell: Mr. Chairman, if my memory is correct the majority report of the conciliation board was for 40 cents in each of two years.

Mr. Horner: What percentage is that?

Mr. O'Connell: I would have to guess. It is probably 8 per cent.

Mr. Horner: Is it not 10 per cent?

Mr. O'Connell: The average is probably \$5 and 40 cents is 8 per cent. I may not be right on that.

Clause agreed to.

Clause 11 agreed to.

• (1240)

On Clause 12—*Strikes and lockouts prohibited.*

Mr. Alexander: I rise on a point of information, Mr. Chairman. This is a technical objection. I notice a similar clause appeared in Bill C-230 as clause 6. I know the minister does not have that bill before him. It was in reference to the Montreal strike. Clause 6(a) provided that "no employer shall declare or cause a lockout". I notice in this bill the word "employer" is not used. Rather it states that no company shall declare or cause a lockout. I am wondering what the difference is and whether there is any reason for the change in the wording. Further, I notice in subclause (b) of clause 6 in Bill C-230 there is the following reference: "no person who is an officer of a union shall declare or authorize a strike". In the present bill the wording is, "no person who is an officer or representative of a union". I wish some clarification.

Mr. O'Connell: Mr. Chairman, the explanation is that in the Montreal case there was an employer's association but in the case we are looking at the five elevator companies make five separate agreements. They are referred to here as companies because there is no association through which they operate.

Clause agreed to.

On Clause 13—*Company and union to negotiate.*

Mr. O'Connell: Mr. Chairman, for the same reason that prompted the moving of an amendment to clause 7 in Part I, I should like to propose that a parallel amendment be now made in Part II to achieve the same objective of retroactivity unless the parties otherwise agree during their negotiations. Therefore I move:

That Clause 13 of Bill C-231 be amended by adding thereto the following subclause:

Terms and conditions of new collective agreements.	“(2) Notwithstanding section 11, the terms and conditions of any collective agreement entered into in amendment or revision of a collective agreement to which this Part applies shall, unless the parties thereto otherwise agree, have effect on and from December 1, 1971.
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The Chairman: The question is on the amendment to clause 13. Shall the amendment carry?

Some hon. Members: Agreed.

Amendment (Mr. O'Connell) agreed to.

Clause as amended agreed to.

Clause 14 agreed to.

On Clause 15—*Mediator.*

Mr. Skoberg: Mr. Chairman, I wonder whether the minister could give us some information when mediators will be appointed and if he has looked into the situation of whether there is available talent which could be brought into this situation at the earliest possible moment.

Mr. O'Connell: Mr. Chairman, we are giving very close attention to that question. I hope to be able to be in a position to move very, very quickly with regard to a mediator.

Mr. Lewis: Mr. Chairman, would the minister undertake a very simple thing. On the basis of information Mr. Kaner has given him, will he undertake to telephone the employers' counsel immediately he has a moment and express his view as well as the view of the committee concerning their failure to observe the spirit of the agreement which has legally expired and their refusal to deal with the union as if the agreement were still in force which is contrary to the spirit of our entire labour relations law. Would he urge them to start again, since they should never have stopped, to deal with the union instead of being technical, legalistic and mean about it. I am sure that if the minister got on the telephone to these employers and expressed that view, and the concern the union now has about the way the employees are being treated,