

The Chairman: Is this your interpretation, gentlemen?

Mr. William Kelly, Assistant Deputy Minister, Industrial Relations, Department of Labour: Yes, Mr. Chairman.

The Chairman: They will only have the right to reopen negotiations on the effects of the technological changes?

Mr. Kelly: Yes, Mr. Chairman.

The Chairman: And that is for the employees who are directly affected by the technological change?

Mr. Kelly: Yes.

Senator Goldenberg: That is the only interpretation I can see.

Senator Grosart: Mr. Chairman, I can see another interpretation. It is not for me to suggest what the courts might do if this matter went before the courts, but I suggest it is ambiguous. It says:

... for the purpose of revising the existing provisions of the collective agreement by which they are bound that relate to terms and conditions or security of employment,—

That is one part. It continues:

or including new provision in the collective agreement relating to such matters, to assist the employees

Senator Goldenberg: Just a second. There are two commas there.

The Chairman: Commas are important.

Senator Goldenberg: I noticed last night that Senator Grosart in discussing the definition read section 149(1)(a) without reading section 149(1)(b). He is now reading section 152 to suit his own purpose. I think he should read it with the commas—

Senator Grosart: Mr. Chairman, on a point of order, I must object to being told that I am reading it to suit my own purpose. We are in a committee of the Senate here.

Senator Goldenberg: I will withdraw that remark.

Senator Grosart: In the second place, I had not finished reading. I paused and was about to say there is then the word "or". Whether the last three lines are tied to the new provision or to the earlier part, I do not know. I say it is a matter of interpretation. Senator Goldenberg says there is only one interpretation. I suggest, even if I am the only one who sees the other interpretation, that there are at least two.

The Chairman: Your suggestion, Senator Goldenberg, is that it applies to both?

Senator Goldenberg: Of course it applies to both.

Senator Grosart: Well, who says, "of course"? One thinks it applies to both; I do not think it does.

Senator Goldenberg: I may be arrogant this morning, Senator Grosart, and I apologize, but I was called to the Bar 40 years ago this morning.

Senator Grosart: I was born 65 years ago.

Senator Martin: And you both ought to have more sense.

Senator Lawson: Mr. Chairman, may I ask a question of our experts?

Where it says,

... or including new provisions in the collective agreement relating to such matters, to assist the employees affected by the technological change to adjust to the effects of the technological change,

this might apply to the manufacturer or fruit canning operation where technological change replaces X number of employees. There is nothing in this to prevent the union from negotiating a tax per case or per can to establish a fund to retrain these people. So when you are talking about a wage increase, it might be a higher cost to the employer but not necessarily an hourly wage increase for the employee. You could establish a fund of that nature?

Mr. Kelly: Or a retraining program, and that would be a matter of whether it is funded by the operation or not. It is to ameliorate the adverse effects of the technological change on the employees affected.

There is another point I should like to make with respect to the definition and whether frivolous cases could come before the board. It is in reinforcement of the comments made by Senator Lawson. Some of the experiences we have had with wildcat strikes—and that is what they are—show us that they are as a result of the parties having no place for any kind of a hearing. There was a very serious railway strike in this country where 2,800 employees booked off sick at Nakina, Ontario, and Wainwright, Alberta, and were tying up the whole system. The union leaders were crying to get to arbitration, but it was not arbitrable. There was nothing in the collective agreement dealing with run-throughs or technological changes. Possibly it is better to have the odd frivolous application to the Canada Labour Relations Board than to have these types of incidents tying up the economy.

The Chairman: What would be the industries covered by this legislation?

Mr. Mitchell: I do not have a list with me, but I can recite the main ones from memory. It will cover almost all of the railroads, interprovincial transportation by truck or motor coach—buses and that type of thing—radio and television stations, banks—

The Chairman: So far as they are unionized?

Mr. Mitchell: Yes. They are not yet unionized, but they can be. There is nothing to prevent it under the law.

Senator Smith: The uranium industry?