

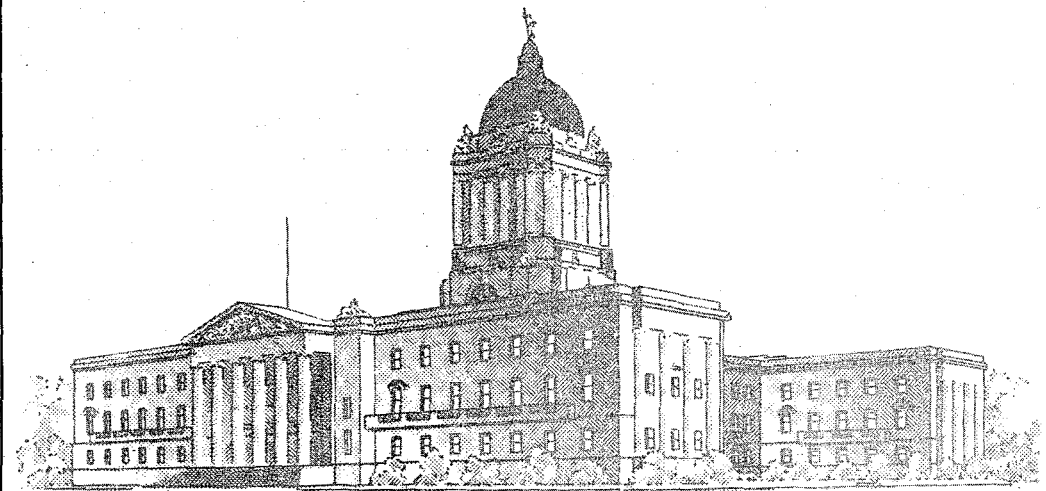


Legislative Assembly Of Manitoba

DEBATES and PROCEEDINGS

Speaker

The Honourable A. W. Harrison



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THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 o'clock, Monday, March 14th, 1960

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions
Reading and Receiving Petitions
Presenting Reports by Standing and Select Committees
Notice of Motion
Introduction of Bills
Orders of the Day.

HON. DUFF ROBLIN (Premier)(Wolseley): Mr. Speaker, perhaps the House would proceed directly to the Committee of Supply and I therefore move, seconded by the Honourable the Minister for Municipal Affairs, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

Mr. Speaker presented the motion and after a voice vote declared the motion carried and that the House resolve itself into a Committee of Supply.

MR. SPEAKER: Would the Honourable Member for St. Matthews take the Chair.

MR. ROBLIN: Mr. Chairman, I think we left item (1) under Municipal Affairs open to permit the Honourable Member for Carillon to take some part in this discussion.

MR. E. PREFONTAINE (Carillon): Mr. Chairman, I am very thankful to the Committee for having done me this honour and given me a chance to say a few words, although I haven't got very much to say, and especially in view of the fact that I have not been able to listen to the Minister make his statement.

I understand from what I was able to read in the press of Saturday, that the Honourable the Minister talked quite a bit about the present financial situation of the municipalities of the Province of Manitoba, and said that they were -- the municipalities were in good financial shape at this time according to the last statistical information. I do agree with the Minister that the report that was tabled a month ago about -- it was a very good report and showed that the books of the municipalities were closed at the end of 1958 in very good shape; more municipalities operated on a cash basis than at any year since 1947 or '48 I believe; and the reserves of the municipalities have been going up; although on the other hand, the debts have been going up also. This is natural, because the municipalities have entered into development schemes; have started sewer and water. It is natural that their debts would have increased to a certain extent. Although when we were in office we were always attacked because we supposedly were trying to pay the provincial debt and we were doing that supposedly at the expense of the municipalities. I think some of our critics of those days will now realize the same situation obtains that although the debt of the province is going up by leaps and bounds at the present time and the debt of the municipalities is also increasing. As I stated before in this House it was pretty difficult to analyse thoroughly these figures, but I agree that these statistics prove that the municipalities are in good shape.

I wonder if the Minister will agree with me that the previous government should get some credit for the situation, because after all they reflect the situation that has come about in this province because of the introduction of these unconditional grants to municipalities; of the fact that we agree to take over up to 80% of social welfare in the province; that we changed our policy with respect to road assistance whereby we paid 60% on market roads instead of 40%; and all these policies that have been introduced by the previous government were responsible for the fact that the present situation is as good as it is. And I think the Minister will agree with me that some credit should go to the previous government, because these figures are not in any sense the results of actions of the present government, because the present government took office only on the 1st of July '58 and it operated on the budget that had been passed by the previous government.

I would just like to repeat what I said in this House that I wish the Minister well in his new position. I know that he will carry on, if I should say so, the policy that he is doing so of his immediate predecessor and the other predecessors before him. It's a department that is lucky to have a very good man at its head outside of the Minister -- the deputy Minister and the assistant deputy Minister. They are doing a wonderful job. I would have liked to have heard

(Mr. Prefontaine, cont'd.)....about the progress in the municipal assessment program. I think it's coming to an end at the present time, and this has been a terrific job done by the Department of Municipal Affairs and its good Civil Servants, to reassess the whole of the Province of Manitoba except for a few cities and suburbs and municipalities. And it certainly brings all municipalities into closer relationship, one to the other, with respect to the equalized assessment, and I am sure that with this job being about completed, we will not have the same trouble as apparently we've had with respect to the equalized assessment, which became a political issue at one time, but I say just a political issue and nothing else, there wasn't anything serious in that whole discussion at that time.

Now, Mr. Chairman, I see that the Minister has announced that he will have a study made by the Union of Manitoba Municipalities and the Urban Association of Municipal Matters. I do not know exactly what the Minister has in mind. I would like to ask him whether this study has been requested by the Urban Association or the Union of Manitoba Municipalities. If it is a continuation of requests that have been made previously by certain groups to have complete re-organization of municipal units in this province on the basis of larger units? I would like to tell the Minister that if it is so that he should go at it very prudently, carefully, because we have in this province some rather small municipalities that are operating very well -- a local unit, 6 townships seems apparently small, but they have been arranged in the old days and in many instances they are the normal division of population according to their social aspirations. They are working fine, financially and otherwise and I think that we should not go too rapidly into larger municipal units to follow possibly the lines of the school divisions which to my mind would be too large with regards to municipal administration. I think the school divisions would be too large to be considered as a unit for municipal administration. And with those few remarks, Mr. Chairman, I would like again to wish the Minister well in this department.

HON. MAURICE E. RIDLEY (Minister of Municipal Affairs)(Pembina): Mr. Chairman, in answer to the Honourable the Member from Carillon, in regards to the Municipal Enquiry Commission -- that was a resolution from the Urban Association and the Union of Municipalities that they set up such a commission. I couldn't agree more, with just what he has said, for them to be very careful on this and study it very thoroughly. I am quite aware that there is a lot of small municipalities that are working very well; how they have set up their own committee, three from the union and three from the urban, and I've also got confirmation that Dr. Fisher is going to be their chairman. I'm sure every member of this Assembly will be glad to hear that, because he's had tremendous experience. But that is set up by both the urban and the union; as far as the government goes we had no part in setting up their board at all; and I can only say that I agree quite strongly with the words that you have said, that it's a study that should be made very thoroughly and before anything is done that we will study it very thoroughly.

MR. CHAIRMAN: (a) passed; (b) passed; Resolution 65 - Administration \$89,940. Passed. Department XIII (1) Administration (a) Passed. (Interjection)- Department XIII, Department of Labour.

HON. J. B. CARROLL (Minister of Public Utilities) (The Pas): Mr. Chairman, I was concerned there for a moment that the Leader of the CCF Party might not yet be in his seat because if he hadn't hurried he was going to miss my speech altogether.

Mr. Chairman, the debate in this Committee of Supply proceeds -- I become increasingly more impressed with the virtue of brevity and therefore I intend to confine my remarks to the barest of essentials in introducing Labour Department estimates.

I believe it is fair to say that with the very rapid increase in industrial and commercial activity in the Province that there has been substantial increases in demands for the services of the Department of Labour. For that reason there have been some increases in inspection staff, increases in boards, and the number of board meetings, and increases in the services of Industrial Enquiry Commission, and a fairly substantial increase in demands for conciliation service and conciliation boards. This growth in industrial activity the demands for inspection services -- the Department of employment standards has increased proportionately. The apprenticeship division has shown very steady and rapid growth from a total of 214 registered at the end of 1946 to 1,620 at the end of 1959. The fire commissioner's office will be engaging a new program of fire training this year in co-operation with the Civil Defense authorities, and this is a mutual assistance program which we believe will provide more adequately for the fire

(Mr. Carroll, cont'd.)....protection of the people of our province. The mechanical and engineering division is expanding its inspection services to take care of the increased demands of our expanding economy. The winter works program initiated in this province last year has made a very substantial contribution towards the easing of winter unemployment. The total provincial contribution and estimated contributions since the inception of this program including provincial participation on federal projects, provincial projects, audit fees, advertising and sundry expenses in connection with the advisory committee meetings amounts to \$192,166.06. One of the greatest contributions towards winter employment has been the efforts of the Provincial Government through the Department of Public Works, Public Utilities and Mines and Natural Resources and others. It is the province's policy to extend construction programs insofar as it is practicable to include the winter months. This has resulted in a tremendous stimulus which has had a very substantial effect in providing for winter employment.

The Labour Relations Division concerns itself with employer and employee relationships and the various bargaining procedures. There's been a very substantial increase in the use of conciliation services and in the Conciliation Boards in the settling of disputes. I'm told that there have been something like three times as many Conciliation Boards during 1959 as during the year 1958. There's no doubt that these Conciliation officers and the Boards have been useful in bringing about satisfactory solutions to disagreements in most cases. However, concern has been expressed by many that the Canadian economy is facing increasing competition, not only for export markets, but for local markets as well. There appears to be evidence available to substantiate this concern which is being expressed with respect to this problem of markets. It is our hope that both employer and employee will recognize mutual problems and that greater efforts will be made on both sides to bring about a satisfactory and amicable solution at the bargaining table. The Deputy Minister in a statement made in the Annual Report suggests that employers and employees must realize their partnership, and that neither can survive and prosper, unless the other likewise survives and prospers, and unless both give effective service to the consumer. In concluding this very brief statement I would like to pay tribute to the Deputy Minister and the senior officials of the staff who have been such a great help and have given me such good advice during my brief term as Minister of this Department.

MR. R. PAULLEY (Leader of the CCF) (Radisson): Mr. Chairman, I'm sure the committee would be amazed if I didn't say a word or two at this particular time on -- (Interjection) -- Well there you are there's the old coalition and my two honourable friends -- one of them would be amazed and the other would not. No, of course not, Mr. Premier. However, I first of all want to say to the Minister, I agree with his last statement that he has not had enough time within the Department to fully become acquainted with all of it. We can appreciate that very much. And in saying that I'd like to suggest to him, as we have suggested before, that he may talk to the Honourable the Provincial Treasurer and his colleagues that he make this portfolio a full time job. I know we've raised this question -- I believe it was on the Reply on the Speech from His Honour, and if I gather correctly at that time that whereas we had been under the impression, according to news reports, that there had been now set up a permanent Cabinet. I understand that the First Minister interjected something to the effect that that may not be quite so and I sincerely trust that the government will give further and serious consideration to the establishment of a single portfolio for the Department of Labour, because I agree with the Minister -- I think we all do. It was in this particular branch the problems are becoming more and more acute and complex and that warrant, due to the contribution of both labour and management to the economy of the Province of Manitoba, that the time is now here for a full-time Minister of Labour.

I want to say too, Mr. Chairman, that I agree with the statement of the Honourable the Minister of Labour when he says to us that both labour and management have to accept responsibilities. I think it would be only fair to me or fair for me, Mr. Chairman, to say that by and large and in general I think labour does accept that responsibility. I think the Minister would agree with that statement. There are areas of differences of opinion within that but I feel sure that the representatives of labour in the trade union field are fully aware of all of their responsibilities and do approach the bargaining tables with management when occasion arises, having that uppermost in their minds. I think we are very, very fortunate here in the Province of Manitoba, and indeed in all of Canada that we have not had an accusing finger pointed at labour,

(Mr. Paulley, cont'd.)....and labour leaders, such as has been the case in other jurisdictions. And I think that, Sir, illustrates the fact that labour does accept its responsibilities, and does attempt to arrive at conclusions with management, and with the consumer, that will be to the advantage of all concerned. For after all, when we talk of the consumer, we must be ready to admit that the vast majority of consumers in Canada are those whose livelihood comes from the fruits of their labour. So there is that concern at all times insofar as Labour is concerned and I'm sure with Management as well. And I, Sir, am a great believer in continuing committees and consultations between Labour and Management in their problems. I know we of the railway from whom I receive my compensation have established, as indeed a number of other industries have, labour relations, management and worker alike, to try and iron out their mutual problems. And I think that while the Department has made some advancement in the establishment of labour management committees within the various industries that it may be that the Department and the Minister might give consideration to even furthering that type of amicable discussions to the common good of both. Now then, Sir, those are all the general remarks which I wish to make at this time. It may be that when we come down to the various items on the agenda and in the Department, that I will make further comment. I know that some members of my group have some comment also to make on the administration.

But there is, Sir, one point and case which I want to establish before the committee and draw to the attention of the committee that I think can only be done under the Minister's salary, and this deals with a case on Workmen's Compensation. I might say that I've already mentioned to the Honourable the Minister of Labour that I intended to raise this question and I have a copy for him of the statement which I propose, Mr. Chairman, to make at this particular time. But one thing, Mr. Chairman, I want to make clearly understood that while some of the aspects of this statement will be critical of the action or attitude of the Workmen's Compensation Board I mean no personal criticism of the Board itself and as I have stated on other occasions, I have found that in general the Chairman and the members of the Board have been fair and reasonable and ready at all times to listen to any case that has been brought before them. But I think, Sir, that like many other Boards and Commissions, sometimes a mistake is made, and I think that in the case that I'm going to state that a mistake has been made.

This, Sir, deals with the question of a person by the name of Harry Alexander Gavaga of the Town of Transcona and the Workmen's Compensation Board. And, Mr. Chairman, if I stick closely to the notes that I have I please hope I have your indulgence. The story of Harry Alexander Gavaga and his vain struggle to obtain compensation is outlined hereunder because I believe his failure to obtain any compensation respecting a head injury he suffered in 1942, is a denial of the purposes for which the Workmen's Compensation Board was established. The facts are as follows: 1. On October 28th, 1942, Mr. Gavaga as part of his employment as a carman in the Canadian National Railways of Transcona was driving out wooden stakes, five inches wide by five inches thick and several feet long, from the metal brackets which held them upright along the edges of the railway flat cars. Up until this time, he had not suffered from head injury, a headache or dizziness. On October 28th after striking a stake -- a sound blow with a six pound sledge hammer, he was struck with a stake which he did not know was actually broken though standing upright, and a broken portion, five inches by five inches by about three feet, flew up into the air and landed on his head on the left side. He was taken to the local clinic at the Transcona Shop, where he was given first aid and looked after by the nurse, then. Then he left for home that noon hour. From then on until Monday he suffered continuously from headaches and dizziness. On Monday, the 30th of October 1942, he tried to resume work but he blacked out; he then went back to the clinic at the local shop and from there was taken into the clinic in the Depot in Winnipeg. He was x-rayed and then sent to a Dr. Oliver Waugh. Dr. Waugh prescribed some pills and a short lay-off from work. When Gavaga came back he said he was still suffering from headaches and dizziness and then he went back to work. He kept going back to the Board complaining of his suffering, but the Board took the position that they could or would do nothing further for him, and if he wanted any further assistance he had to seek it at his own expense from doctors of his own choice. After about five years of this persistent and real distress Gavaga could stand it no longer. On January 2nd, 1946, he had gone back to Dr. Oliver Waugh who wrote on that date to the Board as follows. And I'd like, Sir, to read a copy of that letter directed to the Workmen's Compensation Board.

(Mr. Paulley, cont'd.)....."Dear Sir: I again saw the above named today" that being Gavaga, "and find him complaining of a sense of pressure to the back of his head. This, he claims, has been present ever since the accident in October '42. It comes on frequently, lasts a few minutes and disappears. It does not cause him to leave his work. He claims that taking aspirin and lying down eases the situation. In my opinion, Mr. Gavaga's complaint represents a discomfort, and not a disability. He is a type of man who worries a great deal from this, and is very apprehensive for the future, and whatever discomfort he has is probably the result of this injury. I can suggest no treatment that will be beneficial, and have advised him of this fact, and also to continue at his work. Yours truly, O.S.Waugh, MD."

On January 28th, 1947, Gavaga went to see Dr. Fraser at the Workmen's Compensation Board and Dr. Fraser noted in the records of Mr. Gavaga the following: "Still complaining of depression and wants further examination. This I would judge unnecessary. Told to see Dr. Waugh, if he wishes, at his own expense."

Gavaga had reached the limit of his endurance, and he saw Dr. S. Samuel Peikoff, a local doctor, and asked him whether or not he would advise him to see the Mayo Brothers Clinic or elsewhere. Dr. Peikoff advised Gavaga to go down to Dr. Wilder Penfield's Neurological Institute at Montreal. Since he could get no assistance from the Board who had rebuffed him finally and completely, after doing nothing for him for five years, Gavaga left his job, mortgaged his home and went down to see Dr. Wilder Penfield at Montreal, where he underwent a cranial operation. It took six months for him to recover but when he did the headaches were gone and he resumed his employment and continued to work until his retirement at the age of 65, which, Mr. Chairman, was a year or so ago. When he applied to the Board, to receive reimbursement for the money he had to pay to go to Montreal for the operation and for the time off work, the Board repeatedly refused to do anything for him. This refusal continued, notwithstanding a letter from Dr. Wilder Penfield which reads as follows:- "Dear Mr. Gavaga: At your request, I am writing to you in regard to your previous operation here. We treated you for post-traumatic headache, making a diagnosis that the headache of which you had complained for five years, had been caused by a head injury. On the basis of this diagnosis, we carried out a direct insufflation between the skull. The fact that this has relieved your headache, is all the evidence that we have that it had been caused by injury. No further examination or investigation would yield anything. I have no hesitation in saying that it was head injury that caused the headache, and I am also quite satisfied that the treatment you received will give you permanent relief. Yours sincerely, Wilder Penfield."

After his receipt of the letter Mr. Gavaga, accompanied by a representative of the Railway Union, attended with a copy of this, on Dr. Oliver Waugh and in consequence, Dr. Waugh wrote a letter to the Workmen's Compensation Board on November 7th, 1950, commenting favorably on the success obtained by such operation performed by Dr. Penfield and stated that he would be inclined to go along with such operation as far as Gavaga was concerned, if Dr. Penfield considered it indicated.

Despite the positive opinion of Dr. Penfield, and the concurrence in it by Dr. Oliver Waugh who is the specialist relied upon by the Board, the Board nevertheless still refused to give any compensation or reimbursement to Gavaga for the expenses incurred. I might say, as I understand it, Mr. Chairman, that that amounted to somewhere in the neighbourhood for the operation alone, of some 400 odd dollars. We wondered if Dr. Waugh's letter did not mean what it said. So on the 5th day of May 1959, Dr. Oliver Waugh, Mr. Gavaga, Mr. Frank Armstrong, who was the union representative and Mr. Walter Newman a barrister, reviewed the file of Mr. Gavaga and on his attention being directed to a letter being written by him to Mr. Cousley on November 5th, 1950, he stated that he meant what the letter plainly said, that he had nothing to add or subtract from it. He noted that Dr. Penfield had given his unequivocal opinion that what Gavaga had suffered was a post-traumatic headache caused by the accident and that he had been helped by the operation. Dr. Waugh said that Dr. Penfield had claimed to have helped a number of people with his basilar insufflation and that he was a reputable man and should be believed when he stated so, although Dr. Waugh had not had the same success when he had tried the same operation personally. He stated that he had discussed the operation of that type with Dr. Penfield personally and he thought that his letter was favourable to Gavaga, but since it happened nine years ago he had no more to say about it. He admitted that when he had said that he did not think Gavaga was disabled in an earlier letter he simply meant that because

(Mr. Paulley, cont'd.)....Gavaga had continued work he was not disabled, and by the same token that when he ceased to work then he should be disabled. In other words, Mr. Chairman, because of the result of the injury, did not require Gavaga to lay-off from work that, in his opinion, because he was not doing that, he was not disabled to an appreciable degree.

The matter of Mr. Gavaga was raised before the Turgeon Commission. The Commissioner, however, stated that he had no power to act as a Court of Appeal for the Workmen's Compensation Board, although he listened to the evidence there adduced. At that hearing, Mr. Cousley was also present, and stated that it was the attitude of the Board to give the benefit of the doubt to the workman. It was pointed out at the hearing by Mr. Newman, the solicitor, that if the benefit of doubt was really given to the workman why was it not given to Gavaga in view of the unequivocal opinion of an eminent specialist, Dr. Penfield, and the concurrence with him by Dr. Oliver Waugh on whom the Board had relied. This has not been explained. The matter was also taken up with the present administration.

Sir, it is recognized that there is no appeal procedure in view of the long persistence of the failure of the Board to deal with this matter and it is obvious that the Board has no intention of dealing with it. Because, as I say, that this has been drawn to their attention on numerous occasions. But I suggest that the evidence in this particular case, and it may be that under the terms or conditions of the Workmen's Compensation Board, that the Board by itself no longer can take any action in this case. And it seems that the only way that the wrong suffered by Mr. Gavaga can be righted is by a special Act to be passed by this Legislature giving him the compensation and reimbursement that is clearly his due.

The facts of this particular case are placed upon the conscience of this House. This case is not only important as one instance of individual injustice but the illustration of a principle that wrongs do occur from time to time, where even the most reputable Board is concerned, and I repeat a very reputable Board, Mr. Chairman, and that injustices will be perpetuated if once the Board has committed itself. There was a case, Mr. Chairman, in British Columbia, apparently of a similar nature of long outstanding circumstances such as this, insofar as silicosis was concerned and there in the British Columbia case, it was not until after a post-mortem had been performed on the employee concerned that it was established that silicosis was the contributing factor to the death. But in this case, Mr. Chairman, it's not necessary to have a post-mortem examination fortunately. The operation was carried out on Mr. Gavaga, the doctor has told us and made a statement to the effect that the pressure on the brain was caused by an injury. I think it has been established that there was no evidence of any prior injury to this, to Mr. Gavaga, and that as the result of the operation performed by Dr. Wilder Penfield, who I am sure we all recognize as one of the foremost in his particular field in Canada, that the condition of persistent headaches was relieved and since that operation such has not been the case insofar as the workman is concerned.

So I say, Mr. Chairman, up to now the House has had nothing on its conscience in respect of this case. I place it before you now, and suggest that possibly the present Minister of Labour will make a further thorough review into this case and possibly introduce a Bill for the relief of this workman. You might say to me, "Why don't you do it?" I think it is recognized, Mr. Chairman, that I sit with an Opposition group, I think it would be far better if the Honourable Minister of Labour would take this under advisement and thoroughly review the whole situation. It appears to me that the case is of such long outstanding nature that the Board's hands are tied and that the only relief that can be obtained is by an Act of this Legislature.

I suggest Sir, that this man has had an injustice, he has paid the bills, I mentioned the fact of somewhere in the neighbourhood of \$400 in respect of medical costs alone. He was off of work for a period of 6 months. I might say I saw the other day, a bill from his solicitor of some \$135 in connection with this case. He feels definitely that an injustice has been done to him, he has honestly and conscientiously endeavoured to obtain redress and for that reason, Mr. Chairman, I leave this question with the Committee and with the Minister of Labour, and as I mentioned at the start I would be pleased to give to the Minister a copy of the statement that I have made, for his perusal; and in view of the fact that I drew to the attention of the Minister and I think in fairness, that I was going to raise this point in the committee, he may have some comments to make on it at the present time.

MR. D. ORLIKOW (St. John's): Mr. Chairman, the Leader of the CCF has already

(Mr. Orlikow, cont'd.) . . . spoken about the desirability for a full-time Minister of Labour. This proposal has been made on a number of occasions both to this government and to the former government by the representatives of organized labour in this province; and the Minister has already mentioned the large increase in the volume of work, and I am certain that there is nothing I can add -- but this work, I think is a very good case. I would like to raise, however, for this Committee, Mr. Chairman, the need not only for a full-time Minister of Labour but, Mr. Chairman, indeed for the need for a full-time Deputy Minister of Labour. And in saying this, Mr. Chairman, I am not being critical of the present deputy. I've had, as I'm sure other people had had, quite a number of dealings with him. I have found him capable; I have found him sympathetic; and what I say is nothing personal but Mr. Chairman, the Deputy Minister of Labour is also the Chairman of the Labour Relations Board. I understand that the Labour Relations Board meets regularly at least one day a week and very often two days a week. I am sure that the Chairman has besides the regular meeting time of the Board, he has other work in connection with the Labour Relations Board. Now, Mr. Chairman, this work can only be done and the time taken at the expense of the regular work which the Deputy Minister of any large department is required to do. And I want to suggest, Mr. Chairman, that it is unfair to the Deputy Minister to expect him to do either the work as Chairman of the Labour Relations Board or as Deputy Minister properly when he has both jobs to do. I may be wrong, but it is my impression that this is the only province in Canada in which the Deputy Minister of Labour holds the two jobs.

I have a second reason, Mr. Chairman, why I would suggest to the government that they give consideration to the appointment of another man as Chairman of the Labour Relations Board. It seems to me that it is completely wrong, and completely contrary to the principles of British justice that we ask any man -- and again I'm not being critical of anything which the Deputy Minister in his capacity as Deputy Minister or his capacity as the Chairman of the Labour Relations Board has done, is doing, or may do in the future. But it seems to me that the two jobs cannot in all fairness possibly be held by the same man. After all the Deputy Minister of Labour is in fact, the operating head of the Labour Department. When either Management or Labour have difficulties, when they have problems, when they have questions, they come to the Deputy Minister of Labour, the Deputy Minister of Labour in consultation with other people in the department makes decisions, recommendations, judgments about the problems that are asked by either Management or Labour. Now it often happens that one side or the other is dissatisfied with the decision made by the Deputy Minister of Labour. He may or he may not be right. They have the right if it's a matter dealing with labour relations, to appeal the decision, the ruling, the recommendation of the Department of Labour -- which is in my opinion and I don't think the Minister would disagree too much, is usually, if not always the decision of the Deputy Minister of Labour. Now, when the appeal is to the Labour Relations Board, we have the, I think completely anomalous situation. Here is a Board composed of equal numbers of Labour representatives, on the one hand, of Management representatives on the other hand with an impartial chairman. Who is the impartial chairman? And I'm not suggesting that he doesn't try very hard to be impartial. The impartial Chairman of the Labour Relations Board is the Deputy Minister of Labour. And so in effect, Mr. Chairman, the Labour Relations Board -- and I think very often the Chairman of the Labour Relations Board -- is called upon to rule on a decision or recommendation -- the Minister shakes his head -- and if I'm wrong he can explain to me where I'm wrong; but I am only suggesting, Mr. Chairman, that he is not only saying that I am wrong, he is in fact saying that the Manitoba Federation of Labour is wrong because they have made this submission to this government and to the old government on more than one occasion; so this is not an opinion which is held only by myself, Mr. Chairman. The deputy chairman of the Labour Relations Board is ruling, I suggest to this Committee, on decisions made by the Department of Labour which the Chairman of the Labour Relations Board is himself the operating head and has very often made the decision in the first place. I suggest, Mr. Chairman, and this is a position which has been taken for years by the Manitoba Federation of Labour and by other staff people in the labour movement, that there's a basic conflict of interests and that the Chairman of the Labour Relations Board, who is also the Deputy Minister of Labour is, in fact acting as the judge, the prosecutor and the jury at one and the same time; and I think that this is wrong, Mr. Chairman, and I would

(Mr. Orlikow, cont'd.)...suggest to the government that they give serious consideration to the appointment of a -- I'm not going to say that it needs to be a full-time Chairman of the Labour Relations Board, although this is what they have in Ontario and in other provinces -- but that it should be a person separate and apart from the Deputy Minister of Labour. I want to repeat again, Mr. Chairman, in what I say there is nothing personal; there is no criticism of the way in which the job is being done by the present Deputy Minister of Labour.

Now, Mr. Chairman, I agree with the Minister of Labour, that it is good that the Minister try to make as short a statement as possible, but I must say that I am disappointed in the brevity of this statement and with the large number of matters which were not even mentioned.

Now I asked on one occasion, several weeks ago, whether it was true that the government had appointed -- re-appointed members to the Fair Wage Board; whether the former Minister of Labour had asked the Fair Wage Board to look into the provisions of the Fair Wage Act and to make recommendations to the government, and the Minister told me that this was true, and that they had looked into it and they had made recommendations; I asked whether the government intended to implement the recommendations -- and I have no idea what the recommendations are, Mr. Chairman -- the Minister told me that this was a matter of government policy and that therefore he could not answer my question at that time. I don't disagree with his answer at that time, Mr. Chairman, but I think that this committee and that this House ought to be hearing from the government as to what the government intends to do about the Fair Wage Act. I don't know what recommendations were made by the Fair Wage Board, and since I don't know, I don't know whether the government would be right in accepting what the Fair Wage Board recommended, amending it or rejecting it; but I am sorry that the Minister has not yet found it possible to give this House a report on what the government's intentions are.

Similarly, Mr. Chairman, and I think possibly even more seriously, with regard to the minimum wage question. Last session and this session, we in this group introduced a resolution with regard to the minimum wages; and honourable members on that side criticized us for bringing in this resolution when they said--and it was true--the Minimum Wage Board was holding hearings and would be bringing in a report. And my information--and if I'm wrong I will be glad to be corrected--but my information is that the Minimum Wage Board has held a large number of hearings; my information also is that the Chairman of the Board, or possibly the Board itself does not want to make a recommendation until they can bring in a unanimous recommendation; my information also is that the amount of increase to which the employer members of the Minimum Wage Board are willing to agree--and I'm not suggesting that they're wrong, Mr. Chairman, but that this amount is so small that there is no possibility of the labour members of the board agreeing. Now, if this is true, Mr. Chairman, it seems to me that to expect a unanimous recommendation is impossible and if the board is permitted to wrestle with this problem until they reach a unanimous recommendation, it means in fact, Mr. Chairman, that there will be no recommendation and there will be no change. And it seems to me, Mr. Chairman, that there must come a time when the government and the Department of Labour must assume what is in fact their responsibility of getting a report from the Minimum Wage Board, of accepting it in total or of revising it up or down, whichever way the government deals

MR. ROBLIN: It can't go down.

MR. ORLIKOW: No, not down from the present wage rate -- down on the recommendations, Mr. Chairman. But it seems to me that the government has to take the responsibility on this as it does on many other things; and I would hope that the government will act very soon.

Now, Mr. Chairman, I would be remiss if I did not at this time make some mention of the fact -- and here I'm not being critical of the government. I don't think the government either promoted or the converse -- but we have had in this province in the last few months, probably more strikes, than we have had in this province in the last couple of years. We have a strike going on now in the City of Brandon; we had a strike of two months' duration at Kelsey which came close before it was settled last week to practically closing down -- not Kelsey, pardon me Mr. Chairman, Thompson -- which came close to closing down that whole tremendous operation; we had the strike of the bakery workers, and several other strikes. Now Mr. Chairman, I know that everything which is provided for under the law was done, in other words a disagreement about the new agreement took place; the Labour Department was notified, a conciliation officer met with the parties concerned could not bring them to an agreement, as

(Mr. Orlikow, cont'd.)....provided for under the Labour Relations Board a Conciliation Board was appointed; and each day the Conciliation Board held hearings and made a report; the findings of the report were not acceptable to one side or the other, and a legally constituted strike took place. I'm not being critical of Management or Labour or of the department but it does seem to me, Mr. Chairman, that if -- and it looks to me as we're in for a period of more difficulties and more unrest and more disputes and more strikes than we've had in the past -- and as I say I'm not blaming the government; I'm not suggesting that this government is at fault; this is a normal part of a free economy and of honest collective bargaining but it does seem to me, Mr. Chairman, that the government ought to give serious consideration to following the policy, an act of policy which is followed in other jurisdictions where, after, even after the Conciliation Board has made a report, and when it becomes obvious that the parties concerned will not agree on the basis of that report -- and I'm not saying that one side or the other is wrong, that either before a strike begins, or after, or both, that the Minister of Labour or his representative takes a very active part in getting the parties together, or meeting the parties separately to explore the situation almost from day to day, Mr. Chairman, in order that the effects of the dispute be minimized as much as possible. I want to suggest, just take the Thompson situation, that it would have been a serious matter, not only for the relatively small group of electricians who went on strike there, or for the even larger group of workers at Thompson who didn't go on strike, or for the company, but it would have been a very serious matter for the whole development of the north country, if that particular strike had not been settled amicably so that the work could be proceeded with. So I want to appeal to the Minister to give some real consideration to this whole question of the Department taking a more active role in the mediation and the settlement of disputes when they take place.

Mr. Chairman, I want to comment briefly at this time, to one other matter which the Minister has referred to and that is to the winter employment program, so-called. Now, Mr. Chairman, in the estimates which we have before us we see that for the year ending March 31st, 1960, there was placed in the estimates, a sum of money amounting to \$275,000. In the estimates which we're being asked to vote on today there's placed in the estimates only \$50,000. Now Mr. Chairman, I have before me the weekly bulletin put out by the Dominion Bureau of Statistics dated February 9th, 1960. Page 2 -- this is what they say and I quote. "The total number of persons without jobs and seeking work was estimated to be 504,000 in January; an increase of 134,000 from December. This increase was larger than for the same period of last year in part because of a smaller than usual seasonal decline in the labour force. The seeking work figure was 34,000 lower than last year represented 8.1% of the labour force as compared with 8.9% in January 1959." Now, Mr. Chairman, I suggest to you that 8.1% seeking work is a pretty serious matter. I suggest to you that there is no reason to believe that government, Federal, Provincial and Municipal, don't have the same responsibility to devise programs and plans to put people back to work now, as they did last year. I'm not suggesting that the government can do it by itself --certainly not a Provincial Government, but I must say, Mr. Chairman, that I find the reduction from 275,000 last year to 50,000 this year is completely incomprehensible. Certainly the unemployment figures would not indicate any reason why this amount should be cut. Now it may be that the cut is dictated, not due to the reduction in unemployment, which is relatively minor and as I remember as the answer the Minister gave several weeks ago to the Honourable Member for Inkster, in fact in this province-- and I'm speaking purely from memory -- there has been virtually no decline over last year. It may be that the amount in the estimates is not dictated by the number who are unemployed and the need to find work for them, but rather is dictated by the change in the regulations, which I understand the Department has instituted. I understand that since last year the regulations have been changed so that now, in order for a person to be given work under the winter employment program it is not sufficient that he be unemployed but he must be, in fact, on---receiving welfare assistance. Now I've discussed this matter not with the Minister, but with the man in the department who is in charge of this work and he tells me that this is not the case but I have asked representatives of some municipalities; one of them is the Winnipeg School District who have told me that they did have plans for winter work for painting of schools which were not authorized -- they may have been authorized since I spoke to them two or three weeks ago, but they were not authorized at that time because the people whom they proposed to

(Mr. Orlikow, cont'd.)....hire were in fact, unemployed, but were receiving unemployment insurance. Now, Mr. Chairman, I suggest that it is not realistic, and this government is not doing its share in helping to solve what is still a pretty serious problem when the amount to be devoted for this program is cut from what I consider, what I considered last year was an inadequate amount of \$275,000 to what this year I can only call it a token amount of \$50,000. Mr. Chairman, I think that at the moment this is all the questions I would like to raise. I do hope that we can get some answers to the questions that I've asked from the Minister.

MR. W. B. SCARTH, Q.C. (River Heights): Mr. Chairman, what I say is in no way to be construed as critical of the Minister of Labour or his predecessor in this government, or of any government official but I am very glad that the Honourable the Leader of the CCF brought forward something in regard to the Workmen's Compensation Act. I regret that I have not my file here today but in either 1956 or 1957 the late Robert G. Beatson a Battalion Chief on the Winnipeg Fire Brigade was called to a fire. He arrived there approximately at 8:00 o'clock in the morning at the Tip Top Tailor fire on Main and James Street; he fought the fire for a matter of ten or fifteen minutes under difficult circumstances, heat and smoke; came out onto the sidewalk, collapsed and was dead before they got him to hospital. The Board found that he died of natural causes. I appealed the decision to the Workmen's Compensation Board and frankly, Sir, I was not satisfied with the whole tenor of the meeting when I went in there. I felt that the cards were stacked against me. They held that -- I regret that I have not my file here, and I'll produce it to the Minister at any time, the complete file, with the findings of the Board, but I am just giving you the outline of their findings and they suggested that death was due to natural causes. Later, I got a file to a Board of five medical men and they found the same. Well, Sir, when a man is perfectly, is in perfect health as far as we know at 8:00 o'clock, goes in and fights a fire and is dead at 8:15 after fighting that fire, I have my own reasons for believing that the benefit of doubt may well have been given to the widow of the late Robert G. Beatson who was a conscientious fire fighter in Winnipeg, and if there is going to be a review of any files in the Workmen's Compensation Board, Sir, I apply to the Honourable the Minister of Labour that this file, amongst others will be considered.

MR. H. P. SHEWMAN (Morris): My few remarks, I just want to bring to the attention of the committee, the veterans of the previous war -- wars, I should say. I know it is a fact that any company handling perishable goods can appeal to the Minister for permission to work on Remembrance Day and that has been done, and permission has been granted and I'm of the opinion, Mr. Chairman, that possibly this permission is being abused, and I would say that one of the prime objectives of our Legion Associations across Canada is to perpetuate Remembrance Day and this has been taken for granted long before I guess there was a Legion in the Dominion of Canada that when you read history, and all throughout histories -- history you might say -- that they have in one way or another held Remembrance Day for our men, citizens who died through the cause of Democracy, fighting for their own freedom. Now I think this is a very serious problem, Mr. Chairman, because the veteran population of Canada is roughly 1/7 of this country's citizens, and I have had more than one request from the different veterans' associations that some definite action should be taken to remember the Remembrance Day. That they are getting too loose in remembering that day, which so many of our cream of the country died for in the last two wars. Now I would say that possibly those people that they have left behind -- the relatives of these men who have passed on -- I think we should grant them that courtesy to see that Remembrance Day is maintained and reserved in that spirit of what it is supposed to do. Now we are not looking for any further wars -- that's the thing that's furthest from our thoughts, but if there was a war and we would appeal to the cream of our young men of the country to call them to defend this freedom that we cherish and hold today, then I think it is only our duty to see that we do remember Remembrance Day and keep it holy. Now I would like to see that wherever it is possible, that the only permissions that would be given to those people, those organizations, those businesses that are really and truly and solely handling only perishable goods.

MR. S. PETERS (Elmwood): Mr. Chairman, just to add further to what the Honourable Member from Morris has said. I know that there are many places that did work this past Remembrance Day, last year, without permits. And I know that it's a very difficult job to police all these places, these small places and I think it would be a very good idea if the

(Mr. Peters, cont'd.).....government refused to give permission to places to work on Remembrance Day.

MR. L. DESJARDINS (St. Boniface): Mr. Chairman, I'd like to congratulate the Honourable the Minister on the brevity of his speech. And believe me, at this session especially, that is something that is very much appreciated. I think we should recognize the fact also that this department is a very difficult one, it's very extreme I think that the buck is passed more often in this Labour-Management relationship, I don't mean by the government I mean by everybody especially people in political life, and I think that especially comparing to other provinces the Province of Manitoba has done very well in this field.

I would like to congratulate the Honourable Minister on certain things that he said in his speech but I can't find anything. I can't find anything concrete and I don't think he said very much. He did mention the question of winter work, but I'd like to have something a little more concrete not just that they've tried, but what have they done? Because I know that it's certainly a fact that we have more people out of work now than at any time before, at least since the war. As far as the full-time Minister of Labour, I think we have to agree with the members of the CCF and also the members of the government who promised, during election time, who promised that they would have a full-time Minister of Labour. I can't see anything that has happened since then that would make them change their mind. If anything I think it's more important now than ever. It is a very important thing, we can see that it is a problem in the United States, it's getting more vital every day, this question of labour-management relationships. And I would suggest to the Honourable Minister that maybe the Province of Manitoba should go a step further and should try to interest the Federal Government and the other provinces to meet and discuss this labour — this labour-management question. No doubt we are opposed to compulsory arbitration, but the government cannot pass the buck too often. There is something that's developing in Brandon now that is dangerous, and I think that if at all possible this legislation on the labour problem should be pretty well as national as possible. We should have greater uniformity in this. We should study the Minimum Wage Act and see how it affects other problems. There is one thing that should definitely be studied, is the question of pensions. Or maybe we could find a way where the pension could follow the man. If somebody should leave employment then find another job I think that his pension should follow him. He has paid in there, why should he lose everything? That, of course, would have to be done on a national field.

The Compensation Board, I think that it's been asked that we should have a full-time Compensation Board, and there seem to be so many complaints about that. Is it that they haven't got the time, or is it that they're not qualified? I don't know, the government could answer that. But that is something very important for people who are sick, who are injured and who are told to go back to work. It seems that there is not a real effort to see if those people are capable of working or who is responsible for the injuries, or sickness that they've had. And I think that the important thing would be, to repeat, that the government should try to work with the Federal Government and the government of other provinces to try to have pretty well the same legislation for labour right across the country, and then things will not develop as developed in Newfoundland or BC.

MR. CHAIRMAN: (d) Passed.

MR. CARROLL: Mr. Chairman, perhaps I should answer some of the remarks which have been made at this time. In connection with the case that was brought to the attention of the House by the Leader of the CCF Party. I believe it is fair to say that of the hundreds of cases which the Royal Commission which investigated Workman's Compensation Board studied, it appears that this is the only one in which there was any doubt in the mind of the Commissioner as to whether or not compensation should have been given. He did not indicate how he would have handled it. However, it is of interest to know that the number of complaints and certainly the number of cases that were reviewed by the Royal Commission found that the Board was operating in a most efficient and a most satisfactory manner.

Now, I have undertaken to get the file on this particular subject and I note from the remarks which were made by the Leader of the CCF that there appears to be some difference with respect to the file that's available to me, and the information which he has, so I thank him very kindly for making his information available to me and I will assure him that it will get my consideration.

(Mr. Carroll, cont'd.)....I would like to mention very briefly this appeared to be a very confusing case and the Board -- I can appreciate their problem in having to make a decision on the basis of the facts that were presented to them. I just want to read very briefly from a report that I have here from Mr. Cousley to the Royal Commission. "Gabriel Gavaga. This man received a slight injury on October 8, 1942 when a stick dropped on his head. The injury was a fairly trivial one as he did not lay off until November 2nd, 1942, on which day he went for the first time to a doctor. The examination revealed a normal scalp and no contusion or abrasion and no swelling, in one small area the size of the tip of a finger which Gavaga claimed to be sore. He was referred to a neuro-surgeon who saw him the next day and who found him to be suffering from post-traumatic dizziness of a moderate degree. He felt that encouragement and reassurance during his convalescence was very important. He returned to work on November 20th. At the time he returned to work he complained of a sore back. There was no history of his back being injured and in the specialist's opinion it was not related to the injury sustained." And so on and so on. I think the reporting of the case from there on appears to pretty much coincide with the information which I have. However, I think that there are some important----

MR. PAULLEY: I believe in all fairness, though that the small stick eventually was established to the size that's referred to in my presentation.

MR. CARROLL: I wasn't referring to the size of the stick particularly but the other facts I think are pretty much the same.

Now one, I think, very important matter which should be brought to the attention of the House in view of the recommendation that the House accept the responsibility for a Bill which would give compensation to this man. It should be pointed out that Mr. Gavaga's claim falls under the Dominion Government Compensation Act and is not a claim under the Manitoba Workmen's Compensation. It appears that the Workmen's Compensation Board here in Manitoba do administer cases which come under the Dominion Government Employees' Compensation Act. And in this particular case it has been definitely established that this man was working on a portion of the railway which includes Transcona and east, which apparently is quite different from the portion of the CNR railway which lies to the west of Winnipeg and which I presume, includes the rest of western Canada. So I would like to draw that to the attention of the House that it appears that if any legislation is to be passed, that the legislation would perhaps have to be Federal legislation in view of the fact that he was operating under Federal jurisdiction at the time that this accident occurred. With those brief comments I will undertake to consider the file which has been presented to me and perhaps make recommendations to the solicitor for Mr. Gavaga.

MR. PAULLEY: I know that the Minister intends answering some of the other questions. I wonder if he wouldn't mind me just saying one comment in respect to his remarks at this time rather than come back to it after he's finished the other comments?

MR. CARROLL: I beg your pardon? I'm sorry ----

MR. PAULLEY: Would you mind if I just interject before you go ahead? I would like to say first of all, Mr. Chairman, that in connection with the remarks of the Minister, of the Turgeon Commission hearing lots of cases, it was pointed out I believe, by the Honourable Mr. Turgeon that it was not the purpose of the committee to adjudge any case that was before him. And I agree with the Minister that in respect of this particular case that the honourable gentleman did say it was a most peculiar case and one -- I just don't recall his exact words but one that he had listened to with interest and thought was rather unusual, or something along that nature.

Now then, in connection with the point raised by the Honourable Minister of Labour of this being a Dominion case. It is true that this accident did happen on that portion of the Canadian National Railways installation which is a Crown corporation. We found that out, Mr. Chairman, in Transcona when we tried to apply the general rule of Manitoba legislation in respect of railway taxation, and because of that factor we couldn't go very far. Although eventually aarrived at a more or less amicable agreement insofar as a grant in lieu of taxes. But is it not a case though, however, that insofar as the workman is concerned, that all of the provisions of the Manitoba Workmen's Compensation Act are applicable to him, irrespective of the fact of it being in the Town of Transcona, and the eastern parts referred to by the Minister. It's my understanding that no legal action is permitted by them, by virtue

(Mr. Paulley, cont'd.) of the Manitoba Compensation Act which prohibits legal action against the employer if they are in receipt or agree to compensation. I think it might -- and I am sure the honourable Minister like myself, is not fully aware of all of the laws, what's contained in the laws of the country, or the legal books. But it does appear to me, however, and I am not attacking this, and I can't attack it from any legal point, but if our understanding as employees is correct, it has always been our opinion that in dealing in any accident, that it's through the Manitoba laws, and I am wondering whether or not it's true that the employer insofar as the installation is concerned, and in the Town of Transcona is a Crown corporation but it's the Manitoba Compensation Act which is applicable. And I might say, Mr. Chairman, I'll be very interested in that aspect of this, because while I did not raise the question to the same specific degree today as I have that of Mr. Gavaga, I have a similar case. A case of a gentleman by the name of Frank Moore, of the Town of Transcona who has been attempting to obtain redress, but his is a comparatively young case -- it's only been going on for seven or eight years whereas this one goes back to 1942. I'm very pleased to hear the Minister to say that he is going to take this matter under advisement, and consider the whole case and discuss it with the legal authorities as to where it stands, because again as I mentioned at the offset of my remarks I don't want it to be construed of any general criticism against the Board, for the members of which I have great admiration, but I do appreciate the fact that the Honourable the Minister is going to take this under advisement and try and resolve the situation, and I do sincerely trust that this particular man will obtain redress for what I do sincerely and honestly think has been something that should have been resolved in the favour of the workman long ago.

..... continued on next page.

MR. J. M. HAWRYLUK (Burrows): At the outset I'd like to say what I have to say has to do with a case regarding compensation of a man that I got recently acquainted with who had an accident which took place about 15 or 16 years ago. This gentleman came to my home about a week ago, after possibly making every attempt to get some reconsideration for his case and after explaining it to me, I thought that I should bring this matter up this afternoon to the Honourable Minister.

This particular gentleman worked for the Dominion Bridge and during the course of his work lost his left eye completely. It was knocked out; he came to the hospital; was given some treatment and has up to the present time been wearing a glass eye. The point I'm getting at is this, that he was allowed to work until the time he was 65, and given a small pension, but all they have given him for the loss of that eye, and unfortunately he told me that he signed certain papers without possibly getting any advice, and up till the present time all he's receiving for the loss of that eye is \$7.20 a month. And he has appealed through his lawyer, I believe through friends, and has asked for further consideration because he needs further assistance, and yet the Compensation Board feels that that's all they can give him is the \$7.20 for the loss of his eye. He has never been given a flat payment which I understand was done in some cases where you lose a limb or an eye, and as I said at the outset, he did sign certain papers which I think possibly might be the explanation for it, and I'm just wondering whether, Sir, you can give me any advice on this matter and because the gentleman in question is in dire need of further financial assistance. He has trouble with that eye; in spite of the fact he's got a glass eye it seems that he has to get certain kinds of medicine for it time and time again because it keeps tearing all the time and the result is that he has a great deal of difficulty. Now I'm just wondering, Sir, if you can give me any advice in this regard because I have the highest regard for the members in the Workmen's Compensation Board, but I'm just wondering in this case whether I can make a further appeal to you as Minister of Labour or to some other source of information.

MR. CARROLL: Mr. Chairman, getting back to the Gavaga case just for a moment. This has been pretty thoroughly investigated by the Department, and I would just like to read a paragraph or two in connection with this particular case. "The Dominion Act sets up the basis of compensation which is the rate of compensation in the Province in which the injury occurred. The Manitoba Board thereupon hears the claim and passes upon it and compensation, where payable, is payable by the Dominion Government." Now I think it's inconceivable that we should expect the Workmen's Compensation Board, or for that matter the people of Manitoba, to pay out in connection with a case which is under Federal jurisdiction. However, I'll certainly be pleased to look further into this matter and to be able to recommend to the solicitor of Mr. Gavaga in this case.

As far as the Member for Burrows -- there are a great many cases that are being heard by the Workmen's Compensation Board. There is no authority vested in the Minister to instruct the Board to grant pensions, or increases, or for that matter to have them reviewed, but I do find that the Board show a very great willingness to go back and investigate, and there is a Special Assistance Officer in the Department who would be very pleased to give you advice on this, and if you care to see me after I'm sure that we can have the case in question reviewed and explained.

Now the Member for St. John's has suggested that the Deputy Minister should not also be the Chairman of the Manitoba Labour Board. Well I think that while there may be some good reason for what he said, I think that if we look at the record the only province in the Dominion of Canada that has a separate chairman of the Labour Board is the Province of Ontario. I believe that all the other provinces have men who are either Deputy Ministers or their senior officials within the Department of Labour.

Now with respect to the appeals of decisions of the Deputy Minister of Labour, this is completely wrong and false and I would like to refer the honourable member to the report of the Department of Labour. I regret that the copies have not been printed in detail for the members of the House. I understand that they should have been ready by the middle of last week -- we haven't seen them yet and we're still expecting them. But this report was filed in the House and if the member hadn't seen this year's report while it was available to him, he could have seen from past reports those things which the Labour, Manitoba Labour Board

(Mr. Carroll, cont'd) are charged with. The legislation which is signed for administration purposes is embodied in the following Acts -- The Labour Relations Act, and this deals with certifications; applications for certifications, decertifications, and go to the Board for rights to prosecute and things like that. They screen the application of members who feel that they have been aggrieved as a result of a decision of the employer during a period of union organizations and things like that. This is one of the functions of the Board. The other is to review the violations under the Vacations with Pay Act and the other is under the Employment Standards Act. They hear cases where failure to give notice is the largest one -- failure to give notice. Now none of these are decisions which are made by the Deputy Minister of Labour. These are functions of the Board, and as chairman he presides over the meeting and in most cases, I believe that the Chairman doesn't vote on these things, that in most cases it's a unanimous decision of the Board. I must confess that there are times when the Chairman must cast a vote to decide an issue and I know of no one with less bias possibly than the man in question. I think he's a man with a good understanding of both sides to a problem, and I don't know who we could recommend to chair this Board other than a senior official of the Department, without a bias, or someone of that category. Now the member may have other opinions on this particular matter, but I think he should certainly get his facts straight before he suggests in this House that the Deputy Minister of Labour is sitting in judgment on his own decisions as Chairman of the Manitoba Labour Board.

MR. ORLIKOW: without debating at the moment. Will the Minister tell the House whether representations on this matter have not in fact been made on past occasions by representatives of labour, on precisely this point and for precisely the same reason?

MR. CARROLL: All I can say is this could have been, and I'm just saying that the Manitoba Labour Board does in fact sit on what decisions they do make. Now the labour unions may have made a point such as you suggest, but it may have been for entirely different reasons and I have no knowledge of that at the moment.

The Fair Wage Board -- there is some suggestion -- I am rather surprised, though, that the member for St. John's does not have the detailed kind of information on what the Fair Wage Board recommended as he seems to have with respect to Royal Commissions and Minimum Wage Boards and other matters of this kind. It surprises me a great deal, and I must confess that I'm not at liberty at this time to tell the honourable member what the intention of the government will be with respect to the particular recommendations that were made by the Fair Wage Board to the former Minister.

The Minimum Wage Board recommendation. The member seems to know that the employer's recommendation was so low that the employee representatives couldn't accept this particular figure. I would like to know if the honourable member knows what they were prepared to accept and how much difference it was from the figure that was recommended by the employer representative? Do you have that information?

MR. ORLIKOW: Mr. Chairman, I didn't suggest that I knew, nor do I know, nor do I necessarily express an opinion on the virtues of one or the other. All I'm suggesting is that at some point, if they don't reach an agreement, the government will have to make a decision. I'm hoping that it will be this year rather than next year or the year after, that's all I'm suggesting.

MR. CARROLL: Well I do agree with the next point that the honourable -- at least not the next point that he makes but the next statement which he makes, which is that we've had more strikes recently than what we have had in a long long time. He also suggests that the Minister should be more active after conciliation boards have made their reports in trying to avert a strike. Well, I think that the Minister does here have a responsibility, but I think too that there must be an indication at least on the part of one, if not both of the parties involved in the dispute, that there is an area for compromise. Now he mentions very specifically the electricians' strike at Thompson and I must confess that I've had meetings with the labour union representatives; I've had meetings with the employer representatives in connection with this strike, and I think that this is the case always and I think it's the responsibility of the Minister to try and get a settlement which will be agreeable to both parties. But if both parties indicate an adamant position with no indication that there is an area of compromise available then I suggest it's entirely wrong for the Minister of Labour to step in. Timing is

(Mr. Carroll, cont'd)....most important. After all, the strike is called to put certain pressures on the employers to accept their conditions and lockouts are conducted for entirely the same reason; but I think that you must agree that there is a point here beyond which a Minister of Labour should not go, otherwise he will be infringing upon this particular system that we've got and will be subject to criticism from both sides. I will certainly endeavour to find out what.....oh, I'm sorry, winter employment -- heavens! I almost missed the subject here of winter employment. I must apologize to the member for St. John's. He indicates that the unemployment figure, DVS, for February 19, 1960 shows 504,000 unemployed as compared -- a percentage of 8.1 I believe. I understand that at the same date -- and I'm not sure of this figure because I don't have it with me -- that the percentage of unemployed at that time was actually a smaller percentage of the unemployed labour market than was the case a year before. In other words, there seems to be less percentage-wise, a smaller percentage of the total labour force.

MR. ORLIKOW: I gave the figure -- it was 8.9% last year and 8.1%.....

MR. CARROLL: In other words, there are fewer unemployed this year compared to last year.

MR. ORLIKOW: .8 -- 8/10's of 1% less.

MR. CARROLL: Yes, 8/10's of 1% less this year than last -- I agree. That was my understanding of the situation. Also there was some vague suggestion here, that we had changed the regulations in connection with winter employment and that certain members of the department at least, were not making this information available to the public. Well, I have here before me a copy of the application form which must be filled out by the municipalities. And it states on here clearly, and very definitely, what the regulations are with respect to qualifying for provincial assistance under both the federal and the provincial program. I do agree that the provincial program that we are working under this year is somewhat less attractive than it was last year. We have been somewhat more restricted this year and there were some reasons for that. The two largest communities probably in Manitoba specify that as employees are laid off they will be taken on in accordance with seniority, so that in any scheme -- any program that we would enter into, in connection with a winter work program, then, the ones who would be employed are not necessarily the ones who require the assistance the most. We have limited our program to those who are in receipt of social assistance but we recognize that unemployment in Canada is really a federal responsibility, at least insofar as unemployed employables are concerned and we are co-operating with the Federal Government and with their plan; and we are co-operating in connection with those whose need is the greatest, those who are in receipt of social assistance.

Then we have our provincial plan, in addition to this federal program. Now, the Honourable Member for St. Boniface was wondering specifically what we had done as a province, and I think it certainly might be of interest to the Committee if I did indicate what in fact we are doing as a provincial government with respect to unemployment.

Well, the Department of Public Works are doing a very great deal this year. It let a contract for about approximately a million and a half dollars for the building of a highway across the bog, and the Minister of Public Works I think made quite an elaborate statement in connection with this point, when he introduced his estimates. We also have another very large winter project entered into by the Department of Public Works -- a 23 mile piece of road between Wabowden and Thompson. This is again a part of our Roads to Resources program which connects that igloo up there called Thompson, with some other important igloos -- The Pas and Flin Flon. We also have clearing taking place in connection with our Roads to Resources program, and I believe it was mentioned they specified hand clearing in each of these cases.

Now there are other smaller construction jobs being undertaken by the Department of Public Works as well and the total projects presently in operation involve \$2,153,000, and includes -- I want you to get this point -- 52,052 man days for bridge construction, 15,048 man days for bridge maintenance, 45,220 man days for highway construction, with a total of 112,320 man days. This is what the Department of Public Works is doing in these road programs that I've just mentioned. There is also \$17,300 covering employment of 340 men on general provincial projects -- general municipal projects -- this is through the Department of Public Works.

(Mr. Carroll, cont'd)...

Now we've got a construction of provincial government buildings and renovations of others, employing some 300 men at an estimated cost of -- of course, we can't use the estimated cost because that includes summer work as well -- that includes our administrative building, Manitoba Home for Girls; Department of Health is spending \$200,000 on winter construction including work on the psychiatric hospital at Winnipeg and Selkirk Mental; other constructions and renovations in Brandon Hospital, Portage la Prairie hospital for mental defectives. Manitoba Hydro-Electric Board -- winter work includes 2 major construction jobs at Kelsey and at Selkirk, these projects employing 1,000 men on a year-round work program. Manitoba Power Commission is working on a great many projects as is the Manitoba Telephone System, and they are following the policy which has been established by the provincial government to include as much of a construction program as is practicable during the winter months; and this I suggest is contributing very substantially to the winter works programs.

Now the Department of Mines and Natural Resources -- camp and picnic sites, winter work program carried on with the co-operation of the Federal Government will provide 6,178 man days of employment, with an estimated expenditure of some \$300,000. I think that these are all certainly very important contributions on the part of your inter-departmental committee, and making very worthwhile contributions towards winter employment. Now, at the same time, we have undertaken a fairly active program of advertising and promotion to make known the benefits to the public at large -- to be accrued in large from winter works. I think that in embarking on a much expanded advertising program this year, it was our hope to include not only the construction industry which is pretty well working now on a year round construction program. We understand that there are a great many construction firms that have increased their output by 20 to 30% as the result of going on 12 months work schedule; and there is very keen competition, we're told, for winter construction projects. But we feel that we should do more than help the construction industry, and more than help in the kind of work programs that we can embark on in co-operation with the Federal Government and our own program here. We feel that this has application to industry in general, to commercial places of business and that even the home owner can undertake repair jobs in the winter time and do early house cleaning, and things of this kind; and we feel that the advertising program will get to and make people conscious of a responsibility to employ insofar as possible throughout the winter months.

A few very important things that must be borne in mind are that the personal income in the Province of Manitoba is rising and rising steadily; our industry is becoming much more diversified in the province, all of which help to ease the particular unemployment situation. We're embarking on long range programs of development which will promote new employment and new jobs and I think that this is implicit in a great many of the things which we have done as a government since we came into office, including the industrial development fund and our programs to open up the north, our programs to provide power and all of these other things which will build a better and a stronger economy which will provide new permanent jobs. Let's not just take care of the short term unemployment situation. All these things we think will help the province. Industrial development has grown steadily to the point where we have the highest employment average in the history of this province.

Now here is something of very great importance in my view. Unemployment benefits in Manitoba 1958, \$18,633,010; unemployment benefits in Manitoba in 1959, \$14,937,000, a very substantial decrease in the number of people drawing unemployment insurance in our province during the last twelve months, a decrease of some 20%. In 1958 the number of claims for benefits 20,500; 1959, 16,500 claims for benefits. We think that this is a pretty healthy indication of the strength of our particular province. The monthly figure for unplaced applicants in '59, 17,000 as compared to 19,000 in 1958. Current unemployment is approximately the same percentage wise this year, as compared to last year, with a slight improvement this year. The province, as well, is undergoing a heavier responsibility with respect to those in need in the province; to give assistance to those who might be extremely adversely affected by employment conditions. There were 9,000 more job vacancies reported in 1959 as compared to 1958, an increase from 56,000 to 65,000. Our apprenticeship program is providing technical

(Mr. Carroll, cont'd)....education so that more people -- and this is an expanded program -- so that more people can develop skills in various trades. There are two unusual factors that are affecting unemployment in this province this year. The first we are very conscious of in this House because it has to do with very peculiar weather conditions last fall which prevented the commencement of a great many programs that otherwise might have been put into effect. And the other is the very adverse effect which the steel strike has had on conditions here in Manitoba. We believe that it's probably delayed some industrial slow-down at least production in some industries, and certainly it's probably had an effect on the construction program which has taken place this winter. Now this, of course, I don't know for sure, but I would rather suspect that it's a very important point. Retail sales are highest in the history of the province during 1959. Manitoba's income is the highest in the history of the province during this last year. We are also attacking the chronic problems of underdevelopment in this province and we are attempting to stimulate development throughout the province including the southeast corner and the northern parts of the province, and in fact every corner of this province. We are pleased to note that the Unemployment Insurance System has been adjusting its program to meet the changing conditions and we feel that these changes have been very desirable, to meet the needs of people who require that kind of assistance.

I think the position of this government is one of confidence based on a determination to develop a long-term solution that can be the only real answer to unemployment in the province. We are dedicated to the development of programs designed to create jobs in the province.

Now I think, Mr. Chairman, that that's all I want to say about winter employment at the moment.

The Honourable Member from River Heights has drawn to our attention a very tragic occurrence ---

MR. PETERS: Could I ask the Minister a question?

MR. CARROLL: In a few minutes. There will be ample opportunity. About the fire-fighter who apparently suffered a heart attack. I would be very pleased to get further details on this and will see whether or not this is something that possibly the Assistance Officer might be able to provide the facts for and might be able to draw to the attention of the board. I don't know whether this is -- I rather doubt that this particular condition is covered in Workmen's Compensation, and possibly is something which the government should be looking at. We would be very pleased to give consideration to it.

With respect to the Member from Morris in connection with Remembrance Day, I certainly think that every member of this House agrees that this is a very important occasion, a very solemn occasion, and a time for sober reflection on the occurrences which have caused this particular day. I have been told that we are the only province in the Dominion that has a Remembrance Day Act. Now I don't know whether this is true or not but I have been advised that. I am also told that permits are not easy to get and that only about 10% of the applications for permission to work on this particular day are approved. And I understand that the recommendation must have the approval of the local authorities before it's subsequently granted by the Department of Labour.

I'd like, for the information of the Member from St. Boniface, to mention that this province does look quite seriously to what kind of legislation is taking place in other parts of the country. There is a conference of labour officials which does take place each year. My understanding is that our department is usually represented at these. There is also another organization which comprises members both from Canada and United States who do sit down and discuss mutual labour problems, and I can give the assurance that the department will be active in considering legislation which is taking place in other parts of the country.

I believe Mr. Chairman, that that's --- there was just one other point in connection with the Member for St. John's who was suggesting that the Deputy Minister of Labour should not also be the Chairman of the Manitoba Labour Board. I would like to assure him that the Labour Board, because of the pressure of meetings, they do meet once a week regularly and often require second meetings. When a second meeting is required it is usually convened to hear certain cases of a minor nature and that is convened, not by the Deputy Minister of Labour but by Mr. McKelvey who is the Registrar. He is the Registrar; he normally sits in, and they have alternate members who usually sit for this second meeting so that the full membership

(Mr. Carroll, cont'd)...of the Board doesn't have to give up so much of their time to the very important work of the Manitoba Labour Board.

MR. CHAIRMAN: 1. Administration 98,143 --

MR. PAULLEY:if I may, just before you pass the Minister's salary. I had to unavoidably leave the Chamber for a moment or two and I understand that during my absence, in reference to the Gavaga case that I have laid before the Committee, that the Minister had received via page boy mail that this definitely was information which indicated that this definitely was a Dominion case. Now then the Minister has informed me, and I appreciate this, that he is going to investigate all aspects of this. I want to pose just two questions in connection with that to the Honourable Minister of Labour. If this is, in fact, a Dominion case as suggested, then how does it affect in respect of Workmen's Compensation, all of the employees of Crown corporations and in particular the one that I am concerned with, the Canadian National Railways installation east of the Red River or part and parcel of the old National Trans-continental Railway in respect of Workmen's Compensation? It's my understanding that assessments are made against the company in respect of accidents and that assessment is payable to the Compensation Board of Manitoba; and if it is a question of Dominion compensation I think that that should be clarified. I think that the employees of the company east of the Red River would be very, very vitally concerned, because if that is the case, it would be a different understanding that the organizations and the employees have had in the past. Indeed, Sir, it might be a different understanding that even the management of the railway itself has in respect of assessments. So I would appreciate it very much that, as the Minister has been kind enough to say that he is going to investigate it, that those points be considered and just as soon as it is established -- or let me put that transversely, Mr. Chairman -- that if it is established, that in respect of Workmen's Compensation we are not covered, or the workers are not covered under the Manitoba Compensation Act, I think that that information should be forthcoming.

MR. CARROLL: I regret that the member was not in his seat when I attempted, at least, to give an answer to his earlier question. The answer did not come by page boy; I had it with me. However, the Dominion Act sets up the basis of compensation, which is the rate of compensation in the province in which the injury occurred. The Manitoba Board thereupon hears the claims and passes upon it and compensation where payable is payable by the Dominion Government.

I have some other very interesting information here which could be read into the records but I am quite sure it would be unnecessary. I will be prepared to make this available to you. It does explain -- this was a letter on January 28th, this year -- does explain the full details of how this particular claim happens to be a Federal claim and all the details of it.

MR. PAULLEY:appreciate very much, Mr. Chairman, having the opportunity. And in answer to my honourable friend the Leader of the House, apropos of reading it in Hansard, the only reason I raised the question was because my information was that this was a point and I thought I'd have it clarified at this particular time rather than attempt to open up the Ministry of Labour at some future date.

MR. DESJARDINS: Mr. Chairman, there is only one thing I would like to clarify. The Honourable Minister answered me that the labour group had a meeting every year and then there was another group who was meeting with the labour groups of Canada and the United States. But the suggestion that I had would be to try to organize a meeting with the Federal Government, the government of the different provinces and representative of labour and management --not just the labour group. I meant that this problem is big enough in this country that we should do that before it's too late, before we get the problems that exist in the States. It was a meeting of government, labour and management.

MR. CHAIRMAN: (a) passed. (b) passed.

MR. ORLIKOW: Mr. Chairman, what does (b) represent?

MR. CARROLL: Supplies, Equipment and Renewals, isn't it?

MR. ORLIKOW: Mr. Chairman, maybe I should raise the point I have and then the Minister can answer it at the proper time. I have had some experience, Mr. Chairman, in the educational projects and publicizing of one particular Act, but I'm sure it's true of other Acts -- the Fair Employment Practices Act. Now the Federal Government has an Act like

(Mr. Orlikow, cont'd).....this and if a group is meeting to discuss anything along this line you can simply get in touch with the Federal Department, tell them that you are going to have 100 or 200 people attending a conference, that you would like any and all publications which the Federal Department has and it's supplied to you free of charge by the Federal Department of Labour. Now when we had a Conference on Human Rights we asked the -- we got the material from the Federal Department; we asked the Provincial Department and we were told that it was available -- the copies of the Fair Employment Practices Act were available from the Queen's Printer at cost 20¢ a copy. Now naturally we just didn't get them because we didn't have this kind of money. Now I am not suggesting that they should be printed in thousands and millions of copies, but I do think that the Acts of this department, whether it be the Minimum Wage Act or the Fair Wage Act or the Fair Employment Practices Act, or the Fair Accommodations Practices Act, if it comes under the jurisdiction of this department, of interest to people, a sum of money should be put in the estimates at some point -- maybe this is the wrong point, and the Minister can tell me -- so that the department can have enough money so that it can develop an educational program and make available material which would explain to the people of this province, what the laws, what the Acts, the regulations are, which govern the department. And this I suppose is true of other departments. I raise it here because my experience has been with this department.

MR. CARROLL:.....interesting suggestion. If you have any problems like that in the future, if you come to us we will attempt to look after your needs in that respect.

MR. CHAIRMAN: (c) Passed. Resolution 70, \$142,850 passed. 3. Employment Standards Division (a) Salaries.

MR. ORLIKOW: That was an awfully quick pass. How many people -- maybe we can have it now and then it will save the Minister getting up each time. How many people in each of these, on staff in each of these divisions?

MR. CARROLL: Administration, there is 17, and summer assistance. I think 18 including summer assistance. There's been one new member under Administration. Under No. 2, we have 26 with two new staff members under that department.

MR. ORLIKOW:.....

MR. CARROLL: Yes. I don't mind. Under Employment Standards Division - 29, which includes two new positions this year. Under Apprenticeship Training we have 10; under Labour Relations Division we have 9. I think this is a decrease of one with a transfer from one in that department to Administration. Under Fire Prevention we have 10 which includes two new positions.

MR. CHAIRMAN: 3. (b)

MR. HAWRYLUK: Mr. Chairman, before we go with 3, I would like to bring up a matter which I feel we should get some definite information from the Minister regarding an expression of grave concern by the Winnipeg aldermen which took place before Christmas in which they felt there should be some grave concern considering the safety of the lives of Winnipeg citizens. We are all aware that just some time in November, we had a family of seven that was almost suffocated to death, just a miracle that the new 999 number was in effect and he was able to gasp the concern of the family and they were able to rescue this particular family on Minnigaffe Street in the North End. But the point in question is that there seems to be some contradictory statements made by the Department of Labour, and as well as the installers of the oil and gas burning equipment. And the point in question is that according to the former Minister and according to the installers, in this province they claim that they have never been told at the time that they had to inspect the equipment installed according to the regulations received from the Labour Department. Now I think it's a point that should be clarified because in the first place, the public should be aware that such laws should be adhered to by the installers of equipment of that sort and secondly, I think they need the protection as well in case they have been told and are not applying to it. Now according to the former Minister, it was stated very clearly that the reading of the government regulations on gas installations showed no provision, that is the opinion of the installers, had to take place in regard to any residential gas installations. Now I'm just wondering what protection has a family, in case -- or anybody that survives after a fatality of that kind, what protection has a family to -- can they sue the installers, or in the case of the government -- due to the fault of one or the other regarding the loss of life?

(Mr. Hawryluk, cont'd)... I feel that it's neglect on one part or the other, and I'm just wondering if the Minister can give us some information in this regard. I think the former Minister did assure us that new restrictions had gone out, and that in future any installations of any kind put in the city, in Greater Winnipeg, in any home in Greater Winnipeg, that the installers had to make sure that everything was in perfect working order, but I'm just wondering whether the government is protected in a case of this kind due to the fault of the installer, that whether the family has an opportunity to get some compensation. Because after all, if you go and sign a contract with any of the installers, and say in good faith, "You install this furnace and all the necessary equipment," and once you turn on the gas, is there a safeguard that everything is going to work out well, and at the same time is there any protection given to a family in this particular case?

MR. PETERS: Mr. Chairman,section I was wondering if the Minister would tell us these two new employees under this department, if any of them or both of them will be sent out into plants to investigate handling equipment and materials of that type. Why I raise this question, Mr. Chairman, it was brought to my attention the other day of an accident that happened. Very fortunately the fellow did not die, but through, I'm led to believe, one of the safety measures on this electric truck was not operating, wasn't in proper operating condition, this fellow fell out of the elevator and down three flights, and I wonder if the Minister can tell us that, I understand that there are very many plants today that have as many as 20 and 30 of these electric fork trucks, fork lift trucks, if there's any industrial safety regulations being considered or being adopted?

MR. CARROLL: Well, Mr. Chairman, I think there's certainly no doubt in the minds at the present time of gas fitters what their responsibilities are in connection with the installation of natural gas in the City of Winnipeg. Instructions, very full and very complete instructions, have gone out. They are being enforced. The Department of Labour is keeping very close track of any infractions which are noted by these installers; the onus is on the installer to begin with to install according to the instructions, according to the code which has been adopted by the Public Utilities Board with which they are all familiar at this time. And before the gas is turned on, he must install, he must test and the gas company must come along and inspect and satisfy themselves that it is safe before they turn the gas on. If any infractions are noted the gas company must advise the Department of Labour and the Department of Labour is also advised when these infractions are remedied, so that we keep fairly tight control, and in addition to this we have an engineer whose responsibility it is to -- this now is under the Department of Public Utilities, who does spot checking to make sure that all of these things are in accordance with the regulations that have been spelled out by the Board in this connection.

With respect to the protection for families, where there's loss of life or property damage with respect to a faulty installation, I regret that there is no way in which these people can receive compensation. But I would direct the honourable member to the annual report of the Department of Labour for the very full and complete details on fatal accidents in the Province of Manitoba, and to just see what is causing the loss of life throughout the province. It's not attributable to faulty gas installations, but there are many other factors involved, and this is one of the minor ones, I must say.

With respect to the Member from Seven Oaks, I would like to say that there is excellent co-operation between the Mechanical Engineering Department and the Employment Standards Division, and all inspectors of the Department of Labour are charged with the responsibility for safety, and if an Employment Standards inspector -- he may be a wage inspector -- goes into a plant, he does at the same time take note of any obvious hazardous conditions which exist in that plant. He has certain training in this respect, and if there are any faults they're drawn to the attention of the Mechanical Engineering Department. These people actually do go out and make inspections of boilers and all pressure equipment; they inspect elevators, hoists and all kinds of heavy equipment that you require specialists for. They are also responsible for licensing of the various tradesmen who are responsible for the installation of this equipment, so we do have fairly tight control. It's very difficult to prevent accidents completely; we do make an attempt to have people safety conscious and I have faith in the staff that they are doing a very satisfactory job of inspections throughout the country.

MR. ARTHUR E. WRIGHT (Seven Oaks): Mr. Chairman, I'd like to make a suggestion

(Mr. Wright, cont'd)...here. In looking at the estimates of the Department of Labour we do not see the word "safety" mentioned once. It might only be a means of communication but I think that it should be. For instance, Mechanical Engineering Division -- we find out now that that encompasses safety, but looking at the estimates of our sister province here we see things lined out this way: Safety Services; such terms as Director of Safety Services; Electrical and Gas Inspection and Licensing, and the format is arranged that way, and I would suggest that the Minister consider changing some of these titles to make them more communicative. I think that would help quite a bit because this way we have to ferret out the information whereas I think it would be more self-explanatory.

MR. E. R. SCHREYER (Brokenhead): Mr. Chairman, I would ask the Minister for the number of inspectors that are employed by this Department to check as to the safety of the gas distribution line installation. How many inspectors are employed for that specific purpose?

MR. CARROLL: There are two gas and oil equipment inspectors.

MR. SCHREYER: If there are two -- I had heard this, but I wasn't sure -- but if there are only two gas and oil line safety inspectors employed by this Department to do such work for the whole province, then I find this hard to justify, hard to explain, because the Minister himself told us the other day that last year alone 147 miles of pipe were installed in the Greater Winnipeg area. Now do you mean to say that two men can do all the work necessary to insure safety on 147 miles of pipe? Then, too, what about the tie-in service to the individual homes, and I would ask the Minister now if he has information as to whether or not each individual home service tie-in is inspected by these men?

MR. CARROLL: Mr. Chairman, there were 147 some odd miles of pipe laid by, I believe, Greater Winnipeg Gas last year. There wasn't one inch of that, to my knowledge, that was inspected by the Department of Labour because this is the field of responsibility which has been accepted by the Public Utilities Board and not by the Department of Labour. Each house that has natural gas installed in it is, however, inspected. They aren't all inspected by Department of Labour inspectors, but they are all inspected before the gas is turned on. Now, frankly, we could have inspectors following inspectors, but I have been advised -- and this in consultation with the new General Manager of the Greater Winnipeg Gas Company, who told me that he knew of no case in which an additional inspection at the time of installation would have prevented an explosion in all his years of experience in the natural gas business. In other words, in his experience, which goes back a good many years, he knows of no case of an explosion where a duplicate inspection at the point of installation in the house would have prevented an accident subsequently occurring. It is something that has happened subsequent to that time of the original installation. But I will say this, that they are all inspected, possibly not by the Department of Labour but they do a very large number of inspections such as household installations, and they do inspect all commercial, and they do inspect all industrial installations.

MR. SCHREYER: I'm not asking for the ratio or anything, but the Minister says that all are inspected, all the home tie-ins are inspected-- would I be correct in assuming that some are inspected by the Department of Labour inspectors? Now who inspects the others?

MR. CARROLL: The gas company is charged with the responsibility of testing each installation before they turn on the gas. They are charged with that responsibility of doing an inspection job before the gas is turned on and all of these are spot checked by the Department of Labour -- I shouldn't say all of them but there are spot checks by the Department of Labour -- and also an additional spot check by the Department of Public Utilities through the special consultant to the Public Utilities Board.

MR. CHAIRMAN: (a) passed; (b) passed; (c) passed: Resolution 71, \$139,410 passed. Appropriation 4, Apprentice Training Division (a) passed.

MR. WRIGHT: Mr. Chairman, I wonder if the Minister would be good enough to give us a little briefing on this Apprenticeship Training Division because I remember under the Education Department estimates there was \$60,000 allocated there for apprenticeship training. Would he care to tell us how this ties in with the complete apprenticeship training program?

MR. CARROLL: I regret, Mr. Chairman, that I cannot tell you what the \$60,000 was in the Department of Education estimates. However, the Department of Education do provide the training facilities, the Manitoba Technical Institute -- is it? They do provide those training facilities to us and at one time they did provide instructors. Since then there has been a change

(Mr. Carroll, cont'd)....in the department where we have in the Department of Labour engaged supervisor instructors who do instruct the apprenticeship courses when the apprenticeship courses are on, and when the apprenticeship courses are not being run then they have jobs as supervisors under the department.

MR. CHAIRMAN: (b) passed, (c) passed, (d) passed. Resolution 72 - Apprenticeship Training Division \$33, 452 passed. No. 5 Labour Relations Division (a) passed, (b) passed (c) passed; (d) passed; (2) passed

MR. PAULLEY: Mr. Chairman, this item on (d) under 5. I note Conciliation Boards and Industrial Disputes Enquiry Commissions come under this particular item. I'd like to ask the Minister in connection with the publication of the reports of the Industrial Disputes Enquiry Commission -- it appears to me that in the past some of these have been made public or have been published; others have not. It appears that there have been some questions raised in the House at this session and I believe also that these enquiry commissions, if I recall correctly under the Act are supposed to be transmitted to the parties concerned, in respect of any recommended actions or the situations as they prevail. If I recall correctly in some instances, these enquiry reports have been held in the Department, somewhat contrary to the general legislation or understanding in respect of these commissions. I wonder if the Minister would be kind enough to inform me, and the Committee, exactly what are the conditions -- the broad conditions, they may vary in some minor points -- but what are the broad conditions under which these commissions are set up, and how the reports of the commissions are to be received and to whom copies are made available?

MR. CARROLL: Well, it appears that Industrial Enquiry Commissions can be set up under 639 (1) of the Act. It says that the commissions can make enquiries regarding industrial matters. Section 39 (2) speaks of the situation where in an industry a dispute or a difference exists or is apprehended, the Minister may refer the matter involved to a commission for investigation and report. Section 39 (3) commission shall enquire and endeavour to carry out its terms of reference, and in the case of a dispute or difference on which a settlement has not been effected, in the meantime the report of the result of its enquiries including its recommendations. That's the first kind.

MR. PAULLEY:.....is there a report necessary by the Minister?

MR. CARROLL: I think in every case, I believe there is a report to the Minister although it could be to the Lieutenant-Governor in Council. I'll have to check that particular matter.

MR. ORLIKOW: Well, Mr. Chairman, I think this is a very serious matter. I want to refer to one specific case in which a commission was appointed by the Minister, read the part of the report which was made to the Minister, and then point out what happened to it. I refer to the Industrial Enquiry Commission appointed in the dispute between the Manitoba Motor Transit Lines in Brandon and their employees represented by the Amalgamated Association of Street Electric Railway, Motor Coach Employees of America, Prairie Division 1505. Now, in the report of the commissioner who was Judge Buckingham, it says here on page 1 -- I think this is important that we keep in mind how long this thing can take -- he was appointed on June 2, 1959, to enquire into matters in dispute between the company and the union and some of the employees. Now here is what Judge Buckingham says on page 3 -- and incidentally, Mr. Chairman, this I got in an Order for Return from the Minister so there is no question of where I got this -- (interjection) -- well, I can only take what the Minister gave me -- Page 3 and I read only parts which I think are pertinent: "Shortly following the organization of the union on November 17, 1958 under certification, he " -- one of the employees referred to -- "was called before Mr. Geiler and was handed by him a sheet of paper containing the names of a number of the employees of the company including his own. He was required in his own handwriting to answer a questionnaire and sign it as to whether he was a member of the union and whether he had paid his union dues. He answered "yes" to both questions. That such a questionnaire was required to be answered by each employee was not denied by Mr. Geiler when he gave evidence; in fact, he justified this action." Later he says, "George McQuarrie, one of the individual employees in his evidence told us about his having been subpoenaed to Winnipeg on the Robinson case and getting back to Brandon on Friday night and working on his own Saturday. Early this year Mr. Geiler presented him with a questionnaire to sign. Upon his doing

(Mr. Orlikow, cont'd).....so Mr. Geiler said to him, 'So you don't work for me any more. You can't work for me and belong to a union. You better start looking for other work.' Robert Jordon likewise signed such a form on request. Neither the evidence of Robertson, McQuarrie or Jordon on these matters was contradicted by Mr. Geiler when he gave evidence. I feel that Mr. Geiler, representing the employer by his action, was acting contrary to section 4, and particularly to section 4 subsection 3, of The Labour Relations Act." In his report he says further on page 6 and continuing on page 7, and I quote: "Mr. F.S. Geiler who is almost the sole owner of the shares of the Manitoba Motor Transit, the employer, built his business up by his own efforts, perhaps feels that by reason thereof he should not be interfered with in his operation by any union. However, he is subject to the Labour Relations Act and I think should realize that it would be to his own benefit and peace of mind to enter into collective bargaining agreement with the union representing as it does, not only its own members but all his employees as bus drivers."

Now, Mr. Chairman, this is a report of the judge who acted as the commissioner. Now, on July 23rd, the Deputy Minister of Labour, Mr. Wilson, transmitted a copy of this report to the company and the union's representative and in the letter.....

MR. CARROLL:.....-- in my mind. When was the report dated?

MR. ORLIKOW: The report, Mr. Chairman, as I read it quickly has no date -- the only date I quoted was the date Judge Buckingham says he was appointed, June 2nd.

MR. CARROLL: I was wondering. I think it was received on the 22nd.

MR. ORLIKOW: Just a minute; in the letter from Mr. Wilson which is dated July 23rd he says, he begins by saying, " My Minister has today received the report"so we can

MR. CARROLL:.....

MR. ORLIKOW: That would be July 23rd. Now, the Deputy Minister says, and I quote in part, "It is of the greatest importance for the future that the relationship between the employer and his employees, as well as the union representing employees should progress and improve and the recommendations which the Commissioner has embodied in his report are well calculated to give substantial assistance in that direction." I think we could all agree on this. Then the Deputy Minister says, and here I think is a very important point in reference to what the Honourable Leader of the CCF says, and I quote further: "My Minister also urges that in the interests of constructive relationship the parties involved should avoid publicity which might have an adverse effect upon this situation. With this in mind my Minister is not distributing copies of the report to the newspapers and he requests that the parties themselves abstain from so doing, and also abstain from drawing public attention to the problems which have existed and which can now by mature and constructive approaches be substantially solved." Well, Mr. Chairman, I don't disagree with that providing there had been any disposition on the part of the employer, who according to the Commissioner has violated the provisions of the Labour Relations Act to reach an agreement. But, Mr. Chairman, the employer had no intention of reaching an agreement. So what he did, Mr. Chairman, in effect, was to sit back and do nothing. Gradually the employees of the company, who were members of union, realized that nothing was being done. I suggest, Mr. Chairman, that had this report been publicized at the time that a good deal of public support would have been given to the union because here was an employer who was in fact, according to the commissioner, breaking the provisions of the Labour Relations Act. But this thing was kept quiet; this thing was sat upon by the Department, and so eventually, Mr. Chairman, the Union asked, and I don't have to read the letter, the union asked that the report be made public, the report that was issued in July, they asked in October that it be made public. Finally on the 16th of November the report is released to the newspapers. By that time, Mr. Chairman, it would be a dead issue; it was a dead issue except by that time the employer had exerted sufficient pressure on the employees concerned so that most of them realizing that the union was unable to do much for them, petitioned for de-certification.

Now, Mr. Chairman, I think that a mistake was made by the Deputy Minister. I am not saying -- I think if it was a mistake it was a mistake of judgment. I think that this report should have been publicized as soon as it was received from the Commissioner. And I think further, Mr. Chairman, and I am not going to deal with this in detail, this is a concrete example of, on my contention, it's included in the Bill which I'll discuss tomorrow, I hope, that when

(Mr. Orlikow, cont'd.) ... there is a violation of the Act and intimidation the Labour Relations Board should prosecute rather than the union or the individuals be given permission to prosecute. But here I think, Mr. Chairman, a serious mistake was made which jeopardized a group of employees in the exercise of their legal rights under the Labour Relations Act.

MR. CARROLL: Mr. Chairman, perhaps I should just comment very briefly on what's been said. Under the Act I believe it says that "the Minister may publish the report of the commission -- Enquiry Commission as he sees fit". In this particular case he did publish it to the parties involved and apparently did so on the day that the report was made available to him. But I also think that he made a further effort -- in the interests of better relationships between the two parties, I feel it would be best if we tried to still find a solution to this problem rather than have adverse publicity which could only help to widen the breach that already existed between the two groups. Now in the Labour Relations Act there is ample provision for a person who has agreed to go before the Labour Board and get permission to take what action was necessary to reinstate his job or to get adequate compensation, these provisions are in the Act and I think there is protection there for the individual. I must say that there was no intention at any time in the department for this information to be stifled because it might prove embarrassing to certain parties. I think that this is far from the truth. I must confess that there appeared to be a delay of, I think, about three weeks after the union requested permission to publish it. But this was only a request on the part of the Minister. He said I feel that in the best interests of relationships all round that you shouldn't publish this. It was no direct order. I think the union could have gone ahead had they desired to at that time. But I think that there could be some criticism attached for the delay that took place between the receipt of that letter and the permission which was granted. I think, some three weeks later. But there was no intention on the part of withholding that information to protect the company in this case at all.

MR. ORLIKOW: Mr. Chairman, I didn't suggest that that was the suggestion. I said on the contrary I was certain it wasn't, but I am suggesting that the delay, maybe inadvertant delay, but the delay played into the hands of an employer who, in my opinion, had no intention of living up to the law which the Legislature of Manitoba has passed. Now, the commissioner who is a judge, I don't know who can be more qualified, I don't always agree with judge, but here is a judge sitting as an industrial enquiry commission who makes a finding that the employer is violating the Act, and yet because of the delay the matter is let slide, until, in fact, the union ceases to exist as an effective board. And who benefits out of this? The employer, the law-breaker benefits out of this delay which took place. I am not saying that the Deputy Minister did this deliberately. I'm saying that -- I'm hoping that the department will learn a lesson. That in this case either the thing should have been published immediately or else I think the department, it was the department that decided that it might be worthwhile to hold this up, then I think the department had a responsibility to say to the employer and the employees, "we're holding this up in order not to embarrass you, now get down to the serious business of bargaining, which was never done in this case."

..... continued on next page

MR. PETERS: Under 5 (e), Mr. Chairman, I wonder if the Minister could tell us how much of this \$275,000 was spent, and what on?

MR. CARROLL: Well, I regret that I don't have complete information at this time. Up to August 31st provincial contribution towards federal projects was \$114,634.90. On the provincial plan up to that same date it was \$55,840.17, and there have been, of course, other expenses paid out since that time, and I regret I just can't put my hands on them at the moment. But there will be substantially more payments up to and including the end of this fiscal year. I would be pleased to undertake to give that information to the member privately if that would satisfy his request.

MR. GILDAS MOLGAT (Ste. Rose): Before we leave the matter of Labour Relations, I regret I had to be out of the House when we were discussing the Workmen's Compensation, and I wonder if the Minister would allow me to bring up one single incidence in this regard.

This is with regard to cases of radiation injuries in the province. I believe that the Act at the moment does not cover this particular item. There is one case that has come up to date apparently. This is in regards to a lady who was an x-ray technician in the Municipal Hospitals here in Winnipeg. Prior to being with the Municipal Hospital she had been with at least one of the clinics here as an x-ray technician. She is a fully trained technician, was trained in Germany, worked there for a number of years and later here in Manitoba. A little over a year ago, in fact on the 20th of February 1959, she was advised by the doctors at the Municipal Hospital that her blood count, the white count had come to such a low level that she had to cease employment immediately as an x-ray technician and could not continue. In her particular case, being a municipal employee of the City of Winnipeg, she did happen to be covered under the Workmen's Compensation, because I believe all employees of the City of Winnipeg are covered. So an application was made on her behalf to the Workmen's Compensation Board and she appeared before them. She was examined by various doctors and the Board was set up, and they finally came to the conclusion that she was, in fact, disabled under radiation.

Now there are two matters that I want to bring to the Minister's attention. The first is that had she not been a municipal employee, had she simply been working for one of the clinics, under the Act as it is now she would not have been covered, because this is not covered under diseases. So I would make the first suggestion that this be looked into. While apparently this is the only case that has arisen in the province at this time it is quite conceivable that further cases could arise. And it seems to me that there is no reason that they should not be covered in the same way as other industrial diseases. This I would think would be particularly true if the atomic plant planned for the Whiteshell proceeds. It's quite conceivable there that further difficulties could arise with extra doses of radiation. And I think that the Act should be examined at this time to make sure the people in this category are covered.

The second point that arises is the case of this particular lady who now is disabled and unable to continue her particular work in the field of an x-ray technician. Now as I understand the arrangements under the Workmen's Compensation Act, if her health is such that she can do other work then she does not get any further assistance from -- under the Act. She can get assistance for re-training but nothing in the interval. Now I wonder if consideration could not be given. I understand that in the European countries that this is covered, where anyone in this category who gets too great radiation does get a partial disability even though they can take other employment. The difficulty is that to go into other employment, this particular lady and I think most of the other x-ray technicians, are unable to get anything near the same type of wage as they can under this particular work for which they are trained. So I would like those two matters to be given consideration by the Ministers.

MR. CARROLL: Yes, we would be very pleased to get further particulars on this and to see that we are adequately protected for this kind of hazard. I do know that in the Employment Standards Division that radiation hazards are one of the things that they do check for. But whether or not it's covered under the Workmen's Compensation Act I do not know and will be very pleased to get further information.

MR. CHAIRMAN: Passed. Resolution 73, \$114,020 passed. Item 6. Fire Prevention (a) Salaries; passed. (b) passed.

MR. CAMPBELL: (Leader of the Opposition) (Lakeside): Mr. Chairman, in connection with this one there was some proposed legislation last year raising the contribution of the fire

(Mr. Campbell, cont'd.) ... insurance companies. It was withdrawn I remember last year, or was not proceeded with. Is there any disposition on the part of the government this year to put in such legislation?

MR. CARROLL: In connection with the grants from the insurance companies, I regret I can't give you the information on that — (Interjection).

MR. CAMPBELL: It's an assessment. There was a proposal that they would be raised for fire prevention work.

MR. CARROLL: Yes I understood that there was sufficient there to cover this, but frankly I must confess I don't have the answer to that.

MR. CAMPBELL: This one previously I believe, Mr. Chairman, was handled by some other method, it didn't show in the estimates but the levy was being made. Is this approximately the same amount that was collected before?

MR. CARROLL: My understanding was that the levy would be sufficient to cover the items which are shown in these estimates here. These estimates are up from last year. I would therefore believe that the levy would be up as well, but this is information I would have to get. I don't have it available at the moment.

MR. J. M. FROESE (Rhineland): Mr. Chairman, is this a new department under the Labour Department because there's no figure shown for last year. Secondly, what does it consist of? Where is it being practiced and who makes the recovery? Where do we get the money to cover the expense?

MR. CARROLL: This is under the Labour Department. I understand that the method of paying for it was somewhat different in former years and I don't exactly know why it was not included in the usual way in past. However, the estimate for last year I believe was \$42,170 in total as compared to \$57,830 this year, and the money for it comes from an assessment on the various companies in the insurance industry in the province. Now the details of that recovery I'm not quite sure of.

MR. PAULLEY: Mr. Chairman, I wonder if the Minister could tell us how many salaries, and what do they do? I view with great importance this item of Fire Prevention, and I understand from the Minister that there has been an increase in the Fire Prevention staff and I'd like to know, if he could give it to me, the changes that have been made. And also the question has arisen on one or two occasions to me, Mr. Chairman, as to exactly what inspections are carried out? Are there any inspections of the rural residences? I appreciate the fact that I think in the whole of the metropolitan area that the inspections are taken care of by the local fire departments. I'm wondering if there are any inspections made outside of the urban areas on residential properties. I understand that the fire inspection department does make inspections on public buildings and places where the public assemble and the likes of that. And if the Minister hasn't got an outline of what is involved in this before him at the present time, I'd appreciate receiving it again, but I would like to know what expansion has taken place in the fire prevention department recently. I know it was referred to by the Honourable the Leader of the Opposition that there was an increase made in the assessment on fire insurance policies -- fire insurance companies for this, and I'm wondering what expansion has taken place as a result of that?

MR. A. J. REID (Kildonan): Mr. Chairman, on Fire Prevention, I think it's a very important department because in case of fire in mostly old houses, it's a loss of life, and we notice that every time there's a fire and loss of lives it's always these old houses, old tenement house and the likes of that, so I think we should be more stricter in the examination of these old houses, because these people that own these premises all they're interested in is the revenue they get from these premises, they're not interested in the safety or upkeep or anything. I'm speaking of a case we have in East Kildonan, a house that's been condemned for two years and there's been nothing done to it and apparently nobody can do anything to get the party that own the property to fix it up, and that's just one case in my constituency, but there must be dozens of cases in the City of Winnipeg and many more houses that have people living in, and like I said before, the only interest the people have that own the property is revenue and they're not interested what happens otherwise. So I think it's a very important department and I'm glad the Minister has increased the appropriation for this year for that department.

MR. CARROLL: Mr. Chairman, perhaps I should just comment very briefly on the

(Mr. Carroll, cont'd.) ... remarks that have been made. The work of the department is fairly fully outlined I believe in the department's annual report, and I would certainly commend it to the members as being very interesting reading. -- (Interjection) -- Old? I see. Well with regard to the fire investigation work, after a fire has occurred -- all fires where arson is suspected -- there is some evidence of arson or some suspicion of it -- all these fires are investigated. Fires in public buildings are all investigated by the fire commissioner's office, and all the fires too where loss of life has occurred to determine the reason for it. And I think to run through the list of fires where there is loss of life, it's very interesting reading and you'll be surprised at what the usual causes are with respect to that and one which certainly changed my thinking on causes of fire.

Now fire prevention work. They do inspect hospitals and hotels outside of greater Winnipeg and as many schools as is possible for the Department to inspect in their work around the province. They also give instruction in fire prevention, fire training, they give lectures to schools, show films and things like that kind, and go out and assist in the training of fire departments. It's in this connection that the Department of Labour will be co-operating with the Department of Industry and Commerce next year in the training of civil defence workers, and we feel that this is very important because it will at the same time train rural firemen to fight fires throughout the province. They also approve plans for certain buildings; there are categories of plans which must be approved by the fire commissioner before they are passed. Now these are some of the activities of the department and ...

MR. PAULLEY: Could the Minister give the changes in staff?

MR. CARROLL: Oh yes, the comparison in staff. There are 10 altogether this year, which is an increase of two assistant fire commissioners who will be engaged in this fire training role primarily.

MR. PAULLEY: to ten now, eh?

MR. CARROLL: Yes, it's going from eight to ten.

MR. ROBLIN: Mr. Chairman, I don't imagine that the committee will want to proceed with Industry and Commerce until after the dinner hour but I would like to take the opportunity of making an announcement about tomorrow's business in Law Amendments Committee. We had hoped as you know to proceed with the Metropolitan Bill but we had a very large number of, in my opinion, unusually constructive suggestions as to how we could improve this Bill and we intend to incorporate a good many of them into the final piece of legislation, and it's proved to be a little more than can be managed for tomorrow, so the suggestion will be that we proceed tomorrow with the other business that is before the committee -- and there are a few bills that we can polish off -- and then take Wednesday at 10:00 o'clock for Law Amendments and for further consideration of the Metropolitan Bill, but I wanted to take advantage of this opportunity to inform the committee of the course of events.

MR. PAULLEY: Mr. Chairman I'm sure that the Honourable the Premier does not realize that arrangements were made for the honour of both the Liberal and CCF parties insofar as curling is concerned for a meeting at 11:30, not anticipating a meeting of the Law Amendments Committee. I can appreciate the fact that the Liberal Party would be more than pleased with the statement that we would be in Law Amendments on Wednesday, but I doubt very much whether my boys would like to miss the opportunity of becoming the curling champions of this Assembly -- I don't know whether any other arrangements could be made because we have, in all seriousness, set aside Wednesday for that, without any prior knowledge of Law Amendments Committee. I don't know if the First Minister could take that under consideration.

MR. ROBLIN: Of course there's a very simple solution to the whole problem and that is to pass the Metro Bill between 10 and 11 then you can proceed with your curling; but I must say that after the fortunes of war which we suffered in this particular matter that I'm not nearly as enthusiastic about that game as I used to be.

MR. CAMPBELL: Mr. Chairman, to prove to my honourable friend the Leader of the CCF Party how anxious our boys are to avoid the game, I would urge that we could make arrangements to have the committee sit on Thursday morning rather than Wednesday so that this extremely interesting event will not be further postponed. Thursday morning and Friday morning there are no other committees seem to be busy at all, so couldn't we arrange Thursday morning instead of Wednesday? And while I'm asking questions of the Honourable the First

(Mr. Campbell, cont'd.) ... Minister, Mr. Chairman, might I ask if when the estimates have been finished -- I'm assuming they will some time -- is it the intention of the government to go immediately into Capital Estimates or do they intend to have concurrence for the current estimates first.

MR. ROBLIN: Mr. Chairman, I appreciate the difficulty about Wednesday and I'll undertake to have another look at it, but I'm not very optimistic, because we have a large number of other bills on the order paper which will get second reading between now and Thursday, I hope, and we may proceed with them. And I must confess the government has other business for the remainder of the week which is not business of the House which makes it a little bit difficult to re-schedule. So I'm not very optimistic. Perhaps Wednesday night might prove just as useful to my honourable friends to conduct their matches. I'll have a look but I'm not optimistic. Now respecting the business it would be my expectation that we would ask for second reading of the resolutions and concurrence immediately the current estimates are through, then we would produce the messages from His Honour on supplementary and capital supply and proceed with them. I think that's the usual way and probably just as good as any other.

MR. CAMPBELL: I've no objection to proceeding in either way. It was simply that I was asking for information.

MR. CHAIRMAN: It's 5:30, I leave the chair until 8:00 o'clock.