

THE LEGISLATIVE ASSEMBLY OF MANITOBA
10:00 o'clock, Friday, April 26, 1968

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Before I proceed, may I remind the honourable gentlemen, with regard to the Order Paper, there has been a printer's error, and Page No. 15 should actually read Page No. 3.

Presenting Petitions
Reading and Receiving Petitions
Presenting Reports by Standing and Special Committees
Notices of Motion
Introduction of Bills

HON. HARRY J. ENNS (Minister of Agriculture and Conservation (Rockwood-Iberville): Mr. Speaker, His Honour the Lieutenant-Governor being informed of the proposed measure, I beg to move, seconded by the Honourable Minister of Education, that leave be given to introduce a Bill No. 96, The Manitoba Agricultural Credit and Development Act, and that the same be now received and read a first time.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried.

HON. GEORGE JOHNSON (Minister of Education) (Gimli) introduced Bill No. 92, The University of Manitoba Act.

MR. JOHNSON: His Honour recommends the proposed measure to the House.

HON. J. B. CARROLL (Minister of Welfare) (The Pas) introduced Bill No. 97, an Act to amend The Social Allowances Act.

MR. CARROLL: His Honour recommends the proposed measure to the House.

MR. SPEAKER: Before I proceed, I would like to introduce students in the gallery to the honourable members. We have 53 students from the Grandview High School, Grade 9 to 12. They are under the direction of Mr. Gulenchin and Mr. Michaluk. This school is located in the constituency of the Honourable Member for Roblin.

We also have with us today 60 students of Grade 9 to 12 standing, from the Sandy Lake School. These students are under the direction of Mr. Gill. This school is located in the constituency of the Honourable the First Minister.

On behalf of all the honourable members of the Legislative Assembly, I welcome you all here today.

Orders of the Day. The Honourable the Provincial Treasurer.

HON. GURNEY EVANS (Provincial Treasurer) (Fort Rouge): Mr. Speaker, yesterday the Honourable Member for St. John's drew attention to some report in the publication entitled "Commercial Fishermen Fishing." The particular issue was February 1968 and on Page 21 - where the statement is made that "The Revenue Tax Act, often called the Sales Tax Act, has been changed." It really means that the administration of the Sales Tax Act has been changed. This is rather careless wording. Obviously the Act itself can be changed only in the Legislature. Nevertheless, I issued an interpretive ruling with respect to this. Technically speaking, the Act could be read to say that only while a fisherman held a current licence could he be exempted from the sales tax. Consequently, after the period for which his licence was valid, say at the close of the fall season or at the close of some other season, he would technically be ineligible for exemption from the sales tax. But it was always intended that he should be allowed to buy his supplies, boats and other things throughout the year in preparation for the time when his commercial fishing licence would be valid. Consequently, I issued an interpretation of the Act to my staff to ensure that the fishermen could continue to buy his tax-exempt supplies throughout the year, even though technically his licence for the particular season had expired.

MR. SAUL CHERNIACK, Q. C. (St. John's): Mr. Speaker, may I thank the Honourable Minister for his reply, and may I ask him on what basis he is able to say that it was intended that he should be able to do it the year around? He must mean intended by this Legislature?

MR. EVANS: Yes.

MR. CHERNIACK: Mr. Speaker, may I then ask a further question? Is it the intention of the government or of the Minister to change the Act so that the intent would be clearly set out in the Act rather than in the recollection of the Minister?

MR. EVANS: No, it's my interpretation that in cases of this kind I have power to issue rulings to clarify sections of this kind. It is not the intention to bring forward any amendment.

MR. ELMAN GUTTORMSON (St. George): Mr. Speaker, I'd like to direct a question to the House Leader. Earlier this week I directed a question with respect to Bill No. 60, The Electoral Divisions Act, when it would be tabled in view of the fact that it had been introduced three weeks earlier. The Minister indicated at that time it was on its way and we would be getting it. Well now, that's two days ago. It surely doesn't take that long from the printer's to get to the building.

HON. STERLING R. LYON, Q.C. (Attorney-General) (Fort Garry): It does take that long to print it and to proofread it, and it will be here as soon as the printers and the proof-readers are through with it, and I expect that to be very shortly.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, my question is for the Honourable the Minister of Industry and Commerce. I asked a few days ago about whether or not an Order for Return with respect to the Go to Beat '70 Campaign would be tabled in the House, and he said "soon". I would ask the Minister if it is his intention to table this Order this session?

HON. SIDNEY SPIVAK, Q.C. (Minister of Industry and Commerce) (River Heights): Yes, Mr. Speaker.

ORDERS OF THE DAY

MR. SPEAKER: Orders of the Day. With regard to the next item on the Order Paper, the Order for Return for the Honourable Member for Rhineland, I'd like him to know that I've considered this and in reference to the Order for Return in the name of the Honourable Member for Rhineland pertaining to the provision of detail to do with the Orders-in-Council for the years 1966, 1967 and 1968 to date, I find that the moment an Order-in-Council is approved it becomes a public paper. In other words, it and all previous Orders-in-Council may be called for and examined, not only by any member of the Legislature, but also the public at large. In view of the circumstances, I turned to Beauchesne's citation 171, subparagraph (ff) Page 148, which I quote in part: "The question, oral or written, must not seek information set forth in documents equally accessible to the questioner, such as statutes, published reports, etc." For the reasons I have stated, I rule the request out of order.

Orders of the Day.

MR. LYON: Mr. Speaker, would you be good enough now, Sir, to call Committee of the Whole House for third readings.

MR. SPEAKER: Committee of the Whole House.

HON. OBIE BAIZLEY (Minister of Labour) (Osborne): Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Welfare, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider bills standing on the Order Paper.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried, and the House resolved itself into Committee of the Whole House with the Honourable Member for Arthur in the Chair.

COMMITTEE OF THE WHOLE HOUSE

MR. CHAIRMAN: Committee proceed. Bill No. 31, an Act to amend The Employment Standards Act. (Section 1 to 4 were read and passed.) Section 5 (4)--passed; (5)--passed. Pardon me, there's an amendment here.

MR. CHERNIACK: . . . sufficient copies of the amendment so that they could be distributed, Mr. Chairman.

MR. CHAIRMAN: Do you wish to wait for the copies of the amendment?

MR. DOUGLAS CAMPBELL (Lakeside): Mr. Chairman, while we are waiting for the copies of the amendment to be distributed, might I ask the Minister of Labour, the Committee that's referred to as the Woods Committee, is the Mr. Woods in that case a local man or is he from outside of Manitoba?

MR. BAIZLEY: Mr. Chairman, in answer to the honourable member's question, the Chairman of the Labour-Management Review Committee is Dean H. D. Woods, Dean of Arts and Science at McGill University.

MR. CHERNIACK: Mr. Chairman, I wonder while we're waiting if we could ask the Honourable Minister if he could indicate to us what was the recommendation of the Committee on Labour-Management - is it the Woods Committee - what was the recommendation in relation

(MR. CHERNIACK cont'd.) to this Section 5 and was it unanimous; and what is the make-up of that committee in terms of numbers and representation.

MR. CAMPBELL: And . . . Mr. Chairman, the names of the other members of the committee.

MR. BAIZLEY: Well, Mr. Chairman, the recommendations of the Woods Committee pertaining to Bill 31 are as you have before you. The amendment is the simple amendment which I introduced at the Industrial Relations Committee, modifying that recommendation. Now the members of this Labour-Management Review Committee - and I must say, Mr. Chairman, that I'm very happy to get on the record the names of the individuals whom honourable members in this House feel are petrified - or at least some honourable members of the House feel are petrified. I'd like to give you the names, Mr. Chairman, of the employee representatives of the committee: Mr. John Pullen, Mr. J. A. Coulter, Mr. Harry Duhamel, Mr. T. E. Fick, Mr. A. A. Franklin, Mr. H. L. Stevens, Mr. R. J. Henderson, Mr. J. James, Mr. R. H. Robbins, Mr. C. F. Schubert, Mr. D. Knight and Mr. J. Wilford. And the employer representatives on the committee, Mr. Chairman, are: Mr. J. Scarfe, Mr. J. S. Campbell, Mr. T. H. Gibson, Mr. J. D. Grant, Mr. G. Keates, Mr. R. H. Parkhill, Jr., Mr. R. A. McPherson, Mr. H. Bloy, Mr. E. A. Wynne, Mr. G. W. Band, Mr. C. G. Rilko. The Vice-Chairman is Mr. Campbell MacLean, Q. C. and the Chairman is Dean H. D. Woods, Dean of Arts and Science, McGill University.

MR. CHERNIACK: Mr. Chairman, again while we're waiting, the honourable member who referred to the Woods Committee as the Petrified Forest is here now and can speak for himself, but I would think that one of the problems of this committee that we've discussed in the past is that it apparently only reports when there's unanimity. Is that correct?

MR. BAIZLEY: Well, Mr. Speaker, I am not familiar with -- when the honourable member says "unanimity" I believe they report on consensus, and the method by which they arrive at consensus I am not familiar.

MR. CHERNIACK: Mr. Chairman, we don't even have the benefit of knowing what the differing points of view were, and if they wait until they have consensus, then we continue to wait for the Honourable Minister to move in that type of legislation which is important, and it seems to me that to that extent it's a pretty slow moving, if not almost a standstill situation, when we're waiting for consensus. I don't propose to interpret what the Honourable Member for Inkster said but certainly I feel that one of the real serious problems of the government and of this legislation is that the Honourable Minister of Labour has indicated that he doesn't move on legislation until he has that consensus from that Woods Committee, and that's really what holds us back so much. And now that he's got a consensus, apparently he's changing it and I'm still waiting to see the extent to which he is making this change. It seems from what I've heard already that the change is being made because they couldn't arrive at a consensus that was acceptable on the change, and one of the contending factions involved came direct to the Minister or to the Committee, I don't know which, to make a special plea on a vested interest basis, and that is what I feel is what is unhealthy about it.

MR. BAIZLEY: Mr. Chairman, I think possibly this would be a good time for me to review the accomplishments of the Woods Committee - I think we tend to forget what this committee has accomplished - and also to review the legislation that this government has been responsible for, has assumed the responsibility and has brought forward without benefit of consultations of the Woods Committee, and I must reject entirely and completely out of hand what the Honourable Member from Inkster says as changing in substance the recommendations of the Woods Committee. It is true that representation was made on a very valid and logical point, and I'm sure - in fact I'm quite confident - that the majority of members in this House are going to agree that this is a reasonable and logical amendment and is not going to weaken the administrative practices that will be necessary to accomplish what is intended.

But in reviewing what has been accomplished by the Committee, I would like to point out to the honourable members that the Committee recommended some several years ago that for instance that conciliation boards be appointed only on the joint recommendation of the parties, except in exceptional circumstances. Now, we've complied with this fully and in the past two years we've only established two conciliation boards. It was agreed that agreed-to mediators be paid for out of the public funds. Now this is law. That unfair labour practices be dealt with by the Labour Board with power to reinstate dismissed employees, and this recommendation was accepted and is now law. That the government-supervised strike vote be eliminated. This

(MR. BAIZLEY cont'd.) . . . is now law.

Now in the matter of questions of amendments to the Employment Standards Act, which is causing some discussion in this committee, the committee recommended that compensatory time off in the case of an employee who works on a general holiday should be given within 30 days. The government agreed that this be the general rule, but we felt that it should be possible for an employer and an employee to make mutually satisfactory agreements for the compensatory time off after the 30-day period.

Then, the Committee recommended that every employee should receive on each pay day a statement of his wages, hours of work, deductions, etc., and the government also felt that this was reasonable enough and it was a fair general rule, but it was pointed out that there could be a problem, that there could be unnecessary duplication, and we accepted the proposition that in the case of employees who receive the same wages or salary on each pay day, that a statement of wages and deductions for the first pay period and another statement when there is any change in wages or deductions, would be in line with the principle of the Committee's recommendations and certainly would suffice to comply with that request. Provision is made also for the employee to receive upon request a slip indicating this, so that I think these facts show conclusively that rather than being a sham and buckling under, I must say I felt rather badly. I would have felt flattered if the Honourable Member from Inkster had said, "Well, the Minister shouldn't use horse sense but he's buckling under the pressure." The only thing I can say to the honourable member is this. He says that this is a petrified forest; they haven't accomplished anything. I am sure that he would be quite flattered if he felt he had accomplished as much in the four years in this House as the Committee has.

MR. SIDNEY GREEN (Inkster): Mr. Chairman, I take it that what the Honourable Minister is saying is that the Woods Committee is not a petrified forest, that the legislation that has been enacted in the last four years has come by way of the Woods Committee, which by implication means that if there had been no Woods Committee over the last four years, there would have been no labour legislation, because surely from time to time changes are needed in the Labour Relations Act, and surely the Minister sees that, and surely over the last four years, if there were items which required his attention, they would have been legislated, so there is absolutely no way of knowing, Mr. Chairman, from the Minister's point of view as to what this Woods Committee has done insofar as the legislation that he has passed over the last four years. What we do know, and we know it without any degree of doubt whatsoever, is that they have not been able to do anything on the problems which were entrusted to them and which were considered to be the most vital problems affecting trade unions, that is, the problems of the labour injunction, the problems of the legal entityship of a trade union. And what the Minister knows further, is that they will never be able to agree on these questions if it requires a unanimous recommendation of this committee, because the labour members are on one side of the poll and the employer members are on the other side of the poll, and the Minister says that "as long as I don't hear from this committee I am not going to legislate." Now, Mr. Chairman, if that's not a petrified forest insofar as this type of legislation is concerned, then my honourable friend can choose any other definition which means that nothing is going to happen and I will subscribe to it.

My honourable friend says that in the last four years legislation has come by virtue of the recommendations of the Woods Committee, and I'd like to take those pieces of legislation that he's talking about because I know about each one of them intimately. He says that the repeal of the strike vote came because of a recommendation of the Woods Committee. Mr. Chairman, I challenge that. What happened in that particular case was that this Legislature enacted legislation which said that every strike vote shall be conducted by the Labour Board. The Legislature, I am sure, had no intention of requiring that any number of persons vote either for or against a strike in order to make it legal. There was a decision of Mr. Justice Wilson which said that if a majority don't go on strike the people cannot strike, and because of that decision - and my honourable friend knows this full well - the entire labour movement got together and supported the individuals who had gone on strike, gave them assistance, and protested around the plant concerned for a further three months after an injunction was issued against the union but not as against the individuals, and I suggest to the Honourable Minister that that's what changed the law, not the Woods Committee. The protest of the labour movement changed the law, and the willingness to demonstrate that they were not going to be bludgeoned into accepting what was demonstrably an impossible situation, and once they made that

(MR. GREEN cont'd.) demonstration, the Minister acted, and that's what changed the law and that's what caused the Woods Committee to change the law.

He says the law was changed with regard to unfair labour practices. How was it really changed? The Minister full well knows that before that law was changed the labour movement was pressing his department, as the administrative agency of the Crown, to prosecute unfair labour practices. We said that this is a breach of law. We said that anybody who breaks the law should be prosecuted, not by a union person, not by an employee, but by his department, and pressure was being brought - and I use the word advisedly - on his department to fulfill those prosecutions, and as a matter of fact we got them to prosecute a couple of them, and it was because the labour movement was asking his department to prosecute what were demonstrable breaches of the Labour Relations Act and because his department didn't want to do it, that they were able to agree to a change. That's what changed the law, not the Woods Committee.

So let not the Minister say that the fertile field for labour legislation has been the members of the Woods Committee. The fertile field for legislation has been the determination of the Trade Union movement not to accept the type of administration that this department was giving it, up until those changes were made; and it's only in those cases, Mr. Chairman, where the law was changed. So let's not say that because certain changes were made in the labour legislation over the past four years that those changes were brought about by the Woods Committee.

What is more important is that changes have been prevented because the Minister has been able to say, "I will not consider these things until the Woods Committee reports," and if my honourable friend, I repeat, objects to the term "petrified forest", let him pick any term which means -- (Interjection) -- Well, then you object to it -- (Interjection) -- You don't object to it? My honourable friend doesn't object to the term. I'm happy that he doesn't object. I'm glad, Mr. Chairman, I'm glad that he finds it to be an appropriate term because I think it is, and if he doesn't like that term let him choose any term which means that he has got a committee which is effectively going to stunt and prevent meaningful labour legislation and that he's going to be able to come before this House and say, "I've got 12 important trade unionists and 12 important employers considering this matter, and therefore I'm not going to do anything until they come to a conclusion." They're never going to come to a conclusion. A consensus, and a consensus means unanimity. That's how they act. If the Minister doesn't know it, then I'll tell him. That's how they act. They were talking about the most simple tiny infinitesimal little reform with regard to injunction, and they couldn't agree on that, and they won't agree on that.

MR. BAIZLEY: . . . the outstanding brains in the community.

MR. GREEN: Well, Mr. Chairman, I am suggesting that over 60 percent of the population of the Province of Manitoba, the representatives of roughly 60 percent - I may be a half a percent wrong - that roughly the representatives of 60 percent of the people of the Province of Manitoba gave the Honourable Minister guidance with regard to this question. I consider that 60 percent of the people in the Province of Manitoba have some wisdom too, and I would expect that my honourable friend has some wisdom, but he refused to take a decision on it, but 60 percent did, on one of the vital questions anyway, but he wouldn't enact it. He says he's going to wait for people who are directly in conflict on it, whose interests are diametrically opposed, to agree.

Now let's discuss this little amendment. Let's examine this, Mr. Chairman. Sixty percent of the people; that's a lot of pressure. After four years of work a recommendation was brought forth and a great number of people tried to support it in certain areas. Nothing was done. Where consensus was reached, two groups came down. Without any work at all, with a snap of a finger, the Minister changed his mind; with the snap of a . . .

MR. BAIZLEY: Oh, you know better than that.

MR. GREEN: I know that that is exactly what happened.

MR. BAIZLEY: Sure.

MR. GREEN: Did they consult the Woods Committee on these recommendations? Did they consult anybody on these recommendations? No. They snapped their fingers; they snapped their fingers and the legislation was changed. They didn't need a Woods Committee. They didn't need representatives of the people. They just snapped their fingers and the legislation was changed. The Minister says it's not a significant change.

MR. BAIZLEY: . . . a logical change.

MR. GREEN: We discussed this change in committee and I said that it seems reasonable; it seems reasonable. But the supposed benefits that you will get on this will do away with all of the real effective measures which would cause this particular proposal to be effected, because once there is in Manitoba the knowledge that some people have to get it and some people don't have to get it, it will be impossible to enforce. This is what we have indicated; this is why we say that it is no hardship for any employer, even a person who pays a salary, to indicate that this month the hours were 160 hours, the rate of pay was \$350.00 a month, the gross pay was so many dollars, the deductions were so many dollars, so that every employee at the end of every month knows what he got paid for, and if it's not done that way, Mr. Chairman, if it's not done that way, then we say that the Minister has removed any effectiveness which the Woods Committee had hoped to achieve in terms of enforcing this provision, a very simple provision, Mr. Chairman, that an employee knows what his wages consist of. A terrible radical reform that a worker should know the wages that he is being paid and how they are made up.

MR. PETER FOX (Kildonan): Mr. Chairman, I too, as a member of this committee, protested at the amendment that was put before us, but before I go on to that I would like to discuss the matters that the Minister has raised in regard to the Woods Committee. He has called them the foremost people in this field, from the employer and from the management - employee and the employer area - and I'm inclined to agree with him. It's true that they have worked diligently and hard for a long time and they bring forward a recommendation. Now one of the things that we did in this House was to ask the tabling of all the correspondence between the Woods Committee and the government, and after Bill 31 was proposed, the government, the Minister received a letter from the Woods Committee, the Labour-Management Review Committee, in regard to the Bill 31, and I want to read this letter into the record because it speaks for the Woods Committee. We don't have to on their behalf. And this is before this last amendment was proposed by the Minister.

It was in regards to the original bill that was proposed, and here's the letter, Mr. Chairman. It says: "Dear Dr. Baizley:- I have been instructed by the members of the Woods Committee to write you on two matters. The Committee has asked me to convey to you their disappointment that the government did not see fit to adopt their recommendation with regard to Section 30, subsection (2) of the Employment Standards Act which deals with the compensatory time off for those who are required to work on general holidays in certain types of employment."

Now I don't think I'll read the whole letter to you, Mr. Chairman. I'll just read you the conclusion: "I have also been asked to express the Committee's disappointment and regret that the government has not seen fit to take action on suggested changes in the minimum wage regulations. There was no particular disagreement with the idea that the Minimum Wage Board ought to examine the Committee's recommendations for change, but it was strongly urged that the government should call the Board to meet immediately rather than wait until some indefinite date in the future. Both of the above matters are referred to you by resolution of the Woods Committee adopted on March 20, 1968."

Now what does this mean, Mr. Chairman? That even before this further amendment was brought in, the Woods Committee was disappointed, that they had worked diligently for a long time and brought forward proposals, and under the difficult circumstances that my colleague from Inkster has described that there are many areas where they will never have a consensus, they have arrived at a consensus, made their recommendations, and the Minister has refused to act upon it. Further to that, now he comes along without by your leave or saying anything to these people who he considers so highly, who he says we are critical of, but which we are not critical of - we are saying they are being stymied; their hands are being tied; they are not being allowed to do what they can do because there are many areas where they cannot do anything because of diametrically opposed views - but when they do have a consensus they are being denied proof of their work. They are having amendments added or deletions done to the work that they have so diligently worked at. And the Minister says that he is proud of this committee, "but," he says, "I'm going to ignore some of their recommendations." Now how can you be proud of something if you're going to ignore it? I think that, Mr. Chairman, the Minister should take another look at this before he brings in this amendment.

MR. CHERNIACK: Mr. Chairman, the Honourable the Minister was getting to his feet to deal with more debate when the Honourable Member for Kildonan rose. Oh, I thought this

(MR. CHERNIACK cont'd.) was going to a vote and I thought I wanted to have one more go at it, more on the specific question than on the question of the general principle and the use and misuse of the Woods Committee which I think has been dealt with - I don't want to repeat it. I just want to indicate to the Committee, Mr. Chairman, that I looked at this section and I listened to the debate, and as a result of that, regardless of what happens here, I realize that I'm going to make a change in my own office procedure. We have an office where we have three employees; no more than that. Three girls who work in our office. And we have a very nice group, a very nice unit. Everybody's very friendly. Everybody, I think, likes everyone else; we get along beautifully. And I realized only this morning that when our cheques are issued to these girls they get a net cheque without an explanation. Now they have had explanations. Every time there has been a change made they have had an explanation. But, knowing these girls as I think I do, I am sure they don't keep that record salted away somewhere or pinned up on their mirrors or bulletin boards. And I am absolutely sure, as I stand here, that these girls today do not know the breakdown of their wages. I am absolutely certain that these girls no longer have that record that was given to them at the time of the change, and I am absolutely sure, because of the very friendly relations we have in the office, that they would be most embarrassed to come to us and ask us how is the breakdown here, because then it might appear as if they were suspicious that they were badly treated. And if our cheque is issued in error by one penny, one dollar, or ten dollars, I somehow doubt that they would raise the question at all, firstly because they wouldn't be sure, and secondly because our relationship is so friendly that I don't think that they would do it.

Now, if you think in terms of a bigger office establishment where there isn't a close relationship between employer and employee - the employee may or may not fear the employer. In our case they don't fear us but they wouldn't ask us because we're so friendly. In the case of a larger employer I imagine they would fear the employer to ask these questions, and therefore I would suggest that it is a very simple thing to comply with the bill, with the law, as presented by the Minister at first and second readings. I can now see that in a small office such as ours it would be a simple, inexpensive thing for us to, if not print, if not mimeograph, we could in the spare time ask our very employees in the time that sometimes falls where they don't have something to do, to run off a series of carbon copies of a breakdown: gross salary, unemployment insurance, income tax deductions, etc., and then have those at hand when cheques are being issued. And just like every cheque stub has to show this breakdown, just as every synoptic page has to show the breakdown, it would be hardly an effort, it's hardly worth mentioning an effort, when you issue three cheques, to enter those three little sheets of paper which would already be prepared in advance - just show the figures and attach it to the cheque. No real effort at all.

Now if we deal with the people who have no doubt been the ones who have come to the Honourable Minister, these are people of large organizations, and they surely, if they issue their cheques by computer, would certainly have the breakdown readily available; there'd be no effort, no real cost involved, in giving them the information which they are entitled to have. And to put it in such a way that they have to demand it, that they have to embarrass themselves to ask for it, or that they have to assert their rights against an employer whom they may fear, is I think a hardship which is much greater than the very slight expense that might be involved in giving the information. So I assure the Minister that I have him to thank for this much, that regardless of what happens here I am going to do what I now see is right and which I have neglected to do in the past, and see to it that this information is available without having to be asked for it. And I would suggest to him that he think again and realize that this is something that should be done so that nobody be put in the awkward position of having to ask or having to demand. I really don't know why he's laughing while I'm talking, Mr. Chairman, but this question is not only amusing to him, it seems uproarious. So I'm looking forward to hearing the extent to which he thinks this is such a laughing matter.

MR. STEVE PATRICK (Assiniboia): Mr. Chairman, I would just like to add a few words to what has already been said. I feel that the Honourable Minister should take the advice of the Opposition, and I am sure that we will not lead him astray and we will have good labour legislation, because listening to the Honourable Member for Inkster, who said that the protest of labour which was the reason for the repeal of the government - supervised strike vote, and I would have to agree with him, but I would also like to say that on this side of the House - and I'm including everybody in the Opposition - that certainly this was brought to the attention of

(MR. PATRICK cont'd.) the government and the Honourable Minister that this should be changed, that the legislation should be changed, and it was the Member for Selkirk that had a resolution for two years in a row and this was debated at length, and it seems to me that finally the Minister would not take the initiative on his own, he had to wait for a rubber stamp job of the Woods Committee. The same thing happened with the adoption of conciliation procedures and establishing of new procedures to deal with the charges of unfair labour practices, and I had a resolution myself on this thing, which was supported by the New Democratic Party and I believe that passed the House that Session. But again the Minister did not take any action on it and he waited till the Woods Committee approved and gave a rubber stamp job, and then he finally brought in the legislation.

But, Mr. Chairman, there's many other areas that I think the Opposition, the people on this side of the House, have been quite helpful and of great assistance to the Honourable Minister of Labour, because we have to look on the ceiling on earnings under Workmen's Compensation Act, which was increased to \$6,600, it was on this side, us on this side of the House that have asked for this for years, and I did move an amendment in Industrial Relations Committee but it was not accepted because I understand you cannot move expenditure of monies in Law Amendments. But we have debated these things for years and at some length, and finally the Minister was able to see the light and have changed and brought in legislation.

The minimum wage was probably debated more than anything else in this House and finally we had some action on it. And we could go all the way down the line. For instance, the Employment Standards Act, which was amended, and last year about the garnisheeing, anyone that has his wages garnisheed should not be discharged, and I feel the big one was the amendments to the Vacation with Pay Act which requires all employers to pay employees four percent wages - and again, this was debated on this side of the House at some length and finally the Honourable Minister had agreed with us in this House and did bring amendments, so I feel that the members on this side of the House in the Opposition have certainly been of great assistance to the Honourable Minister of Labour and I am sure if he would take our advice on this occasion here too he wouldn't be wrong, and I would suggest him to do so.

MR. BAIZLEY: Well, Mr. Chairman, I hate to prolong this debate but I think there have been a couple of points that I should attempt to answer. I would like to answer the Honourable Member from Assiniboia first. Certainly I realize that honourable members opposite merely are trying to help me out and that there are times when I feel that I can't accept their advice, and I welcome the opportunity to review for the honourable members opposite the legislation on behalf and in the interests of the people of Manitoba, the legislation that was brought in without the recommendations of the Woods Committee but was the responsibility of the government. I'm pleased to acknowledge that honourable members opposite supported the legislation. I have to point out that in 1964, for instance, we introduced the Construction Industry Wages Act. Now what has that done for Manitoba? It has given Manitoba the highest minimum wages in the construction industry of any place in Canada. We don't talk about that any more because we are the highest in Canada.

In 1965 we introduced a new Employment Safety Act and transferred responsibility of employment where it had been requested to go for many many years, to the Workmen's Compensation Board. We did raise the ceilings on pensions and benefits to widows and children. And in 1966 there was the improvements in the Vacations with Pay Act; there was the improvement in the Employment Standards Act which treated the whole of Manitoba the same rather than just the Metropolitan area; that provided for overtime provisions for people outside of the Metropolitan area. And this year we have brought forward recommendations that have been made by the Woods Committee and we are making logical amendments there. I must say to the Honourable Member from St. John's that not only is he a nice fellow but he's a fair employer. The Honourable Member from Inkster indicated the other day that he was in agreement with this amendment. But I want to suggest to them that with the practices -- (Interjection) -- I'm sorry; not in favour of the amendment but the practice that he used was in line with what this amendment is suggesting.

MR. GREEN: . . . the wrong practice.

MR. BAIZLEY: Well, Mr. Chairman, I can't agree with that because here you have an employee who is getting the same pay every pay day, has the same deductions every pay day, and this amendment simply states that the employer only has to provide a statement of deductions and pay schedule at that time. At any other time there is a variation in pay or deductions,

(MR. BAIZLEY cont'd.) he has to apply a statement. Now honourable members can think of many firms where in fact in the interests of efficiency - and it doesn't take away from the employer. I'm sure there are people in the gallery here today who wouldn't have to have a deduction at all; they would realize what their pay was and everything else; but in fairness they are entitled to, when they go to work and they're given an agreed to salary, that the salary will be stated, that the employer will indicate to them what the deductions are, and if there isn't any change in pay or deductions it won't be indicated to them again unless they request it. But if there is a change in the salary, or if there is a change in the deductions, then the employer has to indicate to his employee what this change is. It just seems more sense than to suggest that two large powerful brutal management associations were more than the Minister could carry. Why, I leave that to the members of this House to decide. But I'd like to feel that this government used some common sense, or horse sense if you will, and recommend it to the House.

MR. CHERNIACK: Mr. Chairman, would the Minister permit a question? I am under the definite impression that the salary cheque which he receives has a breakdown attached to it showing the exact amount which his gross salary is and what the deductions are. May I ask the Honourable Minister what the amount of his regular cheque is, to see whether he actually knows what it is or whether he has to rely on the information contained on it? Does he know the exact amount of his cheque to the penny?

MR. BAIZLEY: The exact amount to the penny, Mr. Chairman? No, I don't.

MR. CHERNIACK: Well then, may I ask how does he know what it is unless he got that information attached to the cheque or unless he actually went to his employer and said, "Please tell me how you break this down."

MR. BAIZLEY: There are many employers, Mr. Chairman, in this community who use a computerized system; many who do - as the honourable members know. But there are many employers in this community who employ from three to possibly a hundred and three - (Interjection) - But they have to figure it out every time they make the cheque. Mr. Chairman, they do this every pay period, and I'm suggesting to you that if this is the way that they do their books that it is inefficient. If the pay, if the salary hasn't changed or deductions haven't changed, it is inefficient to force them to do that every time. Now my honourable friend says there isn't any cost. In these days there is cost in productivity and efficiency. There are costs in paper; there are costs in time for the people providing it. For what purpose? The individual knows what his pay is. He knows what his deductions are. That has been stated. But if there is a change, Mr. Chairman, then the employer has to indicate to the employee what those changes are, and that is all this amendment is about.

MR. CHERNIACK: Mr. Chairman, the Honourable Minister has already indicated that he, as one employee, does not know how much his cheque is or should be, and therefore he does not have the information that he feels other employees have. May I also point out to the Minister that it is against the law not to reveal in your own books how much has been deducted for unemployment insurance and for income tax, because these are trust monies and therefore the employer must of necessity record in his own books on every pay period what the deductions are, because it is not his money he is deducting, and therefore he has the record and it's therefore no problem to him except to duplicate that information for the employee as well as for his own. That's all.

MR. GREEN: Mr. Chairman, I realize that debate can be prolonged because every time somebody gets up they say something that somebody else wants to challenge, but I just can't sit here and remain silent when the Minister says that his department has done something in terms of the Construction wages. Because if there ever was an area where the department let down the people who are working in this field, it's the Construction wages.

Mr. Chairman, I can't remember the year but it would be before 1960 - probably 1959 - we had a, I can't remember the name of the Act - Fair Wage Act - which was supposed to apply to everybody who worked on any type of heavy construction, buildings or otherwise. His department made a schedule. Now there's no doubt that the Act was supposed to apply to everybody. The schedule that was made left some apparent doubt, although I didn't doubt it, as to whether it applied to roads or only on buildings. A road constructor took this schedule to the Courts and got the Courts to say that it didn't apply to anything except buildings, which meant that the Fair Wage schedule did not apply to any road construction. The hours didn't apply and the wages didn't apply. And Mr. Justice Freedman made the decision - and by the way, the

(MR. GREEN cont'd.) Department of Labour made representations to the Courts and said, "This schedule is supposed to apply across the board, to buildings and roads." There was no doubt as to what the Department of Labour's position was. The Court held; "Well, you've made a mistake; it only applies to buildings." Not the Act, so there was no need to change legislation - the schedule, which was something which was passed by Orders-in-Council. The judge said, "It's unfortunate that a schedule was passed which apparently didn't do what the department wanted it to do but they, being the department, can easily change it." They never changed it. For years, that board sat, Mr. Chairman; they didn't change -- they may have changed it last year or in nineteen sixty -- (Interjection) -- Well, Mr. Chairman, only recently, let's say 1964, I'm satisfied that it wasn't changed by 1964 -- in 1964 they published two separate schedules, one for roads, one for buildings, but they never made those wages apply as they did in 1959, across the board under the Act. They fought about it for four years. The Chairman of that Board said that we can't make the schedule to this because the court says it can't be done. And it wasn't so. The court said that the requirement was a simple change in the Schedule and all they had to do was to add an . . . -- If my honourable friend is telling me it changed in 1964, and if he's correct, then what he's saying is that it took five years to change the schedule, and then he comes and says they did something great with regard to the construction wages.

MR. FOX: Mr. Chairman, I'd like to appeal once more to the Minister. He tells us he's very fair and he's given this a lot of consideration. Before the Industrial Relations Committee we had two presentations, one for and one against. I say two because the Chamber of Commerce and the Manufacturers' Association are very synonymous and there's really no need to say that we had two from that area, they're employers; and the other was from the employees' representation. So therefore if the Minister feels fair and inclined to be that way, let him leave the matter as it is and we take the recommendations of the Woods Committee and not put this amendment before the House.

MR. BAIZLEY: Well, Mr. Chairman, as the Honourable Member from Inkster has pointed out, every time somebody says something it sort of behooves the other person to tell him where he is wrong. And I have to tell my honourable friend from Inkster that The Construction Industry Wages Act, passed in 1964, provided for schedules in the construction industry in Winnipeg, in the rest of Manitoba, and provided for schedules in the heavy construction industry. Now this government is moving progressively - and this is where somebody else is going to have to - into the future - we're not backing into the future. The Honourable Member from Kildonan suggested that there was another point of view at Committee. Mr. Chairman, there was another point of view at Committee, but when the reasonableness of this amendment as presented to him, had got to him, he said, well, that's not so bad, I think probably once a month would be enough; not once a week or every two weeks, but probably once a month. I think the gentleman who made that presentation realized that it was not weakening the situation at all, but there was agreement, particularly after he had listened to the Honourable Member from Inkster's statement of his fair practices - and we all know that he's a fair employer - he could see nothing wrong with it. I'm sure that he has no objection to this amendment.

MR. FOX: Well, if the Minister's suggesting that the other point of view agreed to once a month, why doesn't the Minister write it in instead of taking it out completely and leaving it up to the onus of the employee to go begging for this thing all the time? Now we're fair people and if he wants to be fair about it let's do it that way, but let's not do it all in favour of one side only and the other side has to demand it continually.

MR. GREEN: Mr. Chairman, I'd just like to indicate that my honourable friend has confirmed exactly what I said, that instead of making the construction wages apply right across the board, which is what was mistaken in 1959, in order to protect the people who got that Act changed, they passed a separate schedule to apply directly to those people, that is the road builders; and that is exactly what I said when I got on my feet.

MR. CHAIRMAN: Section 5 as amended. Section . . .

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Chairman, I just want to ask the Minister, Section 4 as in the original Bill, was that the exact recommendation of the Woods Committee? The wording that is there, is that what was recommended?

MR. BAIZLEY: Yes. In the original . . .

MR. MOLGAT: In the original Bill? That was what was recommended?

MR. BAIZLEY: Yes.

MR. MOLGAT: The Minister now is proposing to change that?

MR. BAIZLEY: Yes.

MR. MOLGAT: Has he consulted with the Woods Committee?

MR. BAIZLEY: No, Mr. Chairman.

MR. CHAIRMAN: (4) (a) (i)--passed;

MR. JACOB M. FROESE (Rhineland): Mr. Chairman, there has been a lot of debate on the amendment that's been brought in by the government in connection with this Bill. I supported the amendment in committee and I don't see anything wrong with it. If a person wants the information he can get it and we must think of all those people that are in business and the amount of work that would go into it. Naturally these reports have to be compiled and completed but it would then mean that there would have to be a duplicate made each time and sent out, therefore there would be extra costs involved and I don't see any reason here why we should ask them, make it compulsory that statements be made and issued and go out with each cheque. I'm thinking of the many school districts, of all those other employers, not necessarily just here in the City of Winnipeg, in the rural parts as well; therefore I am fully in support of the amendment.

The other matter that has been raised is whether the Woods Commission was consulted and whether it had their blessing or approval. To me the Woods Committee is not such a "holy of holies" that we have to have their consent with every piece of legislation in connection with labour that is being brought in.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party) (Radisson): Mr. Chairman, I understand that you're just about ready to deal with the amendment as proposed in a formal manner. I want to raise protest in connection and oppose the acceptance of the amendment as proposed by the Minister of Labour. I've listened with a great deal of interest to the debate that has taken place as to whether an employer should or an employer should not constantly give on each pay cheque a synopsis of deductions.

It takes me back to 1954 and 1955 in this very Assembly when the gentleman that we referred to last night as the suitcase farmer, in his capacity as a suitcase representative of labour appealed to government at that particular time to do what the original amendments insofar as notification of deductions were concerned as suggested in the original Bill 31. We had quite a fight at that particular time with the Government of Manitoba. The employees of our province, I'm sure, are glad that he carried on the fight then so that every pay cheque that they receive contains the notification of the deductions.

My honourable friend the Minister of Labour, in answer to a question a few moments ago, indicated that he really doesn't know what his wages are, he gets his cheque -- but he also gets, he also gets, as indeed I do too, every month, when I receive my cheque, a notification of the deductions for that pay period. This is a reasonable request. I reject the contention of my honourable friend the Member for Rhineland of this being an onerous burden on industry or an individual; it has to be done insofar as most deductions are concerned, income tax and other taxes, vacation with pay contributions and the likes of that in any case, and surely, surely it's not going to be any real burden to provide that information with each and every cheque or each and every envelope containing payment by cash.

Now I appreciate the fact that -- it might hurt some, of course; every time we pass legislation in this House somebody gets hurt, but if the overall good is achieved for the greatest number, then I think we should pass it. So I just want to say, Mr. Chairman, I don't want to delay - I think we've had a long enough debate on this particular matter. My reason for rising at this time, Mr. Chairman, is to point out the bitter fight that five of us at that particular time of the CCF party had in this Legislature to convince government that this should be done; victory that we achieved then should now be passed on to all employees of Winnipeg and I trust and hope that others will join with me in voting against this amendment and I want to say that it is my intention to vote against it and ask for a division on the amendment of my honourable friend.

MR. LEMUEL HARRIS (Logan): Mr. Chairman, I would like to say this: I sat down when this amendment was brought in and I know that in many places where people work they don't have statements on their pay cheques and it has been brought to me that they don't like this. Now it was brought in on this Bill 31 in the first place, "an employer shall furnish to each employee a written statement at the time of paying wages, showing the hours paid for and

(MR. HARRIS cont'd.) the rate of pay, the overtime hours, the deductions if any, and the net amount paid to the employee." That's fair enough; that's all he asks for or that's all she asks for. But it seems now that we're going to turn the cat in the bag and bring something in like this which gives us nothing again. The employee is going to go cap-in-hand to the employer and ask for these things which should be done in the proper place. That's all they ask. Why all this controversy here? I say that we should stay with this Bill right now, Bill 31, and not go on this amendment. I'm going to vote against it. Thank you.

MR. CHAIRMAN: I've called the subsections down to (a) - (i)--passed; (ii)--passed;

MR. PAULLEY: No. . . . excuse me.

MR. CHAIRMAN: I'm on the amendment to . . .

MR. PAULLEY: Oh, on the amendment.

MR. CHAIRMAN: (iii)--passed; (iv)--passed; -- (Interjection) -- (a)--passed; -- (Interjection) -- (b)--passed; Section 4 (a)--passed;

MR. PAULLEY: No. Mr. Chairman, on the whole section - well, you go back to section 5 don't you -- that's when I want . . .

MR. CHAIRMAN: Section 4 (b)--passed; Subsection 4--passed. Section 5, as amended passed.

MR. PAULLEY: No, Mr. Chairman, we oppose the passing of Section 5 of Bill 31 as amended and desire that our opposition to this amendment be recorded by a vote.

MR. CHAIRMAN: All those in favour of the amendment please . . .

MR. MOLGAT: I want to make it very clear that I simply cannot accept the amendment on the basis that the Minister after all has received from the Woods Commission a recommendation and that he has just told me a few moments ago, with no further reference to the Woods Commission, he now proposes to change completely what they have said. I simply cannot see any logic in the position of the Minister. If he has sound grounds for the change he's proposing then I think that the Woods Commission would be prepared to have a look at these things but I cannot understand why we should ask these people to work voluntarily for two years, produce something that they have agreed to, have it introduced here by the Minister, go through second reading, and then without any further reference to them, proceed with the amendment. It just isn't the way to proceed, in my opinion, with sound labour legislation and I warn the Minister that he'll be doing irreparable harm to the Woods Commission and to any work that they will do in the future if he persists in this course of action.

I think it goes far beyond merely the section that we're dealing with, that behind it all lies the value, the use and the acceptability of the Woods Commission and the attitude that the members of that Commission will take in the future and I appeal to the Minister not to proceed in this way. To go back with this bill, hold it in committee if he wishes, go back to the Woods Commission, have them appear before the Committee of the House if he wants, whatever action he wishes to take, but not to proceed in the manner he's doing now because it's going to have far reaching effects.

MR. PAULLEY: Mr. Chairman, if I may make an observation of the remarks of the Leader of the Opposition. I'm pleased to hear that he's indicated he will be supporting our contention insofar as the amendment's concerned. I want to say, however, I disagree, if I heard my honourable friend or understood my honourable friend correctly, that we should hold the bill or send it back or reconsider it, because actually the bill that we have at the present time, and the contents of the Bill, particularly in regard to deductions as I understand, that has had the acceptance of the Woods Committee originally and that was the reason for the Bill, I would inform my honourable friend. -- (Interjection) --

Yes, the first Bill. But the amendment -- it's a straight vote. I think the proposition that we have before us, Mr. Chairman, in effect is a straight vote, that by the defeat, by defeating the amendment to Section 5, we are in effect approving the recommendations of the Woods Committee as contained in the original Bill 31. I think it's just as simple as that.

MR. MOLGAT: My point is, I recognize that my honourable friend hasn't advanced this far and knowing how this House operates it's going to be very difficult for him at this time to simply reverse his position, we have to take the situation in practical terms. He can take it back to his caucus if he wishes. This is why I recommend let's not proceed any further at this point because he's going to take a decision right now which would be very hard to reverse later. If he would simply agree not to proceed any further I think he'd be very much better advised to do so. If he won't do that then I'm going to vote against his amendment because I think

(MR. MOLGAT cont'd.) he's acting here in the wrong way insofar as the Woods Commission is concerned.

MR. BAIZLEY: Mr. Chairman, I appreciate the remarks of the honourable member, the Leader of the Opposition. I can't agree with him. These are outstanding men, logical men and reasonable and I am sure that the import that has been debated here this morning is not going to break up the Woods Committee. It is just a reasonable amendment. I can appreciate how he feels about it but I would encourage that the Committee proceed.

MR. GREEN: Mr. Chairman, I just want to say very briefly that we are asking this amendment to be eliminated because we don't agree with it. We are asking that Section 4 be passed because we agree with it, not because it was either agreed to or not agreed to by the Woods Committee. I have challenged the Minister, who relies so much on the Woods Committee, to follow what they have said. I don't propose that the legislation necessarily must follow the Woods Committee. I propose that the Legislature do what is right and we say that this section should be eliminated because it's a bad subsection, not because it wasn't passed by the Woods Committee.

MR. CHAIRMAN: Before we proceed, I'm advised that a negative vote on the amendment here will wipe out Section 5 of the Bill.

MR. GREEN: Mr. Chairman, then can we move that Section - that the amendment 4 (a) be deleted. Aren't we voting on the amendment?

MR. CHAIRMAN: Subsection 4 (a) . . .

MR. MOLGAT: Nothing would prevent someone from introducing another amendment, putting Section 5 as originally in the Bill, back into operation.

MR. GREEN: But we're just voting on the amendment. Can't we vote against 4 (a)?

MR. CHAIRMAN: We've already passed 4 (a) and 4 (b).

MR. PAULLEY: No. I indicated, Mr. Chairman, if I may, I indicated to you, as you were reading the sections that I wanted to oppose the principle contained in section 5. Now surely to goodness I should be entitled to a little latitude other than for you, Mr. Chairman, in all due respect, to say because of the fact that we have passed 4 (a), that particular section, I indicated my desire my manoeuvring might not, and I'd like to know on the basis of the rejection of an amendment in effect defeats the original motion. It doesn't seem to me that this is so. I don't know, unless you, Mr. Chairman, can advise me of the citation or the rule of order that says that. Now I'm not aware of it.

MR. CHAIRMAN: Actually there was no amendment called on 4 (a) or 4 (b). However, if it is agreed with the Committee that we go back and call 4 (a) and 4 (b).

MR. PAULLEY: Call 4 (a), Mr. Chairman, if it suits . . .

MR. CHAIRMAN: Section 4 (a) -- (Interjection) --

MR. PAULLEY: No. No. Nay.

MR. CHAIRMAN: All those in favour of passing 4 (a) say aye.

SOME MEMBERS: Aye.

MR. CHAIRMAN: Opposed please say nay.

MR. PAULLEY: Nay.

MR. CHAIRMAN presented the motion that Section 4 (a) be passed and after a voice vote declared the motion carried.

MR. PAULLEY: May I have an official count?

MR. CHAIRMAN: Call in the members. For the information of those members who were out of the Committee, we're voting now on whether we pass or not pass Subsection 4 (a) of Section 5 of the Bill.

A STANDING COUNTED VOTE was taken, the results being as follows: Yeas, 29, Nays 21.

MR. CHAIRMAN: For the subsection 29; against 21. 4 (a) -- passed. Section 4(b) -- passed.

MR. FOX: In view of the fact that the Minister has got all his colleagues out today and they're in full voting strength I'm willing to see if we can't get to a reasonable understanding with each other and I'm proposing the following amendment to 4(b): Moved by myself, seconded by the Member for Logan, that Clause 4(b) be amended by eliminating the period at the end thereof and adding after the word "subsection (4)" in the last line thereof the following: Provided that any employee may by one initial request the said information to be furnished to him on every occasion on which wages are paid in which case the employer shall without further request supply the said information on every such occasion.

MR. CHAIRMAN: All those in favour of the motion please say aye.

MR. FOX: Just a minute. On the ...

MR. PAULLEY: Mr. Chairman, the purpose of this amendment I'm sure is very very clear and it should be accepted by every member of the House as being most reasonable. Because in effect what it says, under the present section 4 (b) it says an employer shall furnish to an employee at any time at the request of the employee or on the direction of the Minister the information requested in Section 4 (a). And of course the obvious purpose of the amendment proposed by my colleague from Kildonan is that an employee does not have to continuously go to the employer for the request. Now it seems to me, Mr. Chairman, very reasonable that if a person say for instance is paid weekly, that having once requested the employer to supply the information he should not have to come back every week to his employer and say, please sir or madam as the case may be, will you supply me the information for this week. And because it's quite conceivable -- it's quite conceivable that by doing this -- and this would be the employees rights under this legislation -- that the employee could so aggravate his employer that there could be ill will and hard feeling between them. And what also, Mr. Chairman, as I understand the bill, if a person is paid daily for which deductions are made it would make the situation all the worse. Now surely to goodness there is room as my colleague from Kildonan indicated for some type of compromise; that if an employee does ask his employer for this information it should be forthcoming. He can get it in accordance with the Act by going to his employer every day or every week or every two weeks as the case may be. And surely by going once it would indicate that the employee is concerned, is interested in the deductions and this should be sufficient. That is the purpose, reasonable as it is, of the amendment proposed by my colleague and I certainly recommend it to all members of the House.

MR. BAIZLEY: Mr. Chairman, I can appreciate that the Honourable Leader of the New Democratic Party feels that this amendment is reasonable and I would like to suggest to honourable members while it seems reasonable we have a proposal before us which I would like this House to accept that we see administratively how it works and if in fact what my honourable friend is suggesting is not workable or does create hardships for an employee to ask if he feels the need for a statement, if that appears to be a hardship administratively why then we would give consideration to an amendment at another time.

MR. PAULLEY: Mr. Chairman, if I may just pursue this. It's not a question of a hardship administratively. I'm not concerned with that aspect. I am concerned with employee-employer relationships. This to me is the prime consideration and this is the matter that we've had under consideration in the House on a number of occasions.

Now I want to ask my honourable friend -- I'm not fully conversant with all aspects of the Labour Relations or Employment Standards Act -- I want to ask, what would be the position, under the proposed legislation or under present legislation, what would be the position of an employee if his employer dismissed him because of seeking the information insofar as the deductions on his pay cheque are concerned. I first of all point out that this could conceivably cause an area of friction between an employee and an employer. We're saying in the legislation that an employer should give to the employee this information. Now what would be the situation, as I tried to illustrate a few moments ago, of an employer being requested by his employee on each pay day, be it daily, weekly, bi-weekly or monthly and upsetting the relationships. Is there any clause or suggestion that an employer should not be enabled to dismiss an employee simply because of the fact that he sought information as to the deductions on his pay cheque. I ask my honourable friend if he will not consider that aspect in connection with the request that I am making.

MR. BAIZLEY: Well, Mr. Chairman, this is 1968. I just can't answer a hypothetical question, but I would like to suggest to the honourable members and possibly members of the Fourth Estate, that if an employee requests a slip every time -- that the Honourable Leader of the New Democratic Party is my employer, heaven forbid, but he is, and an employee requests of him, he makes the request of his employer once that he wants his deductions every time -- I'm sure that in practice this is what occurs and is what will happen -- now it's a hypothetical case of an employer dismissing an employee because he requests that. Well, Mr. Speaker, I would have to suggest to you that if that was the straw that broke the camel's back that there is a very poor relationship between the employer and the employee.

MR. CHERNIACK: Mr. Chairman, the Minister is revealing, I don't know whether it's

(MR. CHERNIACK cont'd.)... ignorance or naivety when it comes to an assessment of the relations of employer and employee -- and I'm not thinking of organized labour because I'm not worried about the aspect of organized labour being able to bargain. Although I can report to the Minister that I participated in negotiations on behalf of organized labour in a certain industry where we had a terrible time convincing the employer that he should do exactly what the law now says he has to do. And the reason that this is in is because some employers have been so difficult and recalcitrant in their attitudes that they just would not even give this information which is so obviously right. So that the Minister says, "Well surely an employer would give the information once he sees that the employee would like to have it weekly." Nonsense! Nonsense! If the relations are such that the employer is likely to fire a person because he asks for it every week then don't we know the employee would realize that and wouldn't dare -- would not dare ask for that information every pay day. Doesn't the Minister realize that that's the situation. I don't know whether -- well I don't care really what his own personal experience is -- his realization of relations between many employers and employees must be that they are not as ideal as he thinks they are or would like to think they should be. They're not as ideal as any dreamer would think they ought to be, they're never on an equal level. We always start with the employer being the master, the employee is the servant and throughout time of the restoration it was necessary for the employee either by organizing or by legislation to keep hammering at that difference in relationship, the difference of balance of strength. And it always starts with the employer being right.

Now what was the last thing that the Minister said when my Leader suggested that this was such a reasonable compromise to the insistence of the amendment -- of the prior amendment going through? He said, "We'll look at it and if we find that there is some hardship, administrative problems created for the employee, we'll take another look at it." Why doesn't he change his perspective and say, "We'll try it; we'll see what hardship is created for the employer and if there is a hardship on the employer we'll have another look at it. We don't want to be harsh on the employer." Why doesn't he do that? Why doesn't he look at it from that standpoint? Why does he have to appeal to the fourth estate, which isn't even present here, to help him out of the difficulty of making sure that employees don't know their rights? Why should he have to appeal to the press, to the media of communication to make sure that employees know their rights? They may know their rights, Mr. Chairman, but he's doing nothing to help them protect their rights when they are faced with an employer whom they either fear or are embarrassed to ask for information which he has readily available.

Let me suggest to him that he accept this amendment as being a reasonable compromise, actually I suppose a capitulation on our part because we certainly voted against his amendment. But we're now saying, "All right you've asserted your strength, you've asserted your votes, you've got what you want, now why not recognize that if an employee asks for it once he'll get it. If he feels that he's entitled to it weekly the law now will say that he can get it. Why could not he make one blanket request that henceforth the information shall be made available to him." Isn't that a reasonable compromise, a workable compromise and one which the Minister could graciously accept and say to the press and to the employers and to the people who come to make requests of him from the employers' side, "If we find that this is a difficult thing, if it is administratively costly, if you can't work it out, then by all means we'll be glad to look at it again. We can always change it." Why doesn't he take that attitude and in that way indicate his presumed attempt to maintain reasonable relations between employer and employee and not to unbalance them by putting the employee in an embarrassing, difficult or fearsome spot.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Chairman, did I understand the Minister to say that if members on this side would support his proposition that at another time he would bring in an amendment granting what members of the NDP are suggesting? I understood him to say that. Am I wrong?

MR. BAIZLEY: I don't think I'm quite that naive.

MR. JOHNSTON: You said at another time you'd be prepared to bring in this amendment. Well, Mr. Chairman, I don't suppose this government will last longer than one more year, but if they are here next year would he be prepared to bring it in next year?

MR. FOX: Mr. Chairman, the point that I was going to make to some extent has been very well put by my Leader and my Deputy Leader, but I would just like to once more appeal to the Minister of Labour I think that we in this Chamber are most of us pragmatic people and if we're going to make legislation, let's make it equal for both sides and all this amendment

(MR. FOX cont'd.)... that I am suggesting, Mr. Chairman, stipulates is that the employee have the same right as the employer; that the employer doesn't have to make the slip out and that the employee if he requests it will get it from then on in, and I think that's a fair, fair compromise. You can't be any fairer than that if you give both parties equal rights under law. If you only give one party equal rights under law and the other one has to request it and hope for the good will of the other party, then you're not being fair, and I say, as pragmatic members, let's pass this amendment.

MR. CAMPBELL: Mr. Chairman, before the question is put, I think I might be able to offer a compromise solution here. I have a lot of sympathy for the position that the Honourable the Minister has taken here because I would agree with him that in most circumstances employers would be very reasonable about this. On the other hand, I see certainly some points to the fact that if the relations are not of the best anyway, there might be some embarrassment to the employee from making the request, if the employer happened to take that position too frequently.

Now, inasmuch as it looks as though there's not a great range of difference of opinion here, why couldn't we try and get some suitable wording that would make it plain that one request would be sufficient, and it isn't that I'm lacking in the draftsmanship of my honourable friend the member for Kildonan, but I have found at times that to just place an amendment before the committee while we're in session is not the best way of achieving the objective. So, we're not going to finish all of these bills likely anyway today; how would it be to let this one sit and let my honourable friend's amendment that he has moved be referred to the Legislative Counsel and let the Legislative Counsel provide something that meets as far as possible the wishes of both sides, because in most cases this will be done anyway. Can't we get some few words tacked on there that will make it plain that one request will be sufficient? And then we'll all be reasonably well satisfied.

MR. PAULLEY: Mr. Chairman, I rise to support the recommendation of the Honourable Member for Lakeside. In addition to the tidying up or possibly tidying up of any wording one with another, I do confess that the amendment proposed by my colleague from Kildonan has been thrust upon the Minister of Labour for the first time. It might be that he would want to have further consultations or a consideration of the subject matter with his department and his officials, and also with the members of his caucus. I think this is reasonable. It has been done before, that a bill has stood for this particular purpose, and I think the suggestion of the Honourable the Member for Lakeside is reasonable, and if, after that is done, the Minister and his associates feel that they cannot accept this, fine.

I want to say to my honourable friend the Minister - and I am sure that he will believe me; some might not, but I am sure that my honourable friend the Minister will believe me - that this is not an endeavour to embarrass the Minister; that is, the amendment is not an endeavour to embarrass the Minister. We have so many ways in which we can embarrass the members opposite that may I say to you that this is not our endeavour by this amendment? It's merely to try and to come to some proposition that will assist or retain. Now, getting back to the suggestion of the Member for Lakeside, Mr. Chairman, I appeal to the Minister to accept that suggestion that the bill be held pending the Legislative Counsel, as suggested, taking a look at the wording of the amendment and the Minister giving it a little more thought, because I'm sure that the members opposite haven't really had the opportunity of considering the significance of the amendment as proposed by my colleague.

MR. FROESE: Mr. Chairman, I have no objection to the proposition that is before us now, but are we going to further amend without the blessing of the Woods Committee?

MR. BAIZLEY: Mr. Chairman, I think that the offer from the Honourable Member from Lakeside, while it is quite a reasonable one and I do accept from the Leader of the New Democratic Party that there's no political embarrassment, I accept that, and I also appreciate the arguments from the Honourable Member from St. John's, and he has indicated what is necessary within this area is flexibility, and I merely suggest to honourable members the reason for staying with this amendment the way it is in this section, is to provide the flexibility that is needed to accommodate all parties in this business.

MR. CHAIRMAN put the question and after a voice vote declared the motion lost.

MR. PAULLEY: May we have a recorded vote, Mr. Chairman?

MR. CHAIRMAN: Call in the members.

MR. FROESE: Could we have the motion, please? I wasn't in when the motion was put.

MR. CHAIRMAN: The motion before the committee: Moved by the Honourable Member for Kildonan that Clause 4(b) be amended by eliminating the period at the end thereof and adding after the word "subsection (4)" in the last line thereof the following: provided that any employee may by one initial request require the said information to be furnished to him on every occasion on which wages are paid, in which case the employer shall, without further request, apply the said information on every such occasion."

A STANDING COUNTED VOTE was taken, the result being as follows: Yeas, 19, nays, 28.

MR. CHAIRMAN: I declare the motion lost.

4 (b) -- passed...

MR. MOLGAT: Mr. Chairman, before we leave the ... I just want to make one comment. I think that the attitude that the government is showing in this regard is just unbelievable. It's a totally arrogant and impossible position. The position that we have taken has been one that ...

MR. LYON: ... is out of order. I wonder if my honourable friend is really not reflecting on a vote that has already passed the committee. If he wishes to make a speech at third reading, I suppose he ...

MR. MOLGAT: Very well then. I shall make it on third reading, Mr. Chairman, because it's a scandalous situation.

MR. LYON: Mr. Chairman, I don't think there's any need for any irrational kindergarten outburst like that.

MR. MOLGAT: It wasn't irrational ...

MR. CHAIRMAN: Order, please.

MR. MOLGAT: You check your position if you think it's ...

MR. CHAIRMAN: Subsection (4) -- passed. Section 5, as amended, passed. (Sections 6 to 14 were read and passed). Section 15 (2)(a) -- passed; (b) ...

MR. FOX: Mr. Chairman, in respect to this section, this is one that has been added which is not part of the recommendations of the Woods Committee. As you will recall earlier, I read a letter that they were very disappointed that this has been done. Therefore, moved by myself, seconded by the Member for Brokenhead, that Section (b) be deleted.

MR. CHAIRMAN: Clause (b). Are you ready for the question?

MR. GREEN: Mr. Chairman, I presume that we just don't pass the item if we don't want it in. I mean is -- the motion is correct; I see. Delete the ... Mr. Chairman, I just wish to make it plain. The Member for Kildonan has indicated that this is not a recommendation that was put by the Woods Committee. Despite that, in addition to that, and more important than that, it's not a good suggestion. The suggestion is that a person get his compensatory time off within 30 days. The subsection, that is (b), permits a private arrangement between an employer and an employee, and I know it says "at the employee's request," but Mr. Chairman, anybody who understands employer-employee relations knows that a request can be forthcoming if the employee thinks that it's desirable or that it's discreet on his part to make the request, and under (b) there is no day on which he can be assured that he's going to get his holidays. This can be postponed till 1984, and Mr. Chairman, some employees don't work 30 days in a row and he may be entitled to that time off, so that we say that in order that this thing be enforceable, and for that reason, that if a person is entitled to a holiday and doesn't get it, then he must get that compensatory time off within 30 days, and we think that any modification of that will result in a completely unenforceable provision.

MR. FOX: Mr. Chairman, let me just add, and not my argument but the arguments of the 24 people that discussed this proposition and why they are against it. They say the committee felt an employee should not be allowed, regardless of employment, consent to extend the period within which compensatory time off could be granted beyond 30 days. This opinion of the committee is based on a view that some employers would coerce their employees to agree that they would delay the compensatory time off. Therefore paragraph (b) of subsection (2) of Section 30 in the draft bill is not acceptable to the Woods Committee, and I think this is what the member for Inkster was saying and this is also the reason why I am against it, Mr. Chairman.

MR. CHAIRMAN put the question and after a voice vote declared the motion lost.

MR. GREEN: Mr. Speaker, may we have that vote recorded, on that last vote?

MR. CHAIRMAN: Call in the members.

MR. PAULLEY: I think we'd better get the members back in here....

MR. CHAIRMAN: Call in the members. The motion before the committee: Moved by the Honourable Member for Kildonan that Clause (b) of subsection (2) of Section 15 of Bill 31 be deleted.

A STANDING COUNTED VOTE was taken, the result being as follows: Yeas, 19; nays, 29.

MR. CHAIRMAN: I declare the motion lost. (The remainder of Bill No. 31 was read and passed.)

Bill No. 7, the Presumption of Death Act. (Sections 1 and 2 were read and passed.) Section 3 as amended -- passed; pardon me (a) passed and (b) passed as amended. Section 3 -- passed; Section (1) -- passed ...

MR. CHERNIACK: Now, you want to say "as amended". Are you dealing now with 3 (2) or are you still on 3 (1) as amended? I just want to make sure that you don't pass 3(2).

MR. CHAIRMAN: 3 (1) as amended --passed; 4 --passed ...

MR. CHERNIACK: No, Mr. Chairman. Which 4 is that?

MR. CHAIRMAN: I beg your pardon. Section 3, subsection (2) -- passed....

MR. CHERNIACK: All right, Mr. Chairman, that's what I want to hear; 3, subsection (2). I spoke on this at some length yesterday. I don't feel it should be necessary to repeat anything that I said. You will recall, Mr. Chairman, that the Honourable the Attorney-General wasn't able to speak on that motion because he had already moved it, but the Honourable the Provincial Secretary on behalf of the Attorney-General indicated that he was prepared to look at this, to examine the position which I presented and consider the importance of pressing for this amendment. I would like to ask of the Minister that he try to deal with the point that I made yesterday and try to, for example, deal with the problem, just the technical problem, the fact that we've already agreed that in 2 (1) that the Order may be for all purposes and now we are being asked to say that an Order is not for all purposes because it excludes The Insurance Act. And yet when we discuss The Marriage Act apparently we're now pretty well satisfied that this Act will cover The Marriage Act so that I'm -- well now the Honourable Minister is shaking his head so obviously I am confused. --(interjection)--oh, it's amoot point. Well, surely at this stage Mr. Chairman, we should not be passing legislation about which we are in doubt. We should say one way or the other, this is what we understand the Act to be.

But let me just - and again, I'm not repeating any of the arguments that I made yesterday, because I hope that the Minister will deal with them anyway, but wouldn't it be sensible when you're dealing with presumption of death that you look at one Act for all factors dealing with presumption of death? Should there be another Act, namely The Insurance Act which is very extensive, which has two sections in it which I could not understand, and I think there are others who couldn't understand them so clearly, and the Legislative Counsel I think did clarify his interpretation. I must tell you that the Honourable Member for Inkster gave me an interpretation of his which also made sense to me and it wasn't the same as that of the honourable - that of the Legislative Counsel, who I'm sure is honourable even though I withdrew that reference to him. Therefore we're now faced by this amendment with recognizing that there are two separate Acts that will deal with the question of presumption of death, one relating to life insurance, which I submit is catering to the vested interests of the Life Insurance industry; the other one dealing with what I think is everything else, Mr. Chairman, and now the Attorney-General says it's a moot point, so I'm not even sure I'm right in saying that this Act would now deal with all other factors of presumption of death, because it appears to be a moot point in somebody's mind as to whether or not a woman has a right under this Act to come to the court and ask for a declaration of presumption of death so that she can remarry, and if it's a moot point then surely it ought to be clear and should be in the one Act. It seems to me that Presumption of Death Act should involve all factors of death, and I know again I have not repeated the arguments that I made yesterday in the hope that it will not prove necessary.

MR. CHAIRMAN: 3--passed.

MR. CHERNIACK: Mr. Chairman, I'm sure that the Honourable Minister wishes to speak on it, but he's checking just for a moment and I don't think you ought to overlook the opportunity here.

MR. LYON: Mr. Speaker, the subject matter really doesn't deserve any further comment, it's been overworked. I think the sophistry that's been used in connection with it is far greater than the Act itself. My honourable friend for reasons of his own which I can't really comprehend is trying to set up some class war between widows and insurance companies; he's

(MR. LYON cont'd.)... trying to suggest by innuendo that the government, because we make reference to The Insurance Act in this statute as showing favouritism toward the insurance industry. He has this perversity of mind; I haven't. It's quite clear, I think, to any reasonable person without a doctrinaire background looking at this that this is being done to fill a vacuum that exists with respect to all other matters than Marriage and The Insurance Act at the present time.

When I introduced the matter I said to the House that the matters of presumption of death are dealt with specifically at the present time under the life insurance part of The Insurance Act and in The Marriage Act. The purpose of this Act was to provide a general provision at the request of the court, the recommendation of the Uniformity Commissioners of Canada, approved by our own Law Reform Committee, to fill in a vacuum for the many other areas where presumption of death is required. We thought it was the better part of prudence to leave the insurance provisions as they are at the present time because there doesn't seem to be any hardship being worked against anyone under the present provisions. These are very esoteric provisions in the sense that they do not arise terribly often at all. There's no great public demand for this Act. It's one of these matters that is brought in at the request of the Bench because they do run into these rare situations more often than any other form does. So that is it simply... There's nothing else I can say to simplify it. I can't, I'm sure, disabuse my honourable friend of the fact that he sees in this some nefarious scheme to help the insurance industry. That isn't the case. This is a very simple Act, intelligible I'm sure to all other members of the House and we propose that it should go through in its present form.

MR. CHERNIACK: May I ask the Minister whether you apply under this Act or The Marriage Act to obtain the right to get a marriage licence?

MR. LYON: You would apply under this Act to get a marriage licence. There's no amendment that we could make to this Act or to The Marriage Act for that matter, that would improve or change in any way the position of a widow who makes application on the disappearance of her husband, makes application after his disappearance has gone on for some time to get a marriage licence, get's it after the order of the court, the husband then reappears - I don't know what the Legislature can do to make him disappear. There's nothing that the Legislature can do about that. That's one of the risks that you have to take, so the substantive provision, whether it's under this Act or The Marriage Act remains exactly the same.

MR. CHERNIACK: So that, Mr. Chairman, it appears that although the Minister started out by making a distinction and saying this is to fill a vacuum in between The Marriage Act and The Insurance Act, he is now filling the vacuum, including The Marriage Act, excluding The Insurance Act, making no real explanation for that fact; there was no vacuum under The Marriage Act but in spite of that he is bringing it under this Act and ...

MR. LYON: There's no change.

MR. CHERNIACK: He says there's no change but the fact is that now the application will be made under this Act and not under The Marriage Act so that it appears that he is bringing in The Marriage Act under here. He talks about my perverted ideas of sophistry and doctrinaire position but he's got such a fixed position that the fact that I suggested that this amendment is one that caters to the insurance industry is what I'm afraid has forced him into a position where he has become immovable on this, and to such an extent that he says that it's not necessary to discuss it. Why? Because he doesn't have the answer, I believe, to explaining why we have to have two separate Acts dealing with what is the same problem, that is the presumption of death. The fact that I have made certain, or implied certain motives certainly should not prevent a broadminded person who does not have fixed ideas and who is not doctrinaire, from saying well, regardless of what has been said, there is some merit to the point that has been made and deal with it but rather than deal with that -- but rather deal with my perverted ideas, as if calling them names makes them so, and avoids the specific problem which is before us.

May I ask my honourable friend why he didn't take sections 176 and 177 out of The Insurance Act and put them into The Presumption of Death Act and then we'd know there's one Act that deals with all these cases. But he doesn't do that. Rather than that he says I won't deal with it and the Honourable Member for St. John's has certain faults in his approach and his thinking and he's unfair and therefore we won't even discuss these points; we would rather talk about that, and because this Act has so many esoteric provisions it's really not worth the effort to talk about it. But I really had hoped that he would deal with the specifics, such as the fact

(MR. CHERNIACK cont'd.)... that one part of the Act says "for all purposes" and another part of the Act says "yes, but" not "for all purposes". Surely a lawyer would want to see an Act which does not have many doubts about it, which doesn't have any inconsistencies about it and which is what it presumes to be, The Presumption of Death Act, not "another" Presumption of Death Act - it's not an alternate Presumption of Death Act - it is The Presumption of Death Act. Well doesn't it make sense to put it all in one. And if he feels that the protections here are inadequate, and I remind you he is the one who said to me that he has full confidence that the courts will not casually or arbitrarily make a presumption of death, which means to me that he has confidence that the court will bear all things in mind in making the decision, that the life insurance industry will be protected and let's not fool ourselves. Regardless of motivation, regardless of my insinuations which he resents, the fact is that the intent of 3 (2) the matter we're now dealing with, is to protect the life insurance industry where it feels that there is danger. Now that's clear.

The Great West Life Insurance Company sent a man down here, Mr. Manning came here to argue for this subsection. Why? Because he apparently - now this is my conclusion, I'm making the implication, I am drawing the inference, that they feel that this Act does not adequately protect them. Well, if it does not adequately protect the life insurance industry, then maybe it doesn't adequately protect others. A man may die with an estate worth a million dollars, with a life insurance policy of \$2,000 and this Act will then deal with the disposition of his two million dollar or million dollar estate, I forget what figures I used, because these figures are astronomic for me anyway, but this Act will deal with the distribution of the estate which he dies with, the large sum of one or two million dollars, but for the \$2,000 life insurance policy, the Attorney-General apparently says no, we have to rely on The Insurance Act to make absolutely sure, to protect the life insurance industry. So I do say there is a distinction here in attitude as to the protection requested by the life insurance industry and all the other protections, and now this includes The Marriage Act, that would otherwise have to be considered; this Act is good enough for them and not the life insurance industry.

I now want to withdraw any suggestion I made as to catering to the life insurance company. I now want to say I am not making the accusation. Let us deal with the problem and let us see if there is sense to this distinction, and if we feel that the draughtsmanship accorded in The Insurance Act is better, that it should be better for these other factors, let's incorporate that into this Bill. We're not leaving the session yet. There is time to reword this. I still think there is contradiction here between saying "for all purposes" and later saying "but not for the purpose of life insurance". It'll look better; it'll look better for lawyers; it'll look better for the people to see that there is one Act and there is one attitude and one set of rules. I appeal to the Honourable Minister to either withdraw this subsection 3 (2) or hold this in Committee to see whether it can't be reworded, to see whether we can't settle it. The fact that it's esoteric and the fact that it's so seldom used does not make it less important. It's still legislation.

MR. CHAIRMAN: 3(2) -- passed.

MR. CHERNIACK: No. Vote please. Mr. Chairman, I asked for a vote please. You said "passed" and I said "no".

MR. CHAIRMAN: Call in the members. Did you want the members?

MR. CHERNIACK: Well, yes, eventually.

MR. CHAIRMAN: The question before the Committee, that subsection 3 (2) be deleted... --(Interjection)--

MR. CHERNIACK: ... and the vote is whether or not 3 (2) is being accepted. I assume those who want it in vote for it.

MR. LYON: Mr. Chairman, you called 3(2). There was a chorus of "ayes", one or two "nays" against. My honourable friend then asked for a recorded vote.

MR. CHAIRMAN put the motion.

A COUNTED STANDING VOTE was taken, the result being as follows: Yeas, 35; Nays, 11.

MR. CHAIRMAN: The balance of Bill 7; Bill 8; and sections 1 to 6 of Bill 11, read section by section and passed). Section 7: 9 -- passed --(Interjection)-- Section 9 as amended. The Member for St. John's.

MR. CHERNIACK: Mr. Chairman, I am opposed to the amendment that was made in Committee, I'm opposed to the section itself and I spoke on it yesterday and the Honourable

(MR. CHERNIACK cont'd.)... the Minister of Public Utilities indicated that he would look at it again and would consider what I had said. I'm looking forward to hearing his comments now.

HON. STEWART E. McLEAN Q.C. (Provincial Secretary)(Dauphin): Mr. Chairman, having done all the things that I said I would do, I am recommending the section to the Committee as amended in Committee. I believe that this is a satisfactory measure and is in the public interest.

MR. CHERNIACK: Well, I'm sorry, Mr. Chairman. I did make the point that the protections which the Honourable Minister indicated would be available when he spoke on second reading do not exist in their entirety. I made a note of what he said and I've got it in my notes in quotations: "The persons who are most concerned are given an opportunity to vote on this... are consulted." And I am suggesting that that is not entirely true, because there are rate-payers who are not resident electors who are not going to be consulted. There are therefore many individuals including corporate people -- corporations rather, that will not be consulted. There are municipalities that are affected by this competition that will not be consulted; they will not be given an opportunity to vote on it and the only reliance therefore might be on what the Public Utility Board would decide on their behalf. We don't even know what notice would be given to other municipalities.

We have a situation where there is a distillery going in to Gimli, a place where no doubt they will find great acceptance by the community of that industry and where that community, aside from being potential customers, will also be potential employees, and it's good for that community. Now the water that they get there, we were told, is important, it's just the right grade of water; and therefore that industry is attracted to Gimli for the water, for the fine community that exists there, for the nice people that are there, for the acceptance in the community, and no doubt because for the time being it's represented by a fine man who has perverted ideas insofar as his political approach is concerned. But that apparently is not a drawback. But I would hate to think that they picked Gimli because they got the best deal from Gimli as compared with Arborg, as compared with Beausejour, as compared with even The Pas. --(Interjection)-- But no, that wasn't so bad because The Pas was given an opportunity to make a deal with another company and give concessions - and I don't think they were concessions under this section or subsection - but they were concessions to an industry which couldn't settle anywhere else in Manitoba except at The Pas, and there were therefore other considerations.

What I am saying is that this is a sick situation where municipalities are being enabled to compete one with the other, and where in the past this Legislature had to agree, and did - too often I think than it should have, but did - now is being taken away from this Legislature to deal with these peculiar situations, and because of the amendment introduced in Committee, the Minister of Municipal Affairs who used to have some control, that is if the mill rate rose above 30 mills as a result of this, has now lost that control too. I think that what is happening is that they are compounding a poor situation.

Now I forget who it was on that side that said that it's unfortunate that these things have happened. It is unfortunate that the history is that special deals have been made -- competition between municipalities. But that's the way it is. I know, it was the Member for Selkirk who said that. And they said, "Well it's not so bad for Metro Winnipeg because under the planning authority for zoning there's a limitation now on which of the Metropolitan municipalities may have it from the zoning standpoint." So he apparently thought it wasn't quite that serious in Metropolitan Winnipeg.

But we don't even know yet for whom this section is being passed. I don't recall whether we were told that it is not being presented with any particular industry in mind. I don't know whether there's one or another municipality that wants this in and that that's why it's being done, or whether it's just considered generally a good idea.

But since we are honoured today with the presence of the Honourable Member for Wolseley, he is the one that I have quoted on several occasions in connection with this debate as having deplored this kind of competition, and I would think that when he stood here as the Premier of this province and spoke about this kind of competition as between provinces that he had the support of the people behind him who deplored it, and yet, Mr. Chairman, what bothered me is that nobody on that side has commented on this question of competition at all. The only things I've heard said from them - and I think I'm right in saying that - is that we are now permitting the resident electors to vote on whether they want it or not, but I don't recall hearing any comment as to whether or not this was a healthy type of competition as between municipalities within the

(MR. CHERNIACK cont'd.)... province.

I don't remember either the Minister of Public Utilities who brought this, or the Minister of Municipal Affairs who spoke on this, talking about this very issue, which is really the basic issue here. What about competition as between municipalities? Is this a good healthy way to do it? I haven't heard that question and I haven't yet a justification that resident electors are the ones that have the only interest and they are the only ones to be consulted.

And let me - lest the question come up again - let me indicate that I do not believe in referenda generally; I do not believe in submitting these by-laws. I believe that responsible government is government by the elected people, by the representatives who should not have to go back to their electorate whenever they are in doubt or whenever there is something they'd not like to deal with themselves. But it is true that once we have it, then I have indicated in the past that those who pay the taxes should be concerned when it comes to matters like school by-laws or municipal purposes, and I have suggested that people who pay taxes are occupants and that is why the support that I have given to the question of resident electors has been given, but only after I have lost the battle on the question of not having by-laws or referenda at all.

I would hope, Mr. Chairman, that I'm not wrong in assuming that this is a pretty basic problem that is deserving not only of the consideration given to it by the Honourable Minister but an explanation in justification of the position he's taking rather than just a blanket rejection of the proposal I made.

MR. CHAIRMAN: Subsection (9) -- passed?

MR. SAUL MILLER (Seven Oaks): Mr. Chairman, I was hoping that some of the members of the government side might respond to the questions put by the Honourable Member for St. John's but apparently they intend to just sit there.

I'm not going to rehash the arguments that I and others brought up previously on the question of encouraging municipalities to bid one against the other - and this is the situation in Manitoba today - but I would like to remind the members that there was a Royal Commission which sat in Manitoba, the Michener Royal Commission, and they studied this matter of tax concession and they came out four-square against it, and they said that the citizens of Manitoba are losing out by permitting this type of bidding against each other and giving of tax concessions. And when we sit in this House, surely we don't sit here as representatives of our local community. We have to take the broader point of view and look at Manitoba as a whole.

Now I could be one -- perhaps it could be charged that I have a pecuniary interest in a certain area, and I'm suggesting to you that when I sit here I have to look beyond that and certainly the majority of members here are in that position. So certainly they can't take the parochial point of view and this is what we're doing here. We're ignoring the fact, as I say, that a commission has sat and studied this matter at great length and came out against tax concessions because it was not in the long run even good for the community which offered that concession, and in the short run was not good for Manitoba as a whole.

Let's look at a situation within the Metropolitan area - we've been talking more or less of The Pas and Arborg and Gimli - let's look within Metropolitan Winnipeg. Let's take an industry wanting to come into Greater Winnipeg. They'll shop around, they'll go to St. James which is zoned in industrial and they'll say, "What deals can you offer us in the way of utility breaks?" They'll go to St. Boniface; they'll go to Fort Garry; they'll go to the City of Winnipeg, and they'll get them bidding against each other. The suggestion here, as well is that once it has to go to the resident electors that will be the break on it. In other words, a backdoor attempt at stopping something. Why can't we be honest and forthright and say we don't want this kind of shopping around; it doesn't do anybody any good. It may give an immediate advantage to one particular locality, but surely the Minister of Municipal and Urban Affairs knows that one of the problems in Metropolitan Winnipeg is the fact that the industrial tax base is not in balance today and it's not being equally shared, and if you allow this sort of thing it's going to get worse.

If you get an area like St. James, which has the financial ability and which has perhaps a constituency or an area which is perhaps a little more affluent, or Tuxedo, and you have an area such as that saying, "Yes, we'll give them this special rate, we can afford it and we'll attract them and we'll get a higher assessment and a higher yield on real property taxation," we will make it possible for areas such as that to overbid or to win a bid against residents of an area which perhaps aren't as affluent and can't afford and don't want to enter in this kind of competition.

(MR. MILLER cont'd.)...

So, Mr. Chairman, I would appeal to the members opposite that, not only in rural Manitoba but in Greater Winnipeg as well, it is dangerous to think in these terms and instead of trying to do something which will - I think the words used by the Minister originally "remove from the Legislature certain embarrassment" - I'm not afraid of embarrassment. It's the duty of this House to evaluate all of these proposals, and if a firm or a municipality comes along and says we want to give a tax concession - and that's what it is - because we're prepared to charge half the regular rate for water that is charged normally in another area, if we want to do that, you allow us to. We should refuse that type of approach; we should refuse that type of offer and we shouldn't even consider it. This isn't what brings industry into Manitoba. They are going to come into Manitoba and this is where we want them, whether they settle in one area or another. Surely we shouldn't encourage, we shouldn't allow the various municipalities to bid against each other, and in bidding against each other do an injustice to all of Manitoba and to the surrounding area that will be directly affected.

So I would urge the Minister to give this serious consideration. We shouldn't try to get off the hook on this matter. We should face up to it; we should adopt what the Royal Commission said very unequivocally: Do not give tax concessions. And this is a tax concession. It's the same as I meant earlier - I said once before it's a backdoor way or a backhand method of saying, "Here is cash. Come in to our area. Settle here. We're giving tax concessions; we're giving rate concessions; we're paying it out, instead of in a lump sum, we're paying it out over a number of years." But surely this is not something that we should encourage, and instead of even allowing the Act as it exists to stand in the statutes, we should eliminate that. The step we're taking here doesn't do anything except save some embarrassment to the Legislature, and certainly this shouldn't be our purpose here.

MR. CHAIRMAN: Subsection (9) as amended -- passed?

MR. FROESE: Mr. Chairman, I took part in the debate in Law Amendments Committee on this section too and on the amendment that was brought in, but I want to come back to one point and that is the inconsistency of the New Democratic Party on this whole matter, because here they oppose special deals, yet we've had bills coming into this Legislature concerning special deals. We had one last year in connection with the Winkler Cannery and the water supply there. We've had it on previous occasions in connection with the town of Morden and the cannery there. On both these occasions, if I remember correctly, the New Democratic Party supported these bills, and if that is not the case let them stand up and say so. On the other hand...

MR. CHERNIACK: May I answer that? I'm not prepared to challenge that, but by the same token the member is not sure, so I don't accept that, Mr. Chairman, but I do indicate that if we did I would think he ...

MR. FROESE: I'm sure that they supported those bills. On the other hand, now they come out and say that they want the taxpayer to have a right to vote but not necessarily the electors. This is the way I get it. Then just three years ago or so, before the unitary division setup came in, the New Democratic Party came in with the recommendation that we should have a body such as we now have, the Public School Finance Board, and that this body should have the sole right to pass on all money by-laws and that the people back home should not have the right to vote on money referendum on school by-laws for the purpose of capital construction. This was their recommendation. This was adopted by the government and brought in to the legislation on the unitary system and ...

MR. CHAIRMAN: It is now 12:30 and I wonder if the honourable member would like to continue at another sitting.

MR. LYON: Committee rise.

MR. CHAIRMAN: Committee rise and report Call in the Speaker.

Mr. Speaker, the Committee of the Whole has considered certain bills, directed me to report progress and asks leave to sit again.

IN SESSION

MR. DOUGLAS J. WATT (Arthur): Mr. Speaker, I beg to move, seconded by the Honourable Member for Springfield, that the report of the committee be received.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: It is now 12:30 and I am leaving the Chair to return again at 2:30 this afternoon.