



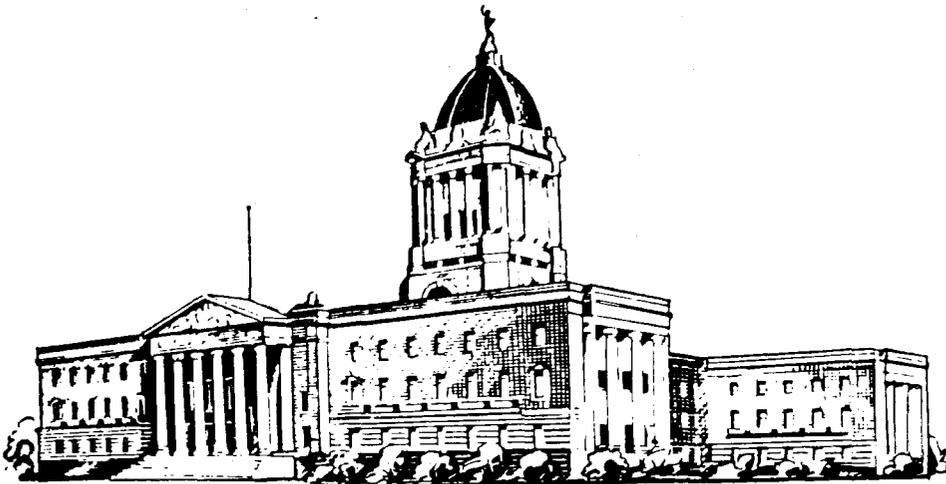
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Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

Speaker

The Honourable Peter Fox



Vol. XXIII No. 134 2:30 p.m., Wednesday, June 2nd, 1976. Third Session, 30th Legislature.

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Electoral Division	Name	Political Affiliation	Address	Postal Code
ARTHUR	J. Douglas Watt	P.C.	Reston, Man.	R0M 1X0
ASSINIBOIA	Steve Patrick	Lib.	10 Red Robin Place, Wpg.	R3J 3L8
BIRTLE-RUSSELL	Harry E. Graham	P.C.	Binscarth, Man.	R0J 0G0
BRANDON EAST	Hon. Leonard S. Evans	NDP	Legislative Bldg., Winnipeg	R3C 0V8
BRANDON WEST	Edward McGill	P.C.	2228 Princess Ave., Brandon	R7B 0H9
BURROWS	Hon. Ben Hanuschak	NDP	Legislative Bldg., Winnipeg	R3C 0V8
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ELMWOOD	Hon. Russell J. Doern	NDP	Legislative Bldg., Winnipeg	R3C 0V8
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FLIN FLON	Thomas Barrow	NDP	Cranberry Portage, Man.	R0B 0H0
FORT GARRY	L.R. (Bud) Sherman	P.C.	86 Niagara St., Winnipeg	R3N 0T9
FORT ROUGE	Lloyd Axworthy	Lib.	140 Roslyn Road, Winnipeg	R3L 0G8
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GLADSTONE	James R. Ferguson	P.C.	Gladstone, Man.	R0J 0T0
INKSTER	Hon. Sidney Green, Q.C.	NDP	Legislative Bldg., Winnipeg	R3C 0V8
KILDONAN	Hon. Peter Fox	NDP	Legislative Bldg., Winnipeg	R3C 0V8
LAC DU BONNET	Hon. Sam Uskiw	NDP	Legislative Bldg., Winnipeg	R3C 0V8
LAKESIDE	Harry J. Enns	P.C.	Woodlands, Man.	R0C 3H0
LA VERENDRYE	Bob Banman	P.C.	Steinbach, Man.	R0A 2A0
LOGAN	William Jenkins	NDP	1294 Erin St., Winnipeg	R3E 2S6
MINNEDOSA	David Blake	P.C.	Minnedosa, Man.	R0J 1E0
MORRIS	Warner H. Jorgenson	P.C.	Morris, Man.	R0G 1K0
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PORTAGE LA PRAIRIE	Gordon E. Johnston	Lib.	Box 112, Portage la Prairie, Manitoba	R1N 3B2
RADISSON	Harry Shafransky	NDP	4 Maplehurst Rd., Winnipeg	R2J 1W8
RHINELAND	Arnold Brown	P.C.	Winkler, Man.	R0G 2X0
RIEL	Donald W. Craik	P.C.	3 River Lane, Winnipeg	R2M 3Y8
RIVER HEIGHTS	Sidney Spivak, Q.C.	P.C.	2518 - 160 Hargrave St., Wpg.	R3C 3H3
ROBLIN	J. Wally McKenzie	P.C.	Inglis, Man.	R0J 0X0
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ST. BONIFACE	Hon. L.L. Desjardins	NDP	200 - 185 Carlton St., Wpg.	R3C 1P3
ST. GEORGE	Hon. Bill Uruski	NDP	10th flr., 330 Portage Ave., Wpg.	R3C 0C4
ST. JAMES	George Minaker	P.C.	318 Ronald St., Winnipeg	R3J 3J8
ST. JOHNS	Saul Cherniack, Q.C.	NDP	333 St. Johns Ave., Winnipeg	R2W 1H2
ST. MATTHEWS	Wally Johannson	NDP	418 Home St., Winnipeg	R3G 1X4
ST. VITAL	D.J. Walding	NDP	26 Hemlock Place, Winnipeg	R2H 1L7
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SELKIRK	Hon. Howard Pawley	NDP	Legislative Bldg., Winnipeg	R3C 0V8
SEVEN OAKS	Hon. Saul A. Miller	NDP	Legislative Bldg., Winnipeg	R3C 0V8
SOURIS KILLARNEY	Earl McKellar	P.C.	Nesbitt, Man.	R0K 1P0
SPRINGFIELD	Hon. René E. Toupin	NDP	Legislative Bldg., Winnipeg	R3C 0V8
STURGEON CREEK	J. Frank Johnston	P.C.	310 Overdale St., Winnipeg	R3J 2G3
SWAN RIVER	James H. Bilton	P.C.	Swan River, Man.	R0L 1Z0
THE PAS	Hon. Ron McBryde	NDP	Legislative Bldg., Winnipeg	R3C 0V8
THOMPSON	Ken Dillen	NDP	24 - 1 Public Rd., Thompson	R8N 0M3
TRANSCONA	Hon. Russell Paulley	NDP	Legislative Bldg., Winnipeg	R3C 0V8
VIRDEN	Morris McGregor	P.C.	Kenton, Man.	R0M 0Z0
WELLINGTON	Philip M. Petursson	NDP	681 Banning St., Winnipeg	R3G 2G3
WINNIPEG CENTRE	Hon. J.R. (Bud) Boyce	NDP	Legislative Bldg., Winnipeg	R3C 0V8
WOLSELEY	R.G. (Bob) Wilson	P.C.	2 Middlegate, Winnipeg	R3C 2C4

THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 p.m. Wednesday, June 2, 1976

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 50 students, Grade 11 standing of the Fort Richmond Collegiate under the direction of Mr. Gordon Huber. This school is located in the constituency of the Honourable Member for Fort Garry.

We also have 32 students, Grade 11 standing of the Gimli Composite High School under the direction of Mr. Nick Melnychuk and Mr. Mike Onychuk. This school is located in the constituency of the Honourable Member for Gimli.

And 13 students, Grade 11 standing of the West Kildonan Collegiate under the direction of Mr. Butler from the constituency of the Honourable Member for Seven Oaks, the Minister of Urban Affairs.

On behalf of the honourable members I welcome you here this afternoon.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports. The Honourable Minister of Labour.

MINISTERIAL STATEMENT - MINIMUM WAGE

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, I have a Ministerial Report.

Mr. Speaker, consideration has been given to the minimum wage rate for Manitoba, and I wish to announce that an Order-in-Council will be passed whereby effective the 1st of September next, the minimum wage for employees 18 years of age and over will be increased from \$2.60 an hour to \$2.95 an hour; and the minimum wage of employees under the age of 18 will be increased from the present \$2.35 an hour to \$2.70 per hour.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L.R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, I must say that the statement just released by the Minister engenders some dismay on this side of the House. I doubt if that will come as any surprise to the Minister or his colleagues.

It seems to me that in the current economic situation and conditions in which we're operating that this kind of an increase taken in terms of the total amount and the percentage amount will work an extremely difficult hardship on many small businesses, small service industries and businesses in this province. --(Interjection)--

MR. SPEAKER: Order please.

MR. SHERMAN: Sir, I don't expect a wave of enthusiasm on the other side of the House for those remarks, because there doesn't seem to be much sensitivity or appreciation on the other side of the House for that element of the economy which could be classed as small business and small manufacturing and small service industry enterprise.

Sir, the fact of the matter is, and we've pointed it out in the past on this kind of thing, that it's a self-defeating cyclical kind of piece of mechanics to increase the minimum wage this way and expect that it's going to have the idealistic effect that all of us would like it to have in terms of benefit to the recipients. What will happen is it will do what it has done in the past, touch off another round and another cycle of increases right across the spectrum of the economy. No one will be any better off. The economy of Manitoba will be the poorer for it.

MR. SPEAKER: Any other Ministerial Statements and Tabling of Reports? Notices of Motion; Introduction of Bills. The Honourable Attorney-General.

INTRODUCTION OF BILLS

HON. HOWARD PAWLEY (Attorney-General) (Selkirk) introduced Bill 91, an Act to amend the Queen's Bench Act and the Petty Trespassers' Act.

ORAL QUESTIONS

MR. SPEAKER: Questions. The Honourable Member for La Verendrye.

MR. BOB BANMAN (La Verendrye): I'd like to pose a question to the Minister of Agriculture and would ask him if he could inform the House whether . . . entitlement allotted by the Manitoba Milk Producers Marketing Board to the milk producers in the province is transferable from farmer to farmer.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. SAMUEL USKIW (Minister of Agriculture) (Lac du Bonnet): Well, Mr. Speaker, all quotas are transferable from farm to farm on the authority of the Marketing Board, so that they are not transferable without the process of application and approval by that board.

MR. BANMAN: I wonder if the Minister could inform the House whether the applications presently before the Manitoba Milk Producers Marketing Board are being processed or being held in abeyance to wait and see what the future happenings as far as the milk industry are concerned, will be.

MR. USKIW: Well, it's my understanding, Mr. Speaker, that the Supervisory Board, that is the Manitoba Marketing Board, has entertained discussions with the Producers Marketing Board on that very question, and they have yet not resolved the issue.

MR. BANMAN: A further supplementary question. I wonder if the Minister could then confirm that the applications which are presently before the Manitoba Milk Producers Marketing Board are not being processed at present.

MR. USKIW: Well, again, I think, Mr. Speaker, it's obvious that there cannot be new production allotments in the foreseeable future in light of the Canadian Dairy Commission policy of the moment, at least for two years I would think. So that there certainly is not an opportunity for new quota allocation, while there may be an opportunity for reallocation from existing quota holders depending on a particular situation and the approval of the board.

MR. BANMAN: Mr. Speaker, another question. Are these allotted quotas, when they're transferred between farmer and farmer, are they being transferred when there is an application made from one farmer to another, are these quotas being processed and transferred? I'm not talking about additional quotas.

MR. USKIW: Obviously, Mr. Speaker, the member doesn't understand the system of reallocating quotas. --(Interjection)--

MR. SPEAKER: Order please.

MR. USKIW: A farmer is unable to transfer something which he does not own. The quotas belong to the board and an applicant must apply to the board for those quotas, the board then decides the appropriateness of that application. It is not a transfer from one farmer to another.

MR. SPEAKER: Order please. The Honourable Member for La Verendrye.

MR. BANMAN: Thank you, Mr. Speaker. Is the Manitoba Milk Producers Marketing Board transferring any quotas where a person has asked to have another farmer take over his quota?

MR. USKIW: Well, again, Mr. Speaker, the implication is that a farmer has asked that a quota be transferred to another farmer. That is not the way it works. Anyone wishing quota allocations must apply to the board; anyone wishing to be relieved of an allotment has to give that up to the board, and the board makes the decision.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. I also have a question for the Minister of Agriculture. I would like to ask the Minister of Agriculture if he has any plans to grant autonomy to the Manitoba Milk Producers Marketing Board. In other words, to grant exemption from control from the Manitoba Marketing Board.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Well, Mr. Speaker, I'm rather surprised that the Member for Birtle-Russell is not aware that the Manitoba Marketing Board, which is a supervisory agency and has been there since about 1949, has a dual role: It has to protect the interests of the producers as well as the interests of other parties in the industry. They are the arbitrators to some degree. Therefore to remove that function would be ridiculous.

MR. GRAHAM: A supplementary question. Has the Minister of Agriculture attempted in any way to provide information and education to members of the Manitoba Marketing Board, particularly with regard to the production of milk in the Province of Manitoba?

MR. USKIW: Mr. Speaker, I believe that all of the members on that board are fairly knowledgeable with respect to agricultural matters, including that of milk production.

MR. GRAHAM: A further supplementary question to the Minister of Agriculture. Has the Minister of Agriculture entertained the possibility of replacing some members on the Manitoba Marketing Board?

MR. USKIW: Well, I can only respond to that by suggesting that by reason of the questioning here this afternoon that I wouldn't want to replace them with members opposite.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, . . .

MR. SPEAKER: Order please.

MR. EINARSON: . . . I would like to direct a question to the Minister of Agriculture. The question is for the purpose of clarification. I hope that I didn't misunderstand the Minister. My question is that if farmer A has a herd of dairy cows . . .

MR. SPEAKER: The question is hypothetical. Order please. Order please. Order please. The question is hypothetical. The Honourable Member for Rock Lake rephrase.

MR. EINARSON: Mr. Speaker, in view of the answers that I've heard from the Minister, I would like to ask if a farmer who wants to get into the business where a herd was already . . .

MR. SPEAKER: Order please.

MR. EINARSON: . . . on the quota list, does that farmer have to get permission from the Board . . .?

MR. SPEAKER: Order please. Order please. Order please. The same question. Orders of the Day, the Honourable Member for St. James.

MR. GEORGE MINAKER (St. James): Thank you, Mr. Speaker. My question is to the First Minister. I wonder, in view of the fact of the bonus arrangement with the President of The Mineral Resources Limited that he can receive up to \$80,000 from a profitable find, how that applies to the First Minister's theory of two and a half times salary for the lower paid employees.

MR. SPEAKER: Order please. The question is . . . the Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Mr. Speaker, I have no difficulty in seeing the ultimate if not the immediate wisdom and necessity of greater equality of the human condition. I would also suggest in that regard, Mr. Speaker, that the Honourable Member for St. James should read the Commonwealth Day Message of Her Majesty the Queen in that regard. He will learn a lot.

MR. SPEAKER: The Honourable Member for Flin Flon.

MR. THOMAS BARROW (Flin Flon): My question, Mr. Speaker, is to the First Minister. Due to the fact that the opposition is paying their leader \$36,000, should he not be . . .

MR. SPEAKER: Order please. Any other questions? The Honourable House Leader. Order please. Order please. The Honourable House Leader.

ORAL QUESTIONS

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management) (Inkster): I would like to call Bill No. 54, please.

MR. DONALD W. CRAIK (Leader of the Official Opposition) (Riel): Mr. Speaker, I have one more question I wanted to raise.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, I raise the question of privilege with regard to today's Vote and Proceedings that have been distributed. I note with some concern that the Report of the Standing Committee on Public Utilities has the following statement, one of three paragraphs, which says: "Your Committee received all information desired by any member from the offices of Manitoba Hydro and the staff, etc., with respect to all matters on Hydro electric development in the province."

Mr. Speaker, we did receive the Annual Report as indicated by the Motion which is quite in order, but the editorial comment is not in order.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I'm not aware as to whether there has been any change in the format of reporting, but I respect the honourable member's position and I think that reports should be non-contentious, they are voted to be received. The honourable member has indicated his exception to the report and it's on record.

Mr. Speaker, I believe that it is the type of report that is always issued. In any event there is no intention to compromise anybody by the report.

I will call Bill No. 54, Mr. Speaker.

ORDERS OF THE DAYBILL NO. 54 - AN ACT TO AMEND THE TEACHERS' PENSIONS ACT

MR. SPEAKER: Proposed Motion of the Honourable Minister of Education. The Honourable Minister of Corrections.

HON. J.R. (Bud) BOYCE (Minister responsible for Corrections and Rehabilitation) (Winnipeg Centre): Mr. Speaker, earlier in this session the Minister of Mines and Natural Resources gave a speech in which he told us the story about fighting fair or something, you know, they keep changing the rules. I wish someone would establish some ground rules in dealing with principles and logic and the rest.

There is involved in this bill a matter of principle which I have taken a public position on and it's relative to war service in its first instance. I had said publicly before that if I had been involved in the establishment of the principle in Teachers' Pensions in the first place, my position would have been at that time, and it still is, that it should be universal if at all. The attempts over the past number of years to come to some understanding in how to deal with this situation with some concern for equity, has plagued the former administration and this administration also.

The present bill that is presented to us is but another attempt in this regard and really it places me in a strange position because as a matter of personal privilege, on a privilege of this House, it puts me in a position of conflict of interest, because it applies to me specifically. The idea that bothers me though isn't so much that: As a matter of principle if somebody says that some service is pensionable, then people have argued for years that if a person so happens to work for short periods of time in a lifetime for several employers, that they should be able to compound that so that they would have a vested interest somewhere. So that the idea of portability of pensions, and the idea of vesting of interests in pensions, has been more or less resolved in that most pensions require that there is some vesting between five and ten years and there is some portability.

In the Civil Service and between the Federal Government and the different provinces, they have moved so that there is some portability between people who work for the Crown. So my dilemma is this: That if you say that because of some involvement in a service, albeit some 30, 35 years ago, that some people could postpone and earn benefits whether it's one year, two years, three years, four years, or up to six years, because of their service, then I'm in a quandry because they should be in my mind eligible for it at any time. And that's where it places me in a conflict of interests because

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(MR. BOYCE cont'd) I didn't enter the teaching profession until the sixties, which is some time long after the war was over. But nevertheless I understand that there is some parallel section in The Civil Service Act which has been amended from time to time to try and move towards some position of comparability or comparability.

The case that is being made at the present time is relative to a number of teachers, approximately 23. Now I understand that there's a possibility that with further discussion and further argument in Law Amendments Committee, that some adjustment will be made. But I don't want to be a purist or I don't want to duck the issue, but nevertheless I just wanted to put on the record that my public position was: (1) that if a benefit is earned and it is pensionable, it should be portable, and it should be vested no matter if a person gleans a benefit in another pension where he takes five years to become vested, he has four years' service there and one year's service somewhere else, it can compile or be compounded so that eventually he will have a vested pension. But, Mr. Speaker, I don't know, I've seen what in my mind was people who had a personal interest in other pieces of legislation which have been presented to this House and which on occasion people have stated their conflict and voted for it. So I just wanted to put on the record that I'll be voting on this particular bill to go to Law Amendments Committee.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, I beg to move, seconded by the Member for Fort Garry, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Bill No. 57, Mr. Speaker.

BILL NO. 57 - AN ACT TO AMEND THE LABOUR RELATIONS ACT

MR. SPEAKER: On the proposed Motion of the Honourable Minister of Labour, the Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, at the outset of my remarks I want to say that I would hope that nothing that I'm going to say in the next few minutes would be construed in a personal way towards the Minister of Labour himself. I'm not above engaging in personal combat with the Minister of Labour, but I do think that all of us on all sides of the House would recognize that he has been subjected to some physical constraint during the present session and as a consequence, he has done more than yeoman's service I think in preparing and delivering to the Legislature the kinds of legislation that he has brought before us up to this point in time. I want to make that point before I go on. I intend to encourage my colleagues on this side of the House, Sir, to vote against this legislation on second reading, and I intend to explain why. But it is not because I don't think that the Minister of Labour has devoted himself conscientiously and thoroughly to the field in which he has toiled so long.

But I want to say this, just as an allied comment with that, Sir, that I think that the colleagues of the Minister of Labour, the Minister's colleagues who were presumably standing in for him during some of his enforced and unfortunate absences should have in respect to the importance of this legislation, and out of respect to the obligations of an opposition to assess it objectively and thoroughly, should have I think, Sir, proceeded much earlier, much earlier in the session with the kind of legislation that is before us now in bill form, Bill 57. We are being asked to process this bill at a time when even the fairest, or even the unfairer of observers would say that the current session is grinding down towards its closing phase.

No matter what we do in the mechanical condition of the House at the present time, we can't prolong passage of this legislation indefinitely, we can't prolong it even for very long for examination and for comment from outside and interested parties. So that, Sir, we're forced into a position of acting like a sausage mill here to process in the remaining days or weeks whatever it is, but it's limited, of this session, a crucially important piece of legislation which affects the social fabric of Manitoba and which affects the economic fabric of Manitoba to a far-ranging and very serious degree. And I think, Sir, that that's bad government, bad management, and bad legislation.

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(MR. SHERMAN cont'd)

If the legislation itself had no fault, if it had no fault, and I think it possesses many faults, but if it had no fault that would be sufficient, Sir, for saying to this House that this is bad legislation because the tactic and the technique of bringing it in at this stage this late in the session I think does a disservice to Manitobans. Now I know that the counter argument will be that the substance and the contents of this bill has been the subject matter of wide-ranging examination over the past year or two, that it was some two years ago that the Minister first began to talk about some of the, unfortunately not all, but some of the innovations that he has introduced in Bill 57.

I know that we had the White Paper I know that we had sittings of the Industrial Relations Committee, and I acknowledge all that, Sir. But that doesn't get around the fact, and that doesn't negate the principle of what is involved here in the final written or ostensibly final written form of the legislation itself. We're at the final stage where what we do now is a definitive step with effect in the economy and in society. What we did in the meetings in the Industrial Relations Committee, what we did in examination of the White Paper, what the Minister did in consultation with various parties across the spectrum of the economy was all theoretical, it was all theoretical. And it was all arguable and all challengeable. But we're at the point of no return now, Sir, we're at the crunch, and surely, this kind of legislation deserves more than the kind of examination that's going to be afforded and going to be permitted under the time constraints that are imposed upon us now just by virtue of the stage of the session to which we've come. So I want to make that point at the outset along with the other one or two opening remarks that I made, Sir.

I want to begin by asking rhetorically whether or not this bill before us 57, whether or not it's merely an extension of the Labour Relations Act that was brought into this House, and was the subject of considerable disputation in this House in the spring and summer of 1972? And I think that the answer to that question is an undeniable, yes. I think it is an extension of that legislation. Therefore, Sir, we face the basic question on both sides of this House: What did the bill that was introduced in 1972, that now exists as the Manitoba Labour Relations Act, Chapter L10, at the continuing consolidation of the Statutes of Manitoba, what has that bill done for labour-management relations in this Province? I think if one looks back over the past four years, and it's approximately four years, the mid-summer of '72 to the early summer of '76, one would have to say, even conceded that there have been outside factors at work and that there have been national and international factors over which no provincial administration can be assumed to have any wide degree of control, even conceding that one would have to say I think in all fairness that the past four years, has probably represented - and this can probably be said of other States and provinces too - but has probably represented the worst four years, the most troublesome four years, the most agonizing four years in the field of industrial relations, labour management relations in the history of the Province of Manitoba. So now we're coming to an extension of a bill that was brought in four years ago ostensibly to improve the health and the climate of industrial relations in our province, to usher in the great new age of mutual understanding and tripartite co-operation between government, labour, and management in this province, and to usher in the new paradise.

Here we are four years later, having at various times in those four years come far closer to being ushered into hell than paradise, considering in the closing speed-up, intensive days of the session, an extension of that legislation, and assumedly we're having it suggested to us by the government that this is the kind of legislation that "the past is going to improve labour-management relations in this province." Well, Sir, I think that one simply has to measure the results of the last four years against that earlier legislation and one comes quickly to the conclusion that any such extension, which this bill really is, harbours very little in the way of hope or promise for any improvement. On the contrary, on the contrary, I would suggest that it possesses within it the potential very vividly for reducing whatever element of harmony may be achieved from time to time in the industrial relations area, for straining the relations between labour, management and government - and I include that third part of the spectrum - for worsening tensions, and as a consequence contributing to a deterioration of the climate in the industrial relations field.

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(MR. SHERMAN cont'd) . . .

Sir, it's too late in this session to try to ram through this kind of legislation, and all I can do at this juncture, and I'm sure that my colleagues would make the same appeal were they all get up and speak on the bill themselves - but have no fear, we will not be adopting that kind of tactic - all I can do in speaking for them is to implore the Minister, implore the Minister and his colleagues to hold this bill over for inter-sessional study because of the import of its content. And I don't think that that should be summarily or arbitrarily dismissed as an appeal for a repetition of a process that's already taken place, simply on the grounds that the Industrial Relations Committee and the White Paper exercises were held in the past year. It would not be a repetition of that process because we would be facing now a specifically proposed, definitively taken course of action that people could make final and objective comments on before plunging down the road that is delineated for us by the government in this piece of legislation. So I implore the Minister and his colleagues, in the interest of good social harmony and good industrial harmony and good relations between the three elements of the spectrum: labour, management and government in this province, to withdraw the bill at this point in time or at least to refer it at this point to intersessional study by either the Industrial Relations Committee or any appropriate committee of the Minister's choosing so that we can all as Manitobans from all three sides of that coin examine it objectively and without the constraints of pressure, in the months intervening between this session and the next one.

Sir, I know that much of what I've said and my opening instruction was that I intended at this point to oppose this bill and much of the position that my colleagues and I will take at this stage on this legislation is susceptible and vulnerable to widespread usage against us; widespread misinterpretation and misapplication by political competitors, by political opponents in the political arena.

I have no doubt that there will be many on that side of the House and in many quarters of the political arena in this province who will try to say that because we're saying what we're saying, because we're taking the stand that we're taking, we are therefore by definition anti-labour. Well, Sir, I want to disabuse the Honourable Member for Ste. Rose and anybody else who may feel that way of that erroneous impression right now. What we are arguing for here and what we have always argued for with respect to labour relations legislation in this province since the great debate of the summer of 1972, is labour legislation, Sir, that is conducive to the most harmonious of conditions between the three parts of the spectrum I've referred to; not legislation that is weighted on one side of the coin; not legislation that makes it difficult or worthless or futile to be an employer; not legislation that makes it difficult or worthless or futile to be an employee and not legislation that makes it frustrating and futile to be in government and attempting to achieve something through the channels of the elective process. But legislation that harmonizes the aspirations and the ideals and the best instincts and serves the best interest, all three of those elements of society and of the economy.

We don't believe, Sir, that taken in the main that labour legislation introduced and promoted by the administration now in office in Manitoba has been that impartial, has been that objective. We believe that essentially it has been partial to one side or at the very most, two sides of the spectrum; partial to big labour, to union leadership and I make that distinction very clearly from rank and file union membership - partial to big labour and partial to centralized government; and biased and prejudiced against the leadership whether he be a rank and file union member or whether he be an employer or whether he be somebody in some or other of the processes of government that is attempting to speak for individual rights as against mass collective rights.

We think most of the legislation introduced in the labour sphere by this administration has been of that kind, Sir. Not dedicated and committed to fair and equitable and equal treatment of those three sectors, to harmonious relations between those three sectors, but to favour to a biased and prejudiced degree, big labour, big union leadership and centralized government of the kind advocated by the present incumbents of office in this province.

So, Sir, I want to just assure my friends opposite that we know what kind of taunts and what kind of accusations, what kind of allegations will be hurled at us by some

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(MR. SHERMAN cont'd) of them, not all of them, but some of them and some others in the province. I want to say that we are prepared to stand and face down that kind of accusation because any fair-minded person - and that includes the vast majority of the rank and file of the organized labour movement of this province - any fair-minded person would recognize that in what we're saying and in what we're trying to do here, we're acting for the individual Manitoban be he employee or employer. We're trying to be the surrogate for his and her best interests against control, against supra-control and against leadership and direction of an autocratic nature which is not in their best interests and not in the province's best interests.

Sir, might I say one or two things about the bill itself that essentially disturb me. There's some changes, some provisions in the bill which I acknowledge are constructive and would certainly have my support. One of those is the reversion to the 50 percent requirement on certification and decertification proceedings or applications. One of those is the clause in the bill, Sir, that has to do with protecting the employer in cases where a conscientious objector has found it incompatible with his conscience or her conscience to join a union and the employer proceeds outside the collective agreement to offer employment opportunity or to maintain employment opportunity for that conscientious objector. I think there are weaknesses in that clause because the clause offers protection to the employer, it doesn't - nor does anything else in the bill as I can see it - offer protection to the conscientious objector in terms of the attitude or the approach that the bargaining unit may take, that the union may take, but it does provide half protection. It provides protection for half the equation, the employer. So that essentially is a progressive provision as is the one referring to the 50 percent requirement to which I have referred on certification or decertification applications.

But, Sir, beyond that I think that there are many things about the bill that are troublesome, that are retrogressive and that are potentially explosive. I think that there are many disappointments because of omissions in the bill. I don't find anything in the bill that protects an individual against discrimination against that individual who wishes to become a member of the union. I don't see any airtight guarantee in here, other than a rhetorical reference to rights to join a union, any guarantee that there won't be discrimination against individuals who have been refused admission to a union for one reason or another. There's no protection offered that individual. There's no protection offered the individual who wants to stay right outside of the union except that that I've referred to, for his employer.

There is no, Sir, acknowledgment whatever of one of the most compelling and troubling conditions of our time in Manitoba and in Canada and in the western world. That is the condition of the strike or work stoppage in an essential service. There is no acknowledgment of the problem area there or of some techniques that might be applied to reduce the general inconveniences and indeed I say "general potential for danger" that exists now in many instances where there are strikes or possibilities of strikes in essential public services. We discussed this situation at some length in various representations that were made pro and con at the Industrial Relations Committee. There were some interesting proposals put forward to deal with that condition and I, for one, was enthusiastically hopeful that the Minister was agreeably impressed by a concept - I guess first formulated long before the Industrial Relations Committee met, it certainly was referred to in the Woods Commission Report - but it was again articulated by the Manitoba Health Organization spokesman before the Industrial Relations Committee for a technique based on the designated employee, the designated worker, for getting around the potential danger of the total strike in an essential service. I was hopeful that there would be something in the Legislation that would introduce that kind of technique into our economic life. So I was disappointed to see no reference to that and no inclusion of that, Mr. Speaker. The Minister may have excellent reason for not having included it but so far there's been no reference either in the bill or in his introductory remarks to the bill or in any other comments emanating from the government with respect to the bill that would lead me to consider that that possible technique had even been given any serious consideration. I think that's an oversight and a disappointment and a weakness in the bill.

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(MR. SHERMAN cont'd)

Now the other things that are wrong with the bill, Sir, are not omissions, not things that have been left out of it but things that are in there, provisions that are in there that I think are harmful to individuals and harmful to that harmony of industrial relations climate I was referring to earlier. Sir, the broad extension of the powers of the Labour Board meet with my approval only up to a point. I think that if one is going to put the kinds of powers and the kinds of authority and the kinds of responsibilities into the Chairman of the Labour Board and the members of the Labour Board of this province that is prescribed here in this legislation, then it's about time that we recognized that that kind of job, the Chairmanship of the Labour Board of this province, should be a full time job and should not be done in a part time way by anybody who is committed for half or more of his time to the practice of another job, trade or profession. I think up to this point in time it's probably been reasonable to say that the Chairmanship should be a full time job. I'm not challenging or questioning here the confidence of the present chairman. Whatever else credit the Minister may give me or may not give me I think he would concede that I never raised a question of the competency of the Chairman. I'm not happy that the chairmanship is a part time job now. I believe that the day of the part time job in this responsibility is long since past and if it weren't long since past yesterday, it's certainly long since past the day that this bill becomes law. This bill lays out a wide ranging scope of responsibilities that must, Sir, command the fullest attention and the fullest of energy of a Board Chairman.

The extension of the powers and authority of the Board itself I think is questionable to the degree that it goes in this Legislation. Because what we're really saying in effect, if this legislation passes, Sir, is that the Chairman of the Manitoba Labour Board is really preeminent in labour-management decisions and labour-management disputes in this province, preeminent beyond the kind of eminence that any judicial figure or body ever hoped to possess in this arena. There is very little role left for the courts to play or to exercise in my view, in the kinds of areas of contention and adjudication that would come before the Labour Board under this legislation. All of that responsibility, all that adjudicating power now moves out from under the aegis of the courts and into the office of the Chairman of the Labour Board. That is a broad broad extension of authority and responsibility and power that, Sir, I think is deserving of a very very careful examination before being proceeded with.

In the area of unfair labour practices, Sir, I think there are some very troubling steps being taken. I believe that the widening of the range of considerations that would now be legitimate in the area of unfair labour practices operates very unfairly against the employer. I think that what has happened here is that the provision of the government, through this legislation, is really coming very very close to denying freedom of speech, certainly to encroaching on freedom of speech. I know that there is a clause subsequent in the bill - which I can't point out specifically at this moment, I appreciate, Sir - there is a clause which says that nothing in the foregoing is to be interpreted as a denial of the right of free speech. But, Sir, that is a fatuous cover-up. That means nothing in comparison to the legislation as it's dictated in the opening sections and clauses of this bill wherein it is spelled out specifically that no employer may indicate preference in the area of organizations and bargaining unit and union to an employee for fear that it could be construed as interferences into the organization process and, by definition under this bill, an unfair labour practice punishable now by another section under this bill: punishable now by decree of the Labour Board, an imposition of a fine ranging up to \$500. I think, Sir, that that is a serious attack on freedom of speech notwithstanding the superficial and hollow disclaimer that occurs much much later in the legislation and I suppose is intended to be some of the chocolate coating to help make the pill go down.

Sir, the section of the bill having to do with the classification of professionals, with respect to their obligation to be or not to be members of a bargaining unit, is unsatisfactory to say the least. Unsatisfactory and unfair to say the least. I think there is a very subtle technique at work here that has resulted in a very subtle change in the wording from the existing bill with respect to the obligation of a professional to join a

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(MR. SHERMAN cont'd) collective bargaining unit at the place where he or she is practising their profession. The existing bill simply refers to a professional. The new legislation in front of us today refers to a professional who is practicing his profession. That, Sir, is the carefully constructed net that hooks a lot of professionals or is designed to hook a lot of professionals who are not practising their profession in the strict definition of the term. I cite just as an example - and there are hundreds of them and I don't intend to belabour the members opposite with going into a hundred of them, but let me name one and leave the other 99 to their imagination. Take the example of a professional engineer who is instructing in engineering. In actual fact he or she is a professional but in instructing at Red River College or Tec Voc or wherever they may be doing it they are not legally, technically speaking, practising their profession. So by the subtle rewording of this particular section we have an opportunity to insist that those professionals, even against their will, are forced to join a bargaining unit at their place of employment even though they don't want to and even though they are professionals. So that's an example of one of the inequities that exist in this legislation and that's why I say that that clause, that section is totally unsatisfactory. Going beyond that on the same section, Sir, who is it that's so omniscient on that side or this side or any side of any legislative body who shall determine what is meant by the term "practising". Who is going to define who is practising what and who is not practising what? Is that left up to the Labour Board or is it left up to the government? Who is it left up to? --(Interjection)-- Well the Minister of Consumer Affairs asked me what I'm practising. --(Interjection)-- Well I'm attempting to practise objective examination of a piece of legislation which I feel contains many dangers and difficulties. I suggest to you that there is no other reason for having carefully restructured that clause to include that term unless it was intended to toss the net over a whole lot of professionals at whom this government and big labour could not get, at the present time. They're determined to get at them.

The other aspect with respect to the classification of professionals is that by my reading of the legislation they now have no access to the courts on any question relating to their status or to the conditions of compulsion as to whether they have to be in a bargaining unit or not or as to whether they are technically actually practising their professions or not. That now is not arguable, is not permissible as an argument to be taken before the courts. So presumably it would be resolved by the Labour Board. Once again another burden of responsibility with many ramifications devolving upon the shoulders of a part time Chairman who should be full time.

Finally, Sir, let me just make reference to the Code of Employment which is an interesting and innovative technique but which is another smoke screen in that it is simply a mechanism for getting into first contract compulsory legislation. If one reads the legislation carefully and rereads it two or three times I think one can see whereby it would be possible to orchestrate a situation in such a way that a Code of Employment could obtain in a place of work almost indefinitely. Once a bargaining unit had perhaps removed itself from official status for a few weeks, it could then re-apply for certification to the Labour Board and then re-apply for another Code of Employment. So except for a hiatus in that period - it would be a period that would be observed just for appearance's sake - a Code of Employment could be maintained as I read the bill almost indefinitely. I'm not all that opposed to the concept of the Code of Employment or even indeed the concept of first contract legislation. I'm not sure, and I'm still trying to learn from the benefit and the experience of others like the Minister of Labour what the pros and cons are on this kind of a technique. I'm not sure in my own mind that I'm opposed to the first contract legislation, but that's me. I believe that many people in the labour movement on both sides of the question are opposed to it because, no matter how you slice it, it's still compulsion, it's still compulsory legislation. And I know that the Minister of Mines and Resources, I hope I'm not putting words in his mouth, disagrees with the concept of compulsory legislation - and the Minister of Labour. So I'm troubled by the effect and the ramifications it would have throughout the labour community, throughout, if you like, the whole community. I find it difficult to believe that the organized labour movement will be very happy with it.

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(MR. SHERMAN cont'd)

Another reason why I suggest that the bill in total is not calculated to improve relations in the industrial field, is that essentially what the bill does I think, Sir, is concentrate the opportunity for control to a greater degree in the hands of big labour activists, of labour leadership, and concentrate the opportunity for a wide-ranging degree of control in the hands of this government over the whole labour sphere and by definition the whole economy. That's essentially what this bill does, and I don't think that makes for improved relations between the three parts of the spectrum to which I've referred.

So for the foregoing reasons, Sir, and I appreciate the attention of the Minister and his colleagues, for the foregoing reasons I have to suggest for the record, in our view, this is not good legislation, it's harmful legislation, it will increase the tensions in the labour relations field in this province and we have to stand against it, Sir.

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MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I first of all wish to compliment the honourable member for doing what I think is a fairly indepth job and a pretty creditable delivery on this bill which was introduced by the Minister of Labour.

I am going to say, Mr. Speaker, that there is one exception to the position that I have just put, that is, that I cannot be as magnanimous or as charitable with my views with respect to one part of his speech as I am with respect to the entire balance of it. Mr. Speaker, the part that I think is really a roundabout way, and not a very frank way of saying, I am opposed to the legislation. The honourable member chooses to say that it was introduced late, that there is no time for indepth discussion, that it's in a dying period of the Legislature. Because really, Mr. Speaker, the honourable member has disproved his own contention. The very manner in which he dealt with the various aspects of the bill which, by the way, have been discussed for over a year and which was distributed to the honourable members, I think some time late last week, it was perhaps Thursday or Friday, I can't remember would indicate that the legislator who has been involved in this kind of discussion for a period of over four years, who received the bill some four days ago, is able to take that time to hear the introduction and to meet a creditable position on the bill. And I assume, Mr. Speaker, that this debate is going to continue. I ask honourable members not to let the session die or not to kill it while they have meaningful things to say and listen to concerning this bill. That is not the request of the Minister of Labour, nor is that the request of anybody on this side of the House.

Mr. Speaker, we have carried on the session and intend to carry it on as long as meaningful debate will take place. And the honourable member well knows that this can take place if need be. I am not certain, Mr. Speaker, that what he is saying need actually be, I think that we are going to have a meaningful debate on this bill. Mr. Speaker the suggestion that this momentous legislation was brought in in the dying moments and people are asked to make a decision, and that it really should be withdrawn and should be discussed intersessionally, is the only part of my honourable friend's remarks which I find a bit much to take. Because the honourable member knows that two days ago, not with a year's notice of discussion, not with the presentation of a bill, that the opposition party would have in one hour passed legislation requiring the Labour Board to do something about the strike in Thompson. And we're ready and willing to do so, as a matter of fact urging that something be done. Mr. Speaker, that would have been a more momentous decision than is being presented by the Minister of Labour in this bill, which was considered for a year and a half, which is now presented, which members have had four days to look at and to digest and to consult with other people on, and I think that any able legislator, parliamentarian - and I think the member has proved it - could do that, and we can have a meaningful debate. But the substance of my honourable friend's remarks is not that he doesn't have time to consider it, not that it should be considered intersessionally, but that he disapproves of the bill. And those are the areas that I'm going to deal with, Mr. Speaker, because I consider the balance of his remarks to be sort of window dressing decorations.

He is opposed to the bill, I respect that, and I want to deal with it. In other provinces and at other times, I know that legislators have been called into session, and in three days, with the legislation being introduced the first day, given second reading the second day, gone to committee the second day, passed the third day, have passed momentous legislation dealing with the rights of human beings, particularly in the labour field. And at that time, --(Interjection)-- two members of the other side did so, yes, two members who were in Ottawa did so. I gather that is what the Member for Logan is trying to tell me and I rather expect that it is so. If they didn't do it in two days or three days they did it in four days. That is not what is being asked for here. --(Interjection)-- Well the honourable member said they did it in one day. I guess that makes the point stronger.

The fact is, Mr. Speaker, that is not what is being requested here. What is being requested here is a piece of legislation that has been considered for a year and a half, and the concepts discussed, if not the actual term, the concepts discussed, Mr. Speaker, so that to his credit the Honourable Member for Fort Garry, who has a quality

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(MR. GREEN cont'd). . . . which is commendable - and I guess more of us should have it, that he is often quite modest about his - and I will not add the hackneyed phrase he has that he to be modest about because I think the member has a great deal of capability in the area - that the honourable member has done a creditable job in discussing these concepts. Now that being the case, why do we have to sort of have our time wasted with this surplus about being too late and not time to consider, and dying days of the session, none of which is true.

Let's discuss the bill, Mr. Speaker. Because if the honourable member wanted the bill, if he agreed with it, as a matter of fact if he was urging it as he would urge legislation in his speech regarding a way of handling essential services' strikes. . . The Minister of Labour introduced a bill of far more momentous consequences, which said that members of the fire department, members of the police department, nurses, people guarding stationary engineering plants which deal with the protection of property, shall be exempted from the provisions of the Labour Relations Act, shall not leave their posts, shall have their wages fixed by some type of third party arbitration - that would be far more momentous legislation than what the Minister of Labour is now proposing. The Minister of Labour is patching up a Labour Relations Act which we have all been working with. But if he had proposed what I have just outlined, the Member for Fort Garry would be on his feet saying, let's give that first, second and third reading immediately, and it would be far more momentous than what is being proposed.

The Honourable the Member for Fort Garry has made a discernment with regard to our position on employer-employee legislation which I am asking him to look a little deeper into. He has discerned that all the legislation has been biased, he says in favour of big labour. That is his observation. I hope I am not incorrect in that assumption. That is at least the way he put it. Now Mr. Speaker, I would want to concede to the honourable member that what the Government of Manitoba and the Province of Manitoba, the New Democratic Party in this province has been doing for the last four years, for the last seven years, is to unshackle the employee from restrictive labour legislation that was enacted by previous Liberal and Conservative administrations. And if Mr. Speaker, --(Interjection)-- well I will deal with that point. If that is a bias to undo the restrictions that have been legislated by those parties against the employees of the Province of Manitoba, then I concede the point 100 percent. Because ever since I entered this House, from the moment I entered this House and in all the years that I have been in this House, I said that what I would like to do vis-a-vis employees, nothing more and nothing less, is to put employees in the same position vis-a-vis the laws of this country that other groups of people in society have applied to them; and that what we have had is laws which have taken the rights of employees away and restricted them and put them in a very unfair position vis-a-vis employers. And what we have been trying to do is to redress that situation. Therefore there is a bias, Mr. Speaker, because we are trying to undo the discriminatory legislation that has been applied against employees in this province. And what is the basic feature of that discriminatory legislation which, Mr. Speaker, has formed the basis of all the rules and regulations relative to labour relations. And this, Mr. Speaker, I am going to indicate to the Member for Morris is something that he applies to rules of the House and to freedom generally, is something that he shall also apply to the field of employer-employee relations.

The basic method by which employees have sought to improve their terms and conditions of employment are by trying to get together with one another and to see whether by their collective action they can improve their bargaining position for the purpose of inducing their employer to ameliorate or improve those conditions of employment. That right was taken away from them under the Labour Relations Act in the Province of Manitoba as it existed prior to this administration taking power. It is still taken away from them, we haven't regressed that problem. And Mr. Speaker, all of the other restrictive legislation that the honourable member is referring to has been enacted in an attempt to counterbalance the removal of that freedom. Because Mr. Speaker, now before a group of employees are able to organize together and to collectively bargain with their employer, they have to get the approval of a labour board; and they are prohibited Mr. Speaker, from bargaining together for the purpose of meeting with their employer without that approval,

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(MR. GREEN cont'd). . . . and they are prohibited from bargaining collectively until they go through a whole series of steps which are provided by our Labour Relations Act. And all of the Labour Relations' rules which follow have been an attempt to balance the taking away of that right. And therefore, Mr. Speaker, every time I have looked at the Labour Relations Act, and the Minister of Labour I believe is very much at one with this type of thinking, what has been said, what would be the position of labour under no Labour Relations Act under conditions of the free right to organize? What has been taken away, that right to organize, and how has that affected the employees vis-a-vis the employer? And how can that be redressed?

Now one of the things that has happened, Mr. Speaker, and in this I'm really going to deal with the one aspect of this bill which the Member for Fort Garry had a very interesting kind of a hatching of his. . . with, because he referred to the Code of Employment and said that that is not something that he is against, that is something that we are against. I rather enjoy hearing the Member for Fort Garry talk that way, because what he is really saying is that if he ever gets in a position to do so, he is not going to be pinned down to a remark that he is against compulsory first agreements and therefore he will legislate them if he has the chance to do so. Or at least, Mr. Speaker, he wants the option of deciding then that he will legislate either compulsory arbitration or first agreements. And the member is nodding his head - you know, I really think, Mr. Speaker, that that is an interesting development in the honourable member. That it's not now that he is against first agreements, he is against this code of employment because he says I am against first agreements - and there is no mistake about that, Mr. Speaker.

I have indicated and continue to indicate, and am still against a third party telling any group of people or any employer what terms and conditions of employment he will institute. What is interesting is that the Honourable Member for Fort Garry is not against it, and that he will legislate in such a way as to having third parties determining what terms and conditions of employment that people will work under. Now we have not done that with regard to the code of employment. As a matter of fact, Mr. Speaker, the two have no relationship. It's interesting that they came up sort of along the same route and at the same time.

What is really the basis of an employment code? One of the things that the Labour Relations Act does, Mr. Speaker, the honourable member should try to understand it, is that it permits a union to become certified and this was supposed to eliminate the necessity of what he called recognition strikes; that in the period before the Labour Relations Act, the only way a union could require bargaining with their employer was by having such strength that the employer would bargain with them. And therefore they gained recognition, not by having a stamp or a certificate signed by the Minister of Labour or Labour Board or anybody else, but they gained recognition if they could convince their employer that if he didn't recognize them he would be in much worse circumstances than if he did recognize them. Therefore the certificate was introduced because governments in the Province of Manitoba - and these were not New Democratic Party governments - took the position that people had the right to belong to a union and an employer shouldn't have anything to say about that and if they could prove to a Labour Board that they wanted a union then he should not argue with them about their right to represent the employees. At that stage he was no longer to argue about that. He was to argue only about what the terms and conditions of employment should be.

Now that all sounds, Mr. Speaker, very neat. There are people here from the Winnipeg Free Press who know just how neat that is. What you do is you get a certificate, then you walk into the publisher of the Free Press and you say, here is my certificate, you now have to talk to me. So the publisher of the Winnipeg Free Press says, okay I will now talk to you, let's talk. And they talk and they talk and they talk and they talk. If an employer wants to use whatever periods are available to him he looks at the Act. He now knows that these people have one of two choices. They can go on strike which means that I have to contend with that and if I can hire new people or if I can do without them then I can fight that strike. I say that he has the right to do that. I've never argued with that. Or he says, if I can whittle away at their militancy by waiting a period

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(MR. GREEN cont'd). . . . of 90 days and then giving the employees essentially what the union has demanded, I need never sign an agreement because neither will they strike, neither will they support the union because everything that is necessary for a union I have given them. Nobody is going to go on strike yearly for an agreement.

Let us assume that the employer turns around and the union has claimed 20 cents an hour, or 25 percent increase. The employer took that 25 percent increase and gave it to the union but said I will not sign an agreement. Now the union has a very big problem. The only thing that they can go on strike for is his signature to an agreement. Well, Mr. Speaker, I don't know what group of employees is going to say that they are going to go on strike to obtain the same terms and conditions as they are then getting and merely get the employer to sign an agreement, an agreement which does nothing else than recognize that the union is the bargaining agent. It gives them a grievance procedure, and I assume that they would not be objecting to that, and it gives them a check-off which the union has earned by getting the increased wages. But the employer can take the position, under the existing Act, and he takes the position, Mr. Speaker, looking at the Act and seeing that it's legal, that he can provide everything that the employees want but he can avoid the union.

Now, Mr. Speaker, I say to you that all of my knowledge of how PC-1003, the original Labour Relations Act, and all of the legislation since then, that that was not intended by the certificate. The certificate was supposed to foreclose the argument about recognition and therefore no employer under your very laws that were enacted by Liberals and Conservatives was supposed to take the position that I will pay the terms and conditions as long as I don't have the union. Now what does this Act do, Mr. Speaker? I say to you that there is no compulsion in this legislation whatsoever. This legislation merely extends the certificate, which, don't forget, is not something that the union gained by legislation but really something that has been taken away from them. Because the certificate was always obtainable but now they have to go to a Labour Board. So that it merely says that that certificate will extend if the employees want it to - at the option of the union - to any terms and conditions of employment, not that are set by a third party but that the employer himself sets. It merely takes away one sort of devious avoidance of The Labour Relations Act by an employer who could be - and experience has been, has been - tempted to say that I can get rid of this union by paying the wages and not signing an agreement.

Now, Mr. Speaker, under those circumstances what the Act does is merely extend the certificate. By the way it's not an easy choice. Don't get the impression that unions are going to run to exercise this option. The union at its option can say after the 90-day period has expired, and if there's an extension after that period has expired, if the employer has increased wages they can say those wages were obtained because of our certificate and our efforts on the part of the employees. We are asking that those wages become a Code of Employment, not legislated by a third party but defined by the employer himself. So there's no compulsion, Mr. Speaker. The only compulsion is that he continue to recognize that union which is the compulsion you enacted, and which, Mr. Speaker, philosophically I am prepared to undo at any time. That has not helped trade unionism and you know I'm not now going to start a philosophical argument, starting from square one. The Honourable Member for Morris should understand what I'm saying.

We have a certain rule; we're trying to make it work within the spirit of that rule. I believe that greater and greater exclusion of rules and third party activity will result in healthier labour relations. But if I've got rules and those rules are going to be in existence then, Mr. Speaker, I want to see to it that those rules operate fairly. It seems to me that although I am not prepared to enact legislation that says that a third party shall define what the terms and conditions of employment are, I am very prepared to enact legislation which says that a certified union is entitled at its option to say that we are prepared to accept the terms and conditions of employment that the employer has instituted. That will become a Code of Employment. All that will do is give us the opportunity to see to it that those terms and conditions or employment are enforced, that we have a grievance procedure and that our right of representation, which is reflected in the check-off, accrues to us and we are not cheated of it by the power that the employer has, not by virtue of respecting his original freedom but the power that has been given to him.

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(MR. GREEN cont'd)

I say that the Labour Relations Act did not confer any rights on trade unionists. It imposed restrictions on trade unionists and conferred a great many rights on employers. For that reason, Mr. Speaker, I say, yes I am biased. But not biased in the way the honourable member said. I am biased against restrictions against the employees and wherever I see one I am biased to try to take that restriction away. I said exactly the same thing when I was on the opposite side of the House. I warned the honourable member who at that time were not doing what we are doing, who passed laws and kept on laws and voted against changes which would make these people equal, I said if you are not going to make them equal, if you are going to insist on passing laws giving employers rights against unions then you are eventually going to have to deal with the opposite. You are eventually, if you are going to take the side of one of these disputants, you are going to have to deal with legislators who are going to say, now is the time to get the employer. At that time you will come to me and say, we want the kinds of laws which treat them both equally. Mr. Speaker, I think that I have fulfilled that.

The trade unions in this province have come and said, we want laws against strike breakers. We want laws for first agreements. Each time I have given them no solace in those requests. I've said that an employee has the right to work. If there is a strike in process and employer has the right to hire. If you're going on strike you have to accept the consequences that perhaps you will not win that strike and you are not going to get from this government legislation which gives you a guaranteed position against the employer. But that's not what's being done here, Mr. Speaker. This is another step towards evening the restrictions which have been applied against trade unionists.

Mr. Speaker, it will not - in my experience I hope it will not in any event - work to the ultimate logic of what the sections say. What will happen I hope is as follows, the employer who now reasons that if I can hold out for 90 days, if I can throw out to the members that they don't have to go on strike because they're going to get these things, if I can keep whittling away at the militancy then I can give them what they want and I don't have to deal with the union. Now he's going to have to think there is no point in holding out; there is no point in not entering into meaningful discussions. There is no point in waiting the period and then giving the employees even more than they have asked for by the union, but getting rid of the union. Because if I do that they will ask for a Code of Employment. Knowing that, Mr. Speaker, he will, and the union will I believe, engage in meaningful collective bargaining. Because they too have a problem. They too have a problem of going on strike for terms and conditions that are completely unreasonable, seeing their employees go back for terms and conditions which are perhaps an improvement but not what they asked for and then having to go through the humiliation of saying to the employees that they tried to represent, we are asking for a Code of Employment based on those terms and conditions which the employer has already given you. I tell you that that is a very difficult thing for a union to do. Not only that, but the employees might not support it.

The Honourable Member for Fort Garry who from time to time has talked about how the men are under the control of the union, you know, took the opposite position about two days ago, took the opposite position about two days ago by indicating that the men don't want what the union is saying. The men are prepared to overrule the union. Well, Mr. Speaker, I have some confidence in which I believe to be the spark, the unextinguishable spark of human freedom that exists in every member of the human race and which from time to time can be dimmed to the point that it can hardly be seen - and we have seen this occur with slavery; we have seen it occur in other cases where human beings were stripped of their freedom. But all it takes, Mr. Speaker, is some leadership, some type of re-ignition to see it come back and employees will not be ruled by employers nor will they be ruled by unions, just as members of this House will not be ruled in that way. Because if there is a supernatural being - and whether there is or not it really is irrelevant - the human being has been so creative that he revolts against that and will not put up with it. Not for any extended period of time. The Member for Rock Lake - I respect, Mr. Speaker, his feelings in that connection. Mr. Speaker, I suggest to you that there are different ways in which we think that this freedom is manifested. But I believe that it is there.

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(MR. GREEN cont'd)

The Member for Fort Garry who suggests that he is disappointed that there is not provision against strikes in the essential services, it puts this as if it is a trite point. Well, Mr. Speaker, I ask the honourable member, I ask him the same question that I asked him before. When the medical profession gets up in its meeting room and decides not by secret vote but by standing vote so that everyone can see who remains seated, asks its members to say that on Tuesday, June 9th, or whatever day it is we are going to say that no people in the Province of Manitoba will receive medical services. What legislation is he proposing? Mr. Speaker, I have been consistent. I have told the medical profession that I will not legislate away your freedom to not serve a patient. That is up to you. We will have to deal with that question when it comes up and we'll have to try to see what is going to happen with regard to the people of Manitoba. But what would you do? What is the next step of the essential service legislation, which has been tried in various places? It's not a new idea. British Columbia had it; Australia has provision for compulsory arbitration; Quebec has numerous provisions for essential service strikes. What is the result of it? What do you follow through with? When the stationary engineer at the hospital says that he is not going to work and you say that the law requires you to work, then the ultimate is that you are going to say that if you do not work I will put you in jail. Mr. Speaker, there can be no other ultimate result. Mr. Speaker, that is the existing legislation. --(Interjection)-- The honourable members says that you can hire somebody else. That is the existing legislation.

There is no law - I have tried to convey this to the honourable member on numerous occasions - that there is no law in the province that says when a person performing essential services does not work that you cannot try to deal with that problem by hiring people who will work. There is no law. --(Interjection)-- Well, Mr. Speaker, if he is going to say that you can try and see how far you get then how does he remedy the situation by putting it in a statute that the employer is entitled to hire other people? That is now the law. He has just indicated his remedy, that they have a right to hire other people. That is the existing law, Mr. Speaker, --(Interjection)-- But, Mr. Speaker, we are talking about legislation. . .

MR. SHERMAN: You're talking about reality.

MR. GREEN: Mr. Speaker, I have tried to talk about reality. I am telling you that the fact is it is not the union law. I am not bound by legislation passed at the Trades Hall or at the Union Centre, nor is the honourable member. The real question is not whether it is the law or not but whether what you are doing makes sense or not. I have told numerous people that if they think that they can suggest that the hospitals in the Province of Manitoba are not going to operate and that we are going to let people suffer because a particular group of people do not at that point agree to their terms and conditions of employment, that we are going to throw up our hands as if nothing happened. Nobody has suggested that. I have told the people in the trade union movement that as I understand the government position that is not the position we will take. As a matter of fact, Mr. Speaker, as a matter of fact, there have been less - the honourable member wants to talk about essential services. You can always cross your fingers because you do not know what will happen. There have been less problems with the essential services in the Province of Manitoba than there has been in almost every other province in Canada. Now I cross my fingers. I'm not suggesting that the Minister of Labour has performed a miracle or that it's because we are so bright and the others are so stupid. Perhaps we have been lucky. Mr. Speaker, I believe that the Province of Manitoba is virtually the only important province, I cannot be certain, that has not passed a law that says that you, Joe Smith, will go to work or go to jail, that we have done what I have said, that we have had relatively good relations in the public service and we have done it without passing a law which says what I consider to be a fundamental freedom, that every human being has the right to say when he will work and when he will not work. And we have not transgressed that fundamental freedom and we have had relatively good labour relations.

The honourable member who tried to create a picture of the worst labour relations in the last four years is either exaggerating or doesn't know much about the previous

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(MR. GREEN cont'd). . . . years, and the fact is that he is aware that Canada has had problems vis-a-vis labour relations, and it hasn't been because of the nature of the labour laws --(Interjection)-- Exactly. He recognizes the weakness of trying to pin on the Minister of Labour and on the government of this province a peculiar problem with regard to labour relations. Our problems have been no worse, they have been slightly better, and I don't want to exaggerate that either because I keep my fingers crossed every day. I do not know at what stage the engineering profession to which the Leader of the Opposition is a member will say, "We are no longer going to serve the Province of Manitoba." I do know that the banking profession, week after week, say no money in the Province of Manitoba unless our terms and conditions are met. And when they raised the interest rate by one or two percent - and you know, the Minister of Labour put this argument most succinctly - when they raised the interest rate by one or two percent and said we will not lend money until that interest rate was met, they do more damage than any strikes that we have had in the Province of Manitoba; they do more damage to the economy, they do more damage to the farmer, and yet, Mr. Speaker, I cannot say that they haven't got a right to say that they will not lend money until they get the rate of return that they want for it. And if I can't say that they will not lend money until their terms and conditions are met, how can the honourable member or anybody in this House say that you shall work, you shall perform services, you shall be at your post whether or not you agree with the terms and conditions of employment that are outlined for you. We will say at what rate you will work, although we daren't say, we didn't say, we didn't say at what rate you will loan money.

MR. BILTON: You're getting carried away.

MR. SPEAKER: Order please.

MR. GREEN: Mr. Speaker, you know, when the honourable member is met with points which really upset his entire equilibrium and balance of thinking on these questions, he says that you are getting carried away. But those are the facts, Mr. Speaker, and I repeat, the analogy with regard to the advancing of money is not. . .

MR. GRAHAM: Do you have any idea what you're talking about?

MR. GREEN: Pardon me?

MR. GRAHAM: That's not an analogy.

MR. SPEAKER: Order please. The Honourable Minister has one minute.

MR. GREEN: Mr. Speaker, the fact is, that when the banks decided that they are going to tighten up money and they are going to see to it that no moneys are advanced except at certain rates of employment, the number of people that have to subsequently go into kidney machines increases. The number of people who are affected by malnutrition, whose health is affected, whose employment is affected, whose well-being is affected, is greater than when a group of employees decide that they are not going to work, and it becomes the responsibility of the government, and we have never denied this, that we are going to have to deal with the people in kidney machines.

The interesting thing, Mr. Speaker, is that in the Province of Manitoba because we have what I think is a better understanding, and I cannot give any guarantees with regard to this, we have had less problems than has occurred in the Province of Ontario with more restrictive labour laws, the Province of Quebec with more restrictive labour laws. --(Interjection)-- Mr. Speaker, I don't understand the comments of my honourable friend. The fact is that they have had more difficulty. And this particular piece of legislation - the honourable member says it has a bias - I say that its bias is to creating, is to undoing discrimination, is to undoing restrictive labour laws which were passed by previous biased Liberal and Conservative administrations who preached freedom except when it applies to an employee working for an employer, in which case they're willing to apply any kind of restrictive legislation; that the bias is to undoing those oppressive restrictive discriminatory laws that have been passed by Liberal and Conservative administrations against the working man of this province.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I beg to move, seconded by the Honourable Member for Pembina, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Yes, Mr. Speaker, would you follow the Order Paper and call the bills in order please.

MR. SPEAKER: Thank you. Bill No. 67, proposed by the Honourable Minister of Municipal Affairs. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Stand please, Mr. Speaker.

MR. SPEAKER: Bill No. 70, proposed by the Honourable Minister of Consumer, Corporate and Internal Services. The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Stand please, Mr. Speaker.

MR. SPEAKER: Bill No. 72, proposed by the Honourable Attorney-General. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Stand please, Mr. Speaker.

MR. SPEAKER: Bill No. 76, proposed by the Honourable Minister of Health. The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON (Gladstone): Stand please, Mr. Speaker.

MR. SPEAKER: Bill No. 79, proposed by the Honourable First Minister. The Honourable Member for Fort Garry.

MR. SHERMAN: Stand, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Wolseley now has the opportunity to go on the rest of his time but he's not in here. That is the dilemma that was created with people speaking in between. Now will I carry the Honourable Member for Wolseley in the same fashion? Very good.

MR. BILTON: Would you please take a moment and I'll get the Honourable Member for Wolseley.

MR. SPEAKER: Very well, I'll wait.

MR. BILTON: I'm sorry, Sir. He's gone, they say.

MR. SPEAKER: Oh, very good. Bill - no way, I'm not taking any more in between. We may do one or two mistakes but not the same one again. Bill No. 83, the Honourable Member for Gladstone.

MR. FERGUSON: Stand, Mr. Speaker.

BILL NO. 85 - AN ACT TO AMEND THE EMPLOYMENT STANDARDS ACT (2)

MR. SPEAKER: Bill No. 85, the Honourable Member for La Verendrye.

MR. BANMAN: Thank you, Mr. Speaker, I have a few comments to make with regard to this bill. I wanted to do a little further research as far as the maternity leave was concerned as it applied to the Unemployment Insurance Commission and I've come up with several figures. I understand that the old regulations as far as UIC and maternity leave was concerned was they they had fairly rigid criteria as far as the receiving of that maternity leave and that you had to apply for it eight weeks before, one week for convalescing and six weeks after. I now understand that they can apply for that during the time of having the baby, and what they are entitled to is 15 weeks, and the mother can choose if she wants to draw that two weeks before the date of birth or if she wants to draw it sooner, or even after, for instance, if she wants to convalesce a little longer at home then she can do that. Now I see in the bill that the maternity leave is 17 weeks and the UIC payments I understand are 15 weeks. I think that the basic concept of the bill we support on this side and we'd like to say that we pass it on to committee and see if there's any representations at that time with regards to this particular piece of legislation.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I rise and support Bill 85. It incorporates a principle that was the subject of some examination and dispute in the House earlier in the sessions because of a particular court ruling affecting teachers in particular, and the fact that a judgment handed down at that particular time, some months ago, did not acknowledge that teachers qualified by the strict definition of the terminology in the Act to receive maternity leave and maternity consideration under the Employments Standards Act. The Minister at that time indicated that he was considering either one of two courses, one of which might have been an appeal to a higher court. I rather regret that we find

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(MR. SHERMAN cont'd). . . . ourselves in the position from time to time of having to move into areas of legislation that enable us, you know, be it the government side of the House or the whole House, enable us to circumvent court rulings that we don't like simply by bringing in revised legislation. I think that it's a practice that certainly needs to be watched pretty carefully, but in this case I believe that justice is being done, that teachers should be included under the Employment Standards Act for maternity consideration and that the course that the Minister has embarked on in this case by bringing in this amending legislation is the right one. And it's my intention to support the Act and ensure that that equity is offered to the persons who are in that particular category of profession and that category of employment.

QUESTION put, MOTION carried.

MR. SPEAKER: Bill No. 90, proposed by the Honourable First Minister. The Honourable Leader of the Opposition.

MR. CRAIK: Stand, Mr. Speaker.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Would you call 71 please.

BILL NO. 71 - AN ACT TO AUTHORIZE THE TOWN OF MORRIS
TO ACQUIRE CERTAIN REAL PROPERTY AND TO VALIDATE ITS BY-LAW No. 5/76

MR. SPEAKER: Bill No. 71, proposed by the Honourable Member for Morris—the Honourable Member for St. Vital.

MR. D. JAMES WALDING (St. Vital): I adjourned that bill this morning for the Honourable Minister of Municipal Affairs.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, this bill before us deals with the power of a municipality to purchase land for housing for municipal purposes. I had thought, Mr. Speaker, that the powers outlined within the Municipal Act pertaining to the jurisdiction of a municipality were in fact wide enough in order to permit the type of power requested within the bill introduced by the Honourable Member for Morris. In the situation as I understand it in Morris, there is a request by the Town of Morris, not in conjunction with MHRC but on its own, along with, I believe, financing from CMHC, to acquire lands in order to subdivide those lands to act as its own developer in permitting the resale of those lands.

Mr. Speaker, I have certainly no objection to this principle. I think that a municipality ought to enjoy the power of being in responsible circumstances of having the power to act as a developer in order to develop lands to provide for housing purposes within that municipality. The Honourable Minister of Mines and Natural Resources says socialism. I'm pleased in this case that the Honourable Member from Morris did come forward with the idea because, Mr. Speaker, I acknowledge the worth of that idea and I commend the Honourable Member for Morris for presenting this to the House. As a result of that I certainly intend to ensure that not only Morris, but that all municipalities in Manitoba enjoy this same right, the same right to subdivide lands for housing purposes, that the municipality does not have to depend upon external forces, public or private, as a developer, but can do that developing itself. So I am proposing to bring forward an amendment, Municipal Act (3) which would in fact permit municipalities to enjoy that same power that is being requested by the Honourable Member from Morris for the Town of Morris.

I also accept the fact that the Honourable Member from Morris is working under some time pressures. I gather that there is some deadline which the town is working under with CMHC, and that if I insist that this particular bill be withdrawn in order to permit Morris to work under the general legislation that I'll be introducing by way of an amendment to the Municipal Act, that I would in fact be endangering the intention of the town to complete its plans in connection with the developing. So I have requested my department to check out the Morris situation, there is no reason why Morris ought not to be permitted to proceed as per its schedule, so I think the bill should be processed.

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(MR. PAWLEY cont'd).

In order to ensure that in each case in the future though, each municipality that is in this type of situation makes a request that it does have the financial viability to permit it to carry out this type of development process. The amendment that will be proposed later will require approval by the Municipal Board insofar as financial viability is concerned, because there certainly would be situations which I would think we would want to exercise some control as to responsibility and financial viability on the part of the municipality. Because of time constraints, Mr. Speaker, I think this bill should be permitted to proceed to committee and not be held back while we introduce the other amendments which would, if we worked under those amendments, require the Town of Morris in this case to start from scratch and proceed all the way through again.

MR. SPEAKER: The Honourable Member for Morris will be closing debate. The honourable member.

MR. WARNER H. JORGENSON (Morris): Mr. Speaker, I rise primarily to thank the Minister for his co-operation in allowing this bill to proceed, but I don't think that I can allow the comment that was made by the House Leader to go by without some remarks on my part.

I pointed out during the introduction of this bill that Morris was operating under some rather unique circumstances that are not comparable in most situations, and I presume that the amendments that the Minister of Municipal Affairs will be introducing later will be the proper time to debate this. But I want to caution him that land banking in circumstances other than what really exist in the confined area that is prescribed by the limits of the Town of Morris, by the dyke itself, is a unique situation that does not exist in other circumstances and could prove disastrous in other areas. So I don't think that he should take the Morris example as one that is applicable in all of the circumstances unless, unless he proceeds apace with the provisions of The Planning Act in defining areas that can be developed.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I would move, seconded by the Honourable Member from Morris, that the House be adjourned.

MOTION presented and carried.

MR. SPEAKER: Accordingly the House is adjourned and stands adjourned until 10:00 a.m. tomorrow morning. (Thursday).