

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8 p.m., Friday, June 11, 1976

Opening Prayer by Mr. Speaker.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports; Notices of Motion; Introduction of Bills; Questions; Orders of the Day. The Honourable House Leader.

ORDERS OF THE DAY

THIRD READING

BILL NO. 16 - AN ACT TO AMEND THE WORKERS COMPENSATION ACT

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management) (Inkster) presented Bill 16, an Act to amend the Workers Compensation Act for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. R. (Bud) SHERMAN (Fort Garry): Mr. Speaker, I'd like to say a few words on this bill before it is etched into the Statute Books.

I want first of all to express my thanks to the Honourable the Minister of Labour for the courtesy that he showed me this afternoon. It's my understanding that there was some intention at one point at any rate to proceed with third readings on Bill 16 and Bill 57 this afternoon. I explained to the Minister that a member of my family was graduating from high school this afternoon and I wanted to be there. I thank the Minister for having re-ordered the order of business in such a way as to permit me to be out of the House at that time.

Sir, with respect to Bill 16, I want to reiterate what I said in large part on second reading, and have said again at the committee hearings held on the bill, that we support the concept implicit in the bill of extending compensation coverage insofar as it is practical to farm workers in the Province of Manitoba. But we do continue to have serious reservations about the practicability and the applicability of the compensation coverage program in the agricultural industry because of the unique nature of the industry and the unique nature of the labour force that works therein.

The bill itself and the principle and the thrust are beyond argument, are beyond opposition. But the actual workings I think are fraught with considerable difficulty and in fact indeed, as was pointed out by some of my colleagues in committee, are fraught with the possibility of creating a situation where there could conceivably be people ignoring the law or breaking the law simply because of the difficulty of applying this kind of a program to an industry where workers operate in such a fluid area, such a mobile kind of condition. We think of labour on the farms that could be committed to one or three or five days work in a particular function on a particular site, and then might move on to other places of employment; we think of the many small farm operators in the province who are not set up to perform the bookkeeping and administrative duties that this kind of legislation requires, and for that reason we stipulated on second reading, and have reiterated since, that we think there are considerable mechanical difficulties related to the enforcement of legislation of this kind.

We tried, as the Minister of Labour knows, to amend the bill, to put in a floor at which the compulsory aspect of the bill would take effect. It's known, and should be repeated, Sir, in case some people have overlooked the fact, that compensation protection of this kind is already operative on a voluntary basis in the agricultural industry in this province, and there are many farmers and farm managers, operators in the farming industry, who do provide compensation coverage accident coverage for those who work for them. But what our amendment would have done, would have been imposed a floor of \$1,000 minimum income with one employer in one calendar year that a worker would have had to achieve in order to make the legislation compulsory in that individual respect.

BILL 16

(MR. SHERMAN cont'd)

We still suggest that in view of the administrative difficulties involved that that would be the best way to proceed with this bill. The Minister has assured us that he has had meetings with representatives of the farming community and farm organizations and individual farmers, and will continue to do so, to examine these difficulties that have not been faced in the legislation as it's presently written.

He gave an undertaking, as I understand it, in committee that there would be considerable further consultation, considerable further study of this aspect of the legislation afforded by him and his government, before the section having to do with compulsory workers' compensation in the agricultural industry is proclaimed. We are holding him to that undertaking, Sir, when we say that we support the bill, because the concept is one that we cannot argue with. But it's on that basis purely that we're prepared to offer our wholehearted support at this stage. That basis being that the difficulties are recognized, that the Minister understands and appreciates, as he has indicated he does, what needs to be done to make it viable and practicable in this industry; and that he intends to spend considerable time in the next few months, and perhaps the next year, working out the mechanics of how the legislation could work to everybody's advantage and no one's disadvantage, or the disadvantage of the absolute minimum, before proclaiming that section.

So, it's in that spirit offered by the Minister, Sir, that we are prepared to see Bill 16 proceed into law in this province.

MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, may I first of all express to the Honourable Member for Fort Garry something that may not be well known to members of the Assembly. The honourable gentleman made mention of the fact that he appreciated my personal co-operation; that if need be I could arrange, as the Acting House Leader I could arrange procedures this afternoon in order to allow him to attend a ceremony of awards affecting his son.

I'm sure that all members of the Assembly, Mr. Speaker, would join with me in expressing appreciation or congratulations - I guess is the better word - to the Honourable Member for Fort Garry and also to his charming wife, who I understand is in the gallery, that the couple were enabled this afternoon to attend a ceremony in which their son was recognized with many awards of acclaim and so it was --(Interjection)-- Well, Mr. Speaker, the Honourable Member for Fort Garry in his usual fashion of interjection, even though it means something worthwhile to somebody else other than himself, has said that the boy will turn out to be an outstanding Conservative. I appreciate the fact that the young man received academic awards this afternoon, I do trust and hope that he doesn't have to suffer the penalty of going through life as a Conservative and that as a result of his academic training will see the words, the light of progress and one day possibly may take my place on this side of the House or share . . .

MR. SPEAKER: Order please. I wonder if the Honourable Minister could get on with the bill, too.

MR. PAULLEY: Yes, Mr. Speaker, in all deference to you, and I appreciate the fact that I haven't mentioned compensation, but I did think that even you on occasions would give us in the House the privilege of congratulating the prowess of the son of one of the members of the Assembly, no matter what quarter he comes from. But I will get on, at your insistence, insofar as The Compensation Act is concerned and the comments of the Honourable Member for Fort Garry.

I agree with my honourable friend that as a result of the co-operation of all of the voting members of this Assembly, we have arrived at one of the best worker compensation pieces of legislation in the Dominion of Canada. When I was considering the various items for consideration of the Assembly, many months ago, I wondered what the attitude would be of the opposition in accepting or rejecting the proposals, and how nice it was to find that the Honourable Member for Fort Garry, as the spokesman for the Conservative Party, would stand up in the House and say that they appreciated our endeavours. What a difference a few years has made, Mr. Speaker, since my first entry into this House, to compare the pittances of workers compensation of those days

BILL 16

(MR. PAULLEY cont'd) with the proposals that are contained in the legislation which we are now giving third reading. I doubt, Mr. Speaker, whether you or any other member of this Assembly can fully appreciate the differences that have taken place in those few years, but I'm sure that the injured workers will.

My honourable friend, the Member for Fort Garry, did make reference to coverage insofar as farm workers are concerned and the Conservatives did propose an amendment suggesting some type of control over the period of time or the timing of the application of workers compensation to the farm workers, and I as Minister of Labour and on behalf of the government suggested that that should be rejected because of the fact that a worker never knows when he is going to be injured, whether he be a farmer or not, and it should not be a requirement that that individual should have to wait until so many dollars were earned or so much of a period before entitlement to coverage.

But I reiterate now what I said at that particular time in committee, that providing of course I continue to occupy the position I now hold as Minister of Labour of Manitoba for the ensuing part of this year or the remainder of the life of this government or of this Assembly, it is my intention to have a meeting of concerned people to carry through the ideology and the basic philosophy that I hold so dearly insofar as complete coverage in Workers' Compensation.

So whether it be me in this Assembly or the member of the administrative team of this government or not, I trust and hope that the basic philosophy, as contained within Bill No. 16, will carry through. The Years have made a great number of changes in Workers' Compensation. It has not been done, may I suggest, solely by the government in office. The Conservative Party made their contribution to the advancement. We have made our advancement to further advancement. And despite the utterances of my colleague from Radisson, that despite interjections and despite kibitzes from all quarters of the House, I do hope that we will arrive and this is my expectation, that we will arrive; I think we're right on the way to a truly humane approach to the Injured Workers of Manitoba.

A MEMBER: Keep going, Russ. Keep it going, Russ.

MR. PAULLEY: Yes, my friend from Thompson says, "Keep going," and I suggest to my friend from Thompson, he is one of those individuals in this House that should say to me as Minister of Labour, "Keep going Russ."

But I think, Mr. Speaker, there is a difference --(Interjection)-- I think, Mr. Speaker, despite the rabble behind me, I think one thing has been made assured that even despite, and this may be surprising, that even despite some of the "don't go so fast" attitudes and aspects of my party, we are advancing. There is yet a big job to do; and whether I do it or somebody else does, it has to be done. --(Interjection)-- I trust and hope some of the ranters and ravers behind me will become just as thoroughly convinced of the need of progress and continuation of the job that I have held over the years. I want to thank this Assembly, Mr. Speaker, and I'm sure that those in industry today who may become injured, that those in industry today who are injured, will be thankful to this Assembly for the passage of Bill No. 16 in 1976.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Thank you, Mr. Speaker. I will just be very brief and perhaps make a few comments in respect to one section of the bill because I did speak on the bill to amend the Workers' Compensation Act on second reading, and I had some contribution to make in Law Amendments Committee, so I will be brief, and that's in respect to agriculture including general farming and dairy farming which includes all phases of stock farm feed and the production of potatoes, and so on. And I would like to point out I did support the amendment of the Honourable Member for Fort Garry because I feel very strongly that we have to move in this area because in the last few years there has been a number of accidents, and the number of accidents have been increasing as far as the agriculture industry is concerned in this province and I think it's not fair, it's not fair to the families that are injured or families that are hurt, that they can get no compensation when somebody is hurt, an employee is hurt in the industry, in the agriculture industry. At the same time I feel that we have to do the right thing. I feel that perhaps we can start with a measure that perhaps what the member had may have been the

BILL 16

(MR. PATRICK cont'd) correct measure to start with somebody that earns a certain amount of money as an employee in the agriculture industry . . .

A MEMBER: No.

MR. PATRICK: Well somebody says "no." The point was made, and I think the point was made quite strong in the Law Amendments Committee that there may be a farmer working for another farmer on the basis of \$50.00 and it's difficult for farmers to start the type of bookkeeping for somebody that's going to work for you for two or three or four hours. My point that I'm trying to make to the Minister, as long as we make this start it doesn't have to be completely encompassing but as long as we make a start I think it would be in the right direction.

As far as the bill itself, The Workers Compensation bill, I'm sure that the Minister and the members of the House would know that in the last 10 or 12 or 13 years, what my feelings have been as far as the workmen's compensation was concerned. In fact at one time I believe I used to get as many letters in this city as many as the Minister of Labour perhaps himself in respect to workmen's compensation. That was during the time when an employee got killed in an industrial accident through no fault of his own, left a family with four, five or six children in a home to look after, education and clothing and food, the family used to receive \$110 or \$115, that's all that was received. And at that time, year after year, I used to argue in this House, that I'd say the family should receive, the widow should receive the same amount, what the employee would have received when he was totally disabled. And it could have meant . . . the employee could have been receiving, injured, totally disabled, \$700, and if he happened to die or get killed then the family income would be then reduced to about \$115 or \$125. That was the compensation and I couldn't see any justice. I thought it was the greatest injustice that we had of any kind of legislation that I came into contact with in this Legislature, it was the Workmen's Compensation, the compensation. And I said that same family, with the same number of children, the widow has to keep the mortgage payments, she has to heat the house, pay the light, send the kids to school and buy the groceries, and now her income was reduced from \$700, if the husband had been alive and totally disabled, to \$115 or \$120. And to me, I thought it was the greatest injustice there ever was and I used to appeal every single session before the labour . . . every debate we used to have on the Throne Speech and the Budget and the Labour, and I'm sure the Minister will agree with that.

And I made a recommendation in this House on many occasions, and I think I was the first one to put it on record: I said, look let's give 100 percent, what the husband would have received if he was totally disabled, but if you can't agree with that, go 75 percent which would be a great improvement. So all I can say, I have to agree and compliment the Minister that he took a giant step, a very giant step, when we said okay the widow should receive what the husband would have received. So that was a big step in the Workmen's Compensation. In the last few years I have been pretty quiet in this respect because I thought we had made some great improvements. But what we used to go through - and during those days - the Minister knows and I used to tell him, and the former Minister of Labour when the other government, the other party was on that side of the House in government, I used to get letters from all over the city from the north end, East Kildonan, all over in respect and people pleading that's the case.

So I don't know who the members of the back benches that the Minister was just talking about - he was indicating they were hackling - the Member from Radisson or the Member from St. Matthews - I don't know which member is after his job. As far as I'm concerned, I'd sooner see the Minister continue in that position because I thought in respect to this legislation he's done a pretty good job.

So, Mr. Speaker, the point that I wish to raise is the point in respect to agriculture. I say that we should make a start, perhaps a start would be better than no start, and I think the proposal that was presented in Law Amendments could have been the start to make because I think it will be expensive. There has been a tremendous amount of accidents in that area, so it will be expensive, but I do hope the Minister will make a start in that area.

BILL 16

MR. SPEAKER: The Honourable Member for Thompson.

MR. KEN DILLEN (Thompson): Mr. Speaker, it would hardly be right for me to allow this bill to pass in third reading without me saying a couple of words. You know every time we pass legislation that the Conservative Party agrees with it makes me wonder . . .

MR. SPEAKER: Order please.

MR. DILLEN: Mr. Speaker, if the bantering back and forth is concluded, I will continue. You know that it just makes me wonder at times, Mr. Speaker, whether or not the efforts of this Legislative Assembly is not meant for appeasing the opposition. And if that were the case, you know, that we would have nothing here, it would be like a Mexican standoff.

The Member for Fort Garry, of all people, who had risen in support of this legislation, indicates the need that the legislation is not as good as it could be; but that is not to say that the Minister of Labour has not done exactly what is absolutely necessary. But like in every legislation, it always falls short of the ultimate goal, and that is for the complete protection of those people who are being affected by the application of legislation, by the interpretation of legislation. And the Member for Fort Garry knows that. He has probably received as many letters as I have, and the Member for Assiniboia, from those people who have not been fairly dealt with by the people who are charged with the interpretation of existing legislation. You know those letters keep coming in.

We have in Canada, I'm sorry, we have in Manitoba, somewhere in the order of 45,000 reported accidents annually. 45,000 accidents reported. Those are those that are reported. There are still a great number in addition to that which are not reported because of the pressures from employers to ensure that accidents are not reported. And the purpose behind the employer's attitude to ensure that those accidents are not reported is to protect the assessment, to ensure that their assessment does not rise. Well what happens to those people if they have what is called a reoccurrence of a pre-existing condition. If they have not reported the previous injury, they have a reoccurrence of that injury and they cannot substantiate that the previous injury occurred on the job, they are finished. They cannot receive one cent.

And here we sit saying that this is a great breakthrough. The legislation that has been put forward in this House is milestone legislation. It is great legislation. The Minister is to be commended for it. But when that legislation is accepted so readily by the members of the opposition, who we know are not the friends of working people, who are not the friends of the injured people, who are not the friends of the . . .

A MEMBER: They are not the friends of the farmer.

MR. DILLEN: They're not the friends of the farmers. --(Interjection)-- Oh, you do have friends. They're called the Gulf Oil Company, the Imperial Oil, that's the friends of the Conservative Party. But the Farm Workers Association in Portage la Prairie, who asked specifically to have the Conservative Party disregard the proposal that was being submitted by the farm bureau, they asked specifically, please disregard this proposal that is being submitted. The Member for Fort Garry got up in his place and he said, "You can count on the support of the Conservative Party."

The Farm Bureau asked that the farm workers be not entitled to compensation until they had worked 25 days, 25 days, where in any other occupation in Manitoba, any other occupation from A to Z, they are covered on the first minute of occupation, the first second of occupation.

A MEMBER: But they're Indians.

MR. DILLEN: But they're Indians in Portage la Prairie who are working on the farm. And the Rednecks on that side of the House would have the Indians in Portage la Prairie work for 25 days before they receive one cent of compensation. The Indians of Portage la Prairie who are the farm workers would have to earn \$1,000 before they were entitled to one penny of compensation. That's the attitude of the Rednecks on that side of the House. I can't believe it. I can't believe that human beings, elected representatives of other human beings, would be that prejudiced against the people of Portage la Prairie. I can't believe it.

BILL 16

(MR. DILLEN cont'd)

But that represents the attitude of the entire Conservative Party, not one person got up and said from that side, not one said, maybe we should make it 12-1/2 days, and maybe we should make it \$500. Not one, not one. That is a shameful attitude, that anybody else in Manitoba who works in industry who are covered on the first second of employment, would ask that the farm workers, those that are on the lowest level, the absolute lowest level of the employment scale in Manitoba, would be required to work 25 days before they are entitled to one nickel of compensation if they happen to be hurt. And what would happen, what would happen if a person, anybody, was permanently disabled or was killed as a result of an industrial accident on the farm, or an accident on the farm, and he had only earned \$999.99? For the sake of one cent the family would receive nothing. The wife would receive nothing. And those are the people who are talking about the . . . they're talking about infringing upon human rights. Human rights. They talk about human rights and will say that an Indian who is working in Portage la Prairie must work 25 days before he receives a nickel if he happens to be injured.

--(Interjection)--

MR. SPEAKER: Order please. Order please.

MR. DILLEN: No. No. The Member for Lakeside does not compel anybody, but he would pass legislation that would say, and he would propose an amendment . . .

MR. SPEAKER: Order please. Order please. The Honourable Member for Lakeside, would he kindly keep quiet or else leave the Chamber. The Honourable Member for Thompson.

MR. DILLEN: Give me another five minutes, Mr. Speaker, and I'll get rid of them all. That is the Conservative Party. You should hang your heads in shame for even proposing an amendment, for introducing an amendment that would have a person work for 25 days before he's entitled, if he happens to be injured, to a nickel of compensation.

MR. SHERMAN: On a point of privilege, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Fort Garry state his matter of privilege.

MR. SHERMAN: Yes, my matter of privilege is that the amendment introduced by the Conservative Party did not contain the wording or the condition which is continually being alluded to by the Member for Thompson.

MR. SPEAKER: The Honourable Member for Thompson.

MR. DILLEN: You know that my interpretation of the amendment may be different than the Member for Fort Garry but I have dealt with the Workmen's Compensation, I have dealt with the Workers Compensation Act, I have dealt with all of the procedures, and the amendment that was introduced by the Conservative Party in respect to the farm workers in Portage la Prairie, who work on the farms, made it very clear to me there was no doubt about that amendment, it said - and ask the people up there - it said exactly what I am saying, that a person must have to work, must work 25 consecutive days before he's entitled to compensation. Did anybody else get the impression that it said anything different?

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I must rise on a point of privilege again. I happen to have the amendment that we moved in front of me. Now the Member for Thompson is misleading this House and misleading this province. The amendment did not make any reference to 25 days and it certainly did not make any reference as the Member for Thompson continually has done, to racism.

MR. SPEAKER: The Honourable Member for Thompson.

MR. DILLEN: I can't believe . . .

A MEMBER: It applies to natives, if the shoe fits, wear it.

MR. SPEAKER: Order please.

MR. DILLEN: Not only are we going to circulate the amendment, we are also going to circulate the remarks of the Honourable Member for Birtle-Russell. And the Honourable Leader of the Opposition sits there in pious . . . and it's surprising, it is not surprising that all of the members from his right to his left have deserted him.

BILL 16

(MR. DILLEN cont'd) He sits alone. And the highest paid, you know the highest paid leader, I should say the --(Interjection)-- no, the leader, he's the best leader that money could buy, is not even in the Chamber to assist the Acting Leader. There's always like a little train that runs back and forth to the loge on the right. At a time when he is asking everybody else in Manitoba to tighten their belt, he would not accept the leadership of the Conservative Party unless he was paid \$36,000 a year. And I'm sure that the people that appeared before committee, Gulf Oil, Imperial Oil, Modern Dairies . . . I thought, Mr. Speaker, that the Leader of the Opposition, Acting Leader of the Opposition was rising on a point of order.

You know I can't believe, I can't believe that there is such hypocrisy, such phoney, two faced people in all of Manitoba, that sit in this House on that side, on the Conservative side, who would say one thing when they are confronted by people, ordinary working people, and as soon as they are confronted by the multi-national corporations, would wilt, and bow, and shine their shoes, and lick the boots of those people who come before the committee. And not only that, but they have a national leader who is saying, please fellows, you Conservatives throughout the provinces, please do not polarize the vote against us. We have the business community in our pockets now. All we need is labour. And there has been nothing in the last four months that would indicate to me that the Conservatives know a damn thing about working men.

QUESTION put MOTION carried.

MR. SPEAKER: The Honourable House Leader.

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

MR. GREEN: Mr. Speaker, I believe that we are in the report stage on Bill 57.

MR. SPEAKER: Correct. The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY (Fort Rouge): Mr. Speaker, I'd like to move, seconded by the Member from Assiniboia, that the following motion be heard, that Section 22 of Bill 57 be struck out.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: The purpose in moving this motion is one that has obviously been discussed before but that it's so obvious during the proceedings during this afternoon and this evening that this Chamber is struck with such sweet reason and light that I believe that it may be possible to make one further appeal to some sense of rationality and sense of responsibility in order to provide I think for what could be an important comment upon the state of affairs in the Province of Manitoba and the kind of government that we have been supplying, not just as a partisan sense of the government elected or supplied by the New Democrats or by this whole Chamber.

Mr. Speaker, I apologize in part to members for not having spoken on the motion before but I have been away. Furthermore, Mr. Speaker, I have listened all day in the Industrial Relations Committee, some 12 hours on Saturday, and that was an experience which I think that most members who are on that committee could not but have gone away with to some degree bothered in their own conscience, so that in fact the so-called conscience motion is not one that simply deals with those who have religious beliefs but I believe it is something that should strike at the basic conscience of every member of this House. It does come down to one of the fundamental principles which I believe very strongly in and that is that one of the responsibilities of government is to protect the weak and powerless.

Mr. Speaker, I listened with interest today to the First Minister give us a small dissertation on the role of government in a modern society. He said that he felt that politics was divided into two groups of people, those who hung themselves up on this question of individual rights and properties and those who want to bring about economic and social progress and that that is the kind of choice that people have to make.

Mr. Speaker, I don't think it's quite as simple or as black and white as the First Minister seemed to allow. I think one of the first responsibilities of any government that tries to undertake initiatives on the part of economic progress to secure better equality and as a result intervenes more and more into the lives of the community, is to

BILL 57

(MR. AXWORTHY cont'd) ensure that that intervention is always couched with the full protection and guarantee of rights along the way. Because there is a requirement or demand for greater government action doesn't mean to say that government can disregard certain fundamental and basic liberties. In fact, Mr. Speaker, I think the onus would be all the more important and all the more critical that as government begins to move further and further and intervene more directly into the lives of the community that its sensitivity to the question of basic human rights and freedoms is even more heightened and more enhanced, because there is a greater danger always of abusing them.

Mr. Speaker, I do believe that in this case we are dealing with a fairly clearcut case where the good intentions of a government are attempting to strengthen the organizing ability of the labour movement to maintain some solidarity and unity in its ranks. That well intentioned motion at this moment carries with it consequences that I think would cover a blanket of some embarrassments and almost shame on the part of the government if it was to carry through the way it is proposed, even with its so-called compromise.

I think, Mr. Speaker, one of the things we have to recognize in this day and age is that many of us have become somewhat intolerant of those who hold religious beliefs. There was a time when I think the personal belief that one has in religion was something that was held as a very sacred construct. We have replaced those kinds of religious beliefs with secular beliefs. There are many in this House as I listened to them on Saturday, who aren't quite able to comprehend those who don't have the same kind of political or social or economic fervour or ideology or creed and that as a result they don't have quite the same appreciation or understanding of those who don't share that particular motivation. As a result, Mr. Speaker, the tendency is to see some hidden motive in those who profess simply to want to protect their individual beliefs in a religious sense. There must be something behind it. There must be some secret reason that isn't coming forward. They want to break the union movement or they want to attack the question of equality and they want to somehow sort of counteract the direction and thrust that this government's been elected to protect.

Mr. Speaker, I guess it's one of the unfortunate aspects of living in a secular age and maybe an age which has become far too politicized. Everything is seen in its political or economic or social terms and increasingly, Mr. Speaker, it's more and more difficult for legislators of different political stripes to understand the basic concept almost of the separation of church and state. With the separation the right of the state is not to intervene or invade certain basic private areas that must remain private.

Mr. Speaker, that is what is the end result of the motion of this government and why we bring in a proposal to delete Section 22. Even with the compromise that was offered, to hand over the power to a union officer to decide whether one's religious beliefs are acceptable or not I think is a total evasion of the responsibility of government. When I listened to the First Minister talk about what is the role of government, he didn't realize that one of the roles should be to provide a degree of impartiality and objectivity in judging and adjudicating upon those kinds of questions and not to transfer those into those who have their own self-interest at stake. I'm not saying that that self-interest is wrong because we all serve our own self-interest.

One of the responsibilities of the state is to provide for a government of all people in all ways and if it comes then to a question where there is a dispute between beliefs, where there is a difference in the sense of values and in the sense of personal principle, it is one of the responsibilities of any government to provide the form within which that can be adjudicated and decided upon. It is not enough to transfer it into the hands of a union officer whose own position in that case is both influenced by his surroundings, the organization he belongs to, and I don't think he's in a position - and we shouldn't be putting him into a position - where he has to make that judgment. Because a judgment rightfully belongs upon an instrument of this government. That is what the Labour Relations Board was set up to do, to make judgments not to serve one side or the other but simply to provide a basic ability to discern some sense of balance and to provide some protection for the minority, for the weak and the powerless. That is really

BILL 57

MR. AXWORTHY cont'd) what this is all about, Mr. Speaker, in effect.

I don't think we're talking about a large scale movement to crumble the unions in Manitoba into submission. I think that the practical experience in other jurisdictions and in our own with this has been that it is a right that is used sparingly and only after great deliberation. It is not a widespread sort of all-encompassing plot to fight the unions. It is something that is only, as I understood it, used by those people who feel so deeply about their own personal concerns that their own beliefs simply doesn't allow them to belong to any organization whatsoever.

I would think, Mr. Speaker, that that is something that we have to take great credit for, that position that is put forward by people who hold those beliefs very different oftentimes from our own. We get involved in the hurly-burly of politics and the activism of a secular world and sometimes it's difficult to fully comprehend what those who are religious people in a very strict and very moral sense, what they're trying to say. We cannot quite empathize. I've heard the honourable member say, "Boy, you know that some members of the opposition are against Indians and natives and other minority groups." Well, Mr. Speaker, we heard from minority groups on Saturday who were saying to us in their own way that they too were being denied and that the action of the government was going to deprive them not only of their livelihood but also to even squeeze further that area of private morality and private consciousness. There's got to be some room left in this world for that to operate.

Mr. Speaker, we are guilty, all of us, and I certainly take full share of my own sort of ambitions for this community in terms of seeing the role of government take an activist role in many areas. I still think that there has got to be balance in those areas where there is real concern. If the government could have brought forward a clear and present case that the present circumstances as they now exist, did represent a real danger to the union movement and that it was going to provide the position where they would be forced to fragment and wouldn't be able to undertake the organizing and protection of workers, if they could have proven that case then we might have had a different debate. But, Mr. Speaker, they didn't. There was no evidence that could be brought forward to show that somehow the maintenance of the bill as it stood, as it stood properly after having been accepted by that government two or three years ago, was going to represent a real danger. There was nothing to show that there was so why the change? Why all of a sudden a reversal of form? Because there was nothing to justify it other than a couple of court cases that got some people nervous.

Yet, Mr. Speaker, again - and I think other people in this House have referred to it - the experience in Ontario and elsewhere where there is a right to undertake the action in the courts does not somehow disturb the three million or two and a half million working people in Ontario. It hasn't in any way as I understand it affected the union movement one whit, throughout this country and other places where it operates. So why in Manitoba? Why are we so different?

Therefore, Mr. Speaker, I really believe that as we come to a close in this debate that the requirement of legislators in this House, particularly those in the government - because they obviously have the majority to do what they want - is to re-think their proposition, to re-think on the basis that they did not produce any evidence to show why a change should be made; nothing that was empirical; nothing that could be proven; it was just simply an assertion. An assertion, Mr. Speaker, has no evidence.

Secondly, Mr. Speaker, there should also be a recognition that if we are speaking about the responsibilities of government then those responsibilities extend beyond simply advancing a social or economic philosophy. I think that the very founding of government, going right back to its basics, is to provide protection for certain individual rights and certainly to retain somewhere the arena of private thought and belief. Because once we begin eroding into that, then, Mr. Speaker, many of the fears and fancies that have been passed so readily and so frequently in this House about the tyranny of government then would start coming true. I don't fall prey to quite the same kind of fanatic concern that government itself is going to be omnipotent. But I do have a very very strong belief that the only way you protect it is to ensure that every action that government has in terms of further intervention must be complemented with a reaction against the guarantees of rights.

(MR. AXWORTHY cont'd)

I would want to say just in closing, Mr. Speaker, that if there's anything that has concerned me about this session, if there has been one trend that has emerged perhaps most clearly in later days, it is that that principle has been forgotten. In a haste to do good - to do right perhaps would be a better word - the government has forgotten that it must provide for every intervention a protection and guarantee. So we have had bill after bill setting up commissions and boards with power to go into private residences, power to take documents, power to make decisions without hearings, power to regulate, power to operate discretionary authority with no responsibility to come back to the Chamber to respond in any way to any openness or accountability. All these things, human rights commissions, milk control boards, trade practices Acts, labour relations, all these kinds of things can be justified on the basis that they're trying to do something that is needed but at the same time they've all been taken away --(Interjection)-- The Ministers are yelling about The War Measures Act. Mr. Speaker, I was against them, I didn't think our government was right. I have spoken against them . . .

A MEMBER: You can say that now, but what did you say then?

MR. AXWORTHY: . . . because I did say it then.

A MEMBER: You did not.

MR. AXWORTHY: Oh, really, really, really. We shall look at the record then. Mr. Speaker, he reminds me of a quote from an old play called the Rainmaker that I remember seeing several years back where there was an evangelist preacher who was around the countryside trying to round up recruits to his cause in his crusade, a powerful speaker with a powerful argument mesmerizing the countryside. A fairly quiet fellow on the sidelines listened to all this kind of thing going on and said, "You know that fellow is so busy being right he forgets what is good." Mr. Speaker, that's the problem with this government. They are so busy being right they often forget what is good. Mr. Speaker, what is good in this case is to ensure that there are some small groups of people in this province who will not have their privacy and their own beliefs eroded or invaded or taken away. If the government proceeds as it now intends that's exactly what will happen. Mr. Speaker, this whole province will be poorer for it and so will this Legislature and it will be perhaps, I guess from our point of view, an advantage because then we can say, if you want to see a sign of the kind of government you've got, there is the clearest signal. Mr. Speaker, I would hope that their understanding and compassion would come to play perhaps in these dying hours and see that as a government their responsibility goes beyond simply doing what is right and doing what is good.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I'm going to speak against this amendment and I do so, Mr. Speaker, on the basis that this amendment would interfere with the freedom of thought of the individual, that it would involve the state in dictating what religious beliefs shall govern, what religious beliefs shall not govern. That it will result, Mr. Speaker, in there being developed in the province the kind of thing that we saw being developed over the week which I never saw any religious organization previously become involved in. That is a religious organization holding the trade union movement up as a force which is somehow doing evil in society. I've never seen that before and I suggest to the honourable member that if he will consider very carefully his own words that he will see that his speech is the one that interferes with freedom of thought. Mr. Speaker, the gentleman who appeared on behalf of the Mennonite Church said exactly that, said exactly that.

The honourable member says that there is something about religious thought that secular people don't understand. Now at least Mr. Jantz had the common sense, had the tolerance, had the respect, had the understanding to say that strongly held convictions, whether they be of a religious nature, whether they be of another nature, whether they be of a nature of a person who feels that he holds that conviction because it represents right and justice are just as important to the conscience of the individual. But the honourable member says that this is reserved for religiously held views and some secular people don't understand that. That's tolerance, Mr. Speaker, that's understanding; that's freedom of thought. I suggest to you, Mr. Speaker, that that's balderdash, that what Mr. Jantz said is that ultimately the logic of this position is that anybody who

BILL 57

(MR. GREEN cont'd). . . . doesn't believe in trade unions should not have to pay union dues. He said that that was the ultimate position.

So we are not talking about a religious belief that prevents a person from joining a union. If a man believes strongly that he should not belong to a union, that unions are bad, that they are evil, that he should not contribute money to them, why would the Honourable Member for Fort Rouge say that that man's conscience is not worth as much as another person's conscience? I say, Mr. Speaker, that the honourable member would say that because he doesn't believe in freedom of conscience; he doesn't believe in freedom of thought. He wants the state involved in telling people what to think and what not to think. Therefore, Mr. Speaker, he gets up and says that people on this side or people all over who are secular don't understand that kind of thing. I tell the honourable member that I understand that kind of thing. I understand it, Mr. Speaker, and I have been affected by it. And there are many people who stick to their conscience, and do things in accordance with conscience, whether that conscience is answerable to a superior being or not, and some of them, Mr. Speaker, take disadvantage of the results of it and some of them overcome that disadvantage. Now let's look at what this legislation does, Mr. Speaker, and I agree there has been no compromise. I don't understand the suggestion that there has been a compromise. What we have done, Mr. Speaker, is indicated that the trade union movement had the maturity and the sense to deal with this question even before legislators in governments got into the act. A man who had worked for Swift Canadian, a member of the United Packing House Workers for 35 years, but he worked and he paid his union dues to a charity, and he made that arrangement because of the respect that the union had for his position - a man who worked for the City of Winnipeg - and in the '52 agreement, the union made that arrangement with their members. They didn't need the honourable members to preach to them what tolerance means; they didn't need legislators to do it. They did it. And all we're saying, Mr. Speaker, is we're going back to the legislation of the former Attorney-General, we're going back to the legislation of the former Liberal Party, which said that if a union can negotiate a union shop, they've got a union shop and that everybody who was a member of the unit, paid union dues. And is that such a terrible thing? That's what Mr. Justice Rand said. Mr. Justice Rand - I believe he was a God fearing man, I believe he understood religion, I believe he understood freedom of thought, and I believe he understood conscience.

Mr. Speaker, this bill was introduced in the Legislature, the section that the member is now trying to introduce, was introduced into the Legislature some three years ago or two years ago. At that time I got up, Mr. Speaker, and I said, that regardless of why this has been introduced, it's going to be interpreted to mean that anyone who doesn't believe in unions will not pay union dues. And people said, no that's not what is intended, that's not what's intended, and that's not what we mean. It went to the Labour Board and the Labour Board interpreted it as meaning that a person's formal religion somewhere had to be analyzed by the Labour Board and they would say whether the person's religion prevented him from paying union dues or not. And that carried on for some three years. But, Mr. Speaker, the courts got into the act and they made a judgment - and I'm not going to criticize it because I think it was certainly within the interpretation that was there - and said that if a man personally feels that he cannot belong to a union and as he sees his religion, then he is entitled not to pay dues.

Now, Mr. Speaker, the honourable member says that this is freedom of thought, freedom of conscience, and what have you. I have to tell the honourable member that there are, and always have been, groups of people who felt that they should bargain together collectively. Before our Labour Relations Act was passed they said, who would be in that unit if they had the power to do so? They said, who would be members of the union? They said, who would be the employees? All of this, Mr. Speaker, was done without legislation. All of this was done, Mr. Speaker, without legislation.

The Mackenzie King theory of labour relations came in and said, we don't want any more of that, we're going to have everybody in a unit, we're going to have a union bargain for everybody who the Board declares that they will bargain for, and the union will represent all those people. And Mr. Justice Rand said, if that is the nature of

(MR. GREEN cont'd). . . . labour relations then all of those people have to pay the cost of administration. That was introduced by legislation. Now how can you have the one being introduced which infringes on the union's right to say who their members will be, who they will represent and who they will not represent, and they have thoughts too, and they might say that it is in their conscience, that it is their principle that they will not work alongside of somebody who doesn't contribute to their solidarity. What happens to their freedom of thought? The honourable member would ignore it. He would say, I'm not worried about their freedom of thought, I am not worried about their consciences. I am worried about that man. But they may think that and we have taken their rights to think that away from them. And we have said that you will represent everybody. You will represent who a Labour Board says you will represent.

So, Mr. Speaker, all that happened was that there was an administrative law declared which said that those who are represented will pay for the cost of representation. And we went along with that, and I think that our hearts were bigger than our heads when we thought that there was one particular group that might be exempted from this on the basis of the tenets of their religion themselves, and we passed the law which is not being read that way. And rather I think, Mr. Speaker, that is right that such a law cannot work, that one has to look at the total situation and one has to say that that is what we will do, and it merely is an indication of an imperfect world. But it's not an indication, Mr. Speaker, and this I reject on the part of the honourable member, that somehow people on this side are less cognizant of conscience, more interested in getting involved in the infringement of freedom of thought.

I would believe my honourable friend, or at least I would pay a little more attention to my honourable friend, if he moved that any lawyer who doesn't believe in the Law Society should not be required to pay his Law Society fees. I would believe my honourable friend more if he said that any dentist who does not believe in the Dental Association should not be required to pay his fees to that association, that they could go to a charity. I would pay more attention to my honourable friend if he said that every professional engineer who does not believe in the Engineering Association should not be required to pay his fees to that Engineering Association. But the honourable member zeroes in, Mr. Speaker, on trade unions, on trade unions.

MR. SPEAKER: Order please.

MR. GREEN: This one group --(Interjection)-- Oh yes, Mr. Speaker, I started with the lawyers. If the honourable member will read Hansard he will see that I started with the lawyers. He will see that I started with the lawyers . . .

A MEMBER: The doctors too.

MR. GREEN: Mr. Speaker, the provision that we are dealing with deals with the legislated structure of bargaining units, the representation of those bargaining units, and the manner in which the administration will be paid for. We cannot sustain a position which will say that one person who doesn't believe in trade unions, because he believes that to be his religion, doesn't have to be a part of that administration, and another person who doesn't believe in trade unions because he believes that they are wrong, he believes that they are destructive, he believes that they constitute antagonistic conduct as between employers and employees, shall have to pay the union dues. Because, Mr. Speaker, that would be an interference with the freedom of thought of those people. And Mr. Jantz said, let's go all the way. Well I say, Mr. Speaker, yes, sure. If you want to go all the way then, Mr. Speaker, start by saying that a trade union will not have to apply for certification, that it will decide who its members will be, that it will go to the employer and say, as they do in England, Mr. Speaker, that if that employee is at his bench this afternoon, he will be the only one. They don't then have to have a statute guaranteeing his position. Give them freedom that you are suggesting, that you are taking away from these people.

Well, of course, the honourable member isn't doing that. He's zeroing in on the trade union movement which, Mr. Speaker, is way behind the others. I assure you that the United Steelworkers would be very happy if we passed a Steelworkers Society Act; they wouldn't even organize anymore, and that anybody who wants to work in jurisdictions which have been set out for steelworkers, will have to pay his dues to the

BILL 57

(MR. GREEN cont'd). . . . Steelworkers Association, and that when they feel that a steelworker is not behaving properly, they will have the right to dismiss that person from the association. Because that, Mr. Speaker, is what society has done to its establishment groups. And the establishment groups have done very well by it. The honourable non-member who's sitting in the loge is resisting this but he has done very well by that establishment group. That's right. And I have done very well by that establishment group. I know what it was when I had to be a member of the Retail Clerks and I had to picket for recognition and to get an extra 15 - at that time it was to go from 25 to 30 cents an hour - or to be a part of a well-learned society, which has its fees set out by schedule and if there is a mistake in taxing them they go to another lawyer who will say how much I am entitled to. It was much cleaner, Mr. Speaker, much nicer, and I did much better by it. So I'm not going to zero in on the employees. I'm going to give them a chance to fight fair, Mr. Speaker, and the chance is that those who are in the unit which we have established will pay for the administration. And if that creates a problem, Mr. Speaker, then I say that the trade union movement has handled that problem with much more justice, with much more understanding, with much more respect, with much more equity than I have seen what has happened in the other professions vis-a-vis their members.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, it's not my intention to go back over all the ground and all the arguments that the Conservative Party, the Progressive Conservative Party has raised on this subject since 1972, and particularly those that were mounted and presented to the government in debate in committee on this particular clause in this particular legislation. I don't want to delay the work of the House by rehashing that ground. I want to say one or two things however related to the amendment. I want to say that we will be supporting it because we originally moved it, Sir, in committee. We didn't succeed in having it passed at that stage, and I'm hopeful that with additional support there may be a chance of seeing it passed tonight. But I want to make reference to the fact that this argument that is contained really at the nub of what is in dispute here in the amendment that's being moved, is an argument that has been carried and has been pursued by the Progressive Conservative Party for many years in this province, and particularly through the long fight in committee on this clause.

I agree with what the Member for Fort Rouge had to say in essence and in direction. I disagree with one or two things that he said. The Member for Fort Rouge said that in its haste to do good, and then he changed that to right, in its haste to do right the government, in a lot of its legislation, seems to have lost sight of the rights of the individual. Well I would foreshorten that original phrase, Mr. Speaker, and say that what the Member for Fort Rouge should have said was that in its haste to do, not to do good, not to do right, simply to do, in its haste to do, this government has lost sight of and trampled individual rights and individual freedoms. That's what is at issue here. It is not a question of whether the government is doing right or good, it's a question of this government bulldozing its measures through, and in that exercise rights are being trampled underfoot.

There is one other point on which I take issue with the Member for Fort Rouge. The Member for Fort Rouge in an otherwise excellent presentation said that there is a small group of people who are having their rights taken away. I say to the Member for Fort Rouge that it is not a small group of people that is having its rights taken away by this legislation with respect to what we call the conscience clause. It is not a small group of people, Mr. Speaker, it is every man and every woman in the Province of Manitoba. And I put it to the Minister of Mines, that if one man or one woman loses his or her rights in this province it demeans all of us. All of us lose our rights. So as I say I concur with the otherwise excellent presentation of the Member for Fort Rouge but I think that he was perhaps imprecise in that reference and I think he would agree with me that it's everybody who's got an issue in this particular clause.

Now let me say, Mr. Speaker, that I hope that there is sufficient support on the opposition side of the House at this juncture to see this proposed amendment carried.

(MR. SHERMAN cont'd). . . . We concur in it; we have fought for it, we will continue to fight for it, and I make this solemn pledge tonight, Sir, that if it doesn't carry, the day that we become government, we will repeal the legislation as it presently stands.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: You know, Mr. Speaker, it's rather hard for one who has been brought up all of his life in the atmosphere of a Christian home or a religious home to sit back here tonight and listen to the tripe that is being propagated by the Member for Fort Rouge particularly, because I'm convinced without any inward study of the truth of the whole situation, that he - and I presume that this is typical of the individual - is trying to seize on what appears to be a popular issue without any real foundation to rant and rave in this House of the rights and the principles in this democratic world of ours.

As an Anglican, and I make no apologies for being an Anglican, I have always tried to adhere to the general basic principle of the rights of the worker, and the rights of the worker to become associated one with each other and to make their contribution for the well-being of their environment as a whole. But we hear tonight, Mr. Speaker . . . we've heard this character take the advantage of a few newspaper advertisements by a segment of the church and try and make a political issue out of something that has been resolved as far as I am aware to the satisfaction basically of the people who raised the issue some two or three years ago.

Mention has been made of the Rand formula in industrial relations, and I suppose my academic friend who is so knowledgeable in fields of urban affairs, has taken time out to read of the history behind the Rand Formula and come to the conclusion, or apparently he hasn't come to the conclusion, of getting behind the reasoning of the Rand formula, and that reasoning was that every worker who obtained the advantages of the contribution of the group of which he happened to be associated, that every advantage there was a responsibility and an obligation on the membership to assist in carrying on the good fight. I note that even the Conservative Party by some executive directive, not so long ago decided that from the coffers of their group, that 36,000 bucks, or something, would be forwarded to carry on the fight that was lost by a most capable leader to the force of dollars. But that's really beside the point.

When Section 82, as I recall it, was first put into legislation two or three years ago, we were faced with the proposition of doing something about fellow travellers who were not making any contribution to the advancement of their particular sphere of endeavour. At first when the legislation was proposed, there was no provision for any exemption at all.

A MEMBER: There wasn't in the old legislation.

MR. PAULLEY: And there were none previous to that at all.

A MEMBER: That's right.

MR. PAULLEY: That in accordance with the basic philosophy of both Liberal and Conservative, they were going to perpetuate the principle of let us carry on the free-loader and let them shift for themselves and the devil take the hindmost. It may be appropriate to use the word devil in the discussion that is taking place tonight.

However, as a result of discussions and representations that were made to us, a couple of years or so ago in 1972 or '73, a group of stout-hearted individuals with firm conviction, called the Plymouth Brethren, saw me on a number of occasions and asked me to bring in to the legislation a provision for what is now called a conscientious objector. As a result of their endeavours, and their influence on committee at that time, that was done. And I want to confess to you and tell you, that following the adoption of the very clause that the member wants now to have repealed, members of that group came into my office and thanked me most profusely for helping them out. Subsequent to that, there have been a few court cases. And the bases of the court judgment, as far as I am aware, are not based on the matter of the principle contained within the Act, but a legal interpretation of the application and that thought fervor of today.

But to have that Member of Fort Rouge by inference say that I as a member of this House, and possibly more particularly as the Minister of Labour, has not in effect got a Christian conscience, I reject it. And I match my Christian responsibilities and

BILL 57

(MR. PAULLEY cont'd). . . . my Christian knowledgeabilities above and beyond his academic qualifications as practised in his field of activity. And I suggest that today, that as a result of a very slight change in the committee yesterday, that the members of the Plymouth Brethren who fought so hard a few years ago for the protection that they had in that clause are satisfied. But it is nice, isn't it Mr. Speaker, it's part of the game of politics for certain individuals to grasp what are conceived to be at any particular time issues of popular appeal.

But I want to say, Mr. Speaker, my conscience is clear; I did what I thought was right when the section was put into the Act a few years ago; the decision that came out of the Committee by a majority vote the other day, I still accept. I reject completely the popularity contest that the Honourable Member for Fort Rouge is attempting to engage into and not to, in my opinion, achieve anything of a basic principle but to be able to get headlines so that possibly some time in posterity, he can say, well I fought the good fight, but those heathens on the other side of the House, thwarted my efforts.

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): Thank you, Mr. Speaker. I'm going to be very brief because I think we have had sufficient discussion on this proposed amendment, proposed by the Honourable Member for Fort Rouge. We've had considerable representation before the Committee on Industrial Relations, and we have brought in an amendment which I think is one that is equitable, it really doesn't do that much that already trade unions had been doing. The only thing that it changes is that those who wish because of strong religious beliefs, and who are able to work that agreement out with the trade union that represents them in their place of employment, they no longer will be responsible for the grievance procedure for them.

The Honourable Member for Fort Rouge likes to play the devil's advocate, and in this case he's now trying to bring back something that was brought into the Act in 1972, and if you'll read in Hansard in the dying debate of 1972, when his leader sat down there, the Honourable Member for Wolseley, Izzy Asper, and he asked me at that time what I would do as a Member of this government if we found out that people were going to use and abuse the clause, that I said I would work my damndest to see that that was rectified.

And you know, Mr. Speaker, when all's said and done, not only have we allowed the Rand Formula to be twisted, but we have also by a subsequent section, Clause 23, subsection 68.1, allowed the closed union shop or the closed shop. We have allowed people in a closed shop, and I had that argument with I think one of the delegation the other night before the Committee, that I said that the closed shop had been destroyed, the closed shop concept in Manitoba has been destroyed because 68.1 does that. Not one of those people over there, Mr. Speaker, said that we shouldn't destroy, or that we should keep the concept of the closed shop. This government has recognized, has recognized in legislation, we didn't have to have delegations to come here to tell us that people didn't have to, as a condition of employment, belong to a trade union, we make that quite clear here within the Act, and if people can prove that as a matter of religious beliefs, that the board, the Manitoba Board of Labour may exempt these people. And, you know, Mr. Speaker, we go back to the Rand Formula, and basically the Rand Formula says this, "If you want to ride on the train, you pay the fare" and that's basically what the Rand Formula is all about.

And so, Mr. Speaker, with those few words, I'm not going to take up the time of this Legislature, I think we've debated this argument, we've heard it often enough, we've heard it over the past week, we've had this resolution or this amendment here, again, by, as I said before, the devil's advocate, because we're just going to start the whole mess all over again. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Mr. Speaker, the Deputy Speaker just amazed me what he just said. If you can't pay to ride on a train, you don't ride a train. Now either he's not a socialist or he's not an NDP, or he doesn't understand what we're debating here. He said, and I repeat his words, "If you can't afford to ride on a train,

(MR. McKENZIE cont'd). . . . you don't ride on a train." What about the Premier's 2-1/2 to one formula for those that can't ride on a train. Nor can they afford to ride on a train. What did the member say, if you can't afford a ride on the train, you don't ride on the train.

MR. SPEAKER: Order please. Order please. Order. The Honourable Member for Logan state his point of order?

MR. JENKINS: Mr. Speaker, a point of personal privilege. The Honourable Member for Roblin is twisting what I said, I said the basics of the Rand Formula is, that if you don't pay the fare, you don't ride on the train. That was brought in by Justice Rand, not brought in by me. That was brought in on the basis of a strike in the United Auto Workers of people asking for a closed shop.

MR. SPEAKER: Order please. The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, I heard him right. I heard him right. So therefore he's not a socialist. How could a socialist support the Rand formula, because those that can't afford to ride on the train, what are they going to do? Walk? That man doesn't deserve to carry an NDP card. Likely, Mr. Speaker, the Tories are going to have to pay for those people that can't afford to ride on the train.

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Again, I did not say that I supported the Rand Formula one way or the other. I just stated for that honourable gentleman's information what the Rand Formula was. Now if he's so stupid and obtuse, I can't help it.

MR. SPEAKER: Order please. The Honourable Member for Roblin. The Honourable House Leader.

MR. GREEN: I wonder if the member would permit me a question. Can he tell me in which chapter of Das Kapital by Karl Marx that it says that socialists shouldn't buy tickets on the train?

MR. McKENZIE: Mr. Speaker, if the Mines Minister will give me a moment, I'll get my colleague here, who's very well known for Russia art and culture and their statutes, and he's not here right now but I'll get him in real quickk and I'm sure we'll get the answer for the Mines Minister real quick.

But Mr. Speaker, that's the turncoat philosophy of these socialists, these NDP's. What the Deputy House Speaker said right now shows you what kind of a conscience they have on this bill that we are dealing with. They don't have a conscience. They're union, hard-nosed union leaders. I stand up for the people of this province today, Mr. Speaker, that are non-union. The people that don't believe in unions, and they want equal rights. You show me any place in this legislation, Mr. Speaker, where the non-union people have equal rights in this legislation. It's not there.

And the Mines Minister stood up here a little while ago, Mr. Speaker, and he talked about freedom. Freedom is not in the NDP book. Look at the legislation we've had going across our desk here for days, onus clauses and everything, where the guilty have to prove themselves innocent, and this deal, this legislation we're dealing with, the Labour Board is supreme, the Labour Board is supreme, and on the right to appeal, Mr. Speaker, who do you appeal back. . . ? You appeal back to the Labour Board. Freedom, this Mines Minister talks about freedom. Mr. Speaker, freedom is not known to the NDP in this province, nor is it known to that First Minister.

Let me go a little farther, Mr. Speaker, freedom is not known to any big unions in this province and, Mr. Speaker, freedom is not known to socialists. But, Mr. Speaker, I stand here for the people tonight that are non-union and there are a lot of them in this province. In fact, 60 percent of the people in this province today don't want to belong to unions, and it's darn well time this government recognized that they have rights in this province the same as the rest. But the legislation that we're regulating and pushing through this, they're not mentioned. Because a non-union guy today he's in trouble, workmen's compensation, when he goes to the NDP Chairman with this new Labour Board, who has sat there through all those hearings - he shouldn't have been there at all. If we're going to have a neutral labour board, don't have him sitting in that committee room for seven days, sending notes across to the Ministers and telling them how this legislation should be drafted. That's not a fair labour board, no way.

(MR. McKENZIE cont'd). . . . That's a bias labour board, and that's the worst kind of a labour board. And, Mr. Speaker, let me tell you that if you have to have a bad deal from that Labour Board --(Interjection)--. . . your right to appeal. So if you go back to that state board, that's not . . . that's not fair, Mr. Speaker.

MR. SPEAKER: Order please. Order please. ORDER PLEASE. I'm going to ask that honourable members recognize the Chair when the Chair stands up and asks for order. I do not intend to get into a shouting match every time I ask for order. I am going to suggest that we are speaking to an amendment at the present time and not the total labour bill. Consequently the remarks must be a little bit narrower than the Honourable Member for Roblin has been expounding. So would he stay with the amendment. The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, I do apologize.

MR. SPEAKER: Order please, on all sides.

MR. McKENZIE: Mr. Speaker, I get uptight on many issues and this is one. I'm not finished speaking yet by a long ways on this matter, Mr. Speaker. Mr. Speaker, would you turn your little thing up a little - I'm sorry that I can't speak loud enough for you to hear me and I do apologize.

Mr. Speaker, let's get to the conscience clause which is basically the resolution that we're dealing with. I spoke on it in the committee and I'm going to speak on it again tonight. I ask the First Minister of this province, which I did in Committee, to stand up with all the legal advice and the counsel he's got with this government and write a man's conscience into legislation. I ask the Mines Minister - one of the greatest orators that's ever adorned this Legislature, a great and knowledgeable man, a great well-known lawyer - write a man's conscience into legislation. I ask the Minister of Labour, a well known Anglican, God-fearing man; I ask the Attorney-General: Give me in the best wisdom and the best knowledge all the staff you can draft out of your government, everybody, and write me a man's conscience in a bill. Write it in a bill because that's what we're dealing with here tonight.

Where this government is being pushed back in the back room by the big unions and you're trying to write a man's conscience into a bill. Mr. Speaker, I speak for the ones that don't believe in that. I speak for those that the Mines Minister said that need some freedom, that have a conscience, but you can't write it in a law.

Mr. Speaker, that's one of the reasons why this government is going to go the next election, and they're going to go. They can't run Saunders Aircraft; they can't run busses; they can't run nothing. Mr. Speaker, the sooner we get rid of these leeches that are eroding the rights of the people of this province, taking the rights and trying to write a man's conscience in a bill, let's get them out at the earliest possible date.

MR. SPEAKER: Report stage on the amendment.

QUESTION put, MOTION declared lost.

MR. AXWORTHY: Mr. Speaker, can we have the vote recorded on Division?

MR. SPEAKER: Does the honourable member wish to have a Division? Otherwise it's being recorded as having been lost.

MR. DONALD W. CRAIK (Leader of the Official Opposition) (Riel): Mr. Speaker, the member was calling for a Division.

MR. SPEAKER: That's not what I understood. Does the honourable member have support for a division? Very well. Call in the members. Order please.

The motion before the House is the Amendment by the Honourable Member for Fort Rouge.

BILL 57

A STANDING VOTE was taken the result being as follows:

YEAS

Messrs.	Axworthy	Jorgenson
	Banman	McGill
	Bilton	McGregor
	Brown	McKenzie
	Craik	Minaker
	Einarson	Patrick
	Enns	Sherman
	Ferguson	Spivak
	Graham	Watt
	Henderson	Wilson

NAYS

Messrs.	Adam	McBryde
	Barrow	Malinowski
	Bostrom	Osland
	Boyce	Paulley
	Burtniak	Pawley
	Cherniack	Petursson
	Derewianchuk	Schreyer
	Dillen	Shafransky
	Doern	Toupin
	Gottfried	Turnbull
	Green	Uruski
	Jenkins	Uskiw
	Johannson	Walding

MR. CLERK: Yeas 20, Nays 26.

MR. SPEAKER: In my opinion the Nays have it. I declare the amendment lost.

. continued next page

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I wonder if the Honourable House Leader will give me an opportunity to indicate I have in the loge to my right an Icelandic Parliamentary Delegation composed of Mr. Thorvaldur Gardar Kristjansson, Leader of the Delegation and Speaker of the Upper House, Mr. Magnus Trofi Olafsson, former Minister of Education, Mr. Jon Armann Hedinnsson, of the Social Labour Party, and Mrs. Svava Jakobsdottir from the Peoples Alliance Party and Mr. Ingi Tryggdason of the Progressive Party and a Mr. Fridjon Sigurdsson, Secretary of the General Parliament.

And also in my gallery we have some members of the Inter-Parliamentary Union and some of the members of the entourage.

On behalf of all the honourable members I welcome them here.

BILL 57 cont'd

QUESTION put on report stage, MOTION carried.

MR. SPEAKER: The Honourable Attorney-General.

BILL 57 - THIRD READING

HON. HOWARD PAWLEY (Attorney-General) (Selkirk) presented Bill No. 57, an Act to amend The Labour Relations Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, I regret that I cannot be and my colleagues cannot be as generous with respect to Bill 57 as was the case where Bill 16 was concerned. We have attempted to assess the various concepts and principles enshrined in Bill 57 to as conscientious a degree as has been possible in the time that we've had it before us, Sir. I acknowledge at the outset that the Minister of Labour no doubt has performed from his perspective and his party's perspective a valuable labour and a valuable service. I know the amount of work and effort that he has put into it. I acknowledge also at the outset that there are one or two aspects, Sir, that I think are innovative and interesting. I think the new 50 percent requirement for certification and decertification, which really is not a new requirement but is a reversion to the requirement as it originally stood, is productive and is worthwhile and I think it's a sensible step to take.

I'm intrigued by the proposed Code of Employment. I think that the jury is still out probably on both sides of the House as to the merits and the effectiveness of the Code of Employment but I am not opposed to the concept of the Code of Employment at this stage. I think the only thing we can do, Sir, is try it and see how it works.

One thing has to be said for it and that is that where there are very strong feelings held with respect to compulsory first contract legislation on both sides of the industrial relations coin, the Minister and his advisors and colleagues have devised a mechanism here that skirts probably the risk of extreme hostility on either side by proposing an approach that is new in concept for this province, although certainly not entirely new in the sphere of industrial relations generally, but one that is new in concept in this province and that effectively tries to achieve what first contract legislation could achieve for industrial relations while stopping short of the compulsory aspect that is so often associated with that kind of legislation. So that it is an innovative and an imaginative proposal and I await its experiment and its trial with interest, Sir.

Beyond that and beyond the work and the effort that the Honourable the Minister of Labour has doubtless, as I have said, put into the development of this legislation, I have to say, Sir, that there are many aspects of it that disturb me very deeply and make it extremely difficult for me to have much enthusiasm for it. There are, in my view, concepts in this legislation which should properly dictate that it should be viewed as human rights legislation. It's legislation that verges into in very many areas the human rights field rather than the pure labour relations field.

BILL 57

(MR. SHERMAN cont'd) It's on this ground of human rights and the degree to which I think the legislation in many areas violates what I conceive to be basic human rights that I think the legislation falls down, I think it falls short. It's in that area of infringement and encroachment where individuals, whether they are workers or employers, whether they are unions or whether they are corporate entities, have the right to make decisions in a democratic way for themselves and have the right to appeal against decisions that are handed down involving themselves, that this legislation, I say, infringes into the human rights field and falls very short of legislation that would be beneficial to this society and would be beneficial to the industrial relations community in the province generally.

There are four major elements to the bill that I think, Sir, should not be there, that I would wish were not contained within it. There are four others that I wish were there that are not contained therein. I made some fairly wide-ranging reference to some of these positions during second reading debate and certainly in the exercise in the committee when we were examining the bill clause by clause and when we had the opportunity to bring forward some amendments. As you know, Sir, we moved a number of amendments from the Progressive Conservative side of the House in committee dealing with some of the shortcomings as we see them of the bill. Unfortunately none of them was successful. It was our considered opinion that there was little to be gained except possibly delay in the proceedings of the House and the proceedings of this session by reintroducing those amendments at this time, or on the report stage just concluded, that is the reason that we did not do that. We preferred rather to outline our position once again with respect to those parts of the bill that we don't like and to indicate the positions that we would intend to take on them in the future.

Sir, the four ingredients in the bill which I find undigestible and repugnant are these. They are the section of the bill having to do with the actions that are deemed to be interference in a union, which is Clause 2. Section 6(2) of the existing legislation. This is a provision, Mr. Speaker, that I have insisted from the outset, and I re-insist for the record tonight, infringes on an employer's freedom of speech. We moved an amendment in this area which would have provided us with a section that we could have lived with, which would have said that where an employer indicates to an employee during the course of arrangements leading up to certification of a collective bargaining unit, where that employer indicates that the policies, the policies that he pursues in his place of work would change if a union were certified, or if such and such a union were certified, that would be something we could live with.

We cannot subscribe in all conscience to the provision as it is currently written which prevents and forbids an employer from indicating even in a conversational or informational sense that he either objects to unions or to a union, or that he prefers one union over another. --(Interjection)-- Well the Minister of Mines and Resources says that's always been there. That may be true. The Minister of Mines and Resources has brought that argument up almost every time that I've brought this argument up. That doesn't say that I'm happy that it's always been there. I've had no opportunity - this bill has only been opened up this year, since 1972, --(Interjection)-- Well there was no way that I could do anything about it till now, and I'm saying I don't like that --(Interjection)-- Well I'm saying that I don't like that kind of legislation, I don't like that kind of restriction, and I suggest further that if I had it within the aegis of my power to do anything about it, I would strike out the restrictions prohibiting indication of objection to a union or unions and indication of preference of one union over another. What I could live with is the prohibition against the employer indicating that his policies or the policies of his place of work would change. That I refer to and have referred to, Sir, as the infringement of speech provision and it is one aspect of the legislation that we reject out of hand.

The second one that I would refer to, Sir, is the one having to do with the classification of professional employees and the determination as to how those professional employees are to be recognized. That is Clause 7 in the bill in front of us and it's Section 29(3) of the existing legislation.

BILL 57

(MR. SHERMAN cont'd) Sir, in this area, to repeat what has been raised before, but I must say it for the record at this stage of the legislative process, there is no reason or right in my view for the Labour Board to be able to make the determination as to who is a professional employee practising his profession and who is not. Now I know how the Minister of Labour feels on this subject, he feels the precise opposite, and that's his privilege. But I say that I feel the precise opposite to the way he feels and I think it can be argued just as conscientiously, just as conscientiously, Mr. Speaker, that the person or persons to determine who was a professional person practising his or her profession should be the members, the ruling members of the professional association authorized by statute to enunciate the dictates of that profession in this province. Why should that decision-making authority be bested in the Labour Board. It is the professional societies, authorized by statute in this province, who know which members of their profession are practising the profession and which are not; who know whether a professional engineer instructing at Red River Community can be classified as a professional who is practising his profession or who is not. I don't believe that the Labour Board has the authority or the expertise or the sensitivity to make that decision with as much impartiality and objectivity as the professional society relative to the question could make itself. So that is a section that we feel extremely uncomfortable with and unhappy with, Sir, and another one on which we lost our proposed amendment.

Sir, the third one - I'm not going to rehash old ground - the third one is the conscience clause, so-called conscience clause, Clauses 22 and 23 of this bill which relate to Section 68(3) of the existing legislation - the application of the closed shop agreement to the conscientious objector.

I want to say one thing at this juncture without rehashing the grounds of this argument or prolonging the debate, Mr. Speaker, and that is that I think that there has been some, unfortunately, some misunderstanding and some misleading reporting in some of the media of what actually transpired in the debate that we had on this clause and on the amendment which the Conservative Party did move in Committee yesterday, and on the amendment which was subsequently moved by the government and which passed in Committee, both. There has been an impression left in some reports that in fact the so-called conscience clause remains intact, that in fact the government backed down on the issue that was raised by members of our party and that they agreed to accede to the kinds of arguments that were put forward very eloquently all day Saturday by a wide number of delegations and on subsequent occasions this week. Sir, that is not correct. Anybody reporting or conveying that kind of information, I think, has misunderstood the import of the amendment which the government moved yesterday and which now is incorporated into the proposed legislation.

The conscience clause is not intact at all. All the amendment that the government moved has done is proffered an olive branch to a particular sect, one or two particular small sects in the community. The amendment clearly states that one of the conditions, one of the linchpins on which it turns is that the person in question who is seeking to opt out on the conscience clause basis must be a member of a religious group which has as one of its articles of faith, etc., etc., etc., the fact that the members of that faith cannot belong to unions. Well that's not a measure that leaves the conscience clause intact in our view; it may leave it intact in the view of the Minister of Mines and Resources and the Minister of Labour, and others, but it doesn't leave it intact in our view or in the view of scores of people who have objected to the proposed new legislation, because the way that section of the bill originally was interpreted by the courts, and I know that this is where the government has its argument, Mr. Speaker, the way that that clause as it exists in the legislation at the present time has been interpreted by the courts is that the argument did not turn, specifically did not turn on a basic article or a basic tenet of a faith. It turned on the conscience of the individual, and how can you have a conscience clause unless it's predicated on that kind of a base.

So that the conscience clause as we know it and see it and feel it to be fair and just and equitable is the clause in which it operated and in the manner in which it's been interpreted by the courts in recent years, and all the government is doing here with this amendment that they have brought in is substituting a different stricture and a

BILL 57

(MR. SHERMAN cont'd) different restriction for the one that was originally contained in Bill 57 as it was drafted. And either way, either way that approach, Sir, is a repudiation of the concept of individual conscientious choice and is repugnant to us. So the amendment improves nothing for us, and I suggest that those who think because it helps a particular sect like the Plymouth Brethren, for example, will find that there will be members of that sect who will say, "I'm not happy that it perhaps exonerates me from this kind of untenable situation that the legislation was going to put me in because it doesn't free my brothers and my sisters, so I'm not happy. Why should I be the only one to profit by this kind of contrived method that the government has brought into effect a compromise in this area." I would doubt that those one or two sects who do benefit from it are any happier about it because of the other with sincere religious conscientious objection than we are.

Sir, the fourth basic section and clause of the bill which I find unacceptable is in Clause 27 of the bill which is 119(1) of the existing legislation, having to do, Sir, with associated businesses. I don't reject this concept out of hand to the same extent that I reject the first three that I have mentioned: the infringement on employers freedom of speech; the authority for the Labour Board to classify who is a professional; and the restrictions on the freedom of conscience. Those three, I find, completely repugnant and unacceptable.

The fourth one that I'm referring to here, Sir, I question, I question it intellectually at this juncture, I'm not sure that I question it to the same degree with my heart and my soul as I question the first three. I would like to see some time given to examination and study of this concept because I suggest to the Minister once again, as I have before, that there has not been sufficient and adequate and fair time given to the public at large, to the labour community at large, and to the business community at large, to study the implications of this section which carries within it the potential for increasing the certification of unions, Sir, without first putting the question to all interested parties, and giving these interested parties an opportunity to express their opinion which carries with it an element of compulsion which says that persons who belong to open shop workplaces are going to find themselves compulsorily forced into union shop workplaces if the strictures that obtain in this particular clause are in fact in existence, that is, if there are associated businesses or companies which share common ownership, common shareholders or common management and direction.

Sir, this is another infringement on the right of the individual to make his or her own choice but I am not at this juncture prepared to take a position as strongly in opposition to it as I do to the other three sections because I believe that with an opportunity to hear fair representation it might well be that the Minister and members on this side and others could work out an arrangement that was relatively satisfactory in the business, labour cross-section and community. My basic objection to this clause, and I stipulated this in Committee, was that there has been inefficient time provided, inefficient opportunity granted for the community, business, economic, labour, management and worker, to explore the ramifications of the clause in question, and I would like to implore the Minister once again as he proceeds with the legislation in front of us, implore him once again to consider at least withholding proclamation of that particular clause while all of us had an opportunity to educate ourselves more fully in its import.

So those, Sir, are the four elements of the bill that I find, and my colleagues find unacceptable, and I want to take just a minute, Sir, to tell you, enumerate for you the four missing ingredients that should be in here if this were to be the kind of legislation that I think would be helpful and beneficial to the economic community, to the industrial relations field in this province.

One ingredient that is critically important and that is missing in this legislation for the most part, for the most part, is a proper avenue of appeal, is a proper appeal recourse for those who have had decisions handed down by the Labour Board with which they do not agree. I don't see how, Mr. Speaker, I don't see how this government could argue that this legislation is democratic and it serves the democratic function on either side of the coin when over a great spectrum of labour-management activities, as enumerated and as treated in this legislation, there is no avenue of appeal, there is no

BILL 57

(MR. SHERMAN cont'd) court of appeal. What the Manitoba Labour Board says goes. That's it, Mr. Speaker. Well I think that is a direct repudiation of all the principles of justice and of jurisprudence and of freedom that we live under. I don't believe that that concept is compatible with the kind of system and the kind of philosophy that all of us live under and for that reason I find it in very large part undemocratic legislation.

Sir, another ingredient that would be in what I would consider to be helpful and beneficial labour legislation and is not in this legislation would be some kind of mechanism that at least contained the power of the Labour Board, this really dovetails with the lack of an avenue of appeal, which I just mentioned. There is too much power, Sir, there is too much power through this legislation vested in the hands of the Labour Board itself.

That, Sir, leads me to point number three, and that is, given this kind of power, given this kind of authority, given this supreme role against which there can be no recourse in many cases, against which there can be no appeal in many cases, we're still operating with a chairmanship of the Labour Board, and indeed a Labour Board membership itself, which is only part-time. And I say to the Minister that if he wants this kind of power and authority vested in the hands of what is a quasi judicial, quasi government agency, and what is an administrative agency, then that's a full-time job, and the job cannot be done fairly, and judgments cannot be delivered fairly, and differences and cases cannot be adjudicated fairly, unless those who are placed in that position of responsibility and authority are employed at it and occupied at it and their consciences are occupied at it on a full-time basis.

I say that I would make that same plea to any Minister of Labour in any government of any political stripe, and notwithstanding past or present memberships on the present Labour Board of Manitoba. I would make that plea on the grounds that it's a big job and it's a job that requires full-time attention and should not be done and can't be done equitably by somebody, man, woman, or whoever, who is spending half or more of their time at another profession, vocation or trade. So that's the third ingredient that is not in the bill, a requisition that the chairmanship of the board be considered a full-time professional occupation.

The fourth one, Sir, the fourth one is perhaps the most serious of all. We studied at length many representations and many proposals from all sectors of the economic community. In Industrial Relations Committee a few months ago we had the Minister's very comprehensively worked out White Paper in front of us for study; we heard, if not scores at least dozens of delegations and representations on almost every subject, cutting across the whole spectrum of the field of labour. And one subject on which there was a great deal of attention given and on which the conscience of committee members and through them, indeed, I believe the conscience and the consideration of the public at large was very highly exercised, was the whole question of strikes in essential services. The whole question of the --(interjection)-- I beg your pardon? The whole question of the impasse situation in essential services. We had hoped, I certainly had hoped that as a result of some representations that had been made, and I refer again to one that came from the Manitoba Health organizations, that there would be some new innovative concepts enshrined in this new legislation that would provide an opportunity for tackling the problem of the impasse situation, the impending strike situation in essential service, particularly in the field of health services. We hoped for that, we looked for that. I must confess, as I said earlier in this session on second reading, Mr. Speaker, and it's no news to the Minister, that I was bitterly disappointed that the legislation not only contains no kind of provision of that sort, not only does not address itself to that problem, but in fact, Sir, in fact, Sir, it pays no mention, it pays no attention, no heed whatsoever to the problem that has been growing in our society and in western society for some considerable time and that has been threatening the order of western society generally, and that is the strike in the critical, in the essential service.

So the bill as far as I'm concerned, Mr. Speaker, has many and considerable serious shortcomings, and in the light of those shortcomings, in the light of the items that are in there that I've enumerated which we find repugnant, in the light of the

BILL 57

(MR. SHERMAN cont'd) considerations and the concepts which we believe should be in there and which are missing, I cannot give my endorsement to it and my colleagues cannot give their endorsement to it as good labour legislation. We feel it has many many holes in it, and we feel, Sir, until and unless it is improved we cannot endorse it as good labour legislation.

In conclusion, Mr. Speaker, I would say that there are three sections in particular, among the four that I mentioned, that we would wish to have stricken from the legislation and repealed on any day that we became government of this province. The only one that doesn't fit into that category is the one related to associated businesses because that has not received sufficient study yet. But the provisions having to do with the conscience area, the provisions having to do with the classification of professional employees, and the provisions having to do with infringement on an employer's freedom of speech, are provisions that we can't live with, Sir, and we have no hesitation in saying for the record that on the day that our party formed the government of this province we would rewrite legislation to modify at least the one having to do with employer's freedom of speech, to repeal the one having to do with the conscience clause, and to repeal the one having to do with vesting the authority in the Manitoba Labour Board to make decisions on professional classifications.

MR. DEPUTY SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I realize that the hour is getting late; I realize that the members of this Assembly chosen by the electorate across Manitoba have reached the end of their tether and feel that it is time to get out, particularly when one listens to the oration of the honourable member who has just taken his seat. Throughout the last week, ten days or so, constantly there has been a running verbiage from members of the Legislature on the opposite side of the House, that they haven't had an opportunity of considering the legislation that is proposed before them. I want to say to them, Mr. Speaker, that the reason for the legislation being before them is because of their failure during their years of office to introduce into this Assembly legislation that gave to the producer of Manitoba a fair share.

I recall, Mr. Speaker, as a comparatively young man working for the Timothy Eaton Company in 1935, that I dared to say to one of my fellow workers that what we need here is a trade union in order that we may have some opportunity of suggesting changes of conditions under which we work. What was the net result, Mr. Speaker? I was fired. I was fired because at that particular time the only voice that could be heard is the voice that the Honourable Member for Fort Garry is pleading for here tonight. The voice of management.

When I became a member of this Legislature in 1953, under a then Liberal regime, they didn't even have a full-time Minister of Labour. They had a Minister of Labour shared with what I believe was the Department of Mines and Natural Resources. It took a long time, or a number of years at least, to try and convince the Liberal Party that there is a community in Manitoba comprised of workers who should have an opportunity to be heard and heard under decent working conditions.

Then in 1958, first with a minority government and '59 with a majority Conservative Government, there was no material changes insofar as labour legislation was concerned, despite constant pressure upon persons who had never had any relationship with labour, to try and bring about a reasonable system whereby our workers had some choice in the operation of their plants. Under the Conservative Government, that my honourable friend suggests that we would revert to if he and his associates became the government, there was little recognition of the rights of the worker. Our workers' compensation was among the worst in Canada. Our minimum wage, Mr. Speaker, was about the lowest in Canada. There was no protection, serious protection for equal pay among the female and male sections of our industrial community.

This government became the government on June 8th in 1969. The Premier at that time indicated, because of the fact that I had had some association in the work field, that I may represent him on the front bench as Minister of Labour. I was determined at that time, as I am determined tonight - although I don't have to be

BILL 57

(MR. PAULLEY cont'd) determined tonight - I was determined on that occasion that I would try to bring about a new deal for the people who produced the wealth of the Province of Manitoba.

But listening to the oration of my honourable friend the Member for Fort Garry tonight, one would think that the clocks had been turned back because today the employer has to answer for his actions. How well I recall the necessity for workers on relatively low wages having to go before the courts to plead against high priced lawyers for fairer treatment. How I well remember the little fella on many occasions not even attempting to bring about a resolution of a grievance against his employer because he was beaten to start with, because he didn't have a really and truly effective Labour Board and officials of the Labour Department to fight his case for him. He was a loner. This, I suggest, Mr. Speaker, would be what my honourable friend would turn us back to. I don't know who the next Minister of Labour is going to be. I know that his job will be a hell of a lot easier because of the type of legislation that has been introduced into this House since 1969.

My friend says that the Conservatives and the public haven't had an opportunity of seeing the effects of labour legislation and had an opportunity to consider the legislation that we dealt with this session. In 1972, over four years ago, I introduced into this House a new labour code for Manitoba, effective on the 1st of January of 1973. I was very dictatorial and have been criticized for it. And I accept that criticism because that labour code that became effective the beginning of 1973 reflected my lifetime of occurrences and mishappenings in the labour relations fields of Manitoba. Yes, it is a fact, Mr. Speaker, that I did not consult with the Canadian Manufacturing Association, I did not consult with the Winnipeg Chambers of Commerce, I did not consult with the Manitoba Federation of Labour or any other organization, but went to work and made an assessment based on investigation into the prevailing situation in the field of labour in Manitoba.

It was felt that after a fair trial, or a reasonably fair trial, that from January, 1973, that we have a review of our labour legislation, and I issued invitations to people of all descriptions, employers, employees, and the common wheels, to send in recommendations for changes in The Industrial Relations Act of the province. After consideration of those suggestions of 1974, March 1974, in December of 1975, I issued what is now called, so-called, a White Paper, six or eight months ago, indicating what was thought to be required in Manitoba. Following that I asked the Industrial Relations Committee of this people's parliament to meet and to consider all aspects of labour-management relationships in the province and to give me as Minister the benefit of their wisdom or their knowledge of requirements. The Labour Relations Committee met and then following that we considered the bill that is now being given third reading. Sure, Mr. Speaker, I appreciate the fact that it is not perfect. Also in the meantime, Mr. Speaker, a different avenue was being pursued. I don't know if any of the members in the Assembly today remember the origin of the Woods Committee of government, a committee that was set up at that particular time with the basic reasoning of circumventing any suggestions of advancement in the labour movement in Manitoba. Any suggestions that we made from that side of the House for the improvement of workers compensation, of working conditions, the then Minister of Labour would accept the resolution, amend it to refer it to the Woods Committee for their consideration and recommendation. No recommendations from the government of the day, Mr. Speaker, but from the Woods Committee. But what did we do with the Woods Committee? We put it to work and it's worked very very well and very hard and has given us the advantage of much of its thought.

My honourable friend, Mr. Speaker, the Member for Fort Garry, made reference to strikes in the essential services in the Province of Manitoba. He says that we haven't studied what goes on in Manitoba. The Woods Committee met, some 70 of them, considered all aspects of industrial labour relations in the health field, the question of strikes in the essential services and what was their recommendations? That there be no legislative barrier to the strike in those fields which is what is now being advocated by members opposite. That to me, Mr. Speaker, is very indicative that even

BILL 57

(MR. PAULLEY cont'd) those that criticize those that study, as we study, are very unknowledgeable of the situation. Rather than look into the real problems with which we are confronted that mean something of a major nature, my honourable friend, aided and abetted by the outfit over in the corner, are wont to rant and rave on the basis of religious conscience one way or the other instead of getting down to the nitty-gritty and meaningful propositions that we are confronted with here in the Province of Manitoba.

I say, Mr. Speaker, that one of the greatest tributes that can be paid to this government in the field of industrial relations is the statistical record that has prevailed since this party became the government in 1969. With the change in the climate under which we work in the industrial field, we have been blessed not by an act of God, we have been blessed by a sound logical approach to our industrial relations with about the least incident of strike in Canada and the least problems of unemployment. Mr. Speaker, that hasn't been brought about simply because we come and rant and rave from time to time as to clauses in the likes of Bill 57, but a continuing effort on behalf of the government, the Premier and the caucus in trying to continuously formulate and to produce legislation that forms the basis of a decent approach in human relations.

I suggest in conclusion, Mr. Speaker, that the legislation now prevailing in Manitoba is a model and a code for labour legislation all across the North American continent. I can say that because as the President of the International Association of Labour Ministers, I come into contact with my fellow commissioners from time to time wherein we exchange our viewpoints and our approaches and our approach is the envy of them all.

QUESTION on third reading put, MOTION carried.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I'm wondering if some honourable member opposite might call the Member for Lakeside and the Member for River Heights. I will call those items as soon as either appears. In the meantime, Sir, while that's being done . . .

MR. SPEAKER: . . . 20.

MR. SCHREYER: No. 20 is standing in my name but I'd rather speak when the Member for River Heights is here. Alternatively, the Member for Lakeside, if he were here, we could call 79. In the meantime, Sir . . .

MR. SPEAKER: Birtle-Russell.

MR. SCHREYER: Birtle-Russell. In the meantime, Sir, I would ask you to call the resolution standing in my name with respect to the Deputy Chairman of Committees.

RESOLUTION - RE DEPUTY CHAIRMAN

MR. SPEAKER: The Honourable First Minister on the resolution.

MR. SCHREYER: Mr. Speaker, I move, seconded by the Honourable the Minister of Agriculture,

THAT, D.J. WALDING, Esquire, Member for the Electoral Division of St. Vital, be Deputy Chairman of the Committees of the Whole.

MOTION presented.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, it is I suppose only conventional that I say something in support of the motion, but I would simply confine it to this statement, Sir, res ipse loquitur.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: I wonder, Sir, if it would now be appropriate if you would call the resolution standing in my name with respect to the sessional indemnity relative to the former Member for Souris-Killarney.

RESOLUTION - RE THE LATE MALCOLM McKELLAR

MR. SPEAKER: The First Minister on that resolution.

MR. SCHREYER: Mr. Speaker, I move, seconded by the Honourable the Minister of Labour,

THAT the sessional indemnity and expense allowance which would have been payable to the late MALCOLM EARL McKELLAR, former member for the Electoral Division of Souris-Killarney, for this session, be paid to his widow, Lois McKellar.

MOTION presented.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, this might be an occasion when some honourable members might wish to say something with respect to the former Member for Souris-Killarney, but we have taken at the appropriate occasion the time to speak to his memory and I don't feel it would be particularly appropriate to do so now. Suffice it to say, Sir, that this resolution I believe to be with ample precedent. It is in my personal opinion a solemn obligation in accordance with past precedent and I simply recommend it to this House.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, we've had occasion on which we have spoken in remembrance of Earl McKellar and I don't think we wish to do that at this time. There is, I realize, precedent for this and it's entirely in order.

There is one other item though that makes it quite logical and that is that when elections are held in June and the House doesn't sit until the next year some time and the sessions end in June, that the MIA or an elected person has virtually put in a year's work before the session rolls around and it isn't just his representation in this House that he reached remuneration for although technically that is what it is for. Therefore we're very pleased to see the government take this action.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I'm wondering if I could have some indication as to whether the Member for Birtle-Russell will be here.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): Mr. Speaker, if the First Minister would call this particular motion on the assumption that nobody else wishes to speak on it, the Member for Birtle-Russell will forego this opportunity.

MR. SPEAKER: The Honourable First Minister.

BILL NO. 79 - GRANTING OF FISCAL MONEYS

MR. SCHREYER: I thank the honourable member. Accordingly, Sir, I would ask you to call Bill 79.

MR. SPEAKER: On the proposed motion of the Honourable First Minister, the Honourable Member for Birtle-Russell. Any other member wish to speak? Order please.

QUESTION put, MOTION carried.

. . . . continued next page

BILL NO. 20 - AN ACT TO AMEND THE TRADE PRACTICES INQUIRY ACT

MR. SPEAKER: The Honourable First Minister on Bill 20.

MR. SCHREYER: Well, Mr. Speaker, this bill is standing in my name because at about 5:27 p.m., following the remarks of the Honourable Member for River Heights, I adjourned it hoping that during the supper hour it might be possible to come to some drafting of words that might somehow accommodate the honourable member without, however, forcing us into the position of adopting a provision in law that we disagreed with in substance. The Honourable Member for River Heights may smile but we were genuinely seeking to accommodate his point. But, Sir, I must say to him in all bluntness that the more we look at his proposal, the more we have to come to the conclusion that it is a redundancy and indeed in some ways would be a redundancy that might do some damage in terms of cluttering up the statute books of our province which in some ways some may argue are over-cluttered already.

The Honourable Member for River Heights, his case rests essentially on the premise that it is desirable that the Commission of Inquiry that would be empowered to hold hearings and gather evidence be required to hear all interested parties. Well, Sir, that is indeed a common sense desire. But, Mr. Speaker, in looking at various drafts in which this could be done in a way that would not however almost beg for the transfer of determinations of issues of this kind to the courts from Parliament, it just hasn't been possible.

If my honourable friend - and in recent days he seems to have adopted a strategy and I don't want to make it appear that it is not a genuine one, it may well indeed be genuine, I believe it to be genuine - his strategy is to attack all legislation from the point of view whether it is an infringement of civil rights and procedural rights. That is indeed a valid, indeed a crucial exercise for a member of a parliament or legislature to undertake. But again I must say to him, as I did earlier today, that he really must avoid taking a pristine attitude with respect to forms of procedure by which government operates because I have looked - and I have before me three separate volumes of the Statutes of Manitoba - I'm looking here whether any provision was made to enact the common sense that my honourable friend refers to. Let's say it is, let's agree it is only common sense.

I've looked in The Evidence Act, The Manitoba Evidence Act which is not exactly a new statute - I believe it's been on the books for many years - whether or not there is any section here that codifies or enacts common sense with respect to procedure. I couldn't find it. I looked at the Public Utility Board to see whether in that Act, The Public Utility Board Act, there would be a specific codification or enactment in statute of a procedural requirement that they hear all those who are materially interested. I assume, Sir, that under The Evidence Act and under The Public Utility Board Act that those acting pursuant to those Acts do hear all interested parties but nothing in the Act stipulates that that is necessarily so.

Sir, if it isn't in the Act, my honourable friend will say ha ha therefore that means that an arrogant board may choose to flout common sense and not call in a materially interested party. In which case, Sir, I'm sure it would be only a matter of time and short time at that before it would become a first priority, bona fide political issue. Sir, if that is the case there is only one place to settle ultimately political issues and that's here and with the electorate. I'm afraid I have to come to the conclusion that some suggestions which are put forward with good intent really would have the effect of further derogation of responsibility of political office and of parliamentary powers to some other location. Not only that - and this is not meant in any negative or critical way - but there is almost a Freudian tip-off in my honourable friend's suggestion. It connotes to me that on balance he would opt for more congressionalization of form of government, more judicial review of parliamentary laws and parliamentary authority and that's not to say that is inimical to democracy, of course it is not. But then again neither is parliamentary democracy. If there is vigilance needed to ensure that common sense is observed in the procedures that are a crucial part of the gathering of evidence and that materially interested parties have a right to appear, I believe that this House is at least as capable a vigilant of democracy as any other venue or branch or arm of the totality of government.

BILL 20

(MR. SCHREYER cont'd)

Mr. Speaker, that is not to say that I would have been beside myself if we had accepted the honourable member's amendment. Indeed we were looking to see whether we couldn't accommodate, particularly in the spirit of the closing day of a session. But you see had we done so, I rather suspect - the law of probability I would argue here is that a year or two from now we would have had to bring in a subsequent amendment because by virtue of that amendment, using words such as "reasonable" and "representative groups", the interpretation of those words, representative group and reasonable, would have brought it into the venue of the courts and we would have had the courts involved in, in effect, indirectly in economic policy decision-making. The converse of that is that if we are wrong and that the parliamentary approach is insufficient to ensure that "common sense" is followed in hearing material parties and witnesses, then it becomes a political issue and my honourable friends will be free to bring forward, with the benefit of the proof of actual experience and actual fact, an amendment such as he suggests, and then we will be that much the more hard-pressed to resist it at that time.

So there it is, Sir, it's a case of which of the two approaches one has more ultimate faith in, and whether or not there is to be one further derogation of parliamentary responsible government.

And I leave it on that basis, Sir. There are other amendments that have been made by the Minister sponsoring the bill, and indeed one of the amendments is almost a direct, if not a direct, acceptance of one of the suggestions of the Member for River Heights. We are not being bullheaded about this, we've accepted some modifications, and so in conclusion, Mr. Speaker, I say, maybe part of the problem with this bill, the fact that it seemed to excite the sensitivities of some honourable members opposite, is because I think they really read too much into the intent of this bill. Let me be very frank. We do not intend this bill - I would not want to exaggerate or over-emphasize its importance or its intent or the objectives for it. This is no Magna Carta, and first of all it's only a page long, it's no Magna Carta we have here, Sir, it is indeed a mundane piece of legislation, mundane, intended really for one purpose only and that is, given the fact that we've had on the statute books for about, well 39 years, an Act which provides for investigation into certain alleged malpractices or mispractice, malpractice, in industrial trades, pricing in the marketplace, etc. But, Sir, it's been a toothless bill, a toothless Act, because whatever abuse has taken place, investigation takes place after the fact, there is no power to restore anything to the status quo ante, so the investigation takes place, there is a report; by that time months and months have elapsed. So the limited objective of this bill is to ensure that if there is to be investigation into serious allegation of wrongful practice there shall be an inquiry that has the benefit of simultaneous restoration of the status quo ante so that abuse is not allowed to linger on.

Well there it is, Sir, that's the objective, it is limited. We're not able to accept seriously the contention that this bill is somehow seriously eroding of rights under our way of life.

QUESTION put on the amendment, MOTION lost.

MR. EDWARD MCGILL (Brandon West): On Division, Mr. Speaker.

MR. SPEAKER: On Division, very well.

QUESTION put on report stage, MOTION carried.

MR. SPEAKER: The Honourable House Leader.

BILL 20 - THIRD READING

MR. GREEN presented Bill No. 20, An Act to Amend The Trade Practices Enquiry Act, for third reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BOB BANMAN (La Verendrye): Thank you, Mr. Speaker. The First Minister just gave us an assurance here that the Attorney-General couldn't give us last night, namely, that people would be hurt if they had representations to make before this

BILL 20

(MR. BANMAN cont'd)Committee. The First Minister also mentioned that it's only a bill about a page long, and I would remind the First Minister that even though it isn't a long bill the Ten Commandments were done on only two tablets and there's a lot can be done on a few tablets. And as the members point out, there's one tablet over there and the Ten Commandments are on one piece of paper so I don't think, by virtue of this particular bill not being as big as the Corporations Act, I think the ramifications of it could be just as big.

Mr. Speaker, yesterday in Committee, I think, most of us saw that --(Interjection)--

MR. SPEAKER: Order please.

MR. MCGILL: Mr. Speaker, the government and the Minister in charge of this particular group, who introduced this particular bill, mentioned yesterday when we brought up the possibility of any constitutional challenges, brought up the fact that if any should arise they would handle them as they came along, and it became very evident throughout the evening, I think, that the Minister himself didn't know exactly what the specific details of the proposed legislation were.

As mentioned yesterday the bill does give the Minister sweeping powers, and I would maybe liken this particular piece of legislation to a young 16 year old boy who just gets his driver's license and his father buys him a car and it's got 400 horsepower and his father says, "Son when you take this car out on the road only use 100 horsepower, don't use all the 400," and that's basically what the Minister was telling us yesterday. It's giving me a lot of power, but I'm going to use it very very sparingly.

The bill also, Mr. Speaker, as pointed out before, does not provide for any appeal mechanism. Again we're very vague of how the government is going to regulate the prices at the retail or the wholesale level, and I think there are many questions that are unanswered. And as we pointed out during the second reading debate of this particular bill, the bill was introduced for first reading way back on Feb. 28th, and I think if the Minister had brought it in that we could have a good look at it and discuss it, I think it would have been of benefit to everybody in the House. I don't think that the bill should be passed at this time and I think that it should be held over to ensure that the legislation is proper and that the rights of the Manitobans are protected.

And therefore, I move, Mr. Speaker, seconded by the Member from Wolseley, that Bill No. 20 be now not read but read six months hence.

MOTION presented.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SIDNEY SPIVAK, Q.C. (River Heights): Mr. Speaker, I rise at this time because of my pristine attitude with respect to the way in which the government has operated over the last period of time.

Now I want to tell the First Minister, and I say this to him very directly, if he wants to know my strategy with respect to the whole issue of human rights, let him examine the whole range of its legislation going back to the early stages, and I will tell him that he will find that in almost every case I was successful in correcting the legislation that was introduced by your government in the consumer field, etc., where in effect the provisions were, contained snooper clauses and contained a number of clauses, Mr. Speaker, --(Interjection)-- Oh, that's different. Snooper clauses are different, Oh, yes, snooper clauses are different. There's no strategy, there has been a concern over all for rights; there has been concern that government involvement in our lives does not necessarily mean that there can be the exercise of power which in effect becomes that of the tyranny of the majority. Because the answer that the First Minister says is that we have a political answer. The political answer is in this Legislature where the majority is the government, or among the people where the majority may be against the minority, but the reality is, Mr. Speaker, that we have as much a responsibility to protect our rights.

And what is the problem here, Mr. Speaker? The problem is that the court may interfere. Well the court interfered with Mr. Gershman when he challenged the Vegetable Marketing Board, and that is the testimony to the kind of thing that we have to do. And that is, I believe, the kind of thing that we have to concern ourselves about. And all I'm suggesting here is that the First Minister has clearly stated what I think probably are the

BILL 20

(MR. SPIVAK cont'd) . . . objectives as far as his government is concerned, and I'm not questioning that, but I want to tell him that it's not contained in the bill. What's contained in the bill is that if, in fact, there's a price increase of over 10 percent that he'll have the power to, in fact, call an inquiry and freeze the price. Now that's really what's contained in the bill. --(Interjection)-- Over 10 percent. Well, Mr. Chairman, that's an unlimited power, it's an unfettered power and it can affect the rights of certain people. There are time limits, and I accept that the government has indicated that, and the time limits are at least in between sessions, and there are time limits as well with respect to any determination that may be by the board. But there is really, Mr. Speaker . . .

POINT OF ORDER

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, the honourable member is speaking on a matter which was voted on in the report stage of the House. He is now speaking to the question as to whether the bill should be delayed for six months.

MR. SPEAKER: Your point is well taken. The Honourable Member for River Heights.

BILL 20 cont'd

MR. SPIVAK: Mr. Speaker, that's exactly what I'm talking about. One of the reasons for supporting the hoist, Mr. Speaker, is the failure of the government to recognize the need for change, and the need for the amendment to have been passed. And, Mr. Speaker, I think I'm perfectly in order to do that, and I have no intention of trying to keep anyone here unnecessarily, but I want to make the point to the First Minister. --(Interjection)-- You've heard it all; you weren't present. Well you've heard it. Well I want to tell you something, you're the one person to whom it should be repeated over and over and over again because if there is one person who is concerned about using the power without concern for the rights of individuals, it happens to be the Minister of Mines and Natural Resources.

A MEMBER: And I could find plenty of them, I could find plenty of them.

MR. SPIVAK: Cheap shot, cheap shot. To say that he has heard it again is a cheap shot too, much more of a cheap shot. You know, Mr. Speaker, the Honourable Minister of Mines and Natural Resources may not want to suggest that, he may not want to have it suggested, he may not feel that, but the truth is that one has to examine the whole range of legislation. The basic concept is that the executive powers should be there, it should be wielded; it will be wielded by a government that will use its wisdom and common sense, but I suggest that there has to be checks and balance on that power because I don't trust necessarily the common sense that is supposed to be exercised, and, Mr. Speaker, it is not that government that may be in power, it may be another government and you may very well be concerned that there were no checks and balances. And what's the checks and balance? The checks and balance here are that those people who are directly affected will in fact be heard by the Commission. So the suggestion is that the Public Utility Board obviously uses common sense and hears it, but they regulate an industry, Mr. Speaker, they are not on a specific commission of inquiry.

Now, Mr. Speaker, we have introduced here and passed a Human Rights Commission, and it has a specific provision. The Board of Adjudication which has been set up under the Human Rights Commission shall give to all parties to a hearing, being conducted by it, full opportunity to be represented by counsel, to present evidence, and make submissions. A Board of Adjudication, which is a Board of Inquiry, shall give to all parties to a hearing. Now all I'm suggesting, Mr. Speaker, is to those parties that are affected that there should be that right and it should be enshrined in legislation, Mr. Speaker, that's all. And I know that there's some difficulty in the wording of it, and I'm suggesting, and I try to be as flexible as I could in our discussions . . .

POINT OF ORDER

MR. SPEAKER: The Honourable Minister.

MR. GREEN: Mr. Speaker, I make the same point of order on which you ruled. The honourable member certainly should have sufficient ingenuity . . . He is now speaking to the amendment, complaining about why his amendment was not passed, referring to the wording of the amendment, pleading for other wording, he is dealing with the amendment.

MR. SPEAKER: The point is well taken. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, I'm giving the indication of why I would not support the bill and why I believe the bill should be hoisted. And I believe I can talk about the failure on the part of the government to recognize the necessity of the amendment. And I'm sorry that the Minister of Mines and Natural Resources does not like that, but the fact is that that's the reason.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, on a point of order. You have ruled that my point was well taken. It is not I alone who does not like it, the Speaker does not like it, and therefore you'd better get to the point.

MR. SPEAKER: The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, unfortunately for the Minister of Mines and Natural Resources I have some rights.

MR. GREEN: Mr. Speaker, on a point of order. I rose on the point of order as a member is entitled to do. You ruled that the point was well taken. I too have rights: I am entitled to the rulings of the Speaker; I'm entitled to have those rulings enforced, and the honourable member cannot put the tyranny of his minority over the rulings of the Speaker and of the House. He should get back to the point.

MR. SPEAKER: The Honourable Member for Morris on the same point of order.

MR. JORGENSEN: Surely, Mr. Speaker, when one is speaking on third reading one has to . . .

MR. SPEAKER: Order please. You're speaking on the amendment on third reading.

MR. JORGENSEN: The House Leader seems to get so excited. It's getting late in the evening and I know he's getting tired, but at the same time he's going to have to bear with us unless he wants to sit here until five o'clock in the morning. But, Mr. Speaker, the motion to delay the bill is moved, and what the Member for River Heights is doing is outlining his reasons why he believes that bill should be delayed. That could cover every section of the bill. He can talk about every facet of the bill and in every way that it affects the people of this province. And I don't think that it's proper for the House Leader to be interjecting time after time, even before the Member for River Heights has an opportunity to get up and reply, and deny him the right to speak. And that's really what he's doing, and I suggest to the House Leader that this debate will be over a lot sooner if he just contains his sole impatience and allows the debate to proceed.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, you know we can go, as the honourable member says, each member has the right to deal with matters as he sees fit. I raised the point of order with the Chair as I'm entitled to do. I did not say that he could not go over the entire range of things on third reading. He was reflecting on a decision that was made by the House. He was referring to the amendment, the wording of the amendment, how it would be acceptable, how it would not be acceptable. It is at that point that I told him that I wanted him to deal with the substance of what is happening on the motion to delay the bill for six months. The Honourable Speaker said the point is well taken, and the Honourable Member for River Heights then said that I am denying his rights, and it is at that point that I raised the second point of order, which was that it was not I who were denying rights but the rules of the Chamber. And I resent that being said because earlier the honourable member seemed to single me out as being someone who denies people rights, and I suggested that it is he who is doing it.

BILL 20 cont'd

MR. SPEAKER: The Honourable Member for River Heights and may I suggest that we address the Chair, not get into personalities, and stick to the subject matter before us, that is the amendment in respect to Bill 20. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, the bill specifically states that if a price is increased by 10 percent, along with certain other conditions which would be met in the normal course of trade in this province, that the government would have the right to freeze and call the Commission of Inquiry. And that price freeze could be applied whether it was fair or not; it's a power that the government has, that's their power. It affects people, it affects people very directly. It is my belief that it is necessary before this bill be considered, and that's why it should be considered by the government and hoisted for six months, that because it affects people, their rights to be heard, should in fact be enshrined in the bill.

The reason, Mr. Speaker, it would appear that it is not being placed there is because of the difficulty of definition and because of the possible action of the courts in frustrating the work of the commission. I have no fear of the courts. I think the fact that there is a fear of the courts is the very reason why in fact it should have been included and I think that's the very reason, Mr. Speaker, why the bill should be hoisted.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, what the honourable member has said may by itself appear to make eminent good sense. But, Sir, when he says that he does not fear the courts, I'm sure he doesn't hope to imply that he fears parliament. I for one, Sir, do not fear parliament. Now is this to be a conundrum? I would suggest that we have placed our faith in parliamentary institutions for a long time, we and our ancestors, and the ultimate remedy if justice is done is really with both the courts and with parliament. If there is something fundamental here I am sure that it is not beyond the ingenuity of our lawmakers and our learned members of the bar to put it to right.

My honourable friend should not pretend that what we have here is something unique and precedent setting. I have here statutes of law which he can peruse to his heart's content bestowing fundamental, pretty basic powers in order for them to do their job on the Public Utilities Board under The Manitoba Evidence Act with respect to inquiries of any kind. It is assumed, Sir, it is implicit that those who are vested with that authority will do the obvious thing about having interested, materially relating parties heard. The right to be heard is the sine qua non. My honourable friends wants it to be in statute in this case. In the other cases which I have cited and which are here in these statute books, he somehow has been content since 1966, since he has been a member of this Assembly, he has been content to somehow avoid bringing amendments forward to remove those alleged deficiencies in those statutes.

So I suggest that he is being inconsistent. I'm not saying that he has been completely wrong, that he has no foundation of argument, I'm not suggesting that. But he certainly is not being consistent.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, I listened to the words of the First Minister, I listened to the words of the Member for River Heights. The Member for River Heights said he had no fear of the courts and the First Minister said he had no fear of parliament, and I suppose he included the Legislature in that. But there is one fear, there is still one fear that is prevalent in this province and that's the fear of the Lieutenant-Governor-in-Council and they are sitting over there right now. That fear is prevalent in every facet of society in the Province of Manitoba today.

MOTION on the amendment presented and declared lost.

MR. JORGENSEN: Ayes and nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

The Motion before the House is the amendment by the Honourable Member for La Verendrye.

BILL 20

A STANDING VOTE was taken the results being as follows:

YEAS

Messrs.	Axworthy	Jorgenson
	Banman	McGill
	Brown	McKenzie
	Craik	Minaker
	Einarson	Patrick
	Enns	Sherman
	Ferguson	Spivak
	Graham	Watt
	Henderson	Wilson

NAYS

Messrs.	Adam	McBryde
	Barrow	Malinowski
	Bostrom	Osland
	Boyce	Paulley
	Burtiak	Pawley
	Cherniack	Petursson
	Derewianchuk	Schreyer
	Dillen	Shafransky
	Doern	Toupin
	Gottfried	Turnbull
	Green	Uruski
	Hanuschak	Uskiw
	Jenkins	Walding
	Johannson	

MR. CLERK: Yeas 18, Nays 27.

MR. SPEAKER: In my opinion the nays have it. I declare the amendment lost.

MR. ENNS: Freedom lost again.

MR. SPEAKER: Order please. The motion for third reading.

MOTION presented.

MR. SPEAKER: Order please. I'll catch the honourable member in a minute.

MR. JORGENSEN: Mr. Speaker, I just wonder if you're a little bit premature.

Were you not going to announce the pairing on the last vote.

MR. SPEAKER: I agree, but I was in the midst of taking the vote, I could catch the honourable member, it will still be on the record. I'll do it all over again.

MOTION on third reading presented and carried on a reverse division.

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, on both votes I was paired with the Honourable Minister of Health.

MR. SPEAKER: Thank you very much.

MR. JORGENSEN: Mr. Speaker, with due respect, I think you've fouled it up a little bit because we would want to register opposition to third reading on third reading on this bill and you've denied us that opportunity. Now I am going to suggest, Sir, that we carry the same division in reverse, and if the vote was carried correctly it would have happened.

MR. SPEAKER: There is no problem. The recorded division will take place in reverse. I merely put the question to a voice vote first on third reading which was the motion which was before the House before the amendment took place. The amendment took place, the amendment was lost. I announced that and then I went on to third reading. The Honourable Member for Portage la Prairie got his point in that he was paired on both votes.

BILL 20

(MR. SPEAKER cont'd)

Order please. Are we prepared to proceed? Thank you. I should like to say for the honourable gentlemen, I know we are almost at the termination of our deliberations. There is one caution I would like to suggest, I do know that some exchange takes place with some kind of objects, and since we passed the workers Act in respect to compensation I would certainly hope that the members of the Legislative Assembly are not the first ones to have to benefit from that legislation. Therefore I would suggest that no heavy missiles be utilized in the exchange. The Honourable House Leader.

MR. GREEN: Mr. Speaker, I just want to make sure, has Bill 20 been adopted at third reading?

MR. SPEAKER: Yes.

MR. GREEN: It has been adopted. If that's the case, Mr. Speaker, then we have the resolution respecting the Honourable the late Malcolm Earl McKellar.

MR. SPEAKER: It's been carried.

BILL 66 - AN ACT TO AMEND THE MANITOBA HYDRO ACT - SECOND READING

MR. GREEN: Mr. Speaker, then I want you to call Bill 66.

MR. SPEAKER: Bill No. 66. The Honourable Member for St. Matthews.

MR. WALLY JOHANNSON (St. Matthews): Mr. Speaker, I adjourned this debate for the First Minister.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, the subject matter of Bill 66 is something that has been discussed on more than one occasion in this Assembly, and certainly the Member for River Heights has had ample opportunity to continue to bring forward from time to time his suggestion that Hydro rates be required to be submitted to the Utilities Board. There has been I think good substantial debate on the matter. I am sorry to have to disappoint the Honourable Member for River Heights but as I have said on past occasions and feel I must repeat and re-emphasize once again, not only does this government not find sufficient merit in the proposal, it is one which I, Sir, would describe as being a completely non-productive if not counter-productive exercise that would cost in the order of four to five hundred thousand dollars for no good purpose.

Mr. Speaker, I have here Page 1 of the Toronto Globe and Mail of yesterday and here we find that a hydro utility owned by the public that is required under the law of the Province of Ontario to go to a Utility Board for adjudication and then some people thought that wasn't sufficient, it was required to go to a ministry for adjudication and then it was required, lo and behold, to go for rate hearings and discussions to a Standing Committee of the Legislature. As a consequence of all of these three bureaucratic, super impositions one on the other, Ontario Hydro last year was prevented from having an increase of 26 percent which they felt they could justify to a grand difference of four percent. So it ended up at 22 percent. But, Mr. Speaker, it didn't end there. Ontario Hydro, a public corporation, having been denied 26 percent and required to go at 22 percent this year finds itself in a loss position precisely for that reason. So this year the headline in the newspaper is that there will be a 34 percent increase in Hydro rates in Ontario in 1977.

Well, Mr. Speaker, that is merely the proof of the pudding. Every time that a publicly-owned utility that is already in statute prohibited from transferring funds to the public revenues of the province so there can't be any diversion of funds, what in the world is the point of requiring a half million dollars, one million dollar exercise in futility. I know who the beneficiaries may be. It would be that body of expertise that would have to be hired by the Utility Board because they don't possess the expertise. If they did they might as well run the corporation. Therefore they don't have it so then they retain it. They retain perhaps Stone and Webster. It is no insult to Stone and Webster if I say that it is consulting firms such as Stone and Webster that are the major beneficiary of this kind of mandatory reference of a Crown corporation to a Crown-appointed adjudicating body.

Mr. Speaker, it is something which I without the slightest hesitation say and without any trace of equivocation is something which we are most unimpressed with the arguments put forward by the Member for River Heights. It is, to put it bluntly, a waste of

BILL 66

(MR. SCHREYER cont'd) money. The proof is that where they put a hydro utility in our neighbouring sister province through the hoop three times, they forced them to roll back by four percentage points, so this next year 34 percent increase in one year. Who are they trying to kid? I know that if an energy utility is required to roll back in a way that is artificial, all that will happen is that they will force out on the money markets of the world that much more and the consequences of that are merely compounded.

So there it is, Sir. I must say that there shouldn't be any doubt in my honourable friend's mind but that we oppose Bill 66 and intend to vote against it.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. CRAIK: Well, Mr. Speaker, I just put my microphone back up again. I hadn't anticipated speaking on this bill obviously and I'll speak very briefly.

Mr. Speaker, a Public Utilities Board would have to do very little more except to go back to a 1968 report that projected the rate increases of Hydro into the 1980 region, Mr. Speaker, and projected into the 1980s at no increase over ten mill power, one cent per kilowatt hour to the consumers of Manitoba. Mr. Speaker, a Public Utilities Board could take that report and ask a very few direct and simple questions to Manitoba Hydro and to the government. The first question would be, Mr. Speaker, and the only important question would be "why". Because if you project the inflationary costs from that period up to the period of 1980, Mr. Speaker, there is no justification for the cost increase to the power consumers of Manitoba.

Mr. Speaker, not only does this government want to avoid having Hydro looked at by the Public Utilities Board, it's pretty easy to see why, because we've just had the Public Utilities Board report on the Manitoba Telephone System. Mr. Speaker, \$400,000 for an inquiry into Hydro would be cheap, cheap, cheap, cheap for the money they've wasted, cheap at twice the price, Mr. Speaker. Any government that can spend \$400 million in excess front end costs, dilly dallying around making their decision going through two or three years of indecisiveness, bringing into the province a person who told them what they wanted to hear and nothing has ever deviated from that one singular six week fast report. It started out by Mr. Cass-Beggs and Mr. Durnan until Mr. Durnan left Manitoba and went back to Saskatchewan because he was a good professional man and knew when to get out. The report was completed and there hasn't been one thing changed in Hydro since the Cass-Beggs report was brought in.

That's the second question the Public Utilities Board would ask. How could you follow a procedure based on such a flimsy document as that one? Because that's exactly . . . there hasn't been one thing changed.

MR. SPEAKER: Order please. The Honourable First Minister state his matter of privilege.

MR. SCHREYER: Yes. My matter of privilege, Mr. Speaker, is that the Honourable Member for Riel is misstating the fact as is contained in the transcript of the Public Utility hearings of the past three months whereby Mr. Bateman testified at the committee that actions that Hydro have undertaken have been determined by matter of engineering analysis and that there has been no political dictation as to the engineering development of Hydro. It has nothing to do with me, Sir, nor with Cass-Beggs. It is testified by Mr. Bateman to the contrary. I point that out.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. CRAIK: Mr. Speaker, the answers to the cost in Manitoba Hydro we've contended since Day One has not to do with Mr. Bateman, has not to do with Mr. Bateman or his lieutenant in Manitoba Hydro at the present time. It has to do with the policy setting that was carried out by the government and their then manager of Hydro, in the early stages of the critical decision-making period of 1969 and 1970. There, Mr. Speaker, was where the course was set.

The cost to the Manitoba power consumer today, Mr. Speaker, is higher by far and will be higher by far than it should be. And that is what a Public Utilities Board is for. We want the kind of candid answers, Mr. Speaker, from a third party that can come in with the resources. We heard questions asked at Public Utilities Board to Mr. Bateman - has there been any professional scientific group that has criticized your project? Well

BILL 66

(MR. CRAIK cont'd)what a set-up, Mr. Speaker, what a set-up. Are you going to get anybody in reality in Canada who is going to come in and pass judgment on a project that in the first place took \$10 million worth of work in the feasibility stage before it was decided to go ahead? Is any organization in Canada going to spend \$10 million to even get up to date? No organization is going to do that, Mr. Speaker. Who's going to do it? The Public Utilities Board wouldn't have to do it, they could take a lot of the information that is now available.

However, Mr. Speaker, what's the point in arguing it further. It's obvious we're not going to get the inquiry. The First Minister said in 1973, I believe it was in Gimli or the Interlake area - that he wouldn't object to a public inquiry into Hydro. The people took from that, and we certainly took from that, that we might look forward to a form of inquiry into the procedures of Hydro. Obviously we didn't hear any more about it because there was an election shortly after that and we get different answers after an election than we do before. Well, Mr. Speaker, I. . .

A MEMBER: I've got a letter here.

MR. SPEAKER: Order please. Order please. I'm going to suggest if honourable members start waving papers I will too and I'll walk out and then they can wave to themselves. The Honourable Leader of the Opposition.

MR. CRAIK: Well, Mr. Speaker, the proof of the pudding is in the eating and they're in the type of letters that the Member for Rock Lake is showing here. It's not in the Toronto Globe and Mail report.

The proof of the pudding comes from the consumers of Manitoba who are now getting extremely concerned and are not buying the excuse that since the price of oil has gone up on the world market that the price of Hydro water power should also go up at the same rate, Mr. Speaker. That's the sort of nonsense that we're being fed by this government, that somehow the price of water power is tied to world market price of oil. Mr. Speaker, that's the sort of thing we get without a proper Public Utilities look at the operations and the decision-making of this government. Not Hydro in isolation but this government, Mr. Speaker.

MR. SPEAKER: The Honourable Member for River Heights shall be closing debate. The Honourable Member for River Heights.

MR. SPIVAK: Mr. Speaker, the arguments of the Premier are that if the matter had to go before the Public Utilities Board it would be non-productive, it would be counter-productive. Mr. Speaker, the telephone utility goes before the Public Utilities Board. That is non-productive; that is counter-productive. Air Canada goes before a Regulatory Board. That is non-productive and counter-productive. It cannot raise its rates. The Canadian National Railways cannot raise its rates. It goes before a Regulatory Board and that's counter-productive and non-productive. I suggest that the First Minister's argument is ridiculous and very silly.

Mr. Speaker, thereason that the First Minister and the members opposite will not accept this is because Hydro cannot test the scrutiny of the Public Utilities Board at the present time. To suggest that as a result of going to the Board prices will be raised - which is really the only argument that's advanced by that silly newspaper that he has in front of him - Mr. Speaker, the reality is that if prices have to be raised it is because the facts have been hidden to the members of the Legislature in the last few years and are going to be exposed. Mr. Speaker, it is not nonsense.

There is no rationale which would say that the telephone utility can go to the Public Utility Board and it is non-productive or counter-productive, but to suggest that the Hydro cannot do that. Mr. Speaker, as a matter of fact when one sees the weakness of the argument, one recognizes the political vulnerability that would take place if scrutiny was to be undertaken. The government will refuse because they cannot stand that and cannot take that kind of test. But, Mr. Speaker, the time will come and the people of Manitoba will know what the cost of Hydro has been under their administration.

QUESTION put MOTION defeated.

MR. SPEAKER: We shall now have Royal Assent by the Lieutenant-Governor.

ROYAL ASSENT

His Honour, F. L. Jobin, Esquire, Lieutenant-Governor of the Province of Manitoba, entered the House and was seated on the THRONE.

MR. SPEAKER: May it please Your Honour, The Legislative Assembly, at its present Session passed several bills which in the name of the Assembly I present to Your Honour, and to which Bills I respectfully request Your Honour's Assent.

- No. 14 - An Act to amend The Employment Standards Act.
- No. 15 - An Act to amend The Vacations With Pay Act.
- No. 16 - An Act to amend The Workers Compensation Act.
- No. 20 - An Act to amend The Trade Practices Inquiry Act.
- No. 21 - An Act to amend The Condominium Act (2).
- No. 27 - An Act to amend The Flin Flon Charter.
- No. 30 - The Conservation Districts Act.
- No. 32 - An Act to amend An Act to incorporate Tri-State Mortgage Corporation.
- No. 35 - An Act to amend An Act Incorporating "Fort Garry Trust Company."
- No. 36 - An Act to amend The Municipal Act.
- No. 37 - The Corporations Act.
- No. 39 - An Act to amend The Fatal Accidents Act and The Limitation of Actions Act.
- No. 45 - An Act to amend An Act to incorporate The Jewish Foundation of Manitoba.
- No. 46 - An Act to amend The Pension Benefits Act.
- No. 54 - An Act to amend The Teachers' Pensions Act.
- No. 56 - The Foreign Cultural Objects Immunity from Seizure Act.
- No. 57 - An Act to amend The Labour Relations Act.
- No. 58 - An Act to amend The Civil Service Superannuation Act (2).
- No. 59 - The Co-operatives Act.
- No. 62 - An Act to amend The Human Rights Act.
- No. 63 - An Act to amend The Trustee Act.
- No. 64 - An Act to amend The Civil Service Act.
- No. 65 - An Act to amend The Planning Act.
- No. 67 - An Act to amend The Municipal Assessment Act.
- No. 68 - The Nuisance Act.
- No. 69 - An Act to amend The Legislative Assembly Act.
- No. 70 - An Act to amend The Mortgage Brokers and Mortgage Dealers Act.
- No. 71 - An Act to authorize The Town of Morris to acquire certain Real Property and to validate its By-law No. 5/76.
- No. 72 - An Act to amend The Change of Name Act.
- No. 75 - An Act to amend The Public Health Act.
- No. 76 - An Act to amend The Health Services Act.
- No. 77 - An Act to incorporate Carman Golf Club.
- No. 80 - An Act to amend The Municipal Act (3).
- No. 81 - The Milk Control Act.
- No. 82 - An Act to amend The Highway Traffic Act (2).
- No. 83 - The Workplace Safety and Health Act.
- No. 84 - An Act to amend The Real Estate Brokers Act.
- No. 85 - An Act to amend The Employment Standards Act (2).
- No. 86 - An Act to amend The Marriage Act.
- No. 87 - The Statute Law Amendment (Finance) Act (1976).
- No. 88 - The Corporation Capital Tax Act.
- No. 89 - The Statute Law Amendment Act (1976).
- No. 90 - The Provincial-Municipal Tax Sharing Act.
- No. 91 - An Act to amend The Queen's Bench Act and The Petty Trespasses Act.
- No. 93 - An Act to amend The Prescription Drugs Cost Assistance Act.
- No. 94 - An Act to amend The Queen's Bench Act (2).

ROYAL ASSENT

MR. CLERK: In Her Majesty's Name, the Honourable the Lieutenant-Governor doth assent to these Bills.

MR. SPEAKER: We, Her Majesty's most dutiful and faithful subjects, the Legislative Assembly of Manitoba, in Session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government, and beg for Your Honour the acceptance of this Bill:

No. 79 - An Act for the Granting to Her Majesty Certain Sums of Money for the Public Service of the Province for the Fiscal Year Ending the 31st day of March, 1977.

MR. CLERK: His Honour the Lieutenant-Governor doth thank Your Majesty's dutiful and loyal subjects, accepts their benevolence, and assents to this Bill in Her Majesty's name.

HON. FRANCIS L. JOBIN: Mr. Speaker and Members of the Legislative Assembly:

The work of the Third Session of the Thirtieth Legislature has now been completed. I wish to commend the Members for their faithful attention to their duties including many hours devoted to consideration of Bills and Estimates, both in the House and in the Committee. I convey to you my appreciation of your concern for the public interest and for the general welfare of our Province.

Now I depart just for a minute from my text to thank those who have served you so faithfully and well and to thank the media who have informed the public.

I thank you for providing the necessary sums of money for carrying on the public business. It will be the intention of my Ministers to ensure that these sums will be expended with both efficiency and economy by all departments of the government.

In relieving you now of your present duties declaring the Third Session of the Thirtieth Legislature prorogued, I give you my best wishes and pray that under the guidance of Divine Providence, our Province may continue to provide the things which are necessary for the health, the happiness and the well-being of all our people.

MR. PAWLEY: It is the will and pleasure of His Honour the Lieutenant-Governor that this Legislative Assembly be prorogued until it shall please His Honour to summon the same for the despatch of business, and the Legislative Assembly is accordingly prorogued.

(God Save the Queen)