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SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Before we continue with other business I would like to welcome to the galleries today twenty-six students from St. Bonaventure's Grade VII (G) class with Brother Conti. I trust that your visit here is most interesting and informative and indeed I would like to welcome other visitors who are with us today in the Speaker's Gallery at the back and any other. I see Mr. Carter, M.P. down there. I trust that your visit here is most enjoyable and interesting.

PRESENTING PETITIONS:

MR. E. ROBERTS: (Leader of the Opposition): Mr. Speaker, I rise, Sir, not to present a petition but to raise a point affecting the privileges of the House. The point, Sir, is concerned with the conduct of the honourable gentleman from Port au Port and I regret that the honourable gentleman is not in his seat. I do not know if he is in St. John's today but in any event, in view of the necessity to raise points of privilege in as timely a fashion as possible, I propose to proceed even in the honourable gentleman's absence.

Mr. Speaker, it is a fundamental principle of parliamentary conduct that the officers whom the House elects to govern itself, you, Sir, as our Speaker, the Deputy Speaker who is also the chairman of committees and the other officials - I speak not of the clerks and the officials of the Table but of the elected members who we elect to be our presiding officers - that these men, Sir, be absolutely impartial and fair. I have no hesitation in saying, Sir, as I have said before, that your conduct in this role we think has been exemplary.

Mr. Speaker, the same cannot be said for the gentleman from Port au Port and that is why I raise a question of privilege today. I was not in St. John's yesterday, Sir, but I am told and I have here a cutting from a newspaper and a transcript from a radio station and I am prepared to get the tape recordings if they are available, that the gentleman from Port au Port, the Deputy Speaker of the House, made what amounts to a vicious and a brutal personal attack upon the gentleman from Bell Island.

The attack, Sir, may have been in order if it were made in the House as a matter of opinion but it is my submission that coming from a presiding officer, the Deputy Speaker of the House, it is not in order. Mr. Speaker, to compound the offense, the statements in question were made while the Deputy Speaker was actually in the Chair. He had stepped out in the hall, I assume for a cigarette or a bit of a breather. He gave a statement to a radio station reporter and these statements were of such a nature as to cast the most grave doubt upon the gentleman from Port au Port's fitness to continue in his position as Deputy Speaker.

Mr. Speaker, in that light I raise the question of privilege, Sir, and I wish to move, seconded by the gentleman from White Bay South, that in view of the unprecedented action of the Deputy Speaker in making a public personal attack outside this House on the member for Bell Island whereby serious doubts have been cast on the ability of the Deputy Speaker to preside in this House in a fair and impartial manner, this House resolves that it no longer has any confidence in the Deputy Speaker. I have a copy, Sir, for Your Honour if the page would be kind enough.

Mr. Speaker, let me say that I move this with regret but in view of the conduct of the honourable gentleman, I do think, Sir, that serious doubt has been raised as to whether or not he is fit to carry on his duties as Deputy Speaker and as chairman of committees in an impartial manner. Mr. Speaker, this is of the utmost importance in any parliamentary house where we have the adversary system of two sides, that the presiding officers be fair and impartial. Your Honour's conduct, I have no hesitation in saying, has been exemplary throughout, with some difficult situations. Unfortunately the gentleman from Port au Port has not seen fit to follow Your Honour's example and has not lived up to the high standard.

I move this motion with regret, Sir, but I think in the circumstances it is necessary.

HON. W.W. MARSHALL:(MINISTER WITHOUT PORTFOLIO): Mr. Speaker, if I may speak to the motion. As the Hon. Leader of the Opposition has indicated, the alleged statements which were made, which were alleged to be breaches of privilege of the House, were uttered, by the information that

was given to Your Honour, outside of the House itself. This is not the time to be debating it. It is to be done by notice of motion.

MR. SPEAKER: Order please. I feel that this motion by the Hon. Leader of the Opposition is not a debatable motion and I feel that maybe the Government House Leader might be debating this motion as such.

MR. MARSHALL: Your Honour, I concur that there is no debate. Perhaps the Hon. Leader of the Opposition did debate it a little bit but I just say on a point of order that the motion in itself is out of order because it refers to statements which are not part of the business of this honourable House. Your Honour, I quote as a quotation, as an authority from that, paragraph 114 in Beauchesne, page 102, and also they are authority for statements made outside this House itself.

MR. ROBERTS: Mr. Speaker, if I may speak to the point of order, to the point of order as to whether or not the motion is debatable. In my understanding that is the point before the House, raised by the gentleman from St. John's East.

It is a standing order, Sir, of the House of Commons. It is standing order 32. It is found on page 106 of Beauchesne and is the one to which we refer often on this question, "Every motion is debatable including names and number of motions, any and such other motion made upon routine proceedings as may be required for the observance of the proprieties of the House, the maintenance of its authority, the appointment or conduct of its officers." It is my submission, Sir,

Indeed, may I further point out citation 72 (1) found on page 62, Your Honour; "The Speaker's action cannot be criticized in debate or upon any form of proceeding except a substantive motion."

I submit, Sir, that the effect of these taken together is to show conclusively that this motion is in fact a debatable motion and that it should be debated at an appropriate time.

MR. MARSHALL: Mr. Speaker, let me clarify: I am not saying that the motion is not debatable. It obviously is debatable as such time as it is brought before this House in a normal process after notice has been given. What I am saying - I think the Hon. Leader of the Opposition probably misunderstood me when I was saying that it was not debatable at

this time - what I am saying is that the alleged statements, as set forth by the Hon. Leader of the Opposition, do not form part of the business of this House but were statements uttered by the admission of the Hon. Leader, outside of the House itself and thus the motion is out of order.

MR. SPEAKER: I shall take this motion by the Hon. Leader of the Opposition under advisement and rule on it later.

HON. J.C. CROSBIE: (MINISTER OF FINANCE): Further to that point of order, the Hon. the Leader of the Opposition has expounded for some five or six minutes some grave breach that the member for Port au Port is alleged to have made and we have not before us any of the words alleged to have been used or any other material. That is another reason why, in my view, in addition to the reasons cited by the House leader, this motion is entirely out of order.

MR. ROBERTS: Mr. Speaker, to that point of order: I am quite prepared, Sir, to table. I have a cutting. I can have in a second a full copy from today's edition of the St. John's "Daily News" wherein the gentleman from Port au Port is quoted as saying, "I think he is an extremely dangerous man", said the gentleman from Port au Port, by name, who commented that the gentleman from Bell Island, by name and that his performance in the House tends to develop an arrogance in government. I shall gladly lay that before the Chamber. I will lay it on the Table if Your Honour should so wish. Furthermore I shall obtain the tape recordings of the offending item which was broadcast on radio station CJON, on the one thirty news yesterday, should honourable gentlemen wish it. Here is this morning's "Daily News", Sir, if the page would like it. It is found on page 2. He had better get me one that has not got it cut out.

MR. SPEAKER: I feel that there has been enough discussion re this matter now and, as I said, I shall rule on it later.

NOTICE OF QUESTIONS AND ANSWERS TO QUESTIONS:

MR. SPEAKER: The honourable Minister of Finance.

MR. CROSBIE: The honourable and sensitive member for Bell Island, the honourable and thin-skinned member from Bell Island asked me a question several days ago -

MR. NEARY: Inaudible.

MR. CROSBIE: I will leave that to someone else's judgement. He asked me a question some days ago about a matter of shares in which he is evincing a tremendous interest and because I did not have the information with me I just want to correct any inaccuracies that might have occurred and I also want to drive the honourable gentleman to a fit of deep depression, Mr. Speaker, with regard to certain matters currently pending, and I hope that this will help to further depress him.

In connection with the -

MR. NEARY: Is he going to table that?

MR. CROSBIE: No, I am not going to table it so the honourable gentleman should write it down or it will be in hansard.

MR. NEARY: Inaudible.

MR. CROSBIE: We know the honourable gentleman can only write in baby hand, is it? In connection with shares of Canadian Javelin Limited that were owned by the Government of Newfoundland, Mr. Speaker, I am just leading up to the essential. The position was that since 1965 the government have held shares of Canadian Javelin Limited. These shares were turned over to government in consideration for the sale of NALCO, the shares of NALCO owned by the government, to Canadian Javelin Limited, a total of 84,872 shares. 84,872 shares were held by the government, 80,000 received by the government on April 28, 1965, an additional 2,400 received as a stock dividend on June 10, 1971 and a further 2,472 received as a stock dividend on October 16, 1972, for a grand total of 84,872 shares.

Now when the government had decided that after holding these shares for eight years there is no longer any great point in the

province holding them and that the shares therefore be sold. So on July 30, 1970, our fiscal agents, Burns Brothers and Denton Limited, were instructed to sell these shares and to sell them very carefully so that the market be not disturbed. The shares were sold. The honourable gentleman should note this, their shares were sold between July 30 and August 7, both on the American stock exchange and the Montreal stock exchange.

MR. NEARY: In the name of the Newfoundland Government?

MR. CROSBIE: Do not ask irrelevancies. They were sold by our fiscal agents. Whose name they were sold in is a matter of complete irrelevancy. A total of 58,572 shares were sold on the American stock exchange and 26,300 on the Montreal stock exchange. The lowest price paid for the shares was twelve dollars and one eighth and the the highest price paid was thirteen dollars and five eighths.

During the period July 30 to August 7, the honourable gentleman might be interested, there were 2,175,000 shares traded on the American stock exchange and 74,325 traded on the Montreal stock exchange. It is therefore obvious that the 84,872 shares of Canadian Javelin owned by the government and sold during that period could not materially have effected the market nor its price. The total amount realized for the shares now being held in trust for the government is \$1,089,321.82.

I informed the House the other day of subsequent events where Canadian Javelin Limited instructed Canada Permanent Trust Company not to transfer the shares, and that matter is now before the court. There was a mistake in one of the papers the other day, where they said the government had taken action against Canada Permanent Trust Company. The government have taken action against Canadian Javelin Limited.

MR. NEARY: And Canada Permanent Trust Company.

MR. CROSBIE: And Canada Permanent Trust Company.

MR. NEARY: That is right.

MR. CROSBIE: The action is taken against them both.

The full information of course on the whole matter will be given in the various court actions. The honourable gentlemen opposite will be glad to realize that the market went up during the whole period and not down. We hope that he will be even more familiar with all these facts before the year is finished.

ORDERS OF THE DAY:

MR. SPEAKER: The honourable member for Bonavista North.

MR. THOMS: Mr. Speaker, I would like to direct a question to the honourable Minister of Forestry and Agriculture. Could the minister inform this House when we can expect more detailed information on the recent exchanges in cutting rights between Bowaters Newfoundland Limited and the Newfoundland Government?

MR. SPEAKER: The honourable Minister of Forestry and Agriculture.

MR. E. MAYNARD, Minister of Forestry and Agriculture: Mr. Speaker, if the honourable member would care to enquire at my office, I could give him the details on any particular exchange or the details on all the exchanges that were made.

MR. SPEAKER: The honourable member for Bell Island.

MR. NEARY: Mr. Speaker, I would like to direct a couple of questions for the honourable the Premier. The first question, Sir, has to do with the fishery advisory committee that was to be set up under the Collective Bargaining Act for inshore fishermen in the province. I understand it was some time ago. I think it was within two weeks after the chairman of that committee resigned. Could the Premier tell us if there has been another appointment made or when we can expect an announcement on a new appointment of a chairman to the advisory committee on the inshore fishery.

MR. SPEAKER: The honourable the Premier.

MR. F.D. MOORES (PREMIER): Yes, Mr. Chairman, the committee was established, as the honourable member from Bell Island knows. The

chairman unfortunately did resign when he realized that it could take a great deal more time than had been anticipated by him.

The Minister of Manpower and Industrial Relations who is in charge of this is I know actively pursuing the matter of getting a new chairman for the committee and a new member and a three man committee with a chairman.

Also, Mr. Chairman, if I may say at this time, if it be in order, that that committee will have, hopefully with legislation introduced by this House, by this government into this House, the right to ascertain the facts and figures from any books that may be relevant from fish companies or unions or whoever and that it will be in effect the committee that will have some major input into the recommended prices of fish as an advisory group to our government.

Also, Sir, it might be pointed out that this committee was set up with the restrictions under the previous administration. Those restrictions as to the right to go into books, those restrictions as to activities of members of the committee will be changed so that they will be fully effective. That will be done in the next legislation, within the next Legislative Assembly.

MR. NEARY: Mr. Speaker, will the honourable Premier indicate to the House what steps his government is taking to try and stop a three or four cent increase in gas and furnace oil in this province?

MR. MOORES: Mr. Speaker, the only steps we have taken is the only ones we can take. The Liberal Federal Government announced, about a month ago I guess, that there would be a freeze on petroleum products in Canada, particularly Eastern Canada. They in the meantime have changed their minds apparently whereby they are allowing an increase. We have appealed to the Minister of Mines and Energy in Ottawa, Mr. McDonald, saying unequivocally that we are totally opposed to a freeze that led to a thaw before the length of the freeze, that in fact we protest any federal allowance for these

oil companies to increase their rates and until such time as a satisfactory explanation has come from the Liberal Government in Ottawa, we on this side of the House will not be satisfied.

MR. NEARY: Mr. Speaker, supplementary question: Will the honourable Premier indicate to the House if his government intend to follow the example set by the Premier of Nova Scotia, Premier Regan, another Liberal Government, in calling all the major oil companies together to try to work out a solution to this problem and offset this proposed increase?

MR. MOORES: That will not be the case, Mr. Speaker, because it is a matter of federal jurisdiction. We will make protests to the federal government and until such time as they have made their decision, then our actions will be governed accordingly. If it is necessary for us to ask these people to come together, if the federal government do not see it in their wisdom to give some protection to Eastern Canada, if the federal government do not see that it is right to do it, then of course we will look after our interests in this province.

MR. NEARY: Mr. Speaker, I wonder if the honourable Premier would indicate to the House if Lord Taylor's luxury home up there on top of the hill has yet been transferred from the university to the Newfoundland and Labrador Housing Corporation or in the name of the province?

MR. MOORES: Mr. Speaker, now we are getting down to what the honourable member for Bell Island is all about. The fact is that that residence is owned by the Department of Public Works. It is under the jurisdiction of the university. The university has been given the authority to rent it to whomever they see fit. I will admit here and now that I have applied to rent the establishment. I think the rent is too high. That being the case, I think it is a personal matter but in the case of the member of Bell Island, Sir, if I

might say so, most things are personal matters.

MR. NEARY: It is a public -

MR. MOORES: Mr. Speaker, if I may carry on with that. The public knowing that it is owned by the university and as far as -

MR. NEARY: It is owned by the Department of Public Works.

MR. MOORES: It is owned by the Department of Public Works under the jurisdiction of the university and if I may reply to this, Mr. Speaker, if I may just reply to this particular accusation, it is a building which I have applied to rent. I have not rented it yet. As far as any building that is owned by the government, under the jurisdiction of the university or any other group, I assume that whoever is given the jurisdiction over that building have the right to rent to whomever they may see fit.

MR. ROBERTS: Mr. Speaker, supplementary question: Sir, has the Premier had any indication from the university as to whether or not they are prepared to rent it to him or to anybody else?

MR. MOORES: The answer to that, Mr. Speaker, once again I will gladly answer it, is that I have heard from the board of regents that they are prepared to rent it upon the terms to be worked out between the new president of the university, whom we are very proud of, and myself, if satisfactory terms can be worked out.

MR. ROBERTS: Mr. Speaker, a further supplementary question: Have the university made this offer. The offer to the Premier is obviously an offer to the Premier and that is fine - but have the university in effect offered anybody else the opportunity to try to acquire a very choice residence which apparently is now surplus to the needs of the university?

MR. MOORES: I have no idea, Mr. Speaker, I can only say that as the Leader of the Opposition's father is one of many people and respected people on the board of regents. I assume that that board of regents had the acumen to make a decision on their own.

MR. ROBERTS: Mr. Speaker, with respect to the personal attack on my father -

MR. MOORES: That is not a personal attack.

MR. ROBERTS: No. No. There is an attack, Mr. Speaker. As a matter of fact, not only have I had no communication with my father, not only have I had no communication on this matter, it may interest the Premier to know and if the board of regents has gone wrong this may be the reason why, my father has been out of the province for the past month. He arrived back on Friday.

I repeat my question to the Minister of Education who is responsible in this House for the administration of the university. Have the university invited any person interested in purchasing or renting this building, the president's house at the university, to apply or is it a sweetheart deal between the Premier of the province on one hand and the university on the other hand?

MR. OTTENHEIMER: Mr. Speaker, in reply to a question basically two - there were two questions I think there, number one. Has the board of regents or has the university invited any applications from other people for the rental of the premises in question? Number two. Is it a sweetheart deal?

I think the easiest thing to do is dispose of the second part of the question first because obviously that is a loaded question, an answer to which would be to give credence to the validity and rationality of the questions. So number two I think obviously reveals, the opposition would agree I am quite sure what is a loaded question.

MR. ROBERTS: Well it is a question that demands an answer.

MR. OTTENHEIMER: Oh yes, sure: Is it a sweetheart deal between the university and the government? That demands an answer. That demands a serious, impartial, rational, intellectual answer because it is such an impartial, intellectually honest and rational question. Well the answer will get the same kind of treatment that the question deserved, but it is probably vulgar and maybe unparliamentary so it is better to go without being answered.

The first part of the question, Mr. Speaker, is or was: Has the board of regents of Memorial University made any offers for

rental to other people? My answer to that, Mr. Speaker, is that this government, some months ago, showed that it believed that the university should be, within its own legitimate area of jurisdiction, autonomous. We show that by passing legislation, by repealing legislation enacted by the last administration whereby presidents were appointed by the cabinet; by giving that authority to the board of regents, which board of regents has exercised that authority. We therefore, showed demonstrably in statute and by action our belief in the autonomy and the legitimate area of the jurisdiction of the university that it not be subservient to the government and in questions of rental of any of their premises we leave the same autonomy and the question would be more properly directed to the chairman of the board of regents.

MR. ROBERTS: As Shakespeare said, "He thinks the man doth protest too much." The Premier of this province stood just now in this House, Sir, and said that this property -

MR. CROSBIE: - That is not a question.

MR. ROBERTS: Mr. Speaker, the honourable gentleman does not know a question from - That is unparliamentary too.

MR. CROSBIE: I know a horse's what not.

MR. ROBERTS: Yes, you should, you are surrounded by them.

MR. SPEAKER: Order please.

MR. ROBERTS: Mr. Speaker, I ask a question then of the Minister of Public Works: Whether he is aware we have a classic conflict of interest, the Premier on one hand renting it from the Public Works Department.

MR. MARSHALL: Point of order if I may. Perhaps we can be spared from this morose rhetoric that we are now receiving. The question period requires questions to be asked and not to be embellished by nonsensical speeches before hand nor statements.

MR. ROBERTS: Mr. Speaker, so much for that specious and farcical point of order. As I was saying,

MR. ROBERTS: I have a question for the Minister of Public Works, Mr. Speaker.

MR. MARSHALL: On a point of order, Mr. Speaker. I would like this point of order ruled upon, if I may, Mr. Speaker.

MR. SPEAKER: Order please!

I am sure that all honourable members are aware, as the Hon. Government House Leader said, that the question period is such that questions should be very precise and to the point. I do feel perhaps that the Hon. Leader of the Opposition is getting into a debate on this matter.

MR. ROBERTS: Mr. Speaker, I have no intention of debating it at this time but I do at another. May I ask the Minister of Public Works whether he is aware (the government own this property, although it is being administered by the university so the Premier tells us) that the Board of Regents administering the property (a quasi trustee function, I assume) have invited offers from the public at large for the rental or purchase, rental in this case, of this very choice property?

MR. ROUSSEAU: No, I am not aware. The Premier has not spoken to me, as Minister of Public Works, about that. We understood it to be and we just heard it from my colleague, the Hon. Minister of Education. We on this side of the House feel that the Board of Regents at the university are quite able to determine whether or not they have a situation in which they should rent a house or not. I have not been consulted as Minister of Public Works. I have no doubt that I will be in the end result. If the Hon. Leader of the Opposition would like to put the question in writing. Certainly I will undertake to check it out.

MR. ROBERTS: Mr. Speaker, a further supplementary question for the honourable gentleman. Will he undertake to make public the terms and conditions of the rental agreement?

MR. ROUSSEAU: Could I answer that by saying that the Premier did not at any point not undertake -

MR. SPEAKER: Order please!

MR. ROUSSEAU: The Premier did not at any point not undertake to do that.

MR. ROBERTS: I am not asking - I am asking if the honourable gentleman will undertake to do it?

MR. ROUSSEAU: This government are prepared to undertake to give the conditions of the rental of the house which is situated at Mount Scio Road, publicly, certainly.

MR. ROBERTS: Thank you. That is all I wanted to know.

MR. NEARY: Mr. Speaker, I would like to -

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: You are bloody well right it would have -

MR. SPEAKER: Order please!

MR. NEARY: Mr. Speaker, I would like to direct a question to the honourable minister - if the honourable Premier would just restrain himself for a few moments, Mr. Speaker. I know we touched a nerve there. I would like to direct a question, Sir, - Mr. Speaker, what is wrong with the Hon. the Premier today, he is so jumpy and edgy?

MR. MOORES: Ask the question. Come on Bat Face, let us go!

MR. NEARY: That is certainly becoming of a Premier of this province, Mr. Speaker.

MR. MOORES: That is what I am talking - the honourable member

MR. SPEAKER: Order please!

I would remind all honourable members that when a member rises to speak, he has the right to be heard in silence and I trust that the honourable member for Bell Island will proceed with his question.

MR. NEARY: Thank you very much, Mr. Speaker. My question is directed to the Minister of Social Services. In view of the fact that

the government have found suitable accommodations for one young couple, would the minister now tell us if the government have found accommodations for the other one hundred families who live in less-substandard homes than Elizabeth Towers, who are being evicted during the month of October, if homes have been found -

MR. MARSHALL: On a point of order, Mr. Speaker.

MR. SPEAKER: Order please!

MR. MARSHALL: On a point of order, the honourable member for Bell Island is making a speech again. This is a question period in which questions are asked, not make speeches.

MR. SPEAKER: I feel that the honourable member for Bell Island is proceeding to ask questions in a rather lengthy manner and trust that he will just ask the question and not debate.

MR. NEARY: Mr. Speaker, I want to know from the Minister of Social Services if his department has yet found accommodations and shelter for one hundred families who are being evicted this month mostly from houses and apartments rented from the Newfoundland Rental Agency?

MR. MURPHY: Mr. Speaker, the gentleman refers to one hundred families. I had a record of forty. I passed these over to the only agency responsible for housing and that is the Newfoundland and Labrador Housing Corporation. We inherited something, Sir, and this will become naturally a part of this answer. The problem we inherited was one of 3,000 people on long-term assistance that we took over from the former administration, if you want to call it that, and paying rent of \$2.5 million, I had a survey done about four months ago, Sir, and we discovered that 900 of these families are living in homes or designated homes of the former Liberal Government that are not fit for human habitation. I think, Sir, the honourable member can see what I have inherited. Now we have forty families, to my knowledge,

that are being evicted or have notice to vacate homes. I think we have found homes for thirty and we are still trying to get the balance. Housing is one of the tragic things that we inherited from the great former government -

MR. DOODY: Who was the minister responsible?

MR. MURPHY: Do not talk. They did not have a minister, that was the point. But 900 of these cases, Sir, under this great benevolent gentleman from Bell Island, are living in homes not fit for human habitation. In answer to the question, I am aware of forty, Sir, not one hundred. We have found homes for the greater part and we are still trying to find homes for the balance.

MR. NEARY: Mr. Speaker, a supplementary question. Has the minister yet started to construct these gas chambers to do away with these people?

MR. MURPHY: Mr. Speaker, if I had a gas chamber, I know the first one I would put into it.

MR. SPEAKER: Order please.

MR. MARTIN: Mr. Speaker, I have a question which I would like to address to the Minister of Rehabilitation and Recreation. In view of the fact that this summer's railway strike has had the effect of rendering the C.N.R.'s November 10 deadline for freight to the Labrador Coast unworkable, I am wondering if the honourable gentleman could tell the House whether his department is aware of this and if so what is being done to make sure that we are not going to have a crisis this year similar to the one we had last year?

MR. DOYLE: Yes, Mr. Speaker, I can assure the honourable gentleman that the officials of the department are quite well aware of the situation and as recently as about an hour ago, we are completely on top of it. To the best of my knowledge, information as of now, we anticipate no problems for this winter. I assure him and other members of this honourable House, Mr. Speaker, that I will do all in my power to see

that we are not faced with the same problems which faced us in the past winters.

MR. MARTIN: I have another question, Mr. Speaker, which I would like to direct to the Hon. the Premier. We note that many government departments and government agencies have dropped the word "Labrador" from the name of the province. I wonder if the honourable gentleman could inform the House if this is as a result of official government policy and if not, what he intends to do about it?

MR. MOORES: Mr. Speaker, in regard to that, as the honourable member for Labrador South probably realizes that the official name of the province was never changed from the Province of Newfoundland, it cannot be for apparently constitutional reasons. On letterheads and so on it had been used, "The Province of Newfoundland and Labrador" for whatever reasons by whoever used it. However the case is that without constitutional changes, as I understand it, the name cannot be officially changed to Newfoundland and Labrador, from Newfoundland, without that being done. Any representation the member from Labrador South would like to make to the government on that behalf, we would gladly listen to it. Also in future years, if a plebiscite be in order, whatever is in order, to correct it permanently and for good. It is something that the government is open to for suggestions on or anything we can do to bring it about.

MR. ROBERTS: Mr. Speaker, a supplementary question, relating to the one from the honourable gentleman from Labrador South. Could the Premier tell the House if the government have taken that act to implement a decision. There is on the Statutes of the Province an act called the "Coast of Labrador Act." Whether that has the effect of changing the name of the province or not is another point. There is an act called the "Coast of Labrador Act," under which government stationery and so forth - it says here on this note pad, "House of Assembly, Newfoundland and Labrador." Have the government taken any action to change that?

They have not changed the statute. Have they taken any action to change that policy?

MR. MOORES: Mr. Speaker, I am not familiar with exactly what the Hon. Leader of the Opposition is talking about. I do not mind saying so. I will gladly take notice of the question and try to get a satisfactory answer as soon as I can.

MR. ROBERTS: I thank the Premier,

Mr. Speaker, but perhaps it is a fairly simple matter. There is legislation which says that "Insofar as it is the province's right, the name of the province shall be Newfoundland and Labrador." Now we are leaving aside whether the province can change its own name. But insofar as it is within the province's right, what I want to know is whether the government have taken any action to change that policy insofar as I am only speaking of actions entirely within the competence of the government of this province. Is there, for example, any decision? I notice on the letterheads we now have in the House, Your Honour, it says Newfoundland House of Assembly. Is that the result of a government decision or is it the result of some clerk somewhere just deciding to strike the words "and Labrador?"

MR. MOORES: Mr. Speaker, again I will have to take notice of it because I do not know specifically. My own personal inclination would be to say that it was not a government decision but that may not be the case. But I will gladly on tomorrow give the details on this question asked by the Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, a further supplementary. Would the Premier be good enough to look up an order-in-council passed on May 10, 1973 which was purported to do just what I have said, they have namely changed the name of the province by order-in-council.

MR. MOORES: Mr. Speaker, if I may say so, that is the reason I took notice of it to make sure that I will get the fact accurate, as opposed to giving an off-the-cuff opinion.

MR. ROBERTS: Well the off-the-cuff thing is that it was done.

MR. MOORES: I do not know.

ORDERS OF THE DAY

MR. SPEAKER: Order three, second reading of Bill 123. I think the Honourable Minister of Manpower and Industrial Relations adjourned the debate last day. I am assuming that he wishes to continue at this time.

HON. J. G. ROUSSEAU: (MINISTER OF MANPOWER AND INDUSTRIAL RELATIONS):

Mr. Speaker, I spent some forty minutes on Friday and it is a little difficult of course to speak in two separate sections on this bill

but I would like to spend a couple of minutes to go over a few things I said on Friday. But first of all I would like to correct three small things, if I may. (1) I noticed in the news media over the weekend the two terms of choosing my words with caution. The other media suggesting that I cautiously supported the bill. In my own opinion, and they may have read it differently, and I accept their prerogative for that, I was attempting to speak intelligently on the bill and tried to choose my words certainly with caution but not in an attempt to underline the stand that I will be taking. As I suggested at the beginning, I intended to try and provide some conceptual framework here by which I could make my position on the bill quite clear but I wanted to do it in relation to a total concept which I was trying to evolve.

I did have a very nice telephone call over the weekend. (I must mention this) from a young lady who suggested that I spoke on Friday and said that I mentioned the working man and forgot the working woman. So I would gladly, on behalf of the womens liberation group in the province, like to change that record for posterity in Hansard and suggest that by using the term "working man" I included the term "working women" because I know there are many women who provide for the Households in the province, and be it so noted.

AN HON. MEMBER: All womankind.

MR. ROUSSEAU: All womankind, in such which way, Actually in fact when I spoke about the labour and management, and I talked about the human relations approach in management I was speaking then very academically and very theoretically but actually the gentleman who started the scientific management process whereby the worker in a plant was a thing and not a human being was a gentleman by the name of Frederick Winslow Taylor. The person who started around the mid-forties the human relations approach in management, union relations, was a lady Mary Barker Follett. So the women can feel that they certainly had an input into labour-management relations.

Also there was one other term that was used in the "Evening Telegram" on Saturday that may have been misread, I did not suggest or if I did then

I was either taken in the wrong context or I made a mistake myself. I do not know which it is but whatever it is, it is incorrect. When I said that the labour code when it was passed there would be no need then for the individual act like the Fishing Industry Collective Bargaining Act or the Newfoundland Teachers Association Act or the Public Service Collective Bargaining Act, that is not accurate. The Labour Relations Code is not intended to change any of these, the need for any of these individual acts although certainly the new labour Relations Code that I ended my talk on, on Friday, would have some affect on the individual articles in each of these acts. If any were changed in a Labour Relations Code, as I suggested, of course, one would immediately assume that the changes would then be made appropriate to each of these acts.

On Friday I ended up by talking about the context in which we feel that labour is going in this province. I mention the Cohen Commission Report and the Labour Code which we are presently in the pipeline. The next one that I would like to speak about for a few minutes, if I may, is the Labour Standard's Code. Now the Cohen Commission Report suggested and I quote "The various enactments (and that is labour standards) enactment in totality represent a substantial set of rules governing the conditions that must be observed in the employer/employee relationship. It would be a convenience to employers and employees to have all these rules consolidated into one statute as a labour standards code for the province."

Now I know when I became minister labour standards kind of baffled me. I guess probably many people do not understand exactly what is meant by labour standards. I might suggest some of the different types of act to which I refer. The new Labour Standards Code, for example, would include acts of the following type: "The Annual Vacations With Pay Act, " "The Employment of Children Act," which has not been proclaimed, "The Employment Notice of Termination Act," "The Hours of Work Act," "The Minimum Wage Act, " "The Termination of Employment Act," "The Weekly Day Of Rest Act, " "The Workmens Wages Act," etc, this type of labour standard legislation.

So in addition to these acts which I have just mentioned of course the new code would also include "The Wages Protection Act, " and "The Statutory Holidays With Pay Act." So at the same time as we are looking at the pipeline drafting of a labour code we are also looking at the consolidation of all the different pieces of labour standard legislation in the province. This of course will form the Labour Standards Act.

In addition, of course, as I have suggested, we are also looking at the Fishing Industry Collective Bargaining Act. We have written each of the operators and each of the fishermen saying; What are your thoughts? Can you live with it? If you cannot, would you like to see it amended or thrown out? Again we are looking at consultation with the people involved and certainly we have every intention of involving them in any decision which may be made in respect to the Fishing Industry Collective Bargaining Act.

As well, of course, we have the NTA Collective Bargaining Act which was passed during the last session of the House, just another individual act. There is another one of course of great concern to us and that is the Trade Union Act. Relatively speaking within the context of the labour code and the Labour Standards Act and the other things that we are trying to do, the Trade Union Act right now is not a matter of priority. It is important but not at this point in time a matter of priority. We intend to bring in some amendments to this act. If we have the time and the draftsmen are available we will probably consider of course a new act in the coming session but it is a matter of practicality in the sense, do we have the people who are prepared and ready to draft such a major act as the Trade Union Act?

The Apprenticeship Board, of course, we undertook that if the reaction from labour and management was to the effect that we should retain this board after announcing that it would be done away with. We had the reaction and we said that we will retain the board. Right now we are looking at a new concept in the apprenticeship field, a new concept of an act which came into effect some twenty years ago which

we feel is not really relevant to today's needs for trades people, for people in the various trades with training and certification and so on and so forth. So we are looking at that in a much broader sense.

Now I stood up on Friday and suggested that I had no compunction whatsoever of sitting down and talking to labour at anytime nor does government nor do I have any feelings that I could not look them in the face and say "Look we pretty well tried to do as much as we can to assist labour. We tried to do the same thing for management." I suggested that labour and management are not always going to get what they would like to have in terms of the legislation in this province.

Now when I talk about the Labour Code and the Labour Standards Act and the other acts and the other things that we are doing in legislation, I suggested that this rather mammoth publication was going to be the basis of a lot of the work we did in labour relations.

We have before us in the House today an act called "The Public Services Collective Bargaining Act." I would like to quote if I may a few parts of this act. The first one that I would like to suggest is there have been some question of arbitration. Now I think in labour sense when you are trying to talk objectively, you assume that neither labour or management like the concept of arbitration especially when it is compulsory or binding and final.

Now if I may read from page 504 of the Cohen Commission Report. It is recommendation I think number seventy-two regarding arbitration. The Commission recommends and I quote, "The legislation," and we are talking about the public services legislation, "The legislation should provide in addition to the requirement of grievance procedure for the establishment of an independent forum for the final step of arbitration." Now the arbitration that they are referring to throughout the book here is at this point in time what we have suggested in the act to be final and binding arbitration.

I would like to go to page 509, if I may. I would like to read

recommendation 80, chapter 17, page 509, with regard to certain employees. The commission recommend - this is recommendation 80 - the commission recommend and I quote, "The legislation should provide a procedure for designating certain employees or classes of employees whose work is essential to the safety, security or health of the public. In the event of a strike in the unit to which they belong, they would be required to continue to perform services."

So, the concept of essential employees is contained in this, as I suggested on Friday - and I am not now calling it a bible but it is the basis on which we are proceeding in new labour legislation in this province. So, the Cohen Commission Report recommend that we have essential employees designated. Where the employees by work stoppage would have an effect on the safety, security or health of the public of course, they should not be permitted to strike.

There is a further recommendation of the Cohen Commission Report that I would like to read if I may, Chapter 17, page 495. I have it numbered here and we have it numbered - this is departmental numbering so if I am wrong on that I am not misleading the House. It is just the way we have it numbered. We have it numbered as 78 recommendation. The commission recommends - and I quote, "At the outset no right to strike should be provided for and -

MR. ROBERTS: Could we have a quorum call?

MR. SPEAKER: Would the clerk count the House, please? There is a quorum present.

MR. ROUSSEAU: And I quote on page 495, "At the outset no right to strike should be provided for and compulsory, final and binding arbitration should be the rule. After two contract periods have elapsed it should then be open to the bargaining agent to exercise an option between strike action and arbitration as a method of dispute settlement."

So, that in effect the Cohen Commission suggests, not in this one but I am sure that if anybody read it he will take my word for it that the Cohen Commission suggests that there be no right to strike for hospital employees as well as for the police and for the members of the fire fighting contingent of our society.

MR. AYLWARD: I wonder would the minister permit a question? Does the chairman designate any particular segment of the hospital or say all hospital employees? You know, does he define essential services of safety any better than just a generalization that no one employed in health or safety -

MR. ROUSSEAU: The important word here is at the "outset". At the outset what the Cohen Commission Report recommends is that no right to strike be allowed in hospitals, public services fire and police.

MR. AYLWARD: Everybody.

MR. ROUSSEAU: Everybody, right. So that you have situation here where - the point I am trying to make now is that we are using this and the Federation of Labour have come out in support of it. We are happy that finally we are moving on the Cohen Commission Report. Well, I will tell you this here and now in this instance of the Public Services Collective Bargaining Act we are not moving in the right direction. We are not giving the hospital employees no right to strike. We are not giving civil servants no right to strike. We are attempting to compromise. So that in a way, I presume you could say that we are inconsistent but nevertheless we feel that we want to take an attitude which because we are going from step zero to step one hundred too quickly, we have a rather small problem.

AN HONOURABLE MEMBER: Come over here my son.

MR. ROUSSEAU: It will be a long dreary, dreary day before I am over there.

So that in following the concept of which I have been talking about, the Labour Relations Code or the labour code, as you will know it, the Labour Standards Act or any other of the future legislation of this province, we will attempt to follow basically the ideas of the Cohen Commission Report. That does not mean that we are going to accept blindly every suggestion made by the Cohen Commission Report. If you recall on Friday, Mr. Speaker, I mentioned that at least it was one man's report or at least a group of people who were consistent in that they worked at it from start to finish so that we would have some consistency in the various recommendations that were made.

Before that I have another one here somewhere that I would like to read that I think is very important to this debate. I would like to read this if I may. I am sure all honourable gentlemen here and many interested people around the province have read this but I would like to read it again so as to put it on the record as part of the suggestion when I have certain things to suggest in a few minutes. I quote - Mr. Cohen is speaking about essential services in the public service - "The fundamental issue regarding collective bargaining in so called essential services is that of the status of work stoppages whereby public access to these services is interrupted or curtailed. The concept of essentiality for these purposes go beyond the notion of convenience for economic interest to a more urgent set of services whose interruption involves a threat to the security of the state, the destruction of property or risk to the physical health or safety of members of the public. If this concept were to be expanded beyond the notion to embody economic interest and inconvenience, the notion of work stoppage as an instrument of dispute settlement could be displaced."

I go on to page 507 and I quote again, "There are some services in the community whose interruption involves too great a risk of public detriment to justify its value as a dispute settlement device in stimulating meaningful collective bargaining. In these areas greater attention should be paid to methods of improving bargaining which culminates in arbitration and in providing a meaningful and fair arbitral process so that the employees are not disadvantaged by the absence of the strike right by virtue of their happening to work in essential industries."

One other one here, essential services. This one here was in the public service. Another point here and I cannot just find it at the moment. It is to the effect that - I will quote again if I may, "The notion of sanctions of work stoppage or the strike poses some distinct issues when applied to the public sector. To begin with the stoppage of work in many of the functions of government does not impose an economic sanction on the employer but rather an inconvenience in carrying out the functions of government, in varying degrees of inconvenience to the public served by the government. Some functions of government are essential for

the safety and security of the citizens while others are important for economic or social activities of the population. While essential services cannot be curtailed without a social cause which has prohibited it, the stoppage of other governmental functions has been shown by experience not to be beyond possible acceptance."

So, in effect, what I am saying is that we have looked at this Royal Commission on Labour Legislation by Cohen. We have followed it to some extent. We have accepted his postulation of arbitration, final and binding in this instance. We have accepted his recommendation for the designation of essential employees in the public service. We have not accepted his suggestion that hospital workers as well as police and fire people have no right to strike. We have attempted to compromise in that situation and have, as such, of course, permitted within the jurisdiction of this legislation the right to strike in certain instances except for those people who are designated as essential employees.

Now, I would like to go back for one moment please because I want to hammer it again. On Friday I suggested - and in the past six months believe me, the number of work stoppages legal and illegal we have seen in the province - we have had some experience in this matter that at the outset you have your normal collective bargaining process. Under normal conditions, of course, this should bring about a settlement in any possible work stoppage. The collective bargaining process puts you there with

management and labour on both sides of the table. In the event that this is not successful in bringing about a settlement to the dispute, you have the conciliation officer or the conciliation board.

Now, this is not a process which is going to last two or three days and then bang the government is going to call the House together and we are going to have a declaration of emergency services.

The emergency powers aspect of this pact I would respectfully suggest, Mr. Speaker, is not a sort of thing that would occur as a matter of course. I think the members of this House would debate the question with very much caution, if I may use that term, with knowledge of all the aspects of the situation and if in the feeling of this House that the need be to proclaim an emergency, then I think that all members of this House would have no hesitation in doing so.

I think that to put the emphasis that we placed on this emergency powers is one which distorts the real intent of this bill which in effect is the ability of the public service to collectively bargain with the government and then to go on strike if they are not able to reach a satisfactory conclusion, but with the ability for the House of Assembly here convened to suggest that a state of emergency exists, by proclamation, and then to bring about an end to the dispute by final and binding arbitration.

I think we have said on this side of the House that arbitration is not something that management is happy with. I would suggest too that it is not something which labour likes but it is something that in this instance is going to have to be tried and whether or not in the final analysis we can decide whether we are going to live with it or not is another thing.

I attended a meeting with members of the Canadian Union of Public Employees, with my colleague the Minister of Finance, in which

we discussed the bills, a little while back, and my colleague told them quite frankly there that this was not now and forever, that this government intended to look at the Public Services Collective Bargaining Act at intervals in the future. If there were some aspects of it that we did not think were wise or workable, certainly I do not think that anybody would not believe that government were prepared to take a second look at any part of that bill that is not a workable solution to any impending legal dispute or illegal dispute, if you want to bring it that far.

There are a couple of things I think we should also keep in mind here where we have a rather complex situation at the moment. We have a bill before the House which we call the Public Services Collective Bargaining Act and that in itself probably would not have caused the comments that it has caused if it were being considered by itself but we also have unfortunately and concurrently the strike of the x-ray and lab technicians. As you know, government met with the x-ray and lab technicians over the weekend and unfortunately, of course the dispute was not settled. The strike still goes on.

MR. NEARY: Just to follow on with the minister's statement: Did the government make a new offer or is the government flexible on the position? Just what did happen over the weekend? Would the minister tell us? Was there another round of negotiations?

MR. ROUSSEAU: No, there was not another round of negotiations. Thursday evening when I returned from the House, I had two members of NAPE who wanted to see me and I met with them and they had some thoughts they wanted passed on and I passed them on to the Premier and to the Minister of Finance and we discussed the situation and as a result of our discussions a meeting was held on Friday. We discussed the situation I think with the negotiating team of the x-ray and lab technicians as well as the two members of the executive of NAPE, with my colleague, the Minister of Finance, the head of the negotiating committee for the Hospital

Association, Major McInnes and the member of the Treasury Board negotiating team and myself. We discussed the situation and there were no increased offers made to them. We had a few points that were clarified and of course they went back and held a meeting and it was not satisfactory to the x-ray and lab technicians.

Of course our position is as stated before. The government has made its final offer. There is no more money there. I think this position has been made quite clear and except the final binding arbitration with a letter from government that in the unlikely event that the arbitrators should award less than was the offer now, which they voted on and accepted by seventy per cent, if it were less than that, the government would undertake to of course give them that offer.

So the government's position is now that the government is prepared to put this question to final and binding arbitration and if the arbitrator, in the unlikely event the arbitrator awarded less than of course which is that amount which is presently on the table, then of course government will undertake to give them the amount, whichever is the greater of the two amounts.

MR. NEARY: Mr. Speaker, I wonder if the minister would permit another short question. Did the matter of parity with the nurses, this misunderstanding, did that come up during the round of negotiations?

MR. ROUSSEAU: Now I have got a call on the old question, I am sure that the Minister of Finance, my colleague, when he stands up and says this, but I am going to say this: As the member knows, it is not too often one makes a definitive statement unless one knows what one is talking about. Right? One does not normally do that and I certainly do not.

I will stand in this House today and after sitting through a session with the negotiation team from the x-ray and lab technicians and two officers of NAPE and say to this House that I am satisfied on direct questioning from me that there was never an offer made across that table that the x-ray and lab technicians

would ever receive the same pay scale or parity with the nurses.

I am not saying that maybe the other side did not understand that from a question that may not have been answered or something else, it may have been an interpretation on their part. I put this question to them at least three times and maybe five times. I kept asking them because I wanted it clear, in my personal mind, having sat across from this negotiating team and the two member of NAPE for an hour-and-a-half or an hour-and-a-quarter, whatever it was, and asking that question on a number of specific occasions, I am satisfied that the management side, if I may put it that way, or the Treasury Board side and the Hospital Association side of that table never said nor inferred that the x-ray and lab technicians would receive parity with the nurses. I am satisfied.

MR. NEARY: Well what is the roadblock now? Why will they not go back to work?

MR. ROUSSEAU: That is as much as I am going to say. The minister will speak about it later on, undoubtedly in his conversations with the member across the House, but right now I am satisfied in my own mind, so you have to take that on good faith at the moment.

MR. NEARY: What is stopping an agreement now?

MR. ROUSSEAU: I do not know that. Now one second, I am just telling you my part now, the Minister of Finance will reply further to that. I am just telling you what happened over the weekend.

MR. NEARY: Well is the minister now the chief negotiator for the government?

MR. ROUSSEAU: Not necessarily. The minister now would like to go on with his speech, if he may.

MR. NEARY: In other words, the minister does not want to answer the question.

MR. ROUSSEAU: The question I was discussing there before I was interrupted with the question was that we have a complex

situation now where we have the bill, we have the x-ray and lab situation and as I suggested I am satisfied that the x-ray and lab people were not offered, in my own mind anyway, I am satisfied that they were not offered parity with the nurses. But this of course complicates the present bill before the House.

I am also concerned with the efforts of an individual union to bring about a public outcry with respect to this bill. Now we have met with the people involved on a number of occasions and in my own opinion I do not think it was necessary that an individual or the union itself, I suppose, if one talks on behalf of the union, it was necessary to personally attack one member on this side of the House.

I think we have sat down with this union and we are prepared to sit down with any union to discuss any aspects of any bill. As I said on Friday, there is no way that management are going to get everything they want in any given bill, there is no way that labour will be able to secure all its want in any given bill. We are going to have to find some middle path in which we can have some sort of a flexibility built in or some sort of a compromise for both labour and management. These are things that directly affect them. We certainly feel that they are going to come out and say from both sides, both management and labour, "Look we do not like this aspect," and the other side, whether it be labour or management, "We do not like it." We are prepared to sit down and listen to the recitations of either side but in the final analysis government has to make a decision and stand with that decision and certainly this government is

prepared to make its decision and stand with it. We have an unfortunate situation, of course. I guess in a way, where labour in the past eighteen months has been unshackled, if we may say. They feel now that they have a medium of freedom in which to act and of course they are attempting to secure the benefits they can as fast as they can. That is acceptable. That is their prerogative.

However, you know you can only go so far so fast. We feel that it is important there are certain aspects in this bill that are essential to the bill itself, that at this point in time we cannot change. I will say one other thing, lest it be misunderstood. Now I am calling on my credibility as a member of government and as an individual and I will say this, that we are going to be accused on this side of the House of the opposition or somebody else forcing us into various positions in respect to the bill before the House.

It is going to be suggested that force was put on us to change various aspects of this bill. I say to you that is not the case, because I have been consulting with my colleague on this, the Minister of Finance and various other ministers. Government as a whole, of course, in cabinet have been consulting on it. I met on Monday or Tuesday of this week with some officials in Corner Brook during the Federation of Labour meeting, at which they suggested some changes. These were brought back and discussed so there are many of the changes that were and are going to be moved to this bill, and there are quite a few amendments to be made. This government is not inflexible, we are prepared to listen to reasonable, responsible arguments from any individual or any group provided that, of course, the proposed amendments do not change the essence or the principle of the bill.

We have been discussing for some time now certain changes to the bill and they will be brought before the House when we

are in committee, by my honourable colleague the Minister of Finance. I say now that I that I accept that this bill is not what labour wants. I have no doubt as well that in many instances it is not what management wants. I think there has been an attempt to provide some sort of compromise and certain of the articles in certain of the sections of this bill, in order to make it a little more appealing to either or both sides, when in effect it has not changed the principle of the bill. We are prepared to do that. We are prepared to do that with this bill or any other bill.

I say within the context of where we are moving in labour legislation in this province, that any change, any change that is made in the new labour code, the new Labour Relations Act which is growing out of the Cohen Commission Report and which hopefully will be brought before the next session of the House, any changes in that act will be reflected in the acts that we have as an individual act. For example, the Public Service Collective Bargaining Act or the N.T.A. Collective Bargaining Act or the Fishing Industry Collective Bargaining Act. whichever act has any application to these changes, they will certainly be introduced as amendments into each of the existing acts. That is a commitment we make. Certainly we do not want any consistency in our labour legislation.

I think that it should be remembered we are attempting to make some strides in respect to labour legislation. It is not going to be done overnight. It is all not going to be palatable but it has to be accepted in the sense that it is not one piece of isolated legislation it is a part of a much larger plan that we have going forward, within the next six to twelve months I guess, rather than six months. Hopefully within six months but it may be twelve months. we will have a number of pieces of legislation on our books with respect to labour.

As I say, it is going to be a difficult situation. We would hope that at every turn of one of these new bills when they come

into the House, we will not have to have any other situations occurring at that time as we do now with the x-ray and lab technicians and other concurrent instances which are causing a lot more gravity for this given situation of a bill which in itself is, as I said, middle of the road legislation. It does not grind the public service down into the ground. It permits strikes but it does not give the unrestricted right to strike. In conjunction with the Cohen Commission Report, if indeed we were to follow their suggestions as we are following to a great extent in much more of our labour, we would not in effect be giving labour in the hospitals, for example, any right to strike under any circumstances.

There are features to the bill that are good. There are features in the bill, of course, we are going to find over the next year that may not be workable. Government is prepared to sit down and look at it again and say; "Look this does not work in this situation. What else?" It is a matter of trying to find the best way to bring about an end to an adversary system, in which labour and management will get together and try to hammer out a bargain. If this is not the answer then we have to try many other things.

This government as a group and, as an unofficial group of individuals amongst ourselves, have sat down many times as I am sure many people across this province have and even the members across the House have sat down on many occasions in the past few months and have said; "Look what can we do to stop the strife in labour we have in the province? There has to be a way to do it. The strike here, are we going to outlaw the strike or are we not?" I am sure that many a night over a cup of tea in many of the homes in this province that subject was brought up.

We are trying in our best way to cope with the situation. We know what our priorities and objectives are and we would hope to reach them. We feel that in this instance this bill is one of the steps towards bringing better labour legislation to this province. We certainly hope that we would in the end result have the support

of both labour and management and the people of this province in respect to this labour legislation. I have no hesitation at all in supporting my colleague in his introduction of this bill on the floor of the House. I would also suggest that I am pleased, certainly with the amendments that are going to be made to the bill. I think, all in all, while it is not a bill that is totally acceptable to both sides, I think it will be a bill that we will learn to live with. We will learn to see whether certain things with respect to the direction we are going in labour are good or bad. We are prepared to sit down and look at these again sometime in the future, Mr. Speaker, and to change these in respect to the remaining labour legislation we will be bringing up within the next six to twelve months.

HON. DR. A.T. ROWE (MINISTER OF HEALTH): Mr. Speaker, I rise to support this bill presented to the House by my colleague the President of Treasury Board, the honourable Minister of Finance.

I must at this point congratulate my colleague the honourable Minister of Finance on the immense amount of work which he has put in in bringing this progressive legislation before the House. It will provide, I hope, a remedy to some of the province in the general labour unrest in our province and I fully support my colleague and the government in this regard.

I am becoming more and more disturbed, Mr. Speaker, to see labour unrest making its appearance in the health system, where nurses, technologists, nursing assistants and other hospital workers have all been involved in recent months. I am greatly concerned about the attitude exhibited by labour leaders and the technologists. When an agreement freely entered into and concluded except for a technicality can be thrown aside, it does not to my mind display that sense of honour and responsibility and concern for the public interest which society can reasonably expect of all its health workers. Indeed, I am very disappointed that the government offer of compulsory arbitration was so quickly dismissed.

I am supporting this bill, Mr. Speaker, because I believe that there is an irreducible minimum amount of service which a hospital must be capable of providing at all times, strikes or no strikes. This minimum will have to be precisely defined but we may take as an approximate figure twenty-five percent of staff needed.

MR. NEARY: (Inaudible)

DR. A.T. ROWE: A member has the right to be heard in silence, Mr. Speaker?

MR. SPEAKER (DUNPHY): Order please! The honourable member has the right to be heard in silence.

DR. A.T. ROWE: This minimum of twenty-five percent will have to be precisely defined but it would not necessarily have to be the same people all the time. They could be rotated and other circumstances could affect the situation. But, Mr. Speaker, just as

a civilized society requires the services of a fire department and a constabulary and so also must we have our sick people cared for. The structure of a civilized society will crumble if we are left without some essential hospital services. There must therefore be this basic minimum service which is to be maintained at all times.

The principles incorporate in this bill are, in my opinion, good principles. They represent some of the most advanced thinking in collective bargaining between public service employers and employees in this country. This legislation equals and indeed improves upon the legislation of its kind which is operative in other provinces. It should be remembered that in five provinces of Canada hospital workers have no right to strike. With the exception of Prince Edward Island binding arbitration is used in all of these for settling labour disputes.

I am not suggesting, Sir, that this bill is perfect. Neither am I suggesting that the passage of this bill will immediately create an atmosphere of management and labour peace. This government is not naive enough to think that management - labour peace can be legislated. The bill will, however, in my opinion provide fundamental rules of procedure for the conduct of negotiations between public service employees and employers which if properly and reasonably adhered to can result in good management and labour relations in the public sector.

I thank my colleague, the member for St. John's South, for his lucid and his wise exposition of the bill and his suggested amendments.

The bill, Sir, is unlike the Public Service Collective Bargaining Act of 1970 which proposes rule by regulation. The bill is also unlike the recently repealed Hospital Employees Employment Act which categorically denied every hospital employee the right to strike. This bill, Sir, attempts to establish a realistic balance with regard to the right to strike among persons employed in the public service. The strike weapon in the hands of an essential employee is a much bigger weapon than when it is wielded by an unessential employee. Quite evidently the strike weapon in the hands of a crossing sweeper does not threaten the health, safety or security of the public as does this weapon in the hands of the x-ray and lab technologists.

Section 10 of this bill, Mr. Speaker, provides for the categorization of certain employees as essential employees. In fact the performance of their duties may at any time be necessary for the health, safety or security of the public or may be otherwise in the public interest. Now, while the principle of this section is quite common in public service, collective bargaining legislation, included in the Federal Government and in the Province of New Brunswick has been the subject of considerable objection both from unions and from members of this honourable House.

The objections of certain unions are to a degree understandable as their prime concern is the economic and the social well-being of their constituent members. The right to strike has always been considered a sacred right by organized labour but, Mr. Speaker, there are instances in the public service where the curtailment of this right is necessary for the health, the safety and the security of the public.

This administration has no intention of eliminating the right to strike. What we do propose is to place the right to strike in prospective insofar as strikes among public service employees are concerned but only in cases where a strike could be injurious to the health and safety of the public. As the elected representatives of the people we have an inherent obligation to provide essential health services for every man, woman and child in the province. It does not mean, Mr. Speaker, that this legislation or bill will forbid strikes among hospital workers. The concept of essential services envisaged by this administration with regard to certain employees goes beyond that of public convenience to far more vital issues in this curtailment which would have threatened health and the safety of the people.

If this concept of essential services were to be expanded beyond this then the strike as an instrument of dispute settlement in collective bargaining would be completely displaced. This administration, I repeat, has no intention of eliminating or displacing the right to strike among public service employees. This administration, Mr. Speaker, is most concerned about the social economic well-being of employees paid from

the public treasury, despite the claims of honourable members opposite that we have negotiated in bad faith. For their benefit, not present, that we have not done. Honourable members opposite are in no position to accuse anybody on this side of bargaining in bad faith. Those honourable members or gentlemen were part of an administration which wrote one of the most repressive and regressive chapters in the history of labour in this province. Let us say, Mr. Speaker, never did they accomplish a meaningful system of collective bargaining within the province.

In 1970 they brought in enabling legislation which provided for rule by regulation. In other words, the cabinet were going to determine the ground rules. Now they sit in great judgement on behalf of the labour movement, champions of the labour movement. They have very short memories, Sir, when they talk of the ineptness of this administration in dealing with representatives of labour.

I cannot agree, Mr. Speaker, with the charges that have been made in this House that the Department of Health has not been sufficiently involved in the conduct of negotiations in the public service. It is normal practice in most jurisdictions for the treasury board to play the leading role in public service collective bargaining. It was undoubtedly based on this principle that the former administration established a collective bargaining division of treasury board staff.

All summer I have been in day to day contact with events pertaining to collective bargaining with all service employees. As I said on Thursday, I have deliberately avoided public statements on these negotiations because it is our conviction that the negotiations cannot be conducted publicly. I have also made all the expertise that I can obtain, available within the department, to our negotiating team and in fact hospitals, I am told, were always represented in these negotiations.

Now, in spite of our concern and involvement in such matters, some of the honourable members, of the opposite side particularly, have seen fit to try some mischief and to shatter in the public eye the Government's concern and sincerity in these matters. The Hon. Leader of the Opposition

called my opening statement of October 26 despicable and provocative. I have no wish to bandy words with this honourable gentleman but I would like to remind him of what he said when as Minister of Health he was faced with a similar situation. On May 7, 1970 in the Holiday Inn, at the meeting of health and hospital workers in the middle of a wage dispute, he said to them and I quote, "There is no magic solution. The hospital services are grinding to a halt. My main concern is for the health of the people of the province." That is exactly what I said the other day. My concern is for the health of the people of the province, that we can sit down and bargain and get people back to work, inflaming -

MR. DOODY: Mr. Speaker, is this man allowed to speak?

DR. ROWE: Mr. Speaker, in conclusion I urge the honourable members in the House on both sides -

MR. SPEAKER: Order please. I would like to remind honourable members that any honourable member does have the right to be heard in silence.

DR. ROWE: In conclusion, Mr. Speaker, I urge honourable members in the name of humanity to refrain from the practice of partisan politics in this honourable House when we are dealing with such a very serious situation. This administration or any administration for that matter would be derelict in its responsibilities to the people of this province if we permitted public service employees to use the sick and suffering as an instrument to accomplish their ends.

This does not mean, Mr. Speaker, that we want to preclude all hospital employees from striking. We do want to establish however a realistic balance in the exercise of that right among employees of essential services. After all that is one of the things that we were elected to do and to do anything less would be to pass the governing of this province over to certain union leaders. Mr. Speaker, we do not intend to do that. We, not they, were elected to govern this province. We are answerable to the people of Newfoundland, the union leaders are answerable only to their members. This, Mr. Speaker, is the vital difference.

Mr. Speaker, I support this bill now presently before the House with the indicated amendments. Thank you!

MR. SPEAKER: The honourable member for Bonavista South:

MR. MORGAN: Mr. Speaker, I have a few words on this piece of legislation.

I feel it is the obligation of all members on this side of the House of Assembly to speak their views accordingly

because this is not a bill of the Hon. Minister of Finance. It is a government bill. On this side of the House, we are all supporting it with the necessary amendments, especially the one proposed by the honourable member for St. John's South. This legislation is giving the rights to workers in the public service, the right to strike which they do not have now. It is also going to give the government of this province the authority it will need at the time if it is going to maintain the safety, the security and the health of this province. If this government are going to show leadership, (this is what this province deserves, leadership) if we are going to show leadership as members of the legislature, as members of the government, if we are going to show leadership, we must be able to maintain the safety and security of the public of this province.

There is one thing over the past number of months that has been bothering me. Being an outspoken politician, I am going to say here again today; it has been bothering me as a representative of the people in this House of Assembly that we have seen so much labour problems during the past number of months. What has been bothering me is the fact that most of the labour problems have been caused by irresponsible labour union leaders. It has to be said whether it comes from a cabinet minister or a backbencher, it has to be said and I am saying it here today. What I am going to say today, I will have no bones about saying it outside this House.

October 23, "It takes away from the public employees completely the right to strike." (The next quote): "We will say to hell with essential services." That quote came from Mr. MacMillan, National Director of CUPE. Yet that same organization had this piece of legislation in their hands in April, back in April of this year. Why wait until the eleventh hour to condemn the legislation? Why could not constructive proposals be brought forward, constructive recommendations on this piece of legislation? Why wait until the eleventh hour and

condemn it as being totally unacceptable? "Completely and totally unacceptable to CUPE," said the national director on October 26, Mr. MacMillan. He goes on to say that it is a possibility that all CUPE locals in the province will walk out, if the bill is passed. He goes on to say that if he -

MR. W. N. ROWE: Point of order, Mr. Speaker. A ruling was handed down here a day or two ago that nobody was allowed to quote anyone outside the House either to undermine or to support argument in the House. Would Your Honour make the same ruling now on what the honourable member is doing?

MR. MURPHY: One is permitted to read telegraphs.

MR. BARRY: Point of order, Mr. Speaker. I believe the ruling is that one is not entitled to read in detail but I do not think there is any ruling against summarizing comments which have been made outside the House.

MR. SPEAKER: The ruling section that the honourable member for White Bay South just referred to, which I quoted a couple of days ago, was Beauchesne, page 133, Standing Order 157, subsection (5), which says: "It is not in order to read articles in newspapers, letters or communications emanating from persons outside the House and referring to or commenting on or denying anything said by a member or expressing any opinion reflecting on the proceedings within the House." I ask all honourable members to take note of that ruling.

MR. MORGAN: Thank you, Mr. Speaker.

In summarizing the national director's statements, his quote was: "The Hon. Minister of Finance should be having a psychiatric examination. He should be thrown out by the present administration." These are the kind of statements that the labour unions are making. This is not something we will need to resolve the labour situations we have in the province today, these kind of statements. This is not the Hon. Minister of Finance's bill, it is a government bill. We are backing it accordingly. It is not because it is a government bill we are backing it,

we are individuals over here as well. We are backing it because we all believe in it. If this government do not have the authority to take action in a time when we have an emergency, how are we going to show this province the leadership it deserves at any time to maintain the safety and security of all the public of this province? Are we a government of the few individuals in labour or are we a government of all the public of this province? Who are we governing for? To maintain the whims and wishes of the labour union movement? Are we here to maintain security of this province, for all the province, and all the public?

Mr. Speaker, the most annoying part of all - I can realize getting criticisms from the labour union movement. It is what you would expect to get when there is labour legislation before the House but to receive the same kind of criticism from honourable members on the opposition side of the House is unbelievable. The Hon. Leader of the Opposition did not just stand and disagree with members on parts of the bill but he disagreed with the principle of the bill. "The bill is a fraud. It would touch of an air of bad will in labour relations in this province." That is a quote made in this House of Assembly, by the Leader of the Opposition. It is unbelievable. You would expect that coming from the labour union movement but not from the Leader of the Opposition. Is he maintaining that we will forget the security of this province, forget the health needs of this province, do what the labour union movement wants us to do at their whims and wishes? Is that what the Hon. Leader of the Opposition is talking about? "It is a step backward." He stands in this honourable House and condemns the legislation, condemns it. Yet in 1969 a piece of legislation was passed by a government, the Liberal Government, which gave only the cabinet the right to decide who were the essential employees. Yet now we have legislation which says the labour relations board will decide. We are not giving cabinet the right even to decide on when

to declare an emergency. The amendment now proposed will let this Legislature decide and rightly so. Let the House of Assembly decide when to declare a state of emergency.

Mr. Speaker, playing a game of politics with the public's security and safety and health needs is a very serious thing. I think that each and every member of the opposition should stop and think: "What are they standing for?" "The rights of Newfoundlanders or the rights of a few?" What are we standing for? Are we standing to see the rights of the people who have health needs in this province forgotten and wiped aside, to give the few individuals the rights they are demanding? Are the opposition wanting a situation where the other nonessential employees in the public service will not have the right to strike? Do they want that? What do they want? They want only one thing, Mr. Speaker, that is to play a game of politics, whether it is important to Newfoundland or not to play a game of politics.

Mr. Speaker, across the country of Canada, who are the provinces that have a right to strike in the public service? Nova Scotia, no; Prince Edward Island, no; Alberta, no; Manitoba, no; British Columbia, at present, no; Quebec, they have a right to strike with an eighty day limit. These are the provinces that do not give the public employees the right to strike. Here in this province we are being repressive according to the opposition, when we are taking a step forward, a step forward in giving the public service of this province the right to strike. If we cannot have

some kind of a weapon, if we cannot have some kind of authority where we can show leadership in this province as leaders, if we cannot do that, if we cannot maintain the public security and safety of this province we might as well forget and hand everything over to the labour movement in this province.

We are not going to do that. We are not going to do that because we are all individuals over here who stand individually on what we believe in. We believe in this bill. I am sure that it is not a repressive step it is a forward step. It gives the right to the individuals in the public service to strike which they do not have now. It also gives the right to this government to protect the rights of all Newfoundlanders. Thank you very much.

MR. SPEAKER: The honourable member for Bonavista North.

MR. P. THOMS: Mr. Speaker, I listened to the words of most of the honourable members who have spoken on this bill and to me the words that they have uttered are very surprising indeed.

The people who conjured up the words of this bill I am sure must have done so after a long weekend of continuous hangover. The hangover did not come from blueberry wine.

Mr. Speaker, in clause (4) of this bill - it is a very good clause but we leave it to the honourable members on the other side of this House and see if I can open their eyes to a few of the facts that are contained within this bill. Number (4) says that every body have the right to be a member of an employee organization and to participate in the lawful activities thereof. That means, as far as I am concerned, that every employee who is employed by the Government of Newfoundland and Labrador is entitled to become a member of his or her union and also that he or she is allowed, is permitted under this act to participate in any lawful activities thereof. Lawful activities thereof!

Of course a strike is a lawful activity. A strike is the only and final weapon of all employees, not only government employees but employees no matter who their employer is. Mr. Speaker, I agree

with this. This is perfectly correct. This gives the employee his God given right.

Mr. Speaker, over in clause (10) of this bill the wording is such that it nullifies section (4). If this bill is passed you may just as well forget about section (4), it should never have been written. We are saying in section (4) that those people who are classified as essential employees have not the right to strike. We do not exactly say it in section (10), we say it down in section (25), where an employee who is classified as an essential employee cannot take part in these strikes.

Mr. Speaker, I do not know who discovered the word essential or whoever thought of putting the word essential into section (10) but the word essential to me as it relates to an employee and we are speaking most specifically and thinking most specifically at the present time about people who are employed in our medical institutions across our province, to me an essential employee in a hospital is every employee from the janitor to the doctor, bar none.

How can any member of the Department of Labour or the Department of Health or a hospital committee sit down and classify a technician, an ambulance driver as essential people and not classify the rest of the people who are employed by that establishment? What are we going to do, create two classes of employees one upper and one lower? Are we going to take the right to strike away from the higher class? No I am afraid not. I agree with the honourable member for St. John's South when he says that every person in a medical institution is essential. Not only is he essential he is a must. The institution cannot function properly without these personnel.

MR. BARRY: Would the honourable member permit a question?

MR. THOMS: Why, of course!

MR. BARRY: Does not the honourable member see a difference between

an institution not being able to function properly and an institution not being able to function at all? In other words, is the honourable member saying that all essential services should be withdrawn? Is the honourable member saying there should be a right for hospital employees, for example, to withdraw all services from the public in the event of a strike?

MR. THOMS: Mr. Speaker, it has been a known fact by me all my life, since I had any sense at all, to know that every person who is employed has the right to strike, even the honourable member for Placentia West. He can go on strike today if he should want to. I defy any man to try to take that right away from him.

Mr. Speaker, to say that a hospital will only function partially is like saying that you can go in a hospital they will cut you open but because someone is on strike they will not close you up again. That is really what the honourable minister is saying.

Mr. Speaker, if we are to pass this bill and if we leave it and we undoubtedly will leave it to the various labour boards, departments or organizations who control these institutions, these essential employees will be classified. Now, Mr. Speaker, when this is done it gives the government certain powers, certain rights over various employees who are in their employ. I believe we are missing something very serious here also. Not only should we classify certain people in our medical institutions as essential personnel but there is nothing to say that the government cannot take a step further. They can classify the police as essential personnel, they have classified the firemen, they can classify people working the Highways Department who I consider just as essential as the lab technicians.

Mr. Speaker, if the government, in this case the employer, has the right to impose this legislation upon essential employees, what is to stop industry from demanding from the government that they be given the same right? Because within private industry there are

people who could be classified as essential personnel under this bill. Not under this bill but under a bill similar to it. Then where do you draw the line? A doctor in the hospital I assure you is more essential, if you want to use the word, more essential than any other person in the hospital. Does he have the right to strike? Are we going to take away his right to strike? We have had strikes in other provinces by doctors.

So, Mr. Speaker, it is like my friend from Labrador South said, the bill is already passed. It was passed in cabinet and any words that we utter during this debate are useless. No matter what we say, no matter what public opposition there is to this bill we have a dictatorial regime today in Newfoundland that will not bend to rhyme nor reason.

Mr. Speaker, the office of the opposition is flooded with messages from various locals of CUPE. I have on my desk here, which I was reading a few minutes ago, fourteen messages from various CUPE locals. Everyone of them ask that this bill be withdrawn. Mr. Speaker, I do not pussyfoot around. I want to give notice now that I will vote against this bill and I fail to see why any man in this House of assembly who has any democratic principles about him at all can vote for this bill. I fail to see how the Minister of Finance can bring such a piece of legislation into this House of Assembly. I cannot see how he brought it in when it should have been brought in by the Minister of Manpower and Industrial Relations. The minister in this field means the Minister of Manpower and Industrial Relations. Is this an indication that this minister is incompetent and that he could not pilot this bill through this House and that he had to get the heavyweight, the Minister of Finance to help him out?

AN HON. MEMBER: That is right.

MR. THOMS: Surely! What a shame!

MR. NEARY: He had to get the old war horse himself.

MR. THOMS: Mr. Speaker, any man who stands up in this House and supports this bill should be ashamed of himself because it is a bad piece of legislation.

MR. SPEAKER: The honourable member for Grand Falls.

MR. SENIOR: Mr. Speaker, I think it would be appropriate for me at this time to have just a few words to say concerning this bill as a great many of my constituents would be affected by it.

About a year and a-half ago I had the opportunity to be a member of a legislative committee. At that time I had the opportunity to meet with many of the labour leaders or some of the labour leaders in this province, particularly the people in the Federation of Labour. At that time I had an opportunity to listen to them and discuss with them much of the legislation which exists in this province and affects the labour movement.

I made notes on many of the suggestions which these people put forward. These suggestions were subsequently brought before our government and I am happy to say many changes which the labour movement requested were made. Legislation, some of which was considered repressive, such as legislation which forbade certain employees to strike, was repealed.

Without going into great detail, Sir, I cannot see for the life of me how this government has not been sensitive to the wishes and the needs of labour in this province. Although there are many constituents in my district who would be affected by this bill, there are also many constituents who would not be affected by it, maybe not directly. As an elected representative, Sir, I feel we have an obligation to consider the welfare of all the people that we represent.

This legislation which we are discussing today, I cannot see, Sir, how it is in principle detrimental to the labour movement in Newfoundland. If this bill be passed it is not the end, it can be changed. I think we have proven this already since this bill has come up for debate in this House, where members of this honourable

House have made suggestions and our government or caucus have been sensitive enough to suggest amendments to the legislation already.

If this bill be passed and if in practice it should present problems I see no reason why further amendments cannot be made. I feel we have an obligation to consider not only workers who are directly involved in labour unions or those who may be involved in a particular dispute but rather the welfare of all our people. I think this is particularly true where we have employees who can be classified as essential to the welfare of the public.

I feel, Sir, that in certain professions, when people enter these professions they enter it with the realization that they do have a responsibility to the public. Of course we should not overlook the fact that an employee in any profession has a right to a fair wage and has a right to negotiate for a fair wage. I do not think there is anybody who would object to that. In certain professions it has to be borne in mind that they are more essential than others and absolutely necessary to protect the public good. Sir, I accept this bill and see no reason why it cannot be acceptable to all members of this honourable House.

MR. SPEAKER: The honourable the Minister of Education.

MR. OTTENHEIMER: Mr. Speaker, I would like to speak briefly on the bill before the House. A great deal has been said on it both by government members and honourable members of the opposition. I doubt if there is much new or original to be said. I think it is worthwhile however to review what in my opinion at least are some of the most cogent points to be decided by this House when the time comes to vote upon the principle of the bill.

What does this particular bill purport to do? What is the essential purpose of this legislation? In other words, irrespective of who is or is not on strike now, irrespective of who has or who has resigned now, irrespective of events of the past one, two, five

or ten days, because this bill is not being passed for a period of one, two, five or ten days, what is the essential purpose of the bill?

The bill for the first time in the history of Newfoundland affirms the right to strike in the public service. For the first time in the history of Newfoundland there is an affirmation of a legal right to strike of the public service. After twenty-three years of rule by colleagues of the honourable gentlemen opposite, some of them included, there was no affirmation of the right to strike of the public service. Now, this bill, the essential purpose of it is to affirm the right to strike of the public service.

No such right was introduced by the previous administration in twenty-three years. That right with respect to hospital employees was categorically, unequivocally denied in the legislation of 1967, the Hospital Employees Amendment Act, when four of the honourable members who are now sitting in the opposition were sitting as supporters of the government. When four of the honourable gentlemen opposite were sitting here that act was passed which made illegal the right to strike of those public servants employed in hospitals.

After that act was repealed by the present administration a few months ago, when that act was repealed then these employees came under the Newfoundland Labour Relations Act which in itself gives no right to strike to public employees. So, for the first time in the history of Newfoundland as a province or indeed before confederation, for the first time in our entire history there is a bill, the essential purpose of which is to affirm the right to strike of the public service.

Does it give an unreserved, a total, absolute, unmodified right to strike? It gives the right to strike under two qualifications. What are the qualifications? That in the essential service this right will be abrogated. Then who decides whether the service be essential or not? It is not the Minister of Finance, it is not the

Minister of Manpower and Industrial Relations, it is not the totality of ministers in the Lieutenant Governor in Council, it is the Newfoundland Labour Relations Board. The Newfoundland Labour Relations Board which is neither government nor opposition nor union nor employer but representative of all interests, of the interests of labour and management, it is this body, the Newfoundland Labour Relations Board, which by statute will have the exclusive right to determine whether the service is essential or not.

The government do not have that right. This government voluntarily abrogates that right by this legislation and the provision that it is the Newfoundland Labour Relations Board which represents both labour and management which will determine whether the service is essential or not.

This bill has as an essential principle the affirmation for the first time in Newfoundland's history of the right to strike of the public service but not a totally unqualified right. A right with two qualifications. The first I have mentioned. The qualification of essential service which is to be determined not by the government but by the Newfoundland Labour Relations Board.

The second qualification is that of an emergency situation and who will determine an emergency situation. According to an amendment which the Minister of Finance has assured the House on behalf of the government will be introduced, that determination will be not by the cabinet, not by the government but by this legislature. We have therefore the affirmation of the right to strike with two qualifications.

Let us compare the principle of this bill now before the House with what preceded it and what is in operation unless and until...

MR. NEARY: I know the honourable member is not trying to deliberately deceive the House but the amendment says that all the House will do is ratify the decision that is made by the Lieutenant

Governor in Council.

MR. HICKMAN: Or reject.

MR. NEARY: That is what the minister said.

MR. OTTENHEIMER: To ratify or to not ratify. If one ratifies there is the option to ratify or not ratify. It is the same thing. It is a question of words. One ratifies or one does not ratify. One agrees or one disagrees. One votes yes or votes no.

MR. NEARY: The original decision will be taken by the cabinet.

MR. OTTENHEIMER: But the final decision is made by the House of Assembly. Every decision I suppose in a sense, except for private members' resolutions, is made by the government. Because because everything except private members' bills and private members' resolutions are government orders. The business in general of the House is determined by the government house leader. Except for private members' bills and private members' resolutions the order of proceedings in general, except for emergency debate and questions etc., the order of proceedings, and what is to be debated are as a general rule determined by the government.

How things are actually disposed of, whether they are voted yes or no depends, obviously, upon how members vote.

MR. NEARY: But the minister will remember his attitude on the borrowing powers. Does he remember?

MR. OTTENHEIMER: Right.

MR. NEARY: Well this is the same principle, is it not?

MR. HICKMAN: No. No it is not.

MR. OTTENHEIMER: No, it is quite different. It is quite different^{ed} plus the borrowing powers situation has been considerably changed since the present administration has taken over. But here the final on whether the emergency situation exists or not rests with the legislature.

You have a bill which (1) affirms for the first time in Newfoundland's history the right to strike of the public service

but number (2) does it with two qualifications and these are with respect to essential services which is to be determined by the Newfoundland Labour Relations Board and with respect to emergency situations which in the final analysis is ratified or not ratified, confirmed or denied by this legislature.

MR. NEARY: Mr. Speaker, I wonder if the minister would permit a question? Has the minister seen the amendment? If he has would he tell us what it is? We have not seen it. We do not know what it is all about.

MR. OTIENHEIMER: Mr. Speaker, everybody will see the amendment when it is actually introduced into the legislature. My colleague has already indicated the general purpose and tenor of the amendment. The Minister of Finance has already done that.

Let us compare what this bill sets out to accomplish, the essential purpose of this bill with two things; (1) what preceded it until it was repealed and (2) what was in operation in the interim and is indeed still in operation unless and until this bill is passed.

Until the repeal of the Hospital Employees Act, strikes in hospitals were unequivocally outlawed. There was to be no strike in hospitals. There was no question of whether the service was essential or not. There was no question of whether the Newfoundland Labour Relations Board deemed that certain employees were essential and certain were not. There was no option to the legislature to agree or disagree that an emergency situation existed. There was a total abolition of any strike in a hospital. That legislation was repealed by the present administration some months ago in one of the most progressive acts that this government has made in labour relations.

Unless and until this bill is enacted, what exists in the interim? The Newfoundland Labour Relations Act which does not give a right to strike. With qualifications or no qualifications, it just does not give the right to strike to public employees.

MR. NEARY: Why not amend that?

MR. OTTENHEIMER: Now obviously what exists now after the repeal of the Hospital Employees Act is unsatisfactory. There is no affirmation of the right to strike of the public service.

MR. W.N. ROWE: But is there a right to strike affirmation or not?

MR. OTTENHEIMER: Presumably, within provincial jurisdiction what exists depends upon the law of the province as long as it is valid within the jurisdiction.

MR. W.N. ROWE: Will not the minister agree that the legal opinion is that the lab technologists are on a legal strike at the moment?

MR. OTTENHEIMER: I would not feel qualified to give an opinion. I was admitted to the bar a short while ago but I have had no invitation to join the judiciary as of yet. I would hesitate to answer that question.

What we have then is a comparison between the present legislation without any affirmation of the right to strike, a comparison with what was repealed by this administration, the enactment of 1967, which outlawed totally all strikes in hospitals with a threat of decertification, probably the most potent threat that any government can wield over the neck of the labour union movement and of course, the recourse to fines.

Now let us compare the labour relations attitude of this administration and the previous administration.

MR. NEARY: They are thrown out now. You do not need to go over that, they are gone.

MR. OTTENHEIMER: Mr. Speaker, one can only compare with what went before. There have only been two sets of administrations in this province, twenty-three years and nineteen months. Let us compare the attitude of this administration in terms of labour matters to the previous administration. I can recall, it is not that long ago, seven years ago, 1967, when that Hospital Employees Act was brought in. There were three on the other side, the honourable member for St. John's Centre, the honourable member for St. John's East Extern and myself. There were three in opposition and the government

with the remaining seats. That was before the days of independence and of course, one gentleman in the Speaker's Chair.

MR. NEARY: Including the three on that side. Do not forget the three on that side.

MR. OTTENHEIMER: No. How could I forget them?

MR. NEARY: That is right.

MR. OTTENHEIMER: I certainly would not do them the injustice of forgetting them.

This administration has been accused by the opposition in various speeches during the last few days of arrogance, of negotiating in bad faith, of not being willing to listen to suggestions, of going ahead blindly, stubbornly, obstinately, not willing nor able to invite or accept suggestions for improvement from other quarters.

MR. W.N. ROWE: Right. Right again.

MR. OTTENHEIMER: Essentially we have been accused, as honourable members confirm, of arrogance, blindness and obstinacy.

MR. W.N. ROWE: That is true.

MR. OTTENHEIMER: Let us just compare this arrogance of the Progressive Conservative Administration with the situation which preceded it. In 1967, when the legislation was brought in to unequivocally outlaw strikes in hospitals with the threat of decertification, how many suggestions for improvement or change or amendments were listened to by the then administration? With the four honourable gentlemen who are now in the present eight-man opposition, fifty percent of the present opposition, fifty percent of them, Mr. Speaker,...

SOME HON. MEMBERS: (Inaudible)

MR. SPEAKER (STAGG): Order please! Honourable members, as usual, may conduct their friendly banter but it cannot become a tirade against the speaker who obviously (the speaker with a small "s") does have the right to be heard in silence.

MR. OTTENHEIMER: I missed the interruptions because a few years ago

when it was just the opposite, these things were if not encouraged, at least it gave a certain amount of enjoyment and excitement. I am not wishing to dispute Your Honour's ruling. Obviously every member does have that right and if the Chair enforces it, then obviously one goes along with it.

Let us ask ourselves how many amendments or suggestions were changed for improvement, were listened to just in 1967, when half of the present opposition were sitting on this side? How many? Not one, Mr. Speaker, not one. There was not the slightest inclination on the part of the Liberal Administration to listen to a suggestion from the opposition, from the labour unions, from anybody whatsoever, because they had all the answers, not in their heads but in their head ; because there was only one head in that administration - not one suggestion from the unions, not one from the opposition, not one from any backbenchers, not one from anybody.

One suggestion that I can recall in 1967 was one I made myself. It may not have been the answer, I certainly claimed no infallibility then I do not claim it now. It was a suggestion but it was disregarded as if it were the most absurd suggestion ever made. That was a suggestion that the government speak with the union, I think it was the Grand Falls Hospital strike, either Grand Falls or Corner Brook, I believe it was Grand Falls which precipitated it, to ask for a thirty day cooling-off period and to see if negotiations could be re-entered.

AN HON. MEMBER: (Inaudible)

MR. OTTENHEIMER: I do not think the Minister of Finance spoke on it at all. I think it was only the then Premier who spoke. If my memory serves me correctly, I made that suggestion with at least some knowledge that if not totally acceptable there was a fair area wherein this would be acceptable. Certain members of CUPE in Grand Falls were in touch with me as no doubt they were in touch with honourable gentlemen opposite at the same time.

They wanted some assurance that if such a course of action were suggested that it could receive sympathetic consideration and at least there would be this cooling-off period. That was totally dismissed without anybody even bothering to look into its possibility or lack thereof.

What do we have this time? Nobody claims, I certainly do not, I do not think any member does, that this piece of legislation is necessarily the last word in public service legislation. In this whole area of labour relations especially with respect to the public service, especially with respect to those areas of the public service where the total public good is intrinsically involved, nobody claims that anybody has the final answers there.

This government do not have the final answers, the opposition do not have the final answers, I am sure the labour unions do not have the final answers and management does not. These are areas where there is growth and development and change and obviously a year from now or two years or three years from now we should all be in a better position with respect to this.

What do we have? We have had a number of suggestions made for improvements to this bill by backbenchers on this side, by members of the opposition, indeed by the labour union itself. A number, not all, but a number of these suggestions for improvement are going to be introduced by the Minister of Finance before this bill is finalized in committee stage. I bring this up just to make a contrast of attitude between an administration of which the present opposition were supporters (that is fair enough, that was their privilege, obviously) and this administration. Here we have listened to suggestions for improvement from backbenchers, from members of the opposition, from members of the labour movement and a number of these amendments are in fact going to be incorporated into the bill.

Mr. Speaker, the opposition have made it clear that they do not support this bill. That they have made clear but they have left this House and I think they have left this province in doubt as to precisely what their position is. I suggest, Mr. Speaker, that that is not the kind of luxury that they should indulge in. They have made it clear that they are opposed to this bill. They have made it clear that they are going to vote against this bill. They have not made it clear what their position is and I think they owe it to the legislature, to the province and to their own supporters to make it precisely clear what their position is.

Mr. Speaker, I do not go on the premise that it is the sole and exclusive duty of an opposition to oppose. There are those who feel that the opposition's only responsibility is to oppose the government. Whatever they bring in, vote against it. Whatever they are for, be against.

AN HON. MEMBER: (Inaudible)

MR. OTTENHEIMER: Exactly. Exactly. Offer them the preferable alternative. From the mouth of the honourable member for Bonavista North has come the answer. Suggest the preferable alternative. Give the preferable alternative. Now, my friend, now, now is the time when the obligation comes to suggest what is the preferable alternative. You cannot say; "Well, when the people of Newfoundland put us in we will tell them what our labour policy is. If that is in three or four years we will tell them. If it is in ten or twenty years we will tell them." The people of Newfoundland are not going to sign any more blank cheques. Their hands have gotten tired from it. There are not going to be any more blank cheques, Mr. Speaker.

Now is the time when the opposition owe it to this legislature and I would suggest to themselves and to the province to state what exactly their solution is to the problem of labour relations and strikes in the public service. I am glad that the honourable member from White Bay South agrees with that and I have

no doubt that he will make known what the opposition's actual position is. I think he will agree that up to now it has not been stated with any explicitness or any clarification of what has been stated not only in bill form but in form of actual principle.

So far, what the opposition have conveyed to the legislature and to the province is that they are opposed to this bill. Obviously, that is their privilege that is their right. I would suggest that unless one accepts the premise that it is the exclusive and only obligation of the opposition to oppose then that is not enough. I know that the honourable member for White Bay South agrees because he is nodding and we look forward to his contribution in the debate to learn exactly what the opposition's position is on this matter.

MR. W. MARSHALL: It is to bring back the Hospital Act, is it not?

MR. OTTENHEIMER: I do not know.

MR. MARSHALL: That is what they want.

MR. OTTENHEIMER: My colleague suggests it might be to bring back the Hospital Act.

MR. W. N. ROWE: We will get the honourable the Minister of Justice to draft it for us.

MR. OTTENHEIMER: The question is, Mr. Speaker, essentially I suppose it boils down to this; does the opposition believe that there is no right to strike in the public service? There are those who believe that. The government do not believe it but there are those who do. One cannot have cakes and eat them at the same time. So I think what this House, this province, the labour movement in Newfoundland, what patients in hospitals and prospective patients and what the public of Newfoundland will want to know is what is the position of the opposition. What specifically are they for?

MR. W. N. ROWE: Right.

MR. OTTENHEIMER: There are only a few possibilities, obviously.

(1) they are against strikes in the public service totally

or (2): They are against strikes absolutely in certain specified areas of public service. Or, this is an extreme, they can see an unqualified right to strike, an unqualified, totally unqualified right to strike for each and every member of the public service. According to this philosophy there is no reservation, none on the right to strike. Everybody in any hospital, in any aspect of the public service whatsoever, has a total right to strike. These are two extremes. I do not know what the opposition's position is. Far be it from me to attempt to guess. I would think that it is neither but I do not know. I would not think they would say, "No right to strike." I would not think but I do not know that they would say, "An absolutely unqualified right to strike in any aspect of the public service, hospital, blood transfusion, anything, totally unqualified right to strike, the same as elevator operators or anybody else." If it be neither of these then somewhere in the middle there is the right to strike but qualified.

Now this is what this government are bringing in, legislation the purpose of which is to give the right to strike but qualified - qualified, as I said earlier, in two ways. (1): Whether the service is essential, to be determined not by the government but by the Newfoundland Labour Relations Board. (2): Whether the situation is an emergency, the final determination of which rests with this legislature. So the purpose of this bill is to give a qualified right to strike.

Now if the opposition are not giving a total unqualified right to strike or are not banning totally strikes in the public service, then they are in that area of a qualified right to strike. Now we know what the qualifications of the government bill are, these two qualifications. If it is in that general area that the opposition suggest a preferable alternative to this government's legislation, because that is their duty to suggest an alternative not only to say that we are against; then somewhere in that middle area of a qualified right to strike we in this

in this government, the public of Newfoundland, the people in the Labour Movement, unions, the general public will look forward to their specific, concrete suggestions for a preferable alternative. If it be that middle area of a right to strike which must be qualified, then we look forward to what are the qualifications. Obviously they are not ours. That it be essential, is determined by the Labour Relations Board, that there not be an emergency situation is finally determined by this legislature. If it is a qualified right to strike, then we look forward to learning exactly what the qualifications are.

Mr. Speaker, this government in nineteen months have I think established a constructive, progressive record in the area of labour relations. After about twelve months in power we enacted a Teachers' Collective Bargaining Act. For the first time in this province the teachers have the right to collective bargaining, the right to strike, covered by legislation mutually agreed upon by negotiations between the Newfoundland Teachers' Association and the Government of this Province. We also after a year in office abolished the *exparte* injunction in legal strikes, supported by members on both sides of the House, as indeed was the previous, the Teachers' Collective Bargaining Legislation. Again a progressive step forward in Labour Relations of this province.

We repealed the Hospital Employees Act which I think most people will agree was a retrogressive piece of legislation enacted in 1967. We are now bringing in legislation which will assure to the public service the right to strike, but it will not be a totally unqualified right. It will have the two qualifications previously mentioned.

Mr. Speaker, I do not think this government have anything to be ashamed of in its labour relations policy. The accusations of arrogance and being closed-minded and not listening to suggestions from any quarter are blatantly absurd because suggestions have been incorporated into this legislation made by government members on this side, members of the opposition, members of the labour unions. I do not think that accusation is founded at all.

The general purpose of this bill is pretty clear. Nobody claims it

is the last word because there are very few last words in this life or in this society or in the changing conditions under which we live. I think one can claim with confidence that it is a major and important step forward in labour relations within the province. If the opposition's views are within that middle area, if they are not a complete abolition of strikes and if they are not strikes under any conditions, totally unqualified right to strike, if they are in that middle area of the right to strike but being qualified by certain considerations of the public good, (We have listed the two that this government believes in.) if they are in that area then certainly we look forward to specifically learning what their suggestions are. Thank you!

MR. SPEAKER: The honourable member for Bay de Verde.

MR. B. HOWARD: Mr. Speaker, I would like to say just a few words on the legislation now before the House of Assembly, bill 123. For the most of my adult life I have been connected with labour, prior to being elected to this honourable House. With my background in labour, I think it would be wrong on my part not to say a few words on this particular legislation.

First of all, one does not have to look too far into the past to realize that the ordinary workers in Newfoundland were never treated properly when all things were considered. Secondly, the platform plank of the Progressive Conservatives when we were campaigning was to listen to constructive criticism and to follow the wishes of the people when that was possible.

Last Friday morning we all had the occasion to listen to the remarks made by the honourable Member for St. John's South and true to the Progressive Conservative platform, the government in its wisdom have decided to make certain amendments to the new legislation which will make this piece of legislation one of the most progressive on the North American Continent. These new amendments, which will give labour an equal chance, should be accepted and should be workable to all parties concerned.

During our campaign for elections I heard the Honourable the Premier on many occasions stress the importance of participating in democracy. I am very pleased and honoured to be a member of the government today as we see the finest example of this type of democracy in action. This government is dedicated to making sure that all of its members have an input into its final policies. Time and time again I have heard the Honourable the Premier state in his election campaign that we would be pleased to hear constructive criticism to his policies by members of his party.

There is no doubt about it that the Premier's campaign promises to the people are being reflected in the proposed amendments. For too long in the past we lived in a situation whereby members could not speak, have differences of opinion and still remain on the government side. We are proud to be a part of a new political era which allows and even encourages views to be brought forward in the House of Assembly by its members. Indeed this is a great step forward for all Newfoundlanders can be thankful that the suppression of ideas from us backbenchers is a thing of the past.

In any negotiations one must be prepared to give and take. This applies to management as well as labour. It is a two-way street but neither party should make up its mind that their policies are irrevocable. To my knowledge there are no problems that cannot be solved by discussion, although no party may end up with everything that they would like to have.

Speaking on behalf of the wonderful people of Bay de Verde District, who in my opinion are the very salt of the earth, I cannot see how I as the elected member for Bay de Verde could support the action taken by the x-ray and laboratory technologists when they decide to strike and leave the lives and health of my constituents as well as the lives and health of the people in this province in jeopardy. If because of their actions one single life is lost, supposing the government were to give in to every single demand that x-ray and laboratory people are asking for, it

would not begin to pay the price if one single life were lost because of this situation. I feel that the lives of my constituents as well as the lives of other Newfoundlanders should have been of paramount importance when the decision was made to resign.

In our democratic society, and democracy is the best form of government that is available, because experiences in other countries have found this to be so,

Democracy can only work when those who are participating in it accept the responsibility that goes with it. We cannot have anarchy and democracy existing side by side. Either we have anarchy or democracy but we cannot have both.

For hundreds of years courageous men and women have laid down their lives so that those who follow them would be entitled to have a way of life that they were not entitled to. This is a time for responsible people to prove they are responsible by their action accepting the processes of our democratic system and not by shifting the blame on those who are not responsible.

I would like all of my constituents to go to bed tonight knowing that democracy as we know it has been strengthened by the process of democracy, rather than the irresponsible acts of a few individuals who are trying to play God with the lives of all of us.

On the other hand the employees must be looked after as well and this is what this legislation is all about. Binding arbitration is relatively new to the vocabulary of Newfoundland. I am sure that many perhaps do not understand what it is all about. Basically what it means is when a satisfactory solution cannot be found to a dispute whether it be pay or otherwise, one member is appointed by the union and one member is appointed by the government. A chairman who is acceptable to both parties is appointed. Between these responsible people a satisfactory solution to all parties can be worked out.

I know that labour does not want binding arbitration and neither does the government. It is not the best solution but it is the best way that we know of in our society and in the type of government structure that we have.

In a Communist country or a Fascist regime or in any of the other so-called types of government we would not have the opportunity to criticize. We would have to accept or we would find ourselves in concentration camps, removed from society where we would not be a source of embarrassment to those we disagree with. In the case of binding arbitration, it is the middle of the road approach and the members

of an arbitration board should be fair to both parties.

With the cost of living escalating out of all proportion and as a former union leader, my sympathies lie with the union and I know they need the money and I wholeheartedly support them in trying to obtain whatever wages and fringe benefits they can from their employers.

However, I cannot see how the government can condone or approve of the stand taken by x-ray and laboratory technologists against the people of this province by their irresponsible act. I ask every parent and child to seriously consider the situation before them today. I further point out to every parent in my district as well as parents in the rest of the island, that the lives of the rest of their family, whether they be husband, mother, child or what have you are in terrible jeopardy.

There is no doubt in my mind should a serious accident occur, that many lives would be lost. For instance, if a bus load of children were to collide with a train, there is no way that laboratories in the various hospitals that are on strike could cope with the situation. The plain and simple fact of the matter is, many innocent people could possibly lose their lives because self interests are being placed above the public interests.

I cannot understand the following arguments, because if one unit of an organization receives more money than another, it is no reason for that unit to go on strike. We are asking for wage parity between janitors and doctors, between registered tradesmen and professional engineers, between legal secretaries and the owners of law firms, surely even in the christian ethic certain people must occupy positions of greater responsibility than others.

If this is not the case, the negotiation teams are a waste of time. If strikes be permitted on these grounds then the unions might as well be given the right to make out their own cheques for what they think is a proper wage and employers might just as well sign them. As one Newfoundlander to another, I appeal to the good, common sense and the

sense of responsibility that all Newfoundlanders have displayed in the past towards one another, not to place the lives of any one segment of society above our own self-interest but to have disagreements settled by binding arbitration.

Newfoundlanders in the past have shown the strength and the courage of their convictions to rise to the challenge and to overcome the difficulties that were thrust upon them. This is a time when all Newfoundlanders are required to unite together for the benefit of all not for the personal benefit of a few.

From what I know of this government we have marched progressively forward and yet there is a long way to go. The gap was very wide when we took office and it is difficult to close it overnight.

This government would like very much to give wage parity with the Province of British Columbia and some of the other provinces in Canada whom we have taken as our models in some of the responsible fields. However, to do this would mean we would have to cut back in other areas such as public service, the building of hospitals, the paving of roads, installing much needed water and sewerage, the building of schools and other very essential services for the well-being of all Newfoundlanders.

In closing I can only appeal to the good common sense of Newfoundlanders who have endured the hardship of living in this province and ask them to give this government a chance to do more for them in its short time in office than has been done by all the governments combined since this island was settled five hundred years ago.

MR. SPEAKER: Earlier today the honourable Leader of the Opposition rose on a point of privilege and introduced what was in essence a motion of censure against the honourable member from Port au Port and the Deputy Speaker of the Legislature. I said at that time that I would take the matter under advisement and did just that.

I have to rule now that the honourable the Leader of the Opposition was out of order in bringing the motion in at that particular time. It was not a matter of privilege, it was a matter of difference of opinion I guess between two honourable members.

I am sure that if the honourable Leader of the Opposition wish and I personally hope that he does not, to bring in a motion of censure against the honourable member for Port au Port, there is a time and a method whereby he could do that.

MR. SPEAKER: The honourable member for Green Bay.

MR. P. PECKFORD: Mr. Speaker, I would just like for a few moments to express my opinion concerning bill no. 123. Over the past three or four days we have heard from quite a few speakers on both sides of the House and I thought as a member of the House I too should stand in my place and give my few ideas concerning the bill.

First and foremost, Mr. Speaker, it should be recognized by all and we should not lose sight of it, that the main principle contained in this bill 123, as pointed out so succinctly by the honourable member for St. Mary's, is the fact that this bill gives collective bargaining rights to the public service employees of this province and that this principle was the principle that has been denied the public service employees of this province for years and years.

In other words, it is the first time in the history of this province that this kind of principle has been affirmed by this honourable House. Hence it seems unfortunate to me, especially in the past two or three days, on Saturday and Sunday when I travelled around my own district and asked people for their opinions as to this bill, especially those who had heard of the bill, that they were of the opinion, wrongly so, that the government, by bringing in this bill 123, was doing what the former administration had been doing over the past five or ten years and that namely was

to withhold from all employees in hospital the right to strike.

I do not make that comment lightly because I did deliberately and intentionally over the past couple of days ask people throughout my district this very question. The thing that came home to me was that apparently the word has gone out from St. John's, has gone out from the capital, that this government, in its power and its supposed arrogance, is trying to ram down the throats of the hospital employees of this province legislation that is so detrimental that we are simply doing something in the bad interest of the public employees of this province. How they got that opinion I cannot say for sure but there has been, as far as I am concerned, over the last week confusion on the whole issue of the intent of this bill.

It was pleasant for me to hear the honourable member for St. Mary's clarify the whole situation as to what this bill proposes to do. Hence, it should not go unnoticed by anybody, as has already been said, that it is the first time in the history of this province that a deliberate, determined, intentional, rational and sane attempt is being made to accommodate, as far as possible, the rights of hospital employees in this province. Hence, I am pleased to be able to say at this time as I was in the former session of the House able to speak for a few moments about collective bargaining for teachers, myself being a former teacher.

The other point: After you once establish this bill, it tends to allow collective bargaining within the public service of this province. The main crux of the problem with the union and the union leaders and the opposition seems to centre around the fact of essential and nonessential employees. The intention, under the legislation, is for the Labour Relations to decide who is essential and hence cannot strike and who is nonessential and can strike. It is on this point that unfortunately and to the detriment of most of the members on the other side that they did not clarify their positions.

I have no doubt that the honourable member for White Bay South is perhaps somewhat happy with this situation because he gets the golden opportunity to clarify the position of the opposition on this. I think it is totally unfortunate and totally irresponsible for some of the members on the other side to stand in their places and to criticize totally this legislation without giving alternatives or without really talking on the principle of the bill. The honourable member for Twillingate, I think spoke. The honourable member for Labrador North spoke. The Leader of the Opposition made one of the most disastrous speeches I ever heard in this House; especially the Leader of the Opposition. It was absolutely disastrous. Then we heard from the honourable member for Bonavista North, in his usual great style. We also heard from the honourable member for Bell Island. In all those speeches, in all those words, in all those phrases, never once did anybody tackle head-on, on the other side, whether they agreed or disagreed with the principle that there are some people in the hospitals of this province whose services are so essential that they should not be given the right to strike. They evaded it. An answer has already been sent by members on this side. I will not even go so far as to say anything more categorically. It seems that they were trying to play politics here in the House on such an important bill. I think they have made a fatal error.

Mr. Speaker, I think the majority of people of this province who are knowledgeable about this legislation, who are knowledgeable about the affairs of the past of this province, when we had legislation on the books prohibiting all hospital workers to strike, that the majority of people in this province are of the opinion that this kind of legislation is the most sensible and the most sane kind of legislation to attempt to bring in at this time.

As has been said by the Hon. Minister of Finance and has been said by many people on this side, nobody in his right mind believes that this is the end-all and be-all. This is not the panacea to all the labour troubles in this province, in the public service.

Nobody intended it to be. We believe that it is sensible legislation. We are willing to give it a try. Perhaps we might even come to the point in the next two or three years when we will perhaps agree with the Province of Saskatchewan and allow all hospital workers to strike. But let us try it out for ourselves, let us take a middle of the road approach and let us give it a try and see what happens. If next year after the experience of collective bargaining we see that there are certain aspects of this bill that need to be changed, I am quite convinced from my association with this side of the House over the last year that we would be willing to bring in other amendments to suit whatever problems we have with the act after it is instituted.

To try to contend from the other side and even some of the statements by the labour leaders over the last three or four days that this is totally repressive labour legislation, I think is totally irresponsible. I cannot understand some very intelligent and knowledgeable men in this province who have come out over the last few days making such statements. I just do not see it. I cannot understand it. For years they have been crying for some form of middle of the road approach in labour legislation and now we bring in this kind of a bill; we have just finished giving collective bargaining rights to teachers and now we bring in a bill like this to try to, sensibly and rationally - why would it be? Why do I or members on this side of the House and others across Canada, five other provinces, why are we bringing in something and putting in essential and nonessential, if we did not think it was essential? I mean why are we doing it? Are this government trying to get the public of this province to get their backs up? Are we trying to cause a disturbance? Are we trying to not do what the people of the province want?

AN HON. MEMBER: Yes.

MR. PECKFORD: I think they are totally wrong. Do they think that in our wisdom or lack of it that all we are interested in doing

here is to introduce different bills and legislation which is going to be detrimental to the people of this province? No way! It is wrong to say that. Even though it sounds better in the public mind to paint black and white pictures of important complex issues, very often they are not that black and white and hence here is one area where it is not. I was extremely disappointed that I did not see a more responsible attitude shown by the members on the other side but yet just to attack and to negatively criticize this bill, providing no alternatives. Although it is incumbent upon members of the opposition to criticize the government, it is also incumbent on them and perhaps an even greater responsibility to provide, after they have given that negative attitude, some more positive alternatives to the kind of things that we are trying to propose.

In my opinion, Mr. Speaker, I am willing to support this bill fully. I am happy to see, as we all are on this side, in discussing the bill in caucus and other places that under the emergency thing that is in the bill, that the emergency would be declared not only by the cabinet, the Lieutenant Governor-in-Council, but it would also have to come to this House and this gives an opportunity for all elected representatives to have a chance to speak on it.

MR. W. N. ROWE: Did the honourable member see the amendment?

MR. PECKFORD: Yes, I have seen the amendment. I sure have seen the amendment. The honourable member will get to see it in due time.

MR. W. N. ROWE: Arrogance!

MR. PECKFORD: Mr. Speaker, this is a pure example of it. The honourable member from White Bay South is trying to dismiss something now because they do not have a copy of that amendment, as if

the honourable member for White Bay South, as if the learned, honourable member from White Bay South, the most learned, honourable member from White Bay South who can take an amendment (surely he can) and does the honourable member need days to peruse that amendment? Is it going to have so many -

MR. W. N. ROWE: A lot of time.

MR. PECKFORD: The honourable member needs a lot of time.

Yes, I am beginning more and more to pity somewhat the honourable member's constituents in White Bay South. If this be true, I have a misconception of the honourable member for White Bay South. I had always thought that he was a very learned member of the House. I really did. Now I am starting to change my mind on that. I think it is very unfortunate.

Mr. Speaker, concerning the lab technicians in their walkout and their resignations, I too as many others on this side of the House have said, I do not understand why a group of people who have responsible jobs wished to put in jeopardy the many people in this province in hospitals as a result of a technicality.

Perhaps it was said in some meeting, I do not know. But I cannot understand why the jobs that they had, that they were willing, and you can take that word "principle" and say that walking out on principle, and you can bring that a long way. It sounds good. It sounds rosy. It sounds wonderful. But when you are talking about the people in hospitals, when you are talking about the health and safety of people I think that you have to weigh the both of them, that in the best interest of all it would have been to the technicians advantage to go back to work and to resume negotiations.

As so many people have said already, here we are in this situation and so the government say to the technicians, "Well, Okay! Let us put it to binding arbitration and you will not get any less than the original proposal." Yet even given that, the government coming back and saying that, that they would not get less even if the board said that they did not deserve the nine percent this year and the twelve per cent next year, that they were not willing to go along with it. I do not think it is a reasonable case that they had. I think that they have overstepped their responsibilities as workers in hospitals in this province. I for one cannot find it in me to go along with that kind of attitude nor that kind of behaviour.

Now what happens from here on in is, of course, anybody's guess but I think it is unfortunate that it had to happen. I have heard that not all, I do not know, I think it would be a good question to find out, Mr. Speaker, just how many of the technicians have resigned. There are over 300 in the province. I am just wondering how many are still at their jobs and have not resigned. I believe in principle, in another way the other thing that does not seem to have gotten across to the public of this province is the fact, because this also came out in the little survey I did, that many people thought that the technicians had not even been offered anything. When I told them that they had been offered nine per cent this year and twelve per cent next year it changed their whole complexion on how to look at the situation that we have.

Mr. Speaker, my own thought is that it is completely unfortunate and I like other members here would appeal to all technicians around the province, x-ray and lab technicians, to reconsider their decision and to return to work post haste, because I think it is in the best interest of all to do so. The whole atmosphere surrounding this over the past summer has been quite unfortunate in labour matters.

Without saying anything more, Mr. Speaker, I just want to say that as far as bill 123 is concerned I am going to support the principle of this bill when it comes to a vote, and look forward to the amendments that the Minister of Finance has to propose at that time.

MR. SPEAKER: The honourable member for St. John's East.

MR. MARSHALL: It is now almost 6:00 o'clock. Mr. Speaker, perhaps we might call it 6:00 o'clock so we can come back at 8:00 o'clock, if that is agreeable?

HON. MEMBERS: Agreed.

MR. SPEAKER: It now being 6:00 o'clock I do leave the Chair until 8:00 o'clock.

The House resumed at 8:00 P.M.

MR. MARSHALL: Mr. Speaker, we adjourned the debate at six o'clock this afternoon and I shall not take the time of this House very long tonight because I am waiting with unbridled and unbounded anticipation to hear the mental gyrations that are going to have to be performed by the opposition, by their spokesman in this matter, the honourable member for White Bay South, to give forth the position of the opposition as it presently stands at this period of time, one minute after eight o'clock. I do not know what it will be, probably one minute after eight o'clock tomorrow.

I would also like to know, Mr. Speaker, I would be interested to know when the honourable member speaks if he could give us a rational as to why there is any change if any between the position taken now by the opposition and the position taken at the time when the most repulsive piece of legislation that has ever gone through this Assembly, that is the notorious Hospital Worker's Act, preventing my buddy next to me, as the honourable member calls the Hon. Minister of Justice, who is a man who saw the light, a blue beam of Tory light. Unfortunately, the members opposite have not yet seen the light. We are going to wait, as I say, in anxious anticipation to see through the mental gyrations as to what their change is and why they make this change.

I regret very much having missed the speech by the honourable member for Bell Island. The previous administration which passed this invidious act a few years ago, compounded it, and here now they are talking as if they are the champions of labour. The honourable member for Bell Island, of course, was censured, if I believe, by the Newfoundland Federation of Labour some years ago and I think he is the only person. the previous administration then subsequently showed their great regard for labour by appointing him to the post of Minister of Labour, some time after he had been censured.

No, Mr. Speaker, there is no doubt about it, I do not believe, I think it is quite evident that the opposition has no credibility whatsoever because of the stands that they took in the past. Why is the change in their attitude now when they are supposedly the great supporters of labour? Is it because, for instance, that now they have

freedom of speech, freedom of expression and now it is no longer "Yes" or "no" Sir, three bags full, Sir? In any event, Mr. Speaker, that is the past.

Let us just look at how this particular government - I do not intend and I could not possibly improve on the resume given by the honourable Minister of Education today with respect to the bill with respect to the nature of the bill and how good the bill is and how acceptable it is as balancing the social interest as against the labour interest itself. I do not think that this debate should go without pointing out how this government has handled labour situations this year as against the position taken by the previous administration and how they did it when they were in power.

In this particular instance, Mr. Speaker, we almost cried on the other side of the House and it was a very serious situation when the previous administration came and passed the hospital legislation and the rationale that was used was that this was a strike against the sick and dying. The necessary result of this was to attempt to marshal an opinion against labour itself. They were attempting and this set back the labour movement in this province for many, many years as a result of it. I do not think that we should get too involved with talking about strikes in hospitals being strikes against the sick and the dying. The fact of the matter is that we removed the restraint against strikes and strikes occurred in this province and there was no great damage or danger done to the people in the hospital itself.

This government handled it very calmly and very coolly. They did not act precipitously, as a result of which there were strikes. It showed that strikes can occur in the hospital without there being any overt problems with the hospital people themselves. If there had been, this government would have just as calmly and coolly and decisively acted to prevent it.

I think that this bill is an admirable bill because it involves two particular situations. In the one case I do not think any person on this side of the House would ever support a bill which was in the nature of the previous act, that is to outlaw hospital strikes themselves.

Obviously what this bill does is it allows hospital strikes. If any measures that are going to be taken which are any different than they were before, we are going to consult the House of Assembly with respect to any changes. I would much prefer to see that in the event that this happens, in the unfortunate event that it should happen, that we should deal with each particular instance rather than saying, as the previous administration did, as they put into law, that nobody may strike. I think we should say that they can strike but in the event that it is necessary for the general well-being of the province, then and in that event we shall act. We shall act through the House of Assembly.

The situation occur that it may be a dire and extreme emergency and that is what the cabinet is here for, this is what your executive branch is here for, so, in that event, it ought to have the power to act in the interim. This is all that this bill does, Mr. Speaker. It confers the right to strike but it says, if there is any dire emergency that needs to be dealt with, the cabinet may deal with it in the interim. In the meantime we come back to get it ratified by the House of Assembly, which is exactly what the situation is.

MR. W. ROWE: Would the honourable minister answer me a question. The Minister of Finance was gracious enough to give us some copies of the amendments earlier on and there is no mention of what the honourable minister just said.

MR. MARSHALL: No, but the point is this, that the House must declare a state of emergency. Oh yes, it is very, very funny! It is extremely funny.

The situation is that the power with respect to the cancellation of the right to strike lies in the House of Assembly, by this legislation which is entirely consistent with the position that we have taken in the past. Now, Mr. Speaker, I look forward, as I say, with great anticipation to seeing how consistent the opposition is with respect to the position it took in the past and what it is taking now because they have the credibility they deserve which is really minus zero.

HON. F. D. MOORES:(PREMIER) Mr. Speaker, this particular bill before the House at this time is of major importance to the province. It is of much more major importance possibly as a matter of principle than it is as a bill. I suppose the principle that we are debating as far as this bill itself is concerned could be applied to this House itself as well because there are times in this House of Assembly when all of us, everyone of us, when we are dealing in personalities, when we are dealing in the glib remarks, when we are dealing - and there are lots of examples; the member from Bell Island, the member from Humber West, all of us.

To be totally honest about it, Mr. Speaker, the fact is that when we are talking on the labour movement in the government or the people of this province or on both sides of the House of Assembly, we do not have a thrust based on what is important to our society and to our province. If we do not occasionally put aside personalities and talk about the real issues at stake, then we are negligent in our duties, not just as elected members but as a very small part of the society which we particularly in this House represent. Mr. Speaker, I think this is a subject that can be discussed meaningfully in the future but tonight I want to talk about the bill that is before this House.

Mr. Speaker, other than the member from Bell Island who will always be a personality, I would like to make a few remarks pertaining to the bill before us. First of all this bill, as I said, is of major importance to our province. Contrary to any misinterpretation by those in this House or those outside, it is not an anti-labour bill. The intent is quite the reverse. The intent of the government is that this is progression in labour legislation. I will be saying a few words on that in a moment.

What I would like to say in the meantime is to discuss the x-ray and lab technician dispute very briefly. I would like to discuss it because in the public's eye and I think in the eye of a lot of people in this House that particular dispute is getting superimposed on the issue we are debating here. That should not be but it happens to be the case.

Regarding the x-ray and lab dispute, technicians dispute, I would like to deal very briefly and I mean, Mr. Speaker, very briefly with that particular subject. The only thing I can say as the leader of this government, is to appeal to reason in this particular dispute which has ramifications far beyond the dispute itself.

We cannot legislate nor can any group of people legislate nor can any party legislate happiness in the labour movement. Nor can we legislate reason nor can we legislate rationale. That is something that the individual himself must do. In this case, regarding these technicians who are so important to our society, they are essential there is no question about that, the health of our people is something that has to be considered by them.

The sympathy for what they are trying to do, is not wrong. To improve their lot, of course it is not wrong, but the sympathy for that should be done in the labour context and not in the context of human emotions. When we are dealing with health, Mr. Speaker, that will always be the case.

What has happened here is that the collective bargaining process, which is so important to labour, which is so important to the labour movement, is now in the process of this particular dispute, in great danger of being damaged.

Each group that negotiates with an employer or various employers, in this case these people are negotiating with government who happens to be the employer, but each group who is represented by a union of its own, negotiates as an individual unit of labour. Here we have had a case where the negotiating committee for the union recommended to the membership that the settlement be accepted. We have had a situation whereby the membership voted overwhelmingly for the acceptance of the negotiating team's proposition and then, after this had been done, because another unit had gotten a better deal, all of a sudden this group wanted a better deal.

I can understand why, Mr. Speaker, but when we are talking about the labour movement we cannot possibly base our negotiation on what the next guy did after they have accepted an agreement or a position based on the negotiation of its representatives.

What we are talking about, Mr. Speaker, in the case of the x-ray and lab technicians, is the collective bargaining principle itself. I can understand why they want parity with nurses. I could have understood last year why nurses would have wanted parity with the x-ray and lab technicians, because there is a differential. If in fact the reason for parity should be that nurses had it or that they wanted to have the same as the nurses wanted to have, well then they should be in the same unit or they should accept the responsibility of having arrived at a deal and the next time around try to improve it. Certainly in collective bargaining this principle cannot possibly be abused.

Arbitration, Mr. Speaker, is not desirable. I know it is not desirable to labour and I suppose it is equally not desirable to management. Arbitration is not a happy solution. But in this particular case where these many and wonderful circumstances have happened, I really do not see any other way out.

The government has given the position that there is no way they would get less than they have presently been offered. If arbitration says they should be on parity with nurses or whatever, anything on the plus side, we will go along. Mr. Speaker, with all due respect, I cannot see what else this government can do without defeating the whole principle of collective bargaining.

We are talking about something else, Mr. Speaker, which I would appeal to these people on, the health of the people of this province. The health of the people in this province is something that is even more important than anybody in this House or I suppose any of the principles that constitute what we are trying to do.

Because I suppose, if the first death occurs in the province due to a strike of this sort, emotional pressures quite naturally will come to government and to those who are on strike. Not only, Mr. Speaker, do we have the case of the possibility of direct deaths but we also have the person who has possibly a cancer today that has not been diagnosed. We have the indirect possibilities of what may be happening because of lack of service. Mr. Speaker, that is something that all people, government, members of the lab and x-ray technicians should take into consideration.

Now, Mr. Speaker, after speaking to the x-ray and lab technicians, I suppose, really, rather than this House, in an appeal to them to return to work and try to work out over a period of time, because things do not happen overnight, a position whereby they can be happier in the future or whatever. Put more pressure on the negotiating unit or whatever the case may be. The situation today is that if the government give in on the principle that I have just talked about, of collective bargaining, it is useless for any union in this province to try to meaningfully, collectively bargain again.

This bill that we have before us today, contrary to what has been said and the emotion of debate, is in fact a major step forward and as I said before, is a pro-labour bill as we have known it and not the reverse. Because in this particular bill we have come from a position where we did not have any negotiations with unions in the public service (None! No collective bargaining, no right to strike) into a position where today we do have a right to strike. What we are suggesting in this bill, in fact and I will be talking about this in more detail in a moment, with the exception of Saskatchewan, this is the most advanced labour legislation in the public service in Canada.

Mr. Speaker, we on this side are not incapable of playing political games as all of us in this House are. Particularly sometimes outside this House, as to what we really mean when we present

a bill or what we mean as a government. In this particular case we are talking about something of very major importance and this government has to grasp the nettle and show exactly where we stand. There is no point tonight in my saying that strikes are permissible in the civil service in total. That is not the case. What I am saying in effect is that government are saying that strikes are permissible in the civil service except for essential services, and make no doubt about that.

We are not saying that we have the total and complete answer to the labour-management problem as it applies to the public service and government, not at all. What we are saying is that we are not going to practice hypocrisy, we are saying that civil servants in the main have the right to strike but those regarding public safety, public health do not have the right to strike as far as we are concerned. Because, Mr. Speaker, we in this government, really I suppose are the court of last resort, or this House of Assembly I should say, in this context.

This House of Assembly has the responsibility over and above any one specific issue. We have a responsibility, Mr. Speaker, to say what is in the public interest because we are the elected representatives of the public. We have that responsibility, we should not back off from it for political points or any other. What we are saying is we are introducing a bill that goes beyond the Cohen Report, where they suggest that no hospitals nor no people in security areas have a right to strike. We are saying; "Of Course," but it should be decided by the Labour Relations Board," which I will deal with in just a moment.

The fact is, Mr. Speaker, that we are elected by the people and if we do not do what we have to do as members of this House, on both sides, then hopefully we will be replaced. I say hopefully in the best sense, Sir. The principle of the right to strike, yes! But not at any cost! We are public trustees and we must deal in the public interest. That, Sir, we intend to do.

The situation generally in this province, the history of labour, this is the first time that we have had collective bargaining in the public service. We have had a great many disputes this year in the public service but contrary to what people say, because of the disputes and because of the publicity that accompanies that, this is in fact the first year when the public servants were allowed to cause any fuss, allowed to go on strike, which they were. We have tried to be fair. Of course, there will be instances where people say we were unfair, those particularly who were affected, but there has been no case where the unions have been bullied or threatened. It is the only time in history that they have been allowed to bargain and strike and do those things with dignity. The reason why unions are there, Sir, is to represent their individual pride, their individual dignity and even though a strike may have occurred, this government did not stop it by not allowing it as was the case previously.

Mr. Speaker, the situation in this province of suspicion and emotion which is involved in most strike situations is possibly the worse situation that one can have. I suppose it is created by both sides on most occasions. Suspicion and emotion is much more dangerous than facts because the human emotion is something that is there to be used by leaders from any position.

Our economy and our society must be protected. Solutions to strikes, particularly as they apply to this bill, must be done rationally. The involvement of unions in this province has been very rapid. For people who have come in from outside it may seem that unions are something that were always here, that always had a place in our society but that is not the case.

The fact is

The fact is that the union movement in this province has evolved very, very quickly by North American or any other standards. Equally the leadership of those unions has evolved rapidly and in some cases probably has not kept up with the labour movement itself. Equally one can see in industry and in management that they have not caught up with the impetus of the labour movement, because I am sure there are a great many people in industry today who still cannot understand why unions exist at all. The fact is they do, the fact is that they are here and that fact, Mr. Speaker, is a good thing.

There are exceptions to the industry-union history, like the pulp and paper mills which have had a long history but in the main unions in this province and the leadership of them are new. In one way you know that is a good thing because all the traditions that have built up over the years in most civilized parts of North America, the traditions of bitterness, which is a very common trait, because unions, Mr. Speaker, do not have thesis with management or management with union. All you are looking at is year to year truces. There is a great deal of difference.

We in this province do not have those traditions established yet. What I am saying and will be saying in the future is that we have an opportunity to probably overcome and hopefully overcome the tradition of bitterness and suspicion that exist between the worker and the employer.

Unions must show leadership. They must take a definitive position and like management they must not be always political but be prepared to stand on what they have negotiated and what they have done. I suppose here I could refer back to the x-ray and lab technician negotiating team.

This legislation we are putting before this House now is not perfect. No one is claiming it perfect. As a matter of fact I would

be most upset if I did not think it would be changed in the not too distant future.

But, Mr. Speaker, it is a big step forward and it is better than any other province in Canada with the possible exception of Saskatchewan. The thing is this, that with this legislation we are prepared to be flexible. We are prepared to make amendments. We will not change the principle of the bill. On this legislation, as far as the principle is concerned, this government stands firm. We stand firm because we want to, because we should. The basic principle of collective bargaining, the right to strike is a very major part of this bill and will be protected. Also, the principle of essential employees to be designated by an independent board to protect the public interest is the second principle and responsibility of this government, which will also be protected,

I might say here, Mr. Speaker, that the representative of CUPE who is in this province at the present time, Mr. MacMillan, who is in the House tonight, has made in my opinion, over the last few days, some very irresponsible comments regarding what may or may not be in this bill. Comments whereby this is the most repressive piece of legislation in Canada, which is totally untrue.

Mr. MacMillan is a person from the Mainland whom we always welcome in this province, anyone from the Mainland, but when he is dealing with such things as the labour future of this province I would wish he would come more than on a momentary basis. I wish, in other words, he would come and sit down and find out where we are at in this province and negotiate for Newfoundlanders in Newfoundland rather than dropping in from on high. Because, Mr. Speaker, in this legislation in fact, if you compare it to other parts of Canada and I would very briefly, as has been done before, we are giving the right to strike. The essential services are being appointed by an independent group - the Labour Relation Board.

In Nova Scotia there is no right to strike by anybody. In New Brunswick there is a right to strike but with more restrictive

clauses than in this bill. In Prince Edward Island there is no right to strike at all. In Quebec there is a right to strike with an eighty day time limit to cool off at which time the minister involved can make his own high decision there. Ontario there is no right to strike, Alberta has no right to strike, Saskatchewan as I said, yes. British Columbia has new legislation coming in but until that is passed there is no right to strike. Peculiar enough the NDP province of Manitoba, for civil servants has no right to strike - for crown corporations and some agencies yes, and the cabinet has the authority to stop strikes by crown corporations and agency employees, at their discretion.

Now, Mr. Speaker, we are in fact moving ahead. We are moving ahead. We have improved our position from what it was before and we will continue to do just that. It is not our intent to stifle labour. Our intent is to try to improve our society and our economy and our labour position. The bill has a right to strike, collective bargaining.

Having heard from the opposition that in fact the attitude of our government has been one of capitulation, Mr. Speaker, if flexibility is capitulation, then we have capitulated. We have not gone away from the principle. The principle of this bill has not changed but if we can change or amend the various clauses where the principle does not change, where it is more acceptable to all groups, where it is fair of course we can be flexible. We can say we were wrong. For too long we had a government that could not say it was wrong. We had a government that could under no conditions say it was wrong. It was perfect and it was followed by its members as such, except for those who have had guts enough to leave it on an issue, as opposed to those still espoused the same principles.

We have said that the House of Assembly will decide what is an emergency. We will make that change of course from the cabinet to the House of Assembly so the House of Assembly is where the people are mostly represented. It was not there for the Lieutenant-

Governor in Council, the House of Assembly to make a unilateral decision that it is an emergency. Of course we can do it through the House of Assembly. We welcome the suggestion from the Leader of the Opposition and others. Of course we are willing to change it because, Mr. Speaker, this still has to be done through rationale and reason.

The essential employees as I said are being appointed or being designated by an independent body, the Labour Relations Board, with unions representing the employees have equal representation and submission as does the employer, in this case, the government.

However, I can say one thing, Sir, that the health and security of the people of this province will not be jeopardized by any emotion of any negotiating team because in the public interest as I have said before this government have a very real and absolute responsibility to protect the people first of all, and that means all of the people.

Now, Mr. Speaker, I would like to deal with something that I suppose is great newspaper fodder, if you like. It certainly is a subject which the opposition enjoys. It is a subject which most people all over enjoy, and that is the business of the Minister of Finance and Treasury Board not representing the position of this government.

Mr. Speaker, I cannot say too clearly that the position stated by the Minister of Finance, the President of the Treasury Board, is absolutely and completely the position of this government.

AN HON. MEMBER: Is this a change in policy?

MR. MOORES: No, Mr. Speaker, it is not a change in policy. The policy was always there. How the Minister of Finance says something, how he offends the opposition is not really relevant, it is not important. But what is important is what he says on this bill and what he said every time on a position of government policy has been definitive and representative of this government. I do not want anyone to go out of this House of Assembly, Sir, not realizing that the Minister of Finance's position on this particular bill was the position of this government.

He introduced it as the President of Treasury Board, I might say here that contrary to any political connotations I feel that he was fair, sympathetic and with every good intention in these negotiations and his Treasury Board people's negotiations with those that he has been involved in. On behalf of the government, Sir, we feel that he has done a job well. We respect the job that he has done. As far as I am concerned this government feels that it has been an excellent job.

Mr. Speaker, we have heard some comments from the opposition during the debate, none really of any major significance, so I will be very brief in giving the government's position on them. The Leader of the Opposition never spoke to the bill. I think he tried to warp the specifics, particularly where the lab and x-ray technicians were involved. We heard a lot of verbage, very little substance and certainly no solutions.

I would like the remaining spokesman of the opposition to give us one position as to where they stand on the following question, Sir. How do they stand regarding essential employees? Do they think there should be none? Or should there be some to be appointed by a third party? Will they just take a position on that. Do they think that there should be essential employees designated under this bill for the protection of the sick and for the security of the province?

AN HON. MEMBER: Inaudible.

MR. MOORES: One other thing, Sir, if they do not like this bill itself, if they do not like the labour situation of the province, would they come up for once, even though it is unlikely, with what they think their solution to the whole problem should be?

AN HON. MEMBER: We will when we become the government.

MR. MOORES: Mr. Speaker, on that particular point the member for Bell Island says when we become the government. After twenty-three years of stagnancy, rebirth is almost unlikely, Sir.

The negotiating committee were accused that the committee who negotiated with the lab and x-ray technicians did so in bad faith. Under the Chairmanship, with Major MacInnis of the Grace Hospital that, Sir, is an unbelievable comment and one that was only used I am sure to score political points.

Another point mentioned was my involvement in labour disputes in the province, which has happened on three occasions this year, if you call it indirect involvement as well as in one case direct involvement. I will gladly say what that involvement was. At the Come By Chance Refinery

they had a wildcat strike that had the whole thing in limbo. I will admit that the Minister of Industrial Development and myself got involved with the union leaders at that time to try and reason out the position. I will also say that in the best labour practices that was not correct to do. However in the economic circumstance we did it, and possibly wrongly so. The fact that we did it and that it resolved is another story.

Regarding the Buchans strike, which is the second one, my only involvement was to persuade. After a request from the international representative of the union, to meet with him, then to meet with the vice president of ASARCO, who was in charge of labour relations, my only involvement was to persuade both of them to sit down at the negotiating table again. That is not the solution; but just to get them back bargaining.

The other one was the nonprofessional employees, where, as I said, at no time did I talk to either of the negotiating groups but rather they did it on their own, and with my I suppose assisting only in that I was in conference with those who were involved in the settlement of it.

Mr. Speaker, I can say right now that if I had the opportunity in these three cases to do or not do what was done, I would do the same thing again.

Mr. Speaker, it is amazing to me that with the previous record of labour legislation by the Liberal Government of the past that there is really any criticism today because the only court of appeal, the only Labour Relations Board, the only spokesman and the only policy at that time was the Premier of the day. It is amazing to me that today we are looking at support of the opposition of what really at that time was the same thing. They do not say that we were wrong, we should have protested. We have people on this side of the House who were in the same government and they will say that they were wrong and they did not protest. But the big difference is, Mr. Speaker, that the people on this side of the

House who was in that government had guts enough (a) to get out and (b) to stand up for what they believe in today, which is better legislation for the labour movement.

MR. W. N. ROWE: Inaudible.

MR. MOORES: For the member of White Bay South who asks if I am serious, I am dead serious. As far as the member for Bell Island was concerned when he says it was the funniest thing that he has ever heard in the House, I doubt very much if he has ever heard anything in the House because he is usually talking in the House, Sir. The member for Labrador South, I compliment him on the length of his speech. He said in essence more than the Leader of the Opposition, the Official Opposition, which took three hours and about five minutes. He also talked about one thing which I think is worthy of comment and that is the business of the select committee to study this particular problem. This side of the House voted down the select committee because in this instance I think we are having a full scale debate on it, and will do so as we go through the clause by clause phase of committee itself.

But one thing that I would like to say at this time, Sir, is that the committee system in this House of Assembly is something that should be much more active than it presently is. It is our intention to introduce legislation and introduce procedures whereby the committee system, for all members of the House, on both sides, will become active and meaningful as well, because I think it is very important.

Mr. Speaker, just to close, and a general comment on this bill, we on this side of the House, the government, will back the labour movement in the main but we will not back the labour movement when the labour movement is wrong. Like others, in other groups in society, that can happen. The one thing that cannot be allowed is anarchy in any group in our society. In this case we are looking at where labour is taking one extreme view and we, as supposed to be the government, are taking the other view. But we have to live with balance and counterbalance because that is how society and solutions are worked out.

The labour code, as the Minister of Manpower and Industrial Relations said today, will be changed and changed substantially in the major session of the House coming up in January or in February, whenever. Those changes, whatever they may be, will affect this particular legislation.

Mr. Speaker, in closing I will only say that this government stand firm on this legislation. That this government are proud of this legislation. That this government make no apologies for this legislation because it is better than anything we have had in the labour movement, in the labour legislation in this province previously. It is good legislation. It will get better in the future, Sir. Most of all, it will protect the public interest. As the member for Bell Island said, it certainly will get better in the future. But, Sir, I am sure, in closing it is appropriate to say with no contribution from himself because then there was no way it could get better. Thank you!

MR. WM. ROWE: Before the minister closes the debate, I would assume, Sir, in accordance with our understanding, that the only person remaining to speak on that side of the House is the honourable Minister of Finance - well maybe Gas'em Ank might have different ideas but the understanding I have, Mr. Speaker, with the House Leader and the Minister of Justice is that the courtesy would be extended to us to have the final words to sum up.

MR. A. J. MURPHY: Inaudible.

MR. WM. ROWE: Mr. Speaker, would you try to restrain Gas'em over there.

MR. SPEAKER: Again I would like to remind all honourable members that a member when speaking does have the right to be heard in silence. I request all honourable members to observe that.

MR. WM. ROWE: Thank you, Mr. Speaker. The courtesy has been extended to allow us to sum up our position on this particular legislation prior to the Minister of Finance making his final remarks on the bill.

Now, Sir, first of all I would like to say that a very interesting phenomenon has occurred in the past day or so in this House on this bill. We saw the Minister of Finance come into the House and very bravely outlined what he considered to be or thought to be progressive legislation that the whole world was going to be proud of. And suddenly the world blew up in his face, Mr. Speaker, and it occurs to him and everybody else on that side that everybody does not like this legislation, and with a straitened outlook they cannot understand why that should be so. Why does everybody in the world not love this legislation? Because of that in the past day or two we have seen member after tedious member rise in this House and instead of trying to defend this legislation, and there are defensible parts to it and indefensible parts to it, instead of trying to defend this legislation, we see an attack on this side of the House,

a completely defensive attitude with regard to the legislation. Instead of defending the positive aspect of it, instead of saying that this is good about it, that is good about it, instead of saying that it might be improved here or improved there, instead of going on in that vein, Mr. Speaker, all we hear is an attack on this side of the House and what was said or was not said by honourable members on this side of the House.

The honourable member for Green Bay came back from his district over the weekend in a state of shell shock because some of his constituents had apparently the erroneous idea and impression as to what this legislation was all about, in his eyes. Perhaps Mr. McLean should be drawn to one side and asked to do some extra work for the government and the party, Mr. Speaker. I am getting across the message that this party would like to get across to the public.

So we see member after member rising in the House and going on with ancient history and how can we defend the position now when we took one position seven years ago, that kind of childish sophomoric type of attitude, Mr. Speaker, on a very important piece of legislation.

The present government cannot understand why an aura of crisis and disbelief has grown up around the province about this legislation. All that I can say, Sir, is that if a government are inept and foolish and perhaps stupid enough to introduce an important and inevitably controversial piece of legislation right in the middle of an emotional labour relations crisis in this province, then they deserve all the contempt and hatred that is poured on their heads if they are that inept, that foolish, that completely lacking in understanding of labour relations and what goes on in this province, Sir, with regard to public servants and other people trying to negotiate for better deals, better rights, better money for the work that they are doing.

It is impossible to understand the motivation of the government in bringing the legislation in at this time. I suppose if one wanted to be unkind with the government one could say that what they were trying to do was to bring in this legislation at a time when they could safely have this red herring, this spectre of the sick and the dying, because of the lab technicians going out on strike, this red herring could be dragged across the piece and this legislation would go through without too much effort, without too much fuss, without too much public debate. They would have their bill and they would have the big stick then with which to hit any members of the public service who might be designated as essential public servants or employees.

You can only ask, Sir, why now with the unseemly haste in trying to get this bill through the House of Assembly? Why was the bill not brought in six months ago or eight months ago when the thing was surely and certainly drafted? Members of the public have had the bill for at least six or seven months, I understand. The bill was ready before the House of Assembly adjourned in May or April, whenever it was. Why did they not bring it in then, Mr. Speaker, when at that time I believe there was no labour crisis going on in the province, everything was pretty smooth sailing? The merits of this bill could have been debated without any reference at all to any kind of a labour crisis, no possibility of a red herring. The bill would have to stand or fall in this House and in the public eyes on its own merit. Why did they not do it then?

I find it hard to believe that the Minister of Finance certainly, who is a man I admire in public life and in private life he is a man I admire, I find it hard to believe that he is as cunning and shrewd as to try to bring in legislation and as callous as to try to bring in legislation and use a red herring to force it through the House and to use it as a big stick to frighten back perhaps some employees who have gone on strike, legally or illegally.

One can only assume, Sir, that this legislation was not brought into the House six months or eight months ago because of the selfish interests of certain members of this government, including the Premier, not the Minister of Finance I am sure, the Premier and other members of his government who wanted this House of Assembly to close down post haste and therefore ordered the poor House Leader, I do not think he was the instrument, I do not think he was the instigator of it, forced the House Leader to bring in the unpalatable measure of having this House opened day and night on several occasions going right through the night in order to force legislation and the estimates through the House, in order to close down this House to accommodate certain ministers of this government, including the Premier, in their own selfish interests to get out of this House, get out of the province and go off on a little holiday.

Point number two, Sir, is that if any government in that way put its own selfish, petty interests before the general, overriding general public interests, such as represented by this bill, then again they deserve all the calumny, all the contempt and all the hatred that they get and as they have gotten across this province particularly from the labour movement and from other thinking individuals as well.

On these two grounds alone, Sir, the fact that they have introduced it at a very critical time, at a controversial time, and the fact that it was not introduced when it should have been introduced, six months or eight months ago, on these two grounds alone, this bill and the government that is going to put this bill into effect once it is passed into law, this government is automatically suspect, this government automatically should come under greater scrutiny than they otherwise might come under.

Mr. Speaker, there are other examples besides these two, other examples as to how this government, this administration has,

one cannot say deliberately but almost deliberately it seems, almost in a calculated fashion, has gone out of its way in order to rouse the ire and in order to upset and get the backs up and make stiff necks in all the labour relations and negotiations that are going on, the public servants of this province.

The attitude of the Finance Minister for example has already been pointed out. The Finance Minister, a very capable, very able public figure in this province, a man who is admirable in many respects, not all, admirable in many respects, he has guts, his hard working nature, his perseverance are all qualities which a lot of people wish they could emulate.

But, Sir, in other respects, and that is when he rubs off against the public, when he comes into contact, confronts the public, in other respects like that he is only what one could characterize as somewhat of a failure in that regard. His tendency to come out publicly and say to the public servants of this province that this is the final offer, no change, no C-H-A-N-G-E.

To come out in a very public even arrogant way, and as one person said to me, one member of the Progressive Conservative Party as a matter of fact said to me, "You do not mind somebody coming out with a strong public statement concerning labour relations in the public service but does he have to rub their noses in it." That is what that person said, Mr. Speaker. Does he have to get the back up of the employees involved? Does he have to assume a rigid position, forcing, publicly assuming a rigid position which can have no other effect than to force the other party into a similar rigid position?

By doing that sort of a thing I am afraid, intentionally or unintentionally, I prefer the latter, unintentionally, he has unfortunately I think created an air of mistrust, a certain suspicion has poisoned the atmosphere of labour relations between government and treasury board, the committee of the cabinet and the public servants of this province. That is another point, Sir,

Another point also which I would like to make is the decay of the credibility of the Treasury Board which this government has brought on itself over the past several months in its public dealings with members of the public service and their negotiating teams. We have had the example of again where the Minister of Finance has come out and has stated categorically that this is the final offer. We have had at least one occasion, and you only need one occasion in this. Mr. Speaker, one mistake in this whole area, very ticklish area of government is enough to set things back several years perhaps.

We have the Premier coming out and more or less, and this was certainly the public impression, more or less overruling the Minister of Finance, the President of the Treasury Board, publicly overruling him in what he said was his final offer a few days before. He now said they had nothing to do with it. Well, Mr. Speaker, if you had looked at the front page of the yellow rag, the "Evening Telegram" and I do not know what kind of a rag the "Daily News" is but if you had looked at the front pages of those newspapers and saw the smiling Premier coming down with his colleagues, including the President of the Treasury Board and

the Minister of Manpower holding hands and smiling and yucking it up generally, I certainly got the impression that he saved the day for everybody. Now when it gets a little bit hot for the Premier suddenly he finds that no, it was not he at all, Sir, it was really the Minister of Manpower who is involved in it. But the principle is the same.

We have the member of the Treasury Board, the President of the Treasury Board coming out and publicly saying that this is it, no more. You cannot get any more. We cannot afford any more. Then somebody in the government, either a committee of the cabinet or the Premier himself or somebody overrules him and leaves the distinct impression in all the negotiating teams and the units of the public service that if the Minister of Finance, the President of the Treasury Board, says this is the final offer, it means nothing, it is meaningless, that all they had to do was kick up enough fuss. All they had to do was make sure that the Premier is put on the spot, make sure that the government are brought into a little bit of disrepute, even short-term, and they are likely to get whatever they are after.

I cannot see, Sir, how the position of say Ted Blanchard - he is the chief negotiator -

MR. ROBERTS: Chief civil service negotiator.

MR. ROWE. W.N. Chief civil service negotiator. I cannot see how his position, how he can maintain his position. A fine gentleman, first-class, skillful, even brilliant man when it comes to negotiating labour contracts. How can he seriously look across the table at the negotiating team facing him and say, this is it, we can go no further. My instructions from the government, from the Treasury Board are that we can go no further that you must accept this offer or resort to whatever legal weapons you might have." The negotiating team on the other side will laugh in his face, if not in his face will laugh when they leave, Mr. Speaker, because they know that this is not a final offer or at least they have that impression. Even if the government intend that it is a final offer, they have by the

Premier's action in getting involved too closely in the Come by Chance dispute, by getting involved not in the ASARCO one. I do not think he did anything unseamly or improper in that one but getting involved in the dispute with the hospital workers from Grand Falls and Corner Brook, all he did was undermine the credibility of the Treasury Board and undermined the credibility of the Minister of Finance, the negotiators and the government itself in dealing with public servants and their negotiators.

What the Premier did was a perfect example of taking some short-term popularity at the expense of long term stability and long term good government in the province. I firmly believe that he has lived to regret it now by some of the problems going on in the province and that he will live to regret it. I do not believe him, he might mean it for all I know, but if he thinks about it I do not believe that if he had his time back again he would have gotten involved as he did get involved in some of those negotiations because he now realizes what affect it has on the Treasury Board and the negotiator.

In addition, Sir, aside from that decay or undermining of the credibility of the Treasury Board, we have all kinds of provocative statements coming out of the Minister of Health, for example, in this House by way of a ministerial statement. I do not know if he said anything outside of the House. The Minister of Finance makes generally provocative statements not designed at all, Sir, to try to mollify or try to straighten out people, but just trying to get across to the public that we are right and we will maintain our right at any expense. No apparent desire to cool people off and to get back to the bargaining table again. Lash out with a provocative statement. Make some statement which is designed only to encourage the other side in whatever strong action they have taken.

Again, Sir, and this goes back a few years. This goes back one or two years. I will now get into a little bit, shortly, into some ancient history, as the House Leader has done and some other members of the government side of the House. This is a perfect example as today we have

seen a perfect example with the government in trouble everywhere with its public employees, of the chickens coming home to roost. By that I mean simply that when the Minister of Finance, the Minister of Justice and other members of the government were in opposition, if ever there were trouble in the labour field with the nurses, for example, or with the teachers or the hospital workers or when the police went on strike that time, they used every opportunity to politically embarrass the government. They did not use the grandiose statements they are using now, the statesmanship attitude which they now assume that this is something which is too important for politics, take it out of the realm of politics.

No, Mr. Speaker, they used every opportunity to try to use them as a political issue. And if nothing else what they did was put across to the public in those years that ticklish negotiations between the public employees on one side, whoever they might be, and the government were legitimate grounds for political in-fighting, that it was a political football to be kicked back and forth between the various parties in this province. They made their own bed in this regard, Mr. Speaker. There is no doubt about that in my mind at all. Not only the party which the government represents but especially some of the leaders of the government made their own bed when they were over here and used every labour dispute that came up, used it politically and got whatever political gain they could possibly get out of it whenever they possibly could use it.

MR. NEARY: The Minister of Justice locked up the peace proposals in his top drawer.

MR. ROWE, W.N. Well there is that too, that is too much ancient history, if you go into the Honourable Minister of Justice, the Honourable the Minister of Finance the role they played back in 1967 and this sort of thing, Mr. Speaker. I may touch on it later, I may not. I mean as far as I am concerned people do change, their minds change. People grow in stature and wisdom, I suppose their minds mature. Other facts come into their minds. Other things go on in other jurisdictions. You can change

your mind. I am not ashamed of that at all about changing my mind as long as the change is hopefully for the better and not for the worst.

Finally, Sir, let us cite another example out of several that could be cited. The Leader of the Opposition mentioned this when he spoke in the House. The recent settlement with the teachers.

I am not going to go into the merits of the settlement whether they got what they should have gotten or not. All I know is that the man who negotiated that settlement for them, Mr. Gilbert Pike

(What was it a week? Two weeks? Maybe even a month, I do not know,) very shortly after negotiating that settlement ends up appointed as an assistant deputy minister of the Department of Education I believe. Now maybe he did a great job. Maybe he negotiated as well as he could. Knowing the man personally, I have no doubt that he did. But like the old legal

cliché that justice must not only be done but seem to be done, how can that kind of an action by a government, where on the one hand they have negotiated supposedly in good faith with the teachers and then, within a week or two or a month even or two months or even three months, the chief negotiator ends up on the government payroll as a management personnel, how can that do anything in this province? How can it not do anything in this province but raise the hackles of organized labour and make them wonder what is going on, make them mistrustful of the whole collective bargaining procedure? Another mistake made by the government and by the treasury board and by the ministers involved.

It is for these reasons, Sir, that I have mentioned, the ineptitude in introducing the labour legislation now and not doing it a little while ago, the attitude of the Minister of Finance, the decay of the credibility of the treasury board, all the provocative statements, the ministers when they were in opposition making their own bed politically by using labour strife as political ammunition to aim at the government and a recent teachers' settlement, how can all of these things have any other affect but to raise the hackles of organized labour, particularly in the public service? How can it do anything but leave negotiations with the public service in anything but shambles, Mr. Speaker, in this province?

If government - the Premier did it again tonight and some other ministers and members did it previously - have the gall, the unmitigated gall to come into this House and to try to shift the blame for labour unrest to a handful, two or three hundred laboratory technologists, "they are at fault one hundred per cent. "They are irresponsible," says the government. I am not prepared to believe that. I have no brief for them. I do not carry any brief for them. I carry no brief for the labour movement as a whole although I must say I sympathize with them to a far greater extent than I do with management. But to come into this House and to try to convince the members of this House or to go on television or radio or to use the public newspapers and to try to convince the people of Newfoundland that the lab technologists are one

hundred per cent at fault and that this government is shining, lily white in their dealings with them, Mr. Speaker, is to mislead the people of this province. I do not believe for one minute that of these people who probably not one per cent of them are involved in public issues and this sort of thing.

All they are interested in doing, the lab technicians, I would imagine, is going to work, doing a good job, getting well paid for the job and going home and following their leisure time activities. I do not think that one per cent of them are too interested in public issues which confront politicians every day and which politicians treat as routine.

For the government to try to shift all of the blame to them, Mr. Speaker, is not to give a correct picture of what is going on because I believe that the lab technologists and what they have done is merely symptomatic of the ineptitude of this government in dealing with the public service of this province. Maybe the lab technologists have taken a strong stand, I am not going to go into the pros and cons of that. Who knows enough about it? Who knows what was said over the table to them, for example, by the negotiating team? Who knows what misunderstandings there were? All I know is that the record of this government to date in dealing with its public servants is not a laudable one. It is not one for which they should be clapped on the back and told, "Well done". It is a bad record to date, Mr. Speaker.

I am prepared to admit that this government has brought in some half decent legislation. I am prepared to admit that the teachers' legislation, I am prepared to admit that most of what appears in this bill here, the peripheral stuff, is good legislation but words are not enough. Passing legislation and think that you have done your job, that is not enough, Mr. Speaker. There has to be developed in this province a mutual trust between the organized labour and their leaders and negotiators and public servants and their leaders and negotiators on the one hand and the government of this province. That is what is needed and no amount of legislation is going to help that. You can

bring in all of the acts you want to, Mr. Speaker, and unless you give the impression based on reality and truth that you are going to deal with these negotiators in good faith and you are not going to do some of the incredibly inept things which I have already described, if you are not going to do that, Mr. Speaker, then you are going to find that the labour relations between the public employees and the government will be in the shambles that we find it in today.

Now, Mr. Speaker, to come to the principle of collective bargaining for the public service: There has been a lot of talk and mention about the fact that in 1967 a hospital act was brought in which nobody is particularly proud of now, seven years after the fact. Nobody is proud of it now. I doubt if the Minister of Justice who drafted it, the Minister of Finance who supported it in the government and in the House, the Minister of Municipal affairs, myself who was a backbencher squeegeed over there in the corner where the member for Bonavista South is now, I think - I supported it at that time. I happen to think it is wrong now. I happened to think that it was wrong shortly thereafter. I suppose it is the nature of party politics that you do things that either you do not think about too much at the time or you do things which might go against the grain but you are not prepared to bolt the party on a particular issue. It is as simple as that.

In the case of the Minister of Justice and the Minister of Finance, they have a little bit more explaining to do, but who calls upon them to explain? Who calls upon them to say why they did it and why they changed now? Suffice it that they are prepared, as we are prepared, to make improvements in the laws of this province. So, I do not think I have to go around, I do not think anyone has to go around to apologize for what went on in the past and to apologize for trying to improve things now.

As far as the principle of collective bargaining for public services is concerned, Mr. Speaker, I would say that my own philosophy and that I think of all my colleagues - I do not think that there is any dissent to this - is that there is and there should not be and there

is not, in any event, but there should not be considered any difference between so-called public employees in this province and employees of the private industry in the province or in the nation. I believe firmly that any distinctions which have grown up traditionally and conventionally are artificial ones. I think that they are contrived distinctions. I do not think there is any distinction at all between what should be the rights of a public employee and what should be the rights of private industry or commerce employees when it comes to labour relations, when it comes to collective bargaining, when it comes to all manner of union activities.

MR. NEARY: Mr. Speaker, I wonder if my colleague would allow me to raise a point of order, Sir. There is an awful lot of discussion going on on that side of the House and there is a lot of droning in the House drowning out the speaker, Sir, and it is awfully distracting. I wonder, Mr. Speaker, if you would do something about it, please, because my colleague is making an excellent speech here.

MR. SPEAKER: The point is well taken by the honourable member for Bell Island. The honourable members who are disrupting things in the wings will either take their place in the government's common room or in their places in the House.

MR. W. ROWE: Take for example, Sir, I think, in today's economy in any event, this distinction, so called distinction that one is paid directly out of the public purse and another is not paid directly out of the public purse but by the private employer, I mean that is a distinction without a difference. Why should that in any way alter the rights or change the rights of one body of employees and another body of employees? That may in fact be a distinction but it should not be a material difference. It should not have any effect on what rights one body has and what rights another body has.

As a matter of fact, Sir, if in private industry a massive wage settlement is arrived at which increases wages to a great extent, it has an inflationary effect and effects everybody in the public. If for example wages are raised, Mr. Speaker, in private industry it means that an employer charges it off as a tax deductible expense and therefore

government does not collect that amount of money. I mean, these ramifications, these subtle distinctions and this sort of thing between employees in private industry and in public service have really, when they are scrutinized, no basis, have no economic difference whatsoever.

In any event, Sir, they should be allowed not to have any difference when it comes to rights, labour relations and rights under collective bargaining and that sort of thing.

Now, take for example this idea of the essential employee concept which has been introduced into this House in this particular bill, the concept that a public servant or a group of public servants, a unit of public servants, shall be declared to be designated to be essential and therefore they do not have any right to strike. But, Mr. Speaker, there are scores if not hundreds of institutions and companies in existence in the province and the nation and other jurisdictions which are every bit as essential in that definition as public servants.

Take for example if the Newfoundland Light and Power Company employees were all to walk out tomorrow on a strike, legal or illegal as the case might be, were all to walk out and it were the type of a thing that could not be handled on a temporary basis by supervisory personnel or management, would that be a crisis? Would it be considered essential? Would these employees be considered as essential employees in this province?

Take for example another utility, Bell Telephone, Newfoundland Telephone one time called Avalon Telephone, perhaps not quite

so essential but if they all went out and it was found impossible to man the long-distance and other lines by supervisory personnel, would they be essential? They are not public servants they are public utilities, they are in private industry. Profits are paid presumably by these companies to their investors. Are they essential? They are at least as essential in my view as some of the people whom I am sure will be designated as essential under this particular legislation.

Take for example, Sir, all the school buses in the province. If the school bus drivers in the province were to unionize - they are not paid directly by the government, they are paid by the various contractors, if they were to unionize and go on strike and went on strike and stayed on strike for a long period of time and the school children could not get to central high schools and this sort of thing, would this be considered essential? Are they essential to society? I think they are. They are at least as essential as perhaps the lab technicians who have been out now for some time and are causing havoc I suppose, but we are surviving. I am not saying that they are dispensable or anything. They are probably indispensable. I would say that there are other groups of employees - the power commission which is a quasi-public body. There is some talk that it is going to be a crown corporation to make it even further removed from the government than it is now as a power commission. If they all went on strike, would that be considered an essential service? Would these employees be considered essential? I think so, they are essential.

The same thing with the CN employees when they went on strike, Mr. Speaker, to use a federal example. They went on strike and after a period of time it became intolerable to the economy. They are a crown corporation, Sir, quasi-public or whatever you want to call them, not directly employed by the government but employed by a crown corporation controlled by the government or in which the government is the sole investor.

They were considered to be essential, just as essential as anybody employed by the government, perhaps in hospitals and this sort of thing. In other jurisdictions, for example, in Nova Scotia, the example used by the Minister of Finance and the Premier, my understanding is and I may be wrong on it (perhaps the Minister of Justice who went to law school there some years ago and I think stayed there for a year or two thereafter articling and that knows a fair amount about it, knows the answer to this) my understanding is that most of the hospitals, with few exceptions, there are one or two exceptions, are privately run hospitals and the hospital workers (perhaps my colleague knows something about this) are not public employees. They are employees of these hospitals and have the right to strike.

As a matter of fact, does CUPE represent these hospital workers? I get a nod from Mr. McMillan over there. They have a right to strike. They are considered to be, they are essential, Nurses, hospital workers, lab technicians working in these hospitals, they are as essential as our lab technicians. Yet, the impression given by the honourable the Premier is that no servants who are in a similar capacity to ones in our province have the right to strike. Nonsense! Patently and factually incorrect! They do have the right to strike.

If CUPE cannot agree with the hospital boards I would imagine, or somebody (whoever negotiates for the other side) if CUPE cannot agree CUPE has the weapon of calling out these hospital workers. The legislation in effect (I assume I am right. I do not know. My colleague knows more about it. We chatted about this before.) is, if they want to strike they can go out on strike and no legislation prohibits them unless the government of the province calls the House together and legislates them back.

This is the whole point I am trying to make, Mr. Speaker. I am not trying to be political about this thing at all. I am not trying to make any political hay, I am just trying to establish for

the record that this distinction between a public servant, essential or otherwise, on the one hand, and a private employee of a private corporation or body on the other is a distinction without a difference in many cases. It is something that merely serves to cloud the issue.

If you drive down through the United States, for example, you will notice that they have something there that is unheard of in our jurisdiction with one or two exceptions, all the ambulances seem to be owned by private individuals. You will see Sam's Ambulance Service whipping down the road. Private hospital.

AN HON. MEMBER: What about Haig's Ambulance Service?

MR. W.N. ROWE: Well we have one or two examples in the province. There seems to be a greater tendency in the United States to have these things which we consider to be public services farmed out to private corporations and private individuals. Now that is another jurisdiction. The whole point is that you can have essentiality in the private service as in the public service. Why single out the public service for this discriminatory treatment? That is the only point I am trying to make, Mr. Speaker. Why single them out? Why single them out, especially in view of the fact that some members of the House have mentioned and it should be mentioned again there is always a reserved power in any jurisdiction.

The House of Assembly here, the House of Commons in Ottawa, always a reserved power and if a group of employees are so damaging the health, security, safety, the economy of a jurisdiction, so damaging any of those factors that it becomes intolerable, then the government who have to look after the best interests of the whole jurisdiction can come into the House of Assembly or the House of Commons, quickly, stay in all night if necessary, and put through the legislation, following public debate, which would require the employees, whether public or private, to go back to work.

This is what happened with CN, for example, which for all intents and purposes is a private corporation. The same thing would have happened with CP, Canadian Pacific, if they had been in the same

boat and it were causing the same amount of havoc. The government - they did it with CP anyway. Sure.

MR. ROBERTS: It happened in Vancouver with the dock strike.

MR. W.N. ROWE: The Vancouver Dock strike. The government brought the House together and legislated them back to work when it became intolerable. When it became intolerable!

Mr. Speaker, we on this side of the House and certainly I, speaking here now, we are all for collective bargaining. Forget about petty bickering that went on in the past. (We can throw stuff over about the Minister of Finance and they can throw it over to us) Let us talk about here and now. We are all for collective bargaining, for unionization, for half decent labour realtions with the public service in this province, with all the rights and all the obligations that are normally attendant on that sort of thing, collective bargaining.

We are also, Sir, on this side of the House we are also for the proposition that the public, the greater public interest must be attended to by the government and by the House of Assembly. We are all for that too. What you happen to have is a conflict of rights and obligations. There is nothing new about that. There is no problem there. Did somebody in the government suddenly get a flash of insight that this is something new, something novel going on? That has been going on since time immemorial. The rights of one group happen to clash with the rights of the whole and so you have to try to figure out how far you can go in either direction to mutually compromise and satisfy everybody. That has been going on since time immemorial, Mr. Speaker.

This legislation, I am afraid, did not when it was introduced into this House solve that problem in any meaningful or satisfactory fashion. The Minister of Finance brought in a statement saying that there was going to be some changes in some of it which made the bill more acceptable. There is no doubt about that at all. It made it

more acceptable but it did not go far enough, in our estimation. This bill does not solve the problem as to what to do about the conflicting rights of one group, namely; the public servants wishing to have all the rights of collective bargaining, and the over-all general interest of the public. This legislation does not do it.

In my opinion, Mr. Speaker, and again I must stress that I hold no brief for any labour union, I hold no brief for the labour movement as a whole, in my humble opinion the designation of essential employees before the fact, without looking at the circumstances of a particular strike is going half-way down the road to disaster in negotiating with public servants.

In my humble opinion, I believe, that the very act of the government designating so-called essential employees can only have the effect of putting the devil right in the people who are so concerned; the labour union for example and the membership of the union as a whole. It can only have that effect. What other effect can it have?

I think, Mr. Speaker, that such a designation of essential employees who do not have all the rights of collective bargaining has a reverse psychological effect on them. I think that it has a tendency to turn people into martyrs. I think that it has a tendency to make people, if the occasion for a strike does arise, not to make people cower in a corner as is probably hoped by this legislation but make people say, "I do not care if it is illegal, I do not care if this is going to happen; all I know is that we did not get our just dues and we are going out on strike." How many times has this happened, Mr. Speaker? It happened with the police. It happens in various other jurisdictions I understand from time to time. If people feel strongly enough about it, no prior legislation I do not think is going to have the effect of stopping them from going on strike. I think they will go on strike or resign as the lab technologists have done, if they feel strongly enough about it. In any event, I am in no way condoning that kind of activity. I am only saying that from my experience, observing the scene as a legislator in this House, I think that it is wrong in principle first of all to separate and segregate the private from the public employees and in any event to designate before the event certain employees whether public or private as essential and therefore not having certain rights which are attendant on normal negotiating collective bargaining.

Mr. Speaker, exactly the same consideration I would submit applies to this so-called declaration of a state of an emergency, what was hitherto the power of the government in secret session convened to come out and issue a proclamation saying, "a state of emergency exists, everybody back to work."

Mr. Speaker, that kind of legislation before the event can only have the effect, in my estimation, of creating bitterness and chaos in labour relations. Imagine, Mr. Speaker, put yourself in the position of a party to labour negotiations. You are negotiating with one side, the government, and if you go too far with that government, which is the other side, then they can say; "Okay, you have gone far enough! We are picking up our marbles and going home. A state of emergency exists, everybody back to work!" On principle, what kind of a one-sided arrangement is that? What kind of a weapon is this to have, for a government to have without having any public debate on the merits of the situation? We are glad to see that the minister has decided to change that. Mr. Speaker, it is a power which should only reside with the House of Assembly where all the people of the province are represented, where all shades of political views are represented and where there can be full and public debate.

Mr. Speaker, to use another example, the CN strike:

In my opinion again, if the CN employees, which people are coming to be consider as very essential employees, if those employees had been designated before the event as essential employees, do you think for one minute that in a strong case as it happened in Canada some months ago that this would have prevented them from going on strike? I do not think it would have had, Mr. Speaker. I think that there is a feeling of solidarity in numbers. I think that when there is something like that, a law passed and it is in effect for a certain amount of time, it does not seem to have any psychological impact on anyone. I do not think people pay too much attention to that kind of a law. I am not saying that they should not. I am saying that it seems to be psychologically wrong for that sort of a thing to be in existence. I do not think it would have stopped the CN employees from going on strike in that particular case.

Now look at the other example: What if the Government of Canada had had the power of its own volition to merely issue a proclamation ordering the CN employees back to work? What would have happened? I doubt very much, Sir, in the heated emotionalism that was going on there if those employees would in fact have gone back to work on the simple order of the government. I doubt it. I doubt it very much. What did happen was that the House of Commons was called together, the House of Commons which has all the power in the country, all the power in the country, in the federal jurisdiction, has prestige and when the public interest demanded it, the House of Commons was able to get together, everybody was able to debate the issue publicly and after several days of debate a law was passed whereby the CN employees went back to work. They went back reluctantly. They did not go back with pleasure. They did not like to go back. They did bow down to the will of the House of Commons as anyone would expect. I do not know what would have happened if there had been a simple edict by the government.

Now, Mr. Speaker, obviously the same situation should apply here that this kind of a power should only be exercised by the House of Assembly. It should be remembered that when the Leader of the Opposition spoke and when some other members of this House spoke, the Minister of Finance had not then at that time graced us with this amendment.

MR. ROBERTS: Second thought after six months of study.

MR. W. N. ROWE: It was a second thought - a panic situation, which he came into this House with when he saw that his bill was going to bog down and it was not as universally popular as he thought it was going to be. They accommodated the public, the labour people and the opposition in that regard.

Mr. Speaker, my opinion and the opinion of the members on this side of the House (I do not speak for the honourable member

for Labrador South) is that public and private employees should be treated alike for labour purposes and for collective bargaining purposes. If a strike by either become intolerable in this province, if a strike by a group of public employees become intolerable, when one considers the best interests of the province, then let the government of the day whoever it might be have the fortitude, have the guts to come into the House of Assembly, to lay a resolution or a bill, draft legislation, before the House and let us debate it publicly and decide what should be done. That is our position, Mr. Speaker. Do not draw these distinctions before the fact. If essentiality has to be determined, let it be determined when the event occurs.

Mr. Speaker, if the lab technologists are creating an intolerable situation in this province now, let the Minister of Finance or the Minister of Manpower or the Premier bring legislation into the House, Mr. Speaker, and deal with it in the proper way. Let us not try to get this bill sneaked through the House and then use the big stick hidden underneath the act, use that big stick to allow the government to order back the hospital workers, the lab technicians or whomever the case might be.

I cannot help mentioning at this point, Mr. Speaker, that certain honourable gentleman in this House (I refer to the Minister of Finance, the Minister of Justice and the Minister of Municipal Affairs) are showing a certain amount of hypocrisy in their dealings with this House. First of all the Hospital Act was passed in 1967 and all three ministers at that time voted and supported it, voted in favour of it. Then they got out of the government and fought against it rabidly, Mr. Speaker, and said that they would see it changed. Now they bring in a bill, into this House, under which the government have the power, the capability to submit to the Labour Relations Board a list of people who can be considered essential. It is true that the Labour Relations Board

will make up their mind on it but I am willing to wager, Mr. Speaker,
(I do not know how much money but a considerable amount of money)
that the Minister of Finance and his colleagues will try to have
every employee of hospitals in this province placed on that
black list of so-called essential public servants.

I am willing to wager that all or if not all certainly the vast majority of all people working in hospitals in any capacity, will be on the list submitted by the government to the board to try to get them on the list of essential employees. They go out of their way, they will do everything possible to get that done as a government.

It might be interesting now, Mr. Speaker, to let the members of this House see the list of so-called essential employees. I am sure the Minister of Finance has one drawn up now. I agree with the member for St. John's South when he said, rightly I think, that if there is a designation of essential employees, which I disagree with but if there is one, then let this House see them and debate it.

An appointed board assumes a very strong, incredibly strong power in this province. Maybe this is something that should not be. It should not reside in the government, I do not think, a partisan government. I think it should be a power which resides in this House to determine what public servants are to be essential, if in fact that should go through. I do not think there is any necessity for it. I think it is wrong to make chalk of one and cheese of the other before the event, because there are so many people who could be considered essential or nonessential as the case might be, when the circumstances of a strike or labour unrest are looked at, in the event that it happens.

Now, Mr. Speaker, let me conclude with looking a little more closely at the legislation itself. I believe that this bill is, for some of the reasons I have given, a bill which should be improved, a bill which is not the best bill to be brought into this House at this time. For example, Sir, just before I get into that, I noticed another note here: Why should there be a distinction between hospital workers on the one hand or anyone working in the hospital on one hand and for example all the doctors in the province? What is more essential than a corp of doctors working for the health of

this province? Where is the legislation which requires doctors not to withdraw their services under penalties of either fines or even imprisonment for that matter? Where is it? It does not exist, as far as I know.

MR. ROBERTS: In other provinces it has happened twice.

MR. WM. ROWE: That is right. Doctors have withdrawn their services in other provinces. I understand, I do not know if there is any truth to it at all, I understand that the Newfoundland Medical Association, during the strikes in Corner Brook and Grand Falls, wrote a letter to the Minister of Health, perhaps the Minister of Health can enlighten us on it, in which there was an implied if not threat and a promise that if this thing were not remedied post haste that there was going to be an exodus of doctors out of the province. The minister might be able to let us know if that is a correct or incorrect statement, I do not know. You hear so many things, Mr. Speaker, so many people approach you with so-called factual information.

But why should lab technicians be considered so essential that they are not allowed to have the normal rights attendant on collective bargaining, while doctors which are the most essential, if you are using that argument, of all the people from a public health standpoint can withdraw their services to their heart's content, if they do not get the whopping big raises, for example, that the Minister of Health announced in this House last session, several hundreds of thousands of dollars for the medical profession.

Where is the act that says they cannot go on strike or they cannot resign or they cannot withdraw their services? Sure you can quibble, they are professional people, they are not employed by anybody. It is a mere quibble. As far as I am concerned, they are providing an essential service, more essential than any other hospital workers, yet they can go blithely on their way, withdraw if they see fit, not withdraw if they see fit.

The whole thing is a travesty, Mr. Speaker, of making chalk of one and cheese of the other. It does not stand up to scrutiny

at all. Either from the standpoint of private industry or public employees, it just does not stand up to scrutiny. Essentiality is an artificial contrivance, it has no meaning. Public servants should not be segregated to one side when there are as many people or more in private industry for example who are just as essential to the well being of the economy and the safety of the province and the health of the province.

Now, Mr. Speaker, on the legislation itself, I think that this bill is bad in many respects. I think the spirit in which the bill was brought in is certainly a bad one and does not portend too well for the future. Just look at some of the provisions a little more closely, Mr. Speaker.

Take section 5, for example, which is a great sounding sort of provision to have in a bill. It is in the Labour Relations Act. The employer is not to interfere with the employee organization, for example. The employer is not to get involved in the organization, what goes on between the leaders of the organization, the bargaining unit and all this sort of thing, this is an internal thing and the employer does not get involved in it.

We saw back last summer when NAPE, I believe, when the negotiating team for NAPE made a recommendation or told the Treasury Board that it was going to try to accept something, get something through, and it was turned down by the membership. The Minister of Finance is out, Mr. Speaker, making some kind of a statement, calculated to annoy and harass and otherwise irritate that segment of the public service. Mr. Speaker, what has to be remembered is not only the legislation itself but the use to which some of the provisions of this legislation are to be put. If this government had a history of great relations with the labour unions in this province, public servants and otherwise, if they had a history of great sympathetic understanding of them, then I would say pass this bill, because I am sure that it would be used correctly by the government. Pass the bill. I do not agree with a lot in it but I would say, "Let us see how it works

and come back next year and perhaps make some improvements."

I know from past experience that this government is not going to deal with the leaders or with the public employees and their leaders, they are not going to deal with them in good faith. I think they are going to continue to poison the atmosphere as they have already done and that is why it is even more important that the bill not have certain very unpalatable things in it.

Section 10 - essential employees: I believe that I can mention these by section because they are the principle and the guts and the substance of the bill, essential employees. I have not heard of any anarchy, Mr. Speaker, any chaos in Saskatchewan where an NDP Government has brought in legislation which does not create any essential employees, which allows public employees to be treated in exactly the same fashion as private employees - no chaos, no anarchy, no constant strikes against the sick and the dying you know, none of this political rhetoric, meaningless nonsense that we have seen trotted out in the House in the last day or two by members of the other side. No restrictions on strikes in Saskatchewan, no problem with this there because they know, Mr. Speaker, as we know here, that the great power in the province resides in this House and you can have a problem remedied as quickly by legislative action or nearly as quickly by legislative action as you can by executive action and certainly with better effect all around.

Public debate, the prestige of the House itself, representing all the people, no hint of secrecy, no hint of behind the door cabals making what might turn out to be an unwise decision. So, Mr. Speaker, section 10, as we have already said, is repugnant to us. It is certainly personally repugnant to me. I do not agree with it. There should not be any previous or prior designation of essential employees. There should not be. There is no need of it. I have given the reasons why already and one of the examples that we have of it in Saskatchewan, where it does not exist, is a jurisdiction

which is not noted for its labour anarchy or chaos. So for those reasons, Sir, I do not think that Section 10 should stand there.

I think there should be in place of Section 10, a statement in the bill which is not needed anyway because there is always a reserve right in the House of Assembly but there should be a statement so that any labour union, any leader of a labour union, any members of unions who want to read the bill can see quite plainly that in the event of certain services considered essential or to use another word for that matter, being withdrawn from the public and if it affects the safety, etc., (We know the words they are all in the act. There is safety, best interest of the public, security, etc.) then the government is impowered to come to the House and to seek, by resolution to seek to have the members go back and put their services back to work again.

Put that in, Mr. Speaker, there is no need to have it in but put it in. There is no reason why it should not be, so there is no mistake on anyone's part that this power does exist and that this power can be used at a time if it is necessary to use it. Section 10, Sir, essential employees, if there is any designation of essential employees, do it after the fact when it is clear who is essential, either in private or public industry and forget about trying to segregate a certain class of public employees at the beginning.

Section 24, Sir, the majority of employees in a unit must vote for a strike, before a strike can take place. I think that that is wrong. The Leader of the Opposition has already stated our position there. It should not be a majority of the employees in any unit who must vote for a strike but a majority of those voting. Let them vote in secret for that matter. I am all for secret ballot. I do not know if it makes any difference whether it is secret or not secret but have it secret and have a majority of those voting who can determine -

MR. W. N. ROWE: I do not care.

MR. ROBERTS: Actually the House of Assembly can make law.

AN HON. MEMBER: (Inaudible).

MR. W. N. ROWE: What proportion of those votes existing did he receive?

AN HON. MEMBER: A majority is all I care.

MR. W. N. ROWE: A majority of those voting. That is all we are saying here.

MR. NEARY: Apply the same principle here.

MR. W. N. ROWE: It is a simple principle.

AN HON. MEMBER: Big difference.

MR. W. N. ROWE: Oh, big difference, right, different civil rightist, Mr. Speaker, a great civil rights man. To slash out at unions whenever one can get a chance is the popular thing to do it seems.

Mr. Speaker, I do not think what I have said here tonight with regard to our stand on the public service and the right to strike and everything is the popular thing. I do not think that getting rid of this essential employees clause is a popular thing. As a matter of fact it can be misused by any political enemies we might have or I might have, I think it can be and misinterpreted: "I am all for strikes against the sick and the dying and whatnot." I know and I think, in any event nobody is certain on these matters, that what I have said is right. I think it is not necessarily in the best interests of the trade unions, although if it is, I am all for that. I think it be in the best interests of the public at large not to raise hackles and to get people's backs up at the beginning. Why do that? Let us try to have good, sympathetic relations between public employees and the government. If there come a time when there is a dispute going on which affects everybody so drastically that legislative action is needed, let the government bring it in at that time. Let us treat a specific issue at a time and let us debate it fully. That is all I am saying, Mr. Speaker.

I am not in favour of the unions having more power as such. All I am trying to do is express my opinion that this will be for the better interests of the public at large.

MR. BARRY: Would the honourable member permit a question?

MR. W. N. ROWE: Yes, Mr. Speaker.

MR. BARRY: Has there been any indication that in the provinces where there is a designation of essential employees that this has harmed the ability or harmed the collective bargaining process in these provinces? It seems to me it has not.

MR. W. N. ROWE: I do not know, Mr. Speaker. The nurses were all going to resign in Nova Scotia. A little while ago, they did resign, until the government caved in. I do not know. Maybe it resulted from this kind of suspicion evoking legislation, the adversary process. There should not be an adversary process between the government on the one hand.

AN HON. MEMBER: (Inaudible).

MR. W. N. ROWE: That is right, from what I can gather from our talks which we had in the Leader of the Opposition's office, with some non-management labour experts, if they could be called that, university people and that sort of thing, who gave us the history of some of those things, New Brunswick has not had a very happy time with it, I do not think. Nova Scotia has not had a happy time with it. This kind of legislation, Sir, has the affect of turning it into an adversary system. Now there comes a time when one has to treat one another as adversaries, when someone has a strong position and you have a position that you want to override. Certainly, the government itself should not have powers to hold a whip-hand over someone they are trying to negotiate with. Let the House of Assembly have that power. The government have the majority but at least we do have the benefit of public debate and the possibility that minds can be changed.

When the Minister of Finance came into this House, Mr. Speaker, with this bill, he stated (Hansard will bear it out) quite

categorically that we are not going to change this bill; we have looked at some of the suggestions that have come in; we are not going to change this bill, and he did in fact change it. He did so.

AN HON. MEMBER: (Inaudible).

MR. W. N. ROWE: Look at Hansard, Mr. Speaker. We will see it.

MR. NEARY: The Premier had to take him out and have a talk with him.

MR. W. M. ROWE: He said that -

MR. MURPHY: (Inaudible).

MR. W. N. ROWE: He said that he had certain mild, minor amendments which he was going to put through. He made it quite clear that the major provisions of that bill were going to remain unchanged. One of the major provisions of that bill, Mr. Speaker (if the crackies can belt up for five minutes) is the fact that the government was to have power to whip everyone in line and whip them back to work.

MR. MURPHY: (Inaudible).

MR. PECKFORD: (Inaudible).

MR. W. N. ROWE: Oh listen to it over there, Mr. Speaker, the honourable member for Green Bay. His own friends, Mr. Speaker, will say that he has gone so swell-headed since he became something or other. Mr. Speaker, I hope he had a lesson in humility when he went back to his district over the weekend and ran back like - I am just having a little sort of leisure now.

Mr. Speaker, may I continue? Is there a point of order or something?

MR. SPEAKER: Order please!

MR. W. N. ROWE: Mr. Speaker, he went back to his district and he suddenly realized what trouble this government were in, especially in this labour legislation. He admitted it. He stood up and admitted it in the House. I am not putting words in his mouth. Misunderstandings, he thought. Misunderstandings?

In any event, Sir, the point in Section (27) where there was the ability when this bill was put before the House, a major provision which the minister had no intention of changing at the time -

AN HON. MEMBER: (Inaudible).

MR. W. N. ROWE: Mr. Speaker, he gave it as part of the bill. Why did he cite this as one of the provisions of a bill? Knowing that there was going to be an amendment later, he cited this as a provision of the bill. I mean, what is this? The Minister of Finance is more intelligent than that. When he brought this bill in, Mr. Speaker, he fully intended the government to have that power. Now he changed. I give him full marks for changing. The problem with it is not the arrogance of it (that is the wrong word) but the stiff-necked attitude that he came into this House with, that they were not going to change that. When he saw the Heavens falling, then he decided to change it.

I think, Sir, in a way it is a victory for not only the opposition but certain members of this opposition, a victory for the labour movement who had gotten their ideas across, a victory for the opposition, a victory for certain other members of the House, I believe. the honourable member for St. John's South made some statements about it. The Minister of Education admitted quite candidly that it was changed as a result of representations made by these several parties that I have mentioned.

The Minister of Finance was given the grace this time, Mr. Speaker, to be able to read the announcement of this change. Usually the Premier of the province comes out, whips it away from him, whips the rug away from him and makes the statement himself which is usually diametrically opposed to what the Minister of Finance had said earlier. This time at least the Minister of Finance could come in, eat humble pie and say, "We were wrong. We were wrong, Mr. Speaker,

on this provision that the government have power to bring people back to work. It should be ordered by the House of Assembly, if anybody, not the government."

Now all I ask is that they have the same flexible attitude with regard to this artificial, this contrived distinction between essential employees and nonessential employees, between public and private workers in this province. There is no need for it. That is all, Mr. Speaker.

The Leader of the Opposition put a motion before this House I believe that a select committee be set up in order to enquire into the merits and demerits of this bill and to receive representations from the public, whether they be trade unions or interested citizens or management groups. There is nothing wrong with that suggestion. We have already seen what happens when public opinion is brought to bear on a certain aspect of a bill. Maybe there are other aspects of the bill, particularly the one that I have mentioned, this essentiality clause. Maybe we can get some good input, for want of a better word, from interested people in the province by way of a select committee. Then perhaps we can have a sounder piece of legislation as a result.

Mr. Speaker, let me conclude by making a remark about the lab technicians. Now is the prime example. If this government wish , if they think that the lab technologists are damaging irreparably or otherwise the health of this province, if they have information to that effect, (I do not have information to that effect. I can only go by what I hear, the Minister of Health and others I assume that they are. I can believe the honourable gentleman.) then let the Minister of Finance or some other member of the government bring in the necessary legislation to put them back to work. Let us have a public debate on it. Let them bring them back. Let them bring in the legislation, instead, Mr. Speaker, of trying to sneak the big stick into the government's hands by virtue of this legislation. After this is over now, they will go to the Labour Relations Board with

a list they have already drawn up, I have no doubt. The list has been circulating for a few days. I mean why do we not see the list? Is there something wrong with this list of essential public servants? Let us have a look at it. As a matter of fact why not follow the suggestion of the honourable member for St. John's South, bring it into the House and let us have a little debate on it. Let us have a look at it. This government which has shown itself to be flexible and not rigid in many respects should show the same flexibility in this regard too I would submit, Sir. Bring this in, let us have a look at it, see if it is in the best interests of the public employees and the province at large.

Well, the reason that I was so unaggressive tonight is that knowing I was going to be followed by the Minister of Finance makes me shiver in my boots. The first words out of him, Mr. Speaker, will be, that the member for White Bay South makes me want to up-chuck. That will be the first words out of him or maybe he will change now, Mr. Speaker, because I have obviously anticipated it. Maybe he will use something else. It would not be the first time.

What I would like to hear from the Minister of Finance is what is wrong with the suggestion which we have offered. Let us hear his comments on the artificiality of public and private sort of employees. Let us hear the essentiality of one and the nonessentiality of the other. Why make chalk of one and cheese of the other? Why segregate one and not the other when it comes to collective bargaining rights and obligations? Why do that? Why not have the same legislation in effect for both? If emergencies arise, Mr. Speaker, if problems arise which are beyond the powers of the government, call the House together and deal with that.

The lab technologists happen to be a case in point, let the government bring in a resolution or the legislation necessary. We will debate it for a day or so and if they can win the day, if they have the right on their side, I am sure that the lab technologists will go back to work. I would say, Sir, that they would go back to work more readily if that were the case. They would go back to work more readily as a result of a resolution or a law passed by this House as a whole especially if it happened to be unanimous and if they could have the provision of the arbitration and all this sort of thing and know that their rights are going to be safeguarded. I am sure that they would do that sooner - I am not saying that they will - but I am sure that they would do that sooner than if the government itself unilaterally orders them back to work by some provision in a piece of legislation, a general piece of legislation. I think that is a fair comment. As a matter of psychology I think that is right.

I do not think that this is going to be the only situation that arises. If we form the government in a year or two, Mr. Speaker, as

it looks we will, then I would like to have the legislation as I have proposed it. I would like as a member of that government to have, not the power which I would almost be afraid to use in the government to lash people back to work. Open the House and let us have a debate on it and if we can win today, if we can - Ah! Mr. Speaker, tell "teddy bear" to belt off. He has made Minister of Labour and he has not opened his trap in this debate. What a disgrace, Mr. Speaker, in this House. Listen to it, despicable character. Disgrace, Mr. Speaker, not a word of contribution to this debate. At least the member for Bonavista South had the courage and the eloquence to stand up and give us the benefit of his experience and advice on the matter. The Minister of Labour, former Minister of Labour, not a squawk out of him.

In any event, Sir, I would like to hear the Minister of Finance. I hope he does not get too hard on me. I hope I can mollify him now to say that I am not too bad a guy and if he would stick to the issues involved, namely: What is wrong with the suggestion that we have made? Why have this artificial segregation?

Mr. Speaker, we will not vote for this bill because we think that one of the principles involved, namely the one I have mentioned, this essential employees aspect, is a principle that we cannot adhere to. We think that it goes to the guts of the issue. We think that the bill should be improved. I am sure if the minister will improve it in committee in the regards which I have mentioned, it will not have any problem going through the House whatsoever. We will vote unanimously for it. Thank you, Mr. Speaker.

MR. ROBERTS: Mr. Speaker, those who have just come into the House may be interested to know the latest result on the elections in our neighbouring province. The Liberals, by the information I have, have elected, by a process that only the radio and television journalists understand, have elected fifty-six and they are leading in forty; ninety-six of 110 seats.

Union Nationale have elected zero, leading zero. The Partie Quebecois have elected one and are leading in six. The Creditiste have elected zero and are leading in two.

MR. SPEAKER: If the honourable minister speaks now, he closes the debate.

MR. CROSBIE: Mr. Speaker, I have to laugh at the honourable gentleman from Bell Island. He does not want any character assassination tonight after he spent most of Friday afternoon doing just that thing. He does not need to worry because I do not intend to address myself to him at all. Tonight my mind is on a higher plain.

Now, the honourable the member from White Bay South who just spoke, some of his speech made sense and some of what he said is defensible, new approaches from that point of view. He has not made me feel tonight, Mr. Speaker, like up-chucking as I think he said. Rather he made me feel a little bit queasy. So he was considerably improved tonight.

Now, at least the honourable gentleman who just finished speaking has made the opposition's position clear and I will speak on that in just a few minutes.

First, Mr. Speaker, I want to remind the House - I think it cannot be pointed out to often - that what we are doing by passing this legislation, if it be passed, is giving for the first time, as has been stressed several times today, the public servants of this province the right to strike. Mr. Speaker, there is nothing in this bill that takes away the right to strike from members of the public service but there are two conditions in the bill that provide for some restriction of that right in the public interest if it be necessary.

To deal with the first one first, the essential employees provision of the bill: It is not the government that will be able to say that any employee in any service is essential and therefore cannot strike. The employer, who might be the government and who might be a hospital board or might be the power commission or whatever, will be in a position, if the employer should wish to put before the union involved or bargaining agent and if they do not agree to put before the Labour Relations Board a suggested list of employees in certain services who they feel to be essential, not with just a blanket authority but essential for reasons of health, safety or security. Just for those three purposes

that we can even suggest that they are essential. Whether or not some part of those employees are essential or not will be decided by the Labour Relations Board whom we do not control and whom we have no control over. We did not know in what other hands to put this power. Obviously the courts would not be satisfactory for this purpose. We have no other board that we could think of or commission or agency that could do it. The only one that comes to mind is the Labour Relations Board.

So, by this bill, the government cannot, the employer cannot take away anyone's right to strike. We can suggest and if the union do not agree leave it with the Labour Relations Board to decide whether there are certain employees in certain services who are essential and therefore it is against the public interest to allow them all to strike. What we visualize is not what the honourable member for White Bay South suggested. We have no intention in this world, Mr. Speaker, of proceeding to the Labour Relations Board with a list of all of the employees in hospitals that we control ourselves, that the government operate directly and suggesting that they are all essential.

If we proposed to do that, we would have in this bill that no hospital worker could strike. That has been suggested by the honourable member for St. John's South. That is what he feels the situation should be, that we should declare certain institutions essential and forbid anyone in them to strike. The government does not accept that position and therefore the government has no intention in this world of suggesting to the Labour Relations Board that say all of the employees of one of the government, let us say Burin Cottage Hospital, are essential. We do not have that intention whatsoever. What we will most likely do is suggest that a certain minimum number of employees in each category are essential from the point of view that a hospital must be able to provide care for emergency cases at least. Not care for elective surgery, not care for somebody who has some chronic complaint or some condition not immediately dangerous but wishes to be operated on. That is not an emergency but elective surgery.

There are cases where you have to have an operation and there

is no choice or you may be in a car accident and you have to have a fracture set or whatever. These emergencies each hospital should be able to deal with. So, they have to be left with enough employees to carry on just that bare service, to be able to give emergency service.

Now, if there is a strike, as there was this summer in several hospitals, all we wish to insure is that there will be a bare minimum number of people there who can provide this emergency service. The Labour Relations Board might decide - for example, Mr. Speaker, we have no intention of going to the Labour Relations Board and suggesting that all x-ray and lab technicians in hospitals now be declared essential, no intention in this world. But we might very well approach the board and the union and suggest that in the, let us take the general hospital - it is not one of ours but as an example. It is a board operated hospital. Let us say there are twenty lab and x-ray technologists - I do not know how many they have - we might suggest to the board that four or six lab and x-ray technicians in that hospital are essential if it is to provide emergency service

and it will be up to the board to decide. A certain minimum number of x-ray and lab technicians are obviously essential if there is to be any service given by a hospital at all. If the board did that, followed that suggestion, it would not be that John Jones and Bill Smith and Tom Ryan or whoever at the General Hospital are essential, it would be an order, as we see it, that "X" number in that unit are essential. Then if they want to go on strike they can rotate. This week perhaps four of them will be in and next week a different four and so on. That is how we see it operating. We have no intention of suggesting and we are not going to suggest that everyone of these employees is essential but we feel that every hospital in the province should be able to give emergency service.

There are other areas where it is very difficult to determine how many are essential. What do you do with the Hoyles Home, Mr. Speaker? If there were a strike at the Hoyles Home and all those old people in there and they must have - they have to be looked after, they cannot be turfed out of the Hoyles Home if there is a strike at the Hoyles Homes. What do you do at Exon House where the retarded children are and the children with all these personality problems are? You cannot permit a hundred percent strike at Exon House. There has to be a certain amount of personnel left there to see that they are looked after and cared for. What do you do at the Mental Hospital? The Mental Hospital is not in the same category as the General Hospital or one of these other hospitals. You have a hospital there full of mentally ill people some of them quite dangerous. Obviously you cannot have everybody just leave the Mental Hospital and go on strike. Surely we have to take whatever measures are proper to see that service is maintained in those kinds of institutions.

There are many government departments where we will not even be arguing that there are essential employees at all in that sense of the word. There are many departments where apart from the

management people we will not suggest that there are essential employees. In any event, it will not be in our hands it will be in the hands of the Labour Relations Board. We feel that it is essential for us to try this, that it is necessary and that we cannot just give an unrestricted right to strike throughout the public service including the hospital service.

The only other provision of the bill, the honourable gentleman said we would be trying by the backdoor and so on, the only other part of the bill which interferes with the right to strike at all is the emergency provision. If a strike is on and it finally starts to affect the public health, safety or security, originally we had that the Lieutenant Governor in Council could proclaim an emergency and they would have to return to work and go to compulsory arbitration. That has now been changed to the House of Assembly.

Why has it been changed? Not because we were scared when we heard objections to it. We have met with CUPE and NAPE - CUPE the day the bill was introduced and NAPE a day or two before that - they have pointed out their reservations about this being left in the hands of the cabinet and members opposite made the point. We had discussed it before the bill got second reading in the House and decided that a change was indicated. We heard the member for St. John's indicate the same view. There was no opposition in the cabinet or caucus at all to doing that. As a matter of fact, had we thought it through far enough we would have had it that way in the legislation in the first place. There is nothing wrong with it.

If you are in a cabinet you tend to think that if the Lieutenant Governor in Council is given the power it is all right. I mean we are in the cabinet and we happen to trust ourselves. We forget sometimes that perhaps other people do not trust us. Fine! There seems to be a little bit of ill trust so we will leave it to the House of Assembly and that is what will be in the amendment that goes before the House if we get it in committee tomorrow.

The honourable gentleman in ending up his speech

explained the position of the opposition. They feel now that it should be an unrestricted right to strike in the public service as well as the private. That is a defensible opinion and that is a defensible position. We thought about it and pondered on it and thought ourselves whether this could be done and have come to the conclusion that it would not be in the public interest, in our view, for that to be the situation.

Perhaps we are wrong. Perhaps when this legislation is passed we will find that the essential employees section does not work. Perhaps we will find that the Labour Relations Board make some decisions that we think are unsound, that they have said that too many people are essential or that it is becoming too much of a problem and too much of an irritation between us and the unions involved. If that turns out to be the case we will not hesitate to come back next year and say: "This has not worked it is too cumbersome, it has caused too much trouble," and ask the House to change it and take it out. But we still feel, despite all the arguments that we have heard about this, that this is the way we have to attempt to proceed. If it should not work we shall review it and then we shall change it if that should appear to be necessary.

The position put by the honourable member opposite is defensible. They have tried it in Saskatchewan. We do not know what the long-term result will be. They are apparently going to try it in British Columbia. I only ask the House to remember this; that the honourable gentlemen opposite have a different view, a different approach and a different policy than their liberal confrères at Ottawa, because our legislation follows the same principles as they have in the Government of Canada at the present time. In the Government of Canada you can go two routes. You can choose to go through negotiations and end in arbitration or their legislation permits you to go through the ordinary process of conciliation and eventually strike. The union chooses which way it

goes. But if the union choose to go the route that ends in a strike the federal government through the public service commission or bargaining (I do not have the right name here) but through a board and that board decides and designates who is essential. The federal legislation provides for the designation of essential employees just the same as our legislation does.

MR. W.N. ROWE: That was passed in 1967.

MR. CROSBIE: Passed in 1967 and still in effect. Presumably it is the policy of the Liberal Government at Ottawa. So the honourable gentlemen opposite, I am just pointing that out, they can have their own policy, they do not have to follow Ottawa but the Liberal Government at Ottawa do not take any different approach than we have taken in principle to this. We see no reason why it should not work equally for us if it works for them.

The Liberal Government in Quebec take a more restrictive attitude. Now in Quebec if you go on a strike in the public service they can declare, when it gets bothersome, an eighty-day cooling-off period. If that should not work then the Liberal cabinet in Quebec can decide what the settlement might be, not an arbitration board. That is the Liberal Government in Quebec.

All we are saying here is that those who are found to be essential or if an emergency develops and the House of Assembly has to resolve that a strike has to end, that the matter then goes to arbitration. We do not decide what is going to happen, an arbitration board will decide. So, our legislation is far ahead in the sense of being more free than that in the Liberal Government of Quebec which has been introduced and carried out.

In Ontario you cannot strike at all in the public service. The Premier tonight ran through the list of the other provinces. So there is only one province or two when British Columbia passes its legislation that gives this unrestricted freedom. Perhaps it will work perfectly there. If it should work then that will be a good guide to us if we find the essential employee business does not work.

Remember, Sir, the present situation is this: Under the law of this province now and until this bill is passed not a civil servant in the province can go on strike. Not one person who works directly for the government today is entitled to strike. When this legislation is passed they will all be entitled to strike except those who may be found by the Labour Relations Board, in the next two, three or four months or however long it takes, to be essential in the particular work that they are doing.

Is this repressive legislation? Really, the labour movement is in danger of - What is it? Not responding?

Who is the person who cries wolf? You know, the person who cried wolf all the time and the wolf was never there.

AN HON. MEMBER: (Inaudible)

MR. CROSBIE: He cries more than wolf. And the wolf was not there when it had been called five or ten times. The boy who called wolf! Look at the description this legislation has had from Mr. McMillan who is here tonight in the gallery. "Repressive!" "The government have declared war." I have not heard the government declare war. The only war I knew

about was over in the Middle East. I was dumbfounded to pick up the "Evening Telegram" a couple of days ago and discover that we were going to declare war. Where are all of these priceless clippings? It was going to create, the hospital workers were going to be second class citizens. You can only describe that as complete and utter tommyrot or loftyrot because it was certainly rot.

Here it is in the "Evening Telegram" of October 27. "If it is war government wants it is war we will give them' The union Leader John(Lofty)Macmillan said yesterday as CUPE continued its assault on the proposed Public Service Collective Bargaining Act, announcing the proposed bill as phony, phony." What is phony about this bill? It is about ten miles ahead of where the province is today and miles ahead of other provinces. What about his only little province up in Ontario? Mr. MacMillan has not declared war on the Government of Ontario but he is down here bullying poor little John Crosbie around and declaring war on him. Not only that but the gentleman wants me psychoanalyzed. Where is that crisis? I was blasted. I was blasted. "If ever Mr. Crosbie was the image of Joey Smallwood he sure was yesterday." Well, my God!

AN HON. MEMBER: What an attack?

AN HON. MEMBER: Inaudible.

MR. CROSBIE: "I wonder if the man should not have a psychiatric examination?" I have often wondered that, Mr. Speaker. I believe I should have a psychiatric examination to be foolish enough to get involved in the public life of this province and to be attack, assaulted, verbally assaulted never physically, my character attacked, smirched, my family attacked, I have gone through it all since 1967. Mr. MacMillan is not going to bother me in the least with that kind of attitude. But I agree with him, I should have a psychiatric examination. I am completely nuts to be in public life.

He went on to say that CUPE has gone through this since 1967 when we were outlawed by the previous administration." We have not outlawed CUPE. We are delighted to have CUPE. I was just reading their journal today, CUPE's tenth anniversary. Very impressive record. A fine union. When I was not president of the Treasury Board and I was

just looking on academically I have always admired CUPE. They are a tough bunch and they have done a lot for the people they represent but when Mr. MacMillan gets on with this kind of stuff. He is not down here to scare, we are not the Beothucks. We will fight a bit harder than the poor old Beothucks did before we get stampeded into doing everything that Mr. MacMillan wants us to do. He goes on to say "We find no hospital workers will have any power under this bill to determine economic and social justice." I mean what complete tripe. He termed the bill morally wrong and said that union members would stage illegal strikes if such a step were necessary to protect their rights. It is not necessary. It will not be necessary to protect their rights. Mr. MacMillan should not be down here trying to incite Newfoundland people to commit illegal acts.

"I do not think the government gives a damn if hospital workers strike or not," he charged. "It is only a matter of dollars and cents." Now really, I care if they strike.

Number one, a tremendous amount of time has to be involved in it and a tremendous amount of worry, worry to the patients. It is a worry to the people on strike and all the rest of it. We all care if they go on strike. So that statement is absolute nonsense.

Now it was not bad enough for the Big Red Rooster to go crowing at the government but along came the Little Red Hen, Mr. Richard Cashin. Mr. Cashin must have decided, the Little Red Hen must have decided that this was a good act to get in on. "Old Crosbie is down. The Premier is going to dismiss him any minute." So Boy Golly! along he came and gave me the boot!

Now he has two versions in the paper today, Mr. Speaker. First is the "Daily News" Mr. Cashin said, "The House of Assembly, the legislation now before the House is Close to Fascist Legislation" - close to Fascist Legislation. In the "Evening Telegram" he said, "The Public Service Legislation is semi-Fascist." But anyway there is some Fascistic tendencies involved, I guess it is I. I am the Fascist. He said, "You cannot put a gun to someone's head and expect peace." I would expect him to be pretty darn quiet if I did.

"The legislation before the House today will deny the democratic

rights of public service workers in Newfoundland.' Now today they cannot strike at all and tomorrow if it be passed they will all be able to strike, yet this legislation denies them their democratic rights or would deny the democratic rights of public service workers altogether. Then he said, "I feel the government are the cause of the disputes." Naturally. "The total inflexible attitude of the government shows that it is still being run by men with pre-Confederation mentality." Mr. Speaker, most of us young fellows on this side had no mentality before Confederation.

Then he took a verbal swipe at the poor old Finance Minister saying "He should be kept out of negotiations because you cannot approach negotiations with his arrogant and total insensitivity." Well I will admit it is difficult.

Now where is that poem of mine? I made up a poem here, I do not know whether it is fit to -

To the tune of: "SAID THE LITTLE RED HEN"

Said the Little Red Cashin
 To the Big Bad Rooster,
 Let's peck away today
 At the President of Treasury Board.
 You psychoanalyze him
 And asked Frank to fire him,
 And I'll accuse him,
 of fascist war.

So they are really out to get me. They are really out to get us, Mr. Speaker.

AN HON. MEMBER: Inaudible.

MR. CROSSIE: Having disposed of the Scarlet Pimpernel I will go on to a more serious point. We would like to conclude second reading tonight.

I would like to unburden my old heart here tonight, but we would like to have it all over by eleven o'clock if possible, so I am being cut back severely. I just wanted to see what the opposition said, to see if

there is anything we can comment on there.

The Leader of the Opposition quite frankly most of his speech was to try and make more difficult in my view, in my opinion the situation of the x-ray and lab strike at the moment. Now the House was called together, Mr. Speaker, at least ten days, I have not looked up the exact date, but it was announced that the House was meeting October 25, long before the x-ray and lab technicians went on strike on October 16. This legislation has no relationship in the world to the x-ray and lab technicians strike. The House was set down for at least ten days before then and the subject was said to be this legislation. It is just an unfortunate occurrence that the lab and x-ray people got upset after they voted to accept their contract and walked out. It is most unfortunate. This legislation may or may not have any effect on what they are doing. We do not know. We do not know what further steps will have to be taken. But I thought I would just mention that for the moment.

The honourable gentleman opposite made a point and it has been made by other people apart from himself about myself here tonight. He said that I was too definite, make too strong statements for no change and so on." Well I agree this is a weakness.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: No negotiating in public. You are in a very delicate position unfortunately, Mr. Speaker, or you want to try and get it across that the government are going no further, there is going to be no change. On the other hand if you say that or say anything, you will have the honourable gentleman opposite saying you are being entirely inflexible. So are you suppose to make no comment? You are between the devil and the deep blue sea.

Now the position on the lab and x-ray is that they are upset. We are not saying they are liars and they have lied. As the member for St. John's South said, we realize they are sincere in their view and that they feel that they were led to expect during negotiations that they would get the same as the nurses. But it is very clear from the meeting

that the Minister of Labour and I had with them on Friday and with the other negotiators who worked for the government that never at any time were they ever told by a government negotiator that they would have the same as the nurses or substantially the same. Never were they told that the nurses were not going to get any further money. In fact they knew that the nurses had rejected our first offer which gave them twelve and a-half per cent this year and that we are meeting with them again and negotiating with them again. But they have always compared themselves to nurses. During the negotiations nurses were discussed and so on, and they got the impression that this was the fact, this was the case. They admitted to us, they agreed with us that no person had ever made that promise to them and it certainly was not in writing. But they are very uptight and very upset about this.

Well the position is as the Premier explained today, and when I said anything on it before it was with the authority of the government, with the authority of the Premier. You do not think, Mr. Speaker, a cabinet minister can go dashing all around making statements on government policy without, if he cannot check with the whole cabinet, at least checking with the Premier. The position is

that since they accepted our offer we can see absolutely no justification after their members voted to accept it and we can see no justification whatsoever for making any more offers from the government.

But we are not inflexible. If an arbitration board decide that they should get exactly what the nurses are getting or something comparable to the nurses or substantially what they are getting or if an arbitration board say they should get more, we are willing to accept that. We will accept if an arbitration board find that but we will not voluntarily give them any more. It would just make no sense, if you go through the collective bargaining process for each agreement - the agreement was suggested by the negotiating team. They said: "We accept the Conciliation board report. Will the government give us that?" After trying to get them to accept less and negotiating with them, we finally decided they would accept nothing less, so we agreed and we gave them exactly that except for the hours of work. Some of them will get thirty-seven and a-half hours instead of thirty-five, which they agreed to.

Then it went out to a vote and the agreement was mailed out to all members and seventy percent accepted it, and then the next day they went on strike.

Mr. Speaker, if we were to accept that procedure, if we were to say: "Well, despite this lads, despite our agreement, despite your accepting it and voting on it we are now going to give you more", that would be completely opposite to the whole system of collective bargaining.

Because the x-ray and lab technicians are so important and because they are apparently so upset the government have said (We met with them last Friday) we will go to arbitration with them; we will guarantee them they will get no less than the present offer that they accepted, and we made several other little concessions to them about what would happen if they went back on Friday evening or Saturday morning, yet despite that

Mr. Speaker, they on Saturday morning decided they were not going to accept it and they are still out. So what the end result of it all is going to be we do not know. Whether this legislation will help or not we do not know. The only way it could help would be if we finally found it necessary to bring a resolution before the House and then hope that they will pay heed to the fact that the House has passed such a resolution.

So that is the position. We have done everything we can to be reasonable on the x-ray and lab technician situation and we now hope that eventually they will show reason also.

We have a lot of amendments to bring in when it goes before the committee. We have given a copy to the opposition. We have this problem now of mass resignations and so on for the lab and x-ray.

The honourable gentleman made a lot of the hospital strikes in the provinces and what happened in the hospital strikes. What happened in the hospital strikes was after the Western Memorial Hospital was out three or four weeks, the hospital board started to insist that if something weren't done they were going to close the hospital down absolutely, one hundred per cent. They would not even provide any emergency service in the Corner Brook Area but they were going to shut it down lock, stock and barrel.

We felt that they did not need to do that. They could carry on emergency services but they said, "NO," that they were going to shut the hospital up. How could we have the whole Corner Brook Area without a hospital functioning at all? They put the government in an absolutely impossible situation. That is why the government had to become so heavily involved and the Premier, because the Western Memorial Board said they were going to shut it down absolutely. We had until Monday to do something about it. We persuaded them to wait from Friday until Monday and over the weekend as members of the House know, meetings were held by the Federation of Labour who acted as mediators and CUPE and NAPE and eventually after all day Sunday a settlement was arrived at which gave them more

than I had said a week earlier they would get.

I had said a week earlier that we had made our final offer. That was authorized by the government. That was the government's decision on policy. I did not cook it up myself; the whole cabinet decided it. Yes, this offer was reasonable and generous and that was our final offer and I said it was our final offer so they would know it was our final offer and there would be no doubt, but circumstances changed unfortunately and a week later Western Memorial forced us, because they said they were going to close down absolutely, forced us to give more for the hospital workers, To avoid that situation, that is what happened. The Premier did not just come into it because he wanted to get some fanfare or get the news highlights or something like that or be looked on as a hero saving the situation, the Minister of Labour, the Minister of Industrial Development, the Premier, myself, there might have been another cabinet minister, were here all day on that Sunday while our negotiators met with CUPE and NAPE and the Federation of Labour mediated and eventually this settlement was worked out.

So that is what happened in the hospital strike. It was unfortunate how it ended up. We were forced there by Western Memorial whom we could not force to stay open if they absolutely refused to stay open, whom we could not force to provide emergency treatment if they would not do it.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: Well this bill, as the honourable gentleman knows, the draft was ready last spring. It was sent to NAPE last spring. It was sent to CUPE last spring. It was sent to the electrical workers last spring. It was sent to the nurses last spring.

One reason it was not passed was that NAPE gave us their comments on May 1 and said they had little time to study it and no one else had been heard back about it and it was felt best not to proceed with it last spring.

I can assure the honourable gentleman that there were many times this summer that I had wished this had been passed last spring because we were operating in a vacuum. We have decided we would not apply the 1967 legislation to the hospital workers, that that was intolerable. We revoked it by Order-in-Council and in return we feel we were dealt with pretty harshly by the unions and all. I suppose that is the nature of the game.

MR. NEARY: CUPE was already operating under the Labour Relations Act.

MR. CROSBIE: CUPE was forbidden to strike by the 1967 legislation. They were recognized under the Labour Relations Act as a union, certified under it, but at law were not permitted to strike. Anyway, that was repealed and we had no framework of our own to operate within and the reason for the essential employee thing is to meet this kind of situation.

At Western Memorial, for example, some minimum number of employees should be essential so that the thing operates for emergencies. Now with a strike weapon it is still going to be very effective. There is no hospital that can get along properly with most of its employees on strike, just providing emergency care. The whole pressure of the strike weapon is still there but at least we will be able to see that in areas like Corner Brook and so on there is some basic emergency facility available.

MR. WM. ROWE: I wonder would the honourable minister permit a question?

MR. CROSBIE: Yes, Sir, go ahead.

MR. WM. ROWE: On this list of amendments what is this "b" towards the end of the page there - The Public Service Collective Bargaining Bill - subsection 5, if the majority of employees in a unit are classified, etc.- what is that?

MR. CROSBIE: The amendment the honourable gentleman mentions has been introduced at the request of NAPE who pointed out that it was possible that the Labour Relations Board might find to be essential more than half the people who work in the unit and in that event what

would be their remedy? They would not be allowed to go on strike and if over half of them were certified essential, what would be the point of a strike? What was the remedy?

Well the bill did not contain a remedy so that has been put there so in the unlikely event that happens, they can go to arbitration under the other amendment that is to apply to Section 29, and that is why that is there. I am not going to go into a lot of the major objections because many of them are met by the amendment.

The honourable member for St. John's South suggested that it should not be essential employees it should be institutions. Well we do not believe that we should forbid absolutely strikes in certain institutions. We felt this is a more reasonable approach. Instead of saying a hospital institution cannot strike, we are trying to establish a pattern where a number of employees will not be permitted to strike so it can be given emergency service but the rest of them can. So the strike weapon is not taken away but we are attempting to compromise.

Many of the people on this side feel and on the other side I have no doubt feel a hospital is not an institution where you should permit a strike at all but we feel that in this day and age and after the struggles of the past we should attempt to compromise here. As I have said earlier, we have no intention of trying to argue that all employees are essential.

I should mention on the x-ray and lab situation by the way, Mr. Speaker, that it is not the government that negotiates with them. We negotiate jointly with the Hospital Association. The Hospital Association represents many of the hospital boards. The hospital boards are the actual employers.

MR. NEARY: The government holds the purse strings.

MR. CROSBIE: The government holds the purse strings and therefore has to be involved in the negotiations. We do not decide all these matters by ourselves. For example at Friday's meeting, in addition to the Minister of Manpower and Industrial Relations, Mr. Eaton was there as President of the Hospital Association and Major McInnes as

the head of the bargaining team who dealt with the x-ray and lab technicians but there was not a person from Treasury Board on the negotiating team, the x-ray and lab. They were Major McInnes, Mr. Kelland from the children's hospital, Jack Burt from the Department of Finance, because we were short of people in Treasury Board, and two others, none of them from Treasury Board.

MR. NEARY: Inaudible.

MR. CROSBIE: He was at a meeting but not on

the negotiations with the nurses the negotiating team was lead by Clyde Streets of Western Memorial Hospital for the hospital association because they have to deal with everything involving employer - employee relationships except the money. So, we are not alone. We are only one part of the employer.

I was very disappointed, Mr. Speaker, in the Leader of the Opposition's approach. I do not see how he could accuse the government of bargaining in bad faith without knowing all of the facts or not even attempting to ascertain from us or from officials on the treasury board or the hospital association what all the facts are. The government, Mr. Speaker, has never bargained in bad faith with the x-ray and lab or anyone else. We can easily see how there was a misunderstanding but there was no bad faith. For the Leader of the Opposition to attempt to encourage - really what he is doing is attempting to encourage, to infuriate the lab and x-ray employees so they will stay out and out and out and really create a crisis. There is no bad faith. We do not believe they are in bad faith. We believe they are being wrong-headed and we believe they are ignoring the fact that they can put many sick people in a dangerous position by the attitude they have taken but we do not accuse them of bad faith. For the Leader of the Opposition to take that approach is very, very disappointing and very saddening.

Now the member for Labrador South spoke and he is against the principle of the bill. He felt the whole thing was a pretty bad show but what solution did the member for Labrador South offer the House? He is not the government exactly but we are entitled to say to him, "All right, you do not agree with our approach. You do not agree with essential employees. You think that it is a retrograde step. What does the member for Labrador South suggest?"

Now, Mr. Speaker, there are only two ways that I know of of settling labour disputes. One is by the strike and strife and who wears the other one down and who finally wins that struggle. The other is by arbitration. Well, there is negotiation in both cases. Naturally you hope it is all

solved by negotiation. Of the ultimate solutions there are only two that we know of and we have provided for two of them in this bill. So what is so bad about it? Why should the member for Labrador South get so despondent about it? Why should he look down on us poor mortals on this side, us poor politicians? He sometimes gives me the feeling, the honourable gentleman does, that we are pretty scruffy, that we are out somehow to damage the ordinary working man and woman and that this bill we are putting before the House is a pretty bad piece of stuff. I was disappointed that he had no solution to offer. At least I did not hear him offer any solutions to it. He threw up his hands and then sat down finally in disgust.

This was so barbarous, this legislation which gives the right to strike to all public servants with these narrow exceptions I have mentioned, was so bad that the honourable gentleman from Labrador South had to collapse back in his seat, sickened by the corrupt sickness of this power-hungry, demagogic bunch over here. I am not quoting him but that is the impression that he gave. He disappointed me as doubtless I have disappointed him.

The honourable member for St. John's South made an excellent speech and he had several good suggestions that we have adopted. We cannot agree with him on the institutions, that we should just forbid strikes in hospitals. We cannot agree that this House should decide who are essential employees and who are not. We feel a body like the Labour Relations Board is the best to do it, who can hear both sides and then make a decision. We have confidence in them. He made a very valuable speech and we appreciated the views he put forward.

The honourable gentleman for Bell Island I will pass over tonight. I would not even attempt to describe what I think of him because it would have me banished from this House for about the next five years. If I ever heard a sick speech, a sick low addressed to this House, it was the honourable gentleman from Bell Island's. However, I do not expect anything better from him. He was overjoyed at the misery and discomfort and danger that were being caused by the x-ray and

lab strike. He was overjoyed by that and he had the low audacity, the mean spleen, the vicious propinquity to state that if anybody in the province died as a result of the x-ray and lab technicians strike, I personally would be responsible for it. Now, if that is not the meanest, lowest, most untrue, most insidious, most contemptible statement ever made in this House, I do not know what it was, and I have heard a lot of low, mean, contemptible statements made in this House. So, I will just pass him by and then we - Oh! I will not even mention the rest of it.

Now our brethren from Bonavista North. He said, Mr. Speaker, "Every employee has the God-given right to strike." I could not believe my ears. I thought, had God been dead from 1967 to 1972? Do you remember all those years that the administration the honourable gentleman supported forbade strikes in hospitals at all. Where was the God-given right then when the Smallwood Administration forbade any strikes in hospitals? Where was the God-given right from 1949 to 1973 when this bill is passed? Where was the God-given right of public servants to strike which was never permitted by the administration headed by Mr. Smallwood who he admired so deeply? Never. "Time Magazine" had "Is God Dead?" Was God dead during all those years that the honourable gentleman can now stand in the House and tell us that every employee has the God-given right to strike? There is no God-given right to strike. The right to strike is given by the Houses of Assembly or parliaments of the land and not by God. It is something human. God has nothing to do with it and it is not a God-given right. It is a right given by legislation that can be taken away by legislation and a right that was fought for for hundreds of years, we all know, but not God-given.

Mr. Speaker, the honourable gentleman should not suggest to us that we are doing something in this bill that takes away somebody's God-given rights. We are doing something to give thousands of people in this province rights they never had before and not as the honourable gentleman put it. The honourable gentleman said that section 10 prevented this God-given right. Section 10 does not prevent any right, God-given

or otherwise. It gives the public interests of this province some chance to be protected.

The honourable gentleman said that every employee of a hospital is essential and they could all be designated. Well, I dealt with that earlier. Then he asked, "Why was it not introduced by the Minister of Labour?" It was not introduced by the Minister of Labour, Mr. Speaker, because the treasury board represents the government in collective bargaining.

AN HONOURABLE MEMBER: The minister is referring to the Minister of Manpower?

MR. CROSBIE: The Minister of Manpower. The legislation was prepared, as was the teachers' legislation by the collective bargaining staff of treasury board in consultation with the Hon. Minister of Manpower's Department.

Another reason, Mr. Speaker, we could easily guess that a large part of this debate would be occupied with attacks upon myself and the collective bargaining done by the treasury board during the year. It was felt that I should have the right to reply. So, for all of these reasons it is not introduced by the Minister of Manpower but by your humble servant who is now having an exercise of his right to reply. The fact that I have this right even kept the honourable gentleman from White Bay South a little sweet tonight or at least helped. That is why the Minister of Manpower who will administer the bill did not introduce it but he agrees with it as we all agree with it. He knows as well as we know that it may have to be changed.

So, the gentleman from White Bay South was wrong when he said that we introduced this legislation in the midst of labour strife. Unfortunately the strife is on now just as the bill is introduced. We did not originate any red herring in the x-ray and lab technicians strike. There was no red herring. That happened to come after we had announced the House was going to meet.

I have admitted that weakness of mine that sometimes I make statements that are too definite. I am going to try to watch that in the future because I have got to learn.

You see, Mr. Speaker, the president of the treasury board stands

in for the government as employer and it is not an easy job. Employees want more and employers naturally try to limit what the employees are going to get whether it is a private sector or the government sector. It is not my job for the union to come in and say we want a hundred per cent increase this year and for me to leap up and down and say, "By Golly! we will give you a hundred and twenty-five." That is not the way it works. It is my job to act for the government as employer and to try to give only what we consider reasonable, not give away the whole treasury. We have a whole lot of responsibilities in addition to the public salaries and hospital salaries and the rest. Therefore, I happen to be in a position that cannot be popular by definition. I could only be popular if I went hog-wild. What are the guidelines? Fifty per cent there and seventy-five per cent here and a hundred there and fringe benefits there. Even the member for Bell Island would be dancing in the street I suppose, if I took that view but we would have no money for anything else in the government other than

that few but we will have no money for anything else in the government service. How can the employer be popular with the employees? I would be worried if Mr. McMillan had gotten up and said sweet words about me, or Tom Mayo or NAPE or anyone else. I would not be doing my job if they thought I was a push-over. I would not be much help to this government if they thought I would fall over every time they barked. What good would I be? I would be no good.

MR. NEARY: It was lashed out to Nutbeam, \$40,000 a year. What does the honourable minister expect the public...

MR. CROSBIE: I could tell the honourable member something I would like to lash him with.

MR. NEARY: (Inaudible)

MR. CROSBIE: I am on a diet but once I get down to the honourable member's weight, look out! Now I would be accused of being a bully.

Mr. Speaker, I know that as employer, President of the Treasury Board, all your colleagues are angry at you. They are all down on "Poor Crosbie." He will not agree to this and he will not agree to that. He will not give this, they want a million for that. All I am doing is trying to protect the few shekels that the treasury has. The Premier here, luckily backs me up but any time he wants to give me a little push I am finished. My resignation is always in his hands. I am at his mercy. He has all the power. He is in the seat of power. We all have to bow and scrape to him, at least a decent modicum. Anyway I am going to try to learn. I will take the honourable gentleman's advice, I should not be too rigid publicly.

I am told by experienced negotiators that when they are negotiating and the union says to them: "Is this your final offer?" They say: "Yes boys this is our final offer. No more. You cannot get any more." At that time they believe it is the final offer and that is their guideline. If it so happens that it should go out for a vote and the union reject it, then, of course, you would have to

reconsider. If our negotiators said to any union when they asked: is this your final offer, if they said; "No boys it is not our final offer, but off and vote on it anyway will you. There is more where it comes from but have a vote." We would look pretty darn foolish. So I am criticized and attacked for saying it is the final offer. There is only thing final, Mr. Speaker, and that is death and taxes - and the honourable gentleman from Bell Island, he is final too.

The honourable gentleman from White Bay South is not the only one who says I am too definite. My wife has been telling me that for twenty-one years. She is always attacking me and bullying me because I am too definite. You know, I say: "No change," and I should not be saying, "No change." I am going to try to watch that in the future.

The Minister of Health, Mr. Speaker, did not make any provocative statements when he spoke in this House the other day. He expressed his indignation as Minister of Health at the situation he sees in our hospitals as a result of the x-ray and lab situation. He knows how vital they are and they know how vital they are. He feels a bit outraged. He is entitled to that. He is entitled to express that. He was not provocative.

I was very sorry the honourable gentleman, earlier tonight, and I think it was a slip-up and I want to bring it to his attention, the N.T.A. settlement and Mr. Gilbert Pike. Mr. Gilbert Pike was President of the Newfoundland Teachers' Association and they got the new Teachers' Collective Bargaining Legislation passed with our assistance. They negotiated and they accepted a settlement. I forget the exact amount but it was six percent or something like that. The agreement was all signed and everything went off very peacefully. Wonderful! It is grand to have an area where we have not had a strike or trouble.

Then about a month or two later we needed an assistant

deputy minister for vocational education. I think it was and Mr. Pike was one of the applicants.

MR. ROBERTS: Two weeks later the appointment was made.

MR. CROSBIE: I do not care if it were two days. Whatever it was - I thought it was two months. Anyway, Mr. Pike got the appointment. Now the honourable gentleman mentions that tonight and he did not make any charge but he said it did not look right. By bringing it up tonight it is an insinuation against Gilbert Pike that he sold the teachers down the river, that he sold them down the river and they accepted a lot less than they should have.

Number one; we do not think that the teachers got less than they should have.

AN HON. MEMBER: (Inaudible)

MR. CROSBIE: That was very unfair of him and unfortunate that he mentioned it. Anyone who knows Gilbert Pike knows that he is not the type. He was already a principal and a man who could make all kinds of money on his own. He does not need to be in government service. The agreement with the teachers is a good agreement. In addition, the honourable gentlemen opposite know, in addition to salary increases teachers get every year they also cost the treasury a tremendous amount just with all the upgrading that goes on. They are not in a comparable position to the rest of the public service at all. I can assure the honourable member that I never heard from any teacher that they thought Gilbert Pike sold them down the river and there has never been any suggestion of that. I do not think the honourable gentleman suggests it but by bringing it up as he did, it gives a bad impression of a public servant and teacher who are widely respected in this province.

Now, Mr. Speaker, I want to end up - I do not need to reply to everything but we have never said the lab and x-ray technologists are one hundred percent at fault. We do say we do not agree with their actions now and there is no reason why we should. We see one way out which we have offered and still offer to them.

The honourable gentleman asked what is the difference between the public service and the private service with respect to strikes. There are areas in the private service and he mentioned one I agreed with like Newfoundland Light. He said: "What about if everyone in Newfoundland Light went on strike? If that happened and the strike went on long enough and all the lights started to go out everywhere and we had no power, if they could not carry on with management personnel or whatever, that might be a situation where the House of Assembly might have to take some action to protect the public health and safety or it might not. It has not happened yet, it has never happened and we hope it will not happen but that is one instance.

The school bus operators are not essential, which is the other example he gave. If every school bus operator on the island went on strike that would be no reason to call the House together and declare that strike at an end. Not at all! That is an inconvenience that everyone could put up with.

When you get to areas of health, safety and security you are in a different area. We know that there have been hospital strikes where very dangerous situations have occurred and this could happen again. We know we have places like the Hoyles Home and Exon House and so on where it is essential to keep people there. The public service is not the same as the private service.

Surely, Mr. Speaker, if you go to work in the public service or in a service like a hospital of that nature, Exon House the Mental and so on, you realize when you go there that there are perhaps some rights that you are going to have to give up or that may be slightly infringed because you work in the public service sector. We are trying to interfere with them as little as we can in this bill but there is a difference between the public and private sectors. There are conceivably situations that could arise in the private sector where you might have to call the House together. We hope that they do not happen. If they ever do, then we would have to

do that.

The honourable members suggest the bill does not solve the problem of public rights versus the right to strike. We think that it does. We have said in this House and when I introduced the bill I said: "We are open to amendments." We already knew that we were going to bring a couple of amendments in then. We have listened to CUPE and we have listened to NAPE and we have listened to a lot of other people.

Perhaps this essential employee clause will not work. We are aware of the danger that it might not. It has been tried in New Brunswick and the federal government. If it should not work, I say again tonight, if we should find it unworkable, we shall come back and change it. If it should turn out to be of no help at all, we may eliminate it.

When the bill is passed we do not have to wait until a strike occurs to have the Labour Relations Board settle this question of essential employees. We intend to go as soon as we can and say who we think are essential and have the matter decided in the next two or three months, not when a strike is occurring, and get that settled, hopefully, satisfactorily with the union involved. We hope that they will give us a chance. We hope CUPE and we do not think that they will, we know that in matter like this strong language is used and people say things they do not really mean, we hope that CUPE will see that it is a sensible course to give us a chance to see how this legislation works and how we operate under it. If they find that it is not for the best or that they just cannot live with it, they can come back again and speak to us about it and perhaps we shall agree with them at that time that it is not workable.

I certainly ask them tonight, CUPE, Mr. McMilland and Mr. Mayo and their people: "For heaven's sake do not be doing anything foolish if the bill is passed by the House." Threatening to go on illegal strikes, eighteen or twenty locals that they have in the province or twelve or fourteen, suggesting they are going to

take them all out on strike against the law if the House of Assembly pass this bill. I do not think these gentlemen mean that. It would be wrong for them to lead their members in that direction and unnecessary. I feel sure they will not do it. The one change they have asked for that we cannot agree to is the essential employee change. We cannot agree to take it out. We feel it has to be given its chance. There is arbitration available for those employees.

I think I have covered just about all that needs to be covered. The honourable gentleman from White South feels the government may not use the bill correctly. Perhaps we will not. We feel that we will. Labour Relations,

conditions, Mr. Speaker, are not ring-around-the-rosey. We are not playing ring-around-the-rosey. The unions certainly understand that. We have to play their game too. It cannot be all one-sided. There is a lot of criticism I could make tonight. I could explain to the House many difficulties we have encountered with collective bargaining this year caused by the organization and so on of the people we are dealing with. I do not want to do that. I suppose you have to hold your tongue on it as far as you can.

A lot of our difficulties this year are not caused by the government, Mr. Speaker, but caused by many other factors which I do not want to use now because the present strike is underway and so on. The blame is certainly not all on our side.

To end up, as the honourable gentlemen opposite know, we have ten amendments to present. It might be that they may suggest an amendment or two that we can accept as the matter goes through committee. The essentials we cannot accept any change in. In many respects, it has been a very good debate. I think we have learned quite a bit in bringing the bill through. We think it is a great step forward for this province to pass this legislation. We hope the House will give us a chance -and that CUPE and others will give us a chance to see how it operates. I therefore move, Mr. Speaker, second reading of the bill.

On motion a bill, "An Act To Govern Collective Bargaining Respecting Certain Employees In The Public Service In The Province," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. SPEAKER: I call it eleven o'clock and I do leave the Chair until three o'clock tomorrow afternoon.

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