

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
10:00 a.m. - 1:00 p.m.  
THURSDAY, JUNE 2, 1977

The House met at 10.00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

NOTICES OF MOTION

MR. SPEAKER: Hon. Minister of Municipal Affairs.

MR. DINN: Mr. Speaker, I give notice that I will on tomorrow introduce a bill, "An Act To Amend The Community Councils Act, 1972" (Bill No. 75)

MR. SPEAKER: Hon. Minister of Education.

MR. HOUSE: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act To Amend The Memorial University (Pensions) Act ." (Bill No. 72)

MR. SPEAKER: Hon. Minister of Social Services.

MR. BRETT: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act To Amend The Child Welfare Act, 1972." (Bill No. 69)

MR. SPEAKER: Hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act To Remove Anomalies and Errors In The Statute Law." (Bill No. 63)

On behalf of my colleague the Minister of Health, a bill, "An Act To Amend The Embalmers And Funeral Directors Act, 1975." (Bill No. 71)

And on behalf of my colleague the hon. the Minister of Finance I give notice that I will on tomorrow ask the House to resolve itself into a Committee of the Whole to consider certain resolutions for the granting of supply to Her Majesty and, again on behalf of the hon. The Minister of Finance -

MR. ROBERTS: Not Interim Supply, is it?

MR. HICKMAN: No, Interim is through.

MR. ROBERTS: Main Supply, is it?

MR. HICKMAN: Yes, the Main Supply Bill.

MR. ROBERTS: We have our work cut out.

MR. HICKMAN: Yes, that is right. To move the House into a Committee of the Whole to consider certain resolutions in relation to the advancing or guaranteeing of certain loans.

MR. NEARY: So legislative draftsmen are working for their money these days.

MR. HICKMAN: Yes, Sir.

ORAL QUESTIONS

MR. SPEAKER: Hon. Leader of the Opposition.

MR. ROBERTS: A question for the Minister of Public Works and Services in his capacity as the minister responsible for the administration of the Public Service Commission.

Has he as yet undertaken an investigation into the fact that the Minister of Transportation and Communications has breached section 12 of the act in appointing as foreman at the highways unit in Renewa a man other than the man recommended by the Public Service Commission despite the fact that section 12 of the act says specifically "No appointments or promotions to positions within the public service shall be made except on the recommendation of the commission"?

MR. SPEAKER: Hon. minister.

MR. ROUSSEAU: Mr. Speaker, the hon. Leader of the Opposition I think was written by the chairman of the Public Service Commission at my request and the reply was given; and as far as the details are concerned, if there are recommendations by the commission, and I have not suggested how many there are in this one because I have not seen it -

MR. ROBERTS: There were two.

MR. ROUSSEAU: I do not know how many there were, There may be one, two or three -

MR. ROBERTS: No, there were two.

MR. ROUSSEAU: - and it is at departmental discretion which of the three they choose. So, as I suggested to the hon. the Leader of the Opposition and as I think the chairman also suggested in his letter- I received a copy of it- was that it is the departmental prerogative to choose the one, second or third on the list and that if the hon. the Leader of the Opposition wanted the list he would check with the individual department concerned.

MR. ROBERTS: Mr. Speaker, a supplementary.

MR. SPEAKER: A supplementary.

MR. ROBERTS: I cannot argue with the minister under the rules, but he is wrong. Is the minister aware of section 12 of the act which says specifically: "That no appointments or promotions to positions within the public service shall be made except on the recommendation of the commission?" The appointment made in this case was not that recommended; the man recommended did not get the job; the man who got the job was number two on the list. And I might add, the Minister of Transportation and Communications has declined to answer a letter I send him three weeks ago, Sir, He obviously is not going to give any information. Is the minister aware of the fact that the statutes of this Province have been breached in this case and he is responsible?

MR. ROUSSEAU: In the interpretation of the Civil Service Commission that when there are two people, if there are indeed two, and I take the hon. the Leader of the Opposition's suggestion that there are two - three there may be; one, as I say, and there may be three -

MR. ROBERTS: There were two.

MR. ROUSSEAU: - that either of the two, or either of three if they are there, or the one person, if it is chosen to grant that person or not is within the meaning of the statutes as we interpret it.



MR. ROBERTS: Mr. Speaker, a further supplementary.

MR. SPEAKER: A supplementary.

MR. ROBERTS: Mr. Speaker, the minister has given us a legal opinion. May I ask whether he has taken the advice of the law officers of the Crown on this point? I have not taken advice from the law officers—I have no right to do that—but I have spoken to one or two brethren of mine at the bar who tell me that the section is mandatory, that it is specific and that it says that no appointments or promotions — there are some exceptions, but they do not apply here; you know, the staff of the Premier's office and so forth. That is not the case here. It says specifically that no appointments or promotions to positions within the public service shall be made except on the recommendation of the commission.

I am told, Sir, that is mandatory and I am told that on the facts as we now understand them the government have acted unlawfully in this appointment and that the Minister of Public Works is responsible.

MR. ROUSSEAU: Mr. Speaker, that I guess is a question, as the hon. leader says, of a legal opinion, because as far as the departments have been concerned to the best of my knowledge is that if two names appear or three names appear these indeed are recommended. Now they may or may not be recommended in order of preference, but as far as the departments are concerned when one — well one name, obviously there is no problem — when two or three or four or five names are recommended then indeed as long as the name chosen is one that is on the list from the recommendations of the Public Service Commission then it is my interpretation that is within the — but I will certainly check the matter out to alleviate any anxiety the Leader of the Opposition has.

MR. ROBERTS: A further supplementary.

MR. SPEAKER: A supplementary.

MR. ROBERTS: Mr. Speaker, the minister obviously has not taken legal advice, and I do not doubt he believes what he says to be true, but I think there is doubt about it. Will the minister undertake to get a legal opinion quickly to see whether the government have acted illegally— they have acted improperly in this case— but have they acted illegally in appointing this man who was not the man recommended by the Public Service Commission? Instead they have recommended—or appointed, I am sorry, a man who was not the man recommended, a man who was infinitely less qualified.

MR. SPEAKER: The hon. Minister of Public Works and Services.

MR. ROUSSEAU: Mr. Speaker, I do not think it is even a matter of legalities, it is a matter of interpretation. There were two names on the list, so I will assume that to be correct— I do not know

MR. ROBERTS: That is correct.

MR. ROUSSEAU: but I will take the word of the Leader of the Opposition.

MR. ROBERTS: I have the letter.

MR. ROUSSEAU: If there are two names on the list therefore two people were recommended by the Public Service Commission. And it is in the discretion of the department involved which of the two or which of the three or which of the five or which of the twenty that appear on a letter of recommendation from the Public Service Commission -

MR. ROBERTS: Yes. That is like Alex Walsh and the tenders out at -

MR. ROUSSEAU: - which one to choose .

MR. NEARY: Mr. Speaker.

MR. SPEAKER: The hon. member for LaPoile, followed by the hon. member for Eagle River.

MR. NEARY: Mr. Speaker, this is the morning that the hon. Minister of Public Works and Services is going to be in the hot seat, Sir. I would like to put a question to the minister concerning the flogging of these vouchers that we read about in the Auditor General's

Mr. Neary:

Report for the year before last, and now confirmed by the Public Accounts Committee. Has the -

MR. ROBERTS: The minister was refusing to answer questions.

MR. NEARY: Has the minister undertaken an immediate investigation -

MR. ROBERTS: Public servants refusing to answer questions. put to them by the Committee yesterday.

MR. ROUSSEAU: Oh, I thought you meant the minister.

MR. NEARY: Has the minister -

MR. ROUSSEAU: And excuse me -

MR. J. DINN: On a point of order.

MR. ROUSSEAU: Go ahead, 'Jerry'.

MR. SPEAKER: On a point of order.

MR. DINN: The hon. Leader of the Opposition just stated that public servants refused to answer questions put to them by the Committee yesterday. As a member of that Committee it is a well known fact within the Committee, and if the hon. Leader of the Opposition had attended any of the meetings he would know that the Committee operates under the perfect right of the person attending that Committee to refuse to answer until he gets information. And, Mr. Speaker, for him to say that a man refuse to answer a question of the Committee is perfectly within his rights to do so.

MR. SPEAKER: The hon. Minister of the Opposition.

MR. ROBERTS: Mr. Speaker, the hon. Minister of Municipal Affairs ought to know, I do not know if he does know, but he ought to know at best he is giving a difference of opinion; but it is not even that because the facts are that yesterday in the Public Accounts Committee a proper question was put to a public servant and that public servant declined or refused to answer that question.

MR. DINN: He was perfectly within his right.

MR. ROBERTS: I did not say he was not within his rights. The ministers are often within their -

MR. DINN: Sit down!

MR. ROBERTS: Mr. Speaker, I am speaking to the point of order.

Hold on now! No! Just hold on now!

MR. ROUSSEAU: Mr. Speaker, on a point of privilege.

MR. SPEAKER: The hon. gentleman is on a point of privilege.

Perhaps before hearing him if I could dispose of the point of order, Actually there is no point of order in that the difference of opinion between the hon. minister and the Leader of the Opposition is a difference of opinion, pure and simple. There could have been a point of order, indeed it was a breach of order in the interruption of the hon. member who was asking the question. The hon. Minister of Public Works and Services.

MR. ROUSSEAU: Mr. Speaker, as minister of the department I am responsible for the department down there, and I assume full responsibility for that department. And no official of the Department of Public Works yesterday declined or refused the question -

MR. SIMMONS: What?

MR. ROUSSEAU: The question -

MR. SPEAKER: Order, please!

MR. ROUSSEAU: The question was taken under advisement.

MR. SPEAKER: Order, please! There is no point of privilege.

As I said previously, there was no point of order. But I interrupted the hon. minister when it was apparent to me the information he wished to convey on the point of privilege in order to discourage as much as possible getting the attention of the Chair through a point of privilege to get inside of a point of order.

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, in connection with the hundreds of thousands of dollars, literally I suppose millions of dollars of work that was given out without calling public tender by the minister's department, would the minister indicate if an investigation has been undertaken to find out if there was anything unlawful or illegal about granting contracts for this work without calling public tenders in accordance with the Public Tendering Act of this Province?

MR. SPEAKER: The hon. Minister of Public Works and Services.



Mr. Rousseau.

Mr. Speaker, you know, yesterday's meeting, I thought, of the Public Accounts Committee went very well. I attended as the Minister of Public Works. My deputy minister was there and two other officials, and we attempted in every way to provide the information that we had. And what information we did not have we said that we would undertake to get. Now obviously since the Auditor General's report I think this department has moved and moved quite relevantly the points brought up by the Auditor General. That point has been made to the House. It was made to the Committee yesterday. A lot of changes have been made in internal controls to control the weaknesses pointed out by the Auditor General. Now the points that are raised is a difference of opinion, whether it is an abrogation of the Public Tender Act or not. Because a lot of these jobs were small jobs and done over a period of time. Now some of the questions raised yesterday at the Public Accounts Committee were such that the department undertook to find the answers to these questions and bring them back at the next meeting. Obviously nobody comes in with their fingertips full of information. The information that was requested at the previous meeting, insofar as it was possible, was given at yesterday's meeting. Everything that we had at our disposal yesterday was given. The information that we did not have will be given as soon as possible. And in the meantime we are doing everything possible within the department to ensure that the sort of thing pointed out by the Auditor General will not happen again.

MR. NEARY: A supplementary question, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Would the minister care to identify the hangar at Torbay Airport that was involved in one of the cases where a large number of vouchers were issued to repair a hangar at Torbay? Would the minister identify that hangar? Who it is occupied by? Is it the hanger that the government uses itself or is it the one rented out to Mr. Collins of Air Transit? Which hangar is it?

MR. ROUSSEAU: Hangar 3.

MR. NEARY: But whose?

MR. ROUSSEAU: The government hangar.

MR. NEARY: A supplementary question, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Does the minister see any need at all to call in the Commercial and Fraud Squad of either the Newfoundland Constabulary or the RCMP to look into the distribution of these vouchers, the peddling, the giving out of these vouchers? Apart from what the Public Accounts Committee is doing, does the minister see any need for an investigation other than the questions that are being asked by the Public Accounts Committee in connection with procedure and so forth?

MR. SPEAKER: The hon. minister.

MR. ROUSSEAU: As I understand it if there is indeed any wrongdoing then I would assume that that would be a discretion of the Auditor General's Department. At this point in time, No, we are looking at it internally ourselves, and should we find any wrongdoing, we will correct the situation. But the question of the Fraud Squad or a police investigation would be one that would flow out of undoubtedly any information that the Auditor General might bring to bear. Now that is not pre-supposing that it may not happen at some point in the future from a departmental point of view. We are looking at it internally now.

MR. SPEAKER: The hon. member for Fortune - Hermitage.

MR. J. WINSOR: My question is also directed to the Minister of Public Works. Would the minister please tell us if there is an RCMP investigation ongoing into what would appear to be some irregularities in his department?

MR. SPEAKER: The hon. minister.

MR. ROUSSEAU: Not to my knowledge, Mr. Speaker. And I say that, Not to my knowledge.

MR. J. WINSOR: A supplementary.

MR. SPEAKER: A supplementary.

MR. J. WINSOR: I would direct my question to the Minister of Justice. Does he know of an investigation ongoing in the Department of Public Works?

MR. SPEAKER: The hon. minister.

MR. HICKMAN: I will have to take that as notice.



MR. SPEAKER: The hon. member for Eagle River. Before he asks his question, I would like to welcome to the House on behalf of hon. members twenty-six Grade VII students from Mary Queen of the World School in St. John's accompanied by two of their teachers, Sister Eugene Tapper and Sister Theophane Curtis. I know hon. members join me in welcoming these students and their teachers.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER : The hon. member for Eagle River.

MR. STRACHAN: A question for the hon. Minister of Mines and Energy. Could the minister update us on any negotiations or any coming together of minds between Brinex Corporation and the department regarding the uranium situation in Kitts Pond and Michelin and particularly the revenues which would accrue to this Province from such a project? Are there any negotiations ongoing and whether Brinex Corporation are interested in discussing this in a meaningful way?

MR. SPEAKER: The hon. minister.

MR. PECKFORD: Mr. Speaker, I answered those questions during the estimates, indicating that discussions were ongoing with BRINCO and their subsidiary, BRINEX, on the whole business of uranium development in Labrador. I cannot negotiate in public and, therefore, I cannot indicate to the hon. member or to this House whilst negotiations are ongoing the extent of the negotiations, the substantive nature of the negotiations. After these negotiations have been finalized, then government, through me or through the Premier or through some other method, will be informing the public of Newfoundland, and if the House is open, through the House, just exactly what the finality of those negotiations will be.

MR. STRACHAN: A supplementary.

MR. SPEAKER: A supplementary.

MR. STRACHAN: It is now the 2nd. of June and Brinex have been given statements, or all through Winter given statements as to whether they will go ahead with the project this year or not. I am wondering whether Brinex has intimated to the minister and his department whether they are going to go ahead this year with development of the mine or whether they will slow down the pace because of uranium prices in the market or for various other reasons that they have?

MR. SPEAKER: The hon. Minister of Mines and Energy.

MR. PECKFORD: Mr. Speaker, I am aware it is the 2nd. of June, 1977, I am also aware that there are other studies ongoing that Brinex and BRINCO have underway both on an environmental aspect of the whole development as well as the economic feasibility of the operation. On both accounts these studies are still ongoing. The studies have not been completed. I understand that the economic feasibility in-house studies that BRINCO and Brinex are conducting themselves will not be in the hands of senior management until the end of July, after which time undoubtedly an analysis of that by senior management have to take place.

Secondly, on the environmental study, that is not completed. And I do not have a firm date as of the last week or so when that is suppose to be completed. It was suppose to be completed, from information given to me a couple of months ago, by the end of the Summer.

Therefore considering those two factors of the two studies, considering that indefinite time frames are still anticipated in receiving those final studies it is not easy for me to indicate with any definitiveness whether in fact development can proceed in 1977 or not.

MR. STRACHAN: A final supplementary.

MR. SPEAKER: A final supplementary.

MR. STRACHAN: Understanding that the company is continuing to build up and have invested a considerable sum of money already in the project and, as I understand it, are continuing to put equipment in there this Summer, plus facilities, does the minister expect that their decision will only be a decision, if anything, to defer because of the uranium world market prices rather than a decision to cut out altogether if the market is low?

MR. SPEAKER: The hon. Minister of Mines and Energy.

MR. PECKFORD: From my negotiations and discussions with senior management of BRINCO, they have not decided to definitely go ahead with the development and just defer the time frame, albeit sufficient or substantial amounts of money have been expended by the corporation in looking at the deposit. So therefore I just could not say whether in fact - I am not in a position to be as definitive as the hon. member in the sense that he says or implies or infers that the only question at stake is when the development will occur. From my discussions BRINCO has not decided that there will be a development, whilst the hon. member seems to think that they have decided that and it is only a matter of time. I am not as definitive on those points as he.

MR. STRACHAN: A final supplementary.

MR. SPEAKER: A final supplementary.

MR. STRACHAN: Could the minister then simply indicate whether it looks hopeful or not? You know, simple.

MR. SPEAKER: The hon. Minister of Mines and Energy.

MR. PECKFORD: Very often, Mr. Speaker, my opinion on such matters is questioned by hon. members opposite so therefore I did not think it carried too much weight. In my own opinion I think it does look hopeful considering the world market of uranium, and the ongoing discussions that Canada are now having with the European Economic

Mr. Peckford:

Community, individually and collectively, and with Japan, and recognizing that as in recent days apparently West Germany and some of the other European countries have been negotiating very seriously with South Africa for the supply of uranium on a long term basis, which I do not think is in the best interest of the Western World right now.

MR. SPEAKER: The hon. member for LaPoile followed by the hon. gentleman for Stephenville.

MR. NEARY: As a watchdog over the rental of office space, I wonder if the hon. the Premier could give the House an updating now that they have received a report of the task force? Has any decision been taken whether the government is going to build a new building, an extension to Confederation Building, a new House of Assembly, or whether the government is going to go for the proposals that have been made from Downtown Developers to rent office space?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, the answer to that is that the report - as I advised the House - has been received. It has been given to the Department of Public Works and the other associated -

AN HON. MEMBER: It is only a draft.

PREMIER MOORES: Yes, I know it is only - a draft report, but it has been given to the appropriate officials to do the proper analysis and that has not been received as yet, but I would think it is probably momentarily to get it, one or two days I would think.

MR. NEARY: A supplementary question, Mr. Speaker. Would the hon. Premier indicate to the House if the hon. gentleman will be keeping his commitment, his promise to the House, of appointing an independent committee representing members of both sides of the House to look over the report, and to make recommendations before the government decides what course of action they are going to take in connection with office space?



MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, if we get the report when the House is in session, we will certainly make the information available to the House. As far as the unbiased members of the House serving on a Committee, I think that is a good idea, Sir, if we can find any unbiased members.

MR. SPEAKER: The hon. the member for Twillingate.

MR. SMALLWOOD: In view of the fact that I have served in the two buildings in which the House of Assembly has met for the last one hundred years or more, would the Premier give me the assurance that he will not build a new House of Assembly building and my assurance is that I will not run again? I mean, I will stay out of that building if he does not have it. But if he cannot promise not to build a new House of Assembly building how can I promise not ever to run again?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: I am not sure if that is a fair question or not, because a lot of people would suggest that we put up a marquee this afternoon if it was. But, Sir, taking everything into consideration I think that is an unfair request, because I have heard the hon. gentleman from Twillingate make these assurances before, and I think he is one of the few people in the House who deserves to retire.

MR. NEARY: A supplementary question to the hon. gentleman, Sir.

MR. SPEAKER: A supplementary.

MR. NEARY: Could the hon. the Premier assure the House that no deals, that no commitments have been made to private developers to rent office space either on a short-term basis or a long-term basis until the government has the report in its hands and decides what the future is going to be as far as government new buildings or office space is concerned?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: I most certainly can, Mr. Speaker. There have absolutely not been any commitments made to any developer with office space or without.

MR. SPEAKER: The hon. member for Stephenville.

MR. MCNEIL: Mr. Speaker, a question to the Premier.

Could the Premier indicate to the House who will accompany the Premier to Montreal to carry on negotiations regarding the possible sale of Labrador Linerboard?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: I have not planned on any great delegation going up, Mr. Speaker. It was a matter of going up and finding out the degree of interest. When negotiations start, and if they do, there will obviously be a great many people involved. But being a government of restraint and trying to look after the purse strings as best as possible, we figure as few as possible to go to do the job.

MR. MCNEIL: A supplementary.

MR. SPEAKER: A supplementary.

MR. MCNEIL: Could the Premier indicate if there will be anybody from mill management going with the Premier?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: No, Mr. Speaker.

MR. MCNEIL: A supplementary.

MR. SPEAKER: A supplementary by the original questioner.

MR. MCNEIL: Could the Premier indicate if there has been any negotiations with Consolidated Bathurst? And to this point, has there been any progress in the negotiations with Consolidated Bathurst?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: First of all it is not a matter there being any progress. There have been no definitive negotiations with Consolidated Bathurst, Mr. Speaker.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I would like to put a question to the hon. Minister of Mines and Energy, Sir, in connection with Churchill Falls. As the House knows, a substantial penalty has been imposed on this Province for being unable to supply power to Quebec Hydro because of faulty generators



MR. NEARY.

at the Churchill Falls pwer site. Would the minister indicate to the House now what the status of this Province is as far as recovering the cost of the penalties, the cost of repairing the generators and so on? How much have we paid? How much have we had to pay out in penalties? Can this be recovered? Is there a court case pending? Just what is the situation? Could the minister tell us where we stand on this? Do we have any legal rights? What is happening? Or do we have to lash this out and get nothing back in return from Canadian General Electric or whoever was the cause of the trouble?

MR. SPEAKER: The hon. minister.

MR. PECKFORD: Mr. Speaker, I cannot give the hon. member right off the top of my head the exact amount of penalties paid, but I will undertake to get that for next week, to give the information to the hon. member in the House next week. Secondly, talks and negotiations and discussions are underway between CFLCo and the company concerned to see whether we can work things out to our mutual benefit without having to go to court. However, if that is not possible, we will be seeking legal opinions hopefully that will indicate that we have a strong case as it relates to the quality of the generators installed in that there is some liability upon the company and, therefore, will take whatever legal measures are necessary based on the advice that we receive from our legal advisers. But the matter is still at the stage of talking between both sides.

MR. NEARY: A supplementary question, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Could the minister tell the House if the generators now have all been repaired and put in good shape and if they are all working now smoothly? Just what is the situation

MR. NEARY: now as far as these generators are concerned? Are any down at the moment or being rebuilt? Have they all been rebuilt or what is the score on that?

MR. SPEAKER: The hon. minister.

MR. PECKFORD: I think the ones that were initially in poor shape or found to be defective are repaired. There is some question about some of the other generators and whether they in fact have the same problem as the first two or three, and there is a likelihood that additional generators will have to be fixed and renovated, and of course that is of additional concern to us. However, I will give a full and detailed up-to-date status report on that whole situation for the hon. member next week.

MR. NEARY: A final supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Could the minister tell the House whether the repairs of these other generators that the minister obviously is concerned about will cause further penalties to be paid out by Churchill Falls Corporation to Quebec Hydro? If so, who will be responsible for the repairs of the generator and who will be responsible for paying out the penalties? Will it be the Churchill Falls Corporation - in other words, the people of this Province-or will it be Canadian General Electric, the people that installed the generators?

MR. PECKFORD: Mr. Speaker, that is the whole problem with this. In the first instance, obviously if CFLCo cannot deliver the power that it has agreed to deliver on a given date to their customer, namely, Hydro-Quebec then in the first instance CFLCo, the ones who are partners or party to the agreement, would have to pay the penalty. And that is the whole crux of the problem, that there might be some liability, in our opinion and from our legal advisers, upon General Electric to either pay that full shot or partially that; hence the whole concern with it is that any additional generation would therefore - CFLCo would incur additional financial penalties for which we would have to see whether in fact G.E. were liable for some of it legally, or all of it.

MR. SPEAKER: The hon. Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, a question for the Minister of Finance. Yesterday he took notice of a question which I asked about changing the highways contracts. The problem is urgent in that a lot of truckers in the area are getting very upset and disturbed, and they were made this promise by the Minister of Forestry and Agriculture

The minister obviously has not an answer yet. Could he undertake to get me one today if at all possible?

MR. SPEAKER: The hon. minister.

MR. DOODY: I did not understand the urgency was such. I was waiting for the minister to come back, but I will look into it.

MR. ROBERTS: But 'Maynard' did make the promise, you see.

MR. DOODY: That could very well be. I do not know.

MR. ROBERTS: He did and that is what got them up in arms.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: The hon. member.

MR. NEARY: My question, Sir, is for the Minister of Municipal Affairs and Housing. The city of St. John's I believe has requested in writing an extension of the boundaries of the city of St. John's to include the White Hills, part of East Meadows and so forth. Would the minister tell the House what action has been taken on the request from the City to extend their boundaries?

MR. DINN: Yes, Mr. Speaker, we did get a request for specific areas to be made part of the city and we have not taken any action on it. We are also waiting for their recommendations with respect to the Henley report as the city is the only municipality in the area that has not sent in recommendations as to whether they agree or disagree with certain recommendations. So we have received the request.

MR. NEARY: Mr. Speaker -

MR. SPEAKER: A supplementary.

MR. NEARY: No, not a supplementary, Sir.

The hon. gentleman has also received a

MR. NEARY: representation from the Newfoundland Federation of Mayors and Municipalities in connection with having the sales tax on electricity in electrically heated homes - that is used for heating homes and cooking - eliminated. Has the minister taken any action on that request?

MR. SPEAKER: The hon. minister.

MR. DINN: Mr. Speaker, we are discussing that right now with different ministers involved.

MR. SPEAKER: The hon. member for Port au Port.

MR. HODDER: A question for the Minister of Public Works. Would the minister give the name of the advertising firm or firms which are doing work for the Department of Tourism, the Department of Forestry and Agriculture and the Department of Fisheries?

MR. SPEAKER: The hon. minister.

MR. ROUSSEAU: I will have to take that as notice, Mr. Speaker. I presume the gentleman is referring to the vote in Public Works estimates of this year, is it?

MR. HODDER: Yes, You know, the spruce budworm, and I think there is a firm doing some work for Fisheries.

MR. ROUSSEAU: You know, why the Minister of Public Works? I think that question would be more properly directed to the departments involved because Public Works certainly has no involvement with it up to now. Now the vote that was contained in the estimates for 1977 - 1978 to my knowledge has not yet been allocated. That would come under the jurisdiction of Public Works in answering anything to do with that, but what has been done previously to the best of my knowledge, although it will undertake to dig deeper into it. does not come under the purview of the Department of Public Works but each individual department themselves in their vote that was put aside for that in the last year's budget.

MR. NEARY: Mr. Speaker.



MR. SPEAKER: The hon. member.

MR. NEARY: Mr. Speaker, my question is to the hon. the Premier, if I could get the hon. Premier's attention there. The hon. member for Placentia East is no doubt talking about the Argentinia Naval Base, the North side which is not settled yet. But would the Premier tell the House now what is happening in connection with the Come By Chance oil refinery, and can we have an assurance from the Premier that before any decision is made by the receivers that the matter will be brought before this House—the same as the Leader of the Opposition requested the other day in connection with the Linerboard mill in Stephenville—before any changes are made, any sales are made that this House will have a chance to debate the matter before the whole thing is settled?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, there are lots of things that I could try to commit but what the receiver does in this particular case representing another government is not one of them.

ORDERS OF THE DAY:

MR. HICKMAN: Order 5, second reading of Bill No. 34.

Motion second reading of a bill, "An Act To Provide Uniform Minimum Standards Of Conditions Of Employment In The Province." (Bill No. 34).

MR. SPEAKER: The hon. Minister of Manpower and Industrial Relations.

MR. ROUSSEAU: Mr. Speaker, I have pleasure in introducing this long awaited bill. It would appear that my introductory remarks will be somewhat long and for anybody on the other side of the House or this side of the House who is interested, I will try to go through the relevant sections so that if any points arise, because it is very difficult of course with a bill of that length to be able to be aware of all the provisions therein, but I will go through the relevant points especially those that are now new and maybe hon. members might wish to jot down any pertinent points they have and from there on we can discuss the bill.

MR. ROUSSEAU: The actual bill, "An Act To Provide Uniform Minimum Standards of Conditions of Employment In The Province " is in part a consolidation of provisions contained in the following bills, and they are pointed out in the explanatory note, Mr. Speaker, "The Annual Vacations With Pay Act," "The Employment Notice Of Termination Act," "The Employment Of Children Act," which was never proclaimed, "The Minimum Wage Act," "The Weekly Day Of Rest Act," "The Workmen's Wages Act," "The Termination Of Employment Act," which was proclaimed in May of 1976 and section 6 to 9 of "The Hours of Work Act." There is another act which should accompany this and it is one involved with "The Shop Closing Hours Act" and that may indeed come up I hope in close proximity to the passage of this bill.

Now if I may go over the sections, Mr. Speaker, in respect to this bill, Section 3 provides that contracts of employment provide not less than what the act requires but clauses of collective agreement presently in affect may continue until the expiry of the agreement. In other words, if a collective agreement does not abide by the minimum regulations under this act then the act may enable the continuation to the expiry of the present collective agreement and after that of course the new collective agreement must be in accordance with the provisions of the new act. Section 4 suggests that nothing in this legislation will prevent an employee from receiving terms and conditions more favourable than those set out in the act. We have had a problem here in that every time you set the minimum wage of course everybody thinks that is the wage. But that is a minimum and certainly anybody who could in a collective agreement advance beyond the provisions of the act in respect to their collective agreement of course is not contrary to any provision in the act.

Section 6, where a business is transferred and is continued after the transfer the employment of an employee is



MR. ROUSSEAU: deemed to be continuous as far as the act is concerned. In other words, if somebody buys a company from somebody there is a collective agreement then the new owners must agree that this employee has had continuous employment from one company, be it the same name or another name, that he has with the previous company. Previously this was in the act -

MR. WHITE: Does this apply to all companies in Newfoundland -

MR. ROUSSEAU: It will.

MR. WHITE: -or registered in Newfoundland?

MR. ROUSSEAU: Registered in Newfoundland. Previously this was in the "Annual Vacations With Pay Act" but would now have a general application in this bill. A lot of these provisions in this act were restricted to some degree in other acts but now they will have general application of course in respect to labour standards in the Province.

Section 8: This requires that annual vacation of two weeks - one two week period or two one week periods - must be given to employees. As pay for vacation an employee must receive at least four per cent of gross earnings for the previous work year. Before it was not gross earnings, it was net earnings. But now it is gross earnings so that is a significant change in that the four per cent vacation pay is now on gross earnings rather than on net earnings.

Section 10: An employer is required to pay an employee his vacation pay at least one day before commencing the annual vacation. That is similar to the existing legislation.

Section 12: Unless the parties agree the employer shall not require an employee to take annual vacation during a period an employee is serving his notice of termination. That often happened when somebody is serving his notice of termination. Of course the employer would give him the annual leave and get rid of him right away. That would now be contrary to the new act.

MR. ROUSSEAU: Section 13 authorizes the Lieutenant-Governor in Council to make regulations respecting annual vacation.

Section 14; Mr. Speaker, I think is a very important one because in essence we are talking about for a great part non-unionized people in this situation. Section 14 makes provision for at least five paid statutory holidays plus any special day or days proclaimed by the Lieutenant-Governor in Council and this is a new provision.

Mr. Rousseau:

Now Section 14 (2), the same Section 14, but Subsection (2) makes provision for collective agreements to provide for different public holidays; however the number shall not be less than those set out in the Act, that is five paid plus any statutes that the Lieutenant Governor-in-Council may proclaim.

Section 15, and this is a new section, 'Other than an essential undertaking,' and I refer to Section 18 there, 'an employer shall not require an employee to work on a public holiday.' And this is, of course, as I say, a new provision. Section 16, where a public holiday falls on a non working day the employee is entitled to an additional day off with pay. That is also new.

Section 17 is also a new provision. Where an employee agrees to work on a public holiday the employer may at the option of the employee (1) pay double time or (2) give the employee another day off within thirty days of that day or (3) add the day to the employees annual vacation. That must be done with the employees consent, a day off when he works on a public holiday if in his opinion he so desires to work. And this, of course, is a new provision as well.

Section 18, to which I referred to when I was reading Section 15, 'An employee can be required to work on a public holiday in essential undertakings and those in public interest.'

Section 19, and this is also a new section, Mr. Speaker. In order to qualify for pay on a public holiday he must have been employed for at least thirty days before the holiday, have not been absent for more than fifteen days during the previous thirty days, and the employee works the day before and the day after the holiday. As I say, this is a new provision.

The Lieutenant Governor-in-Council, in Section 20, may make a proclamation declaring that public holidays are applicable to all undertakings or to such classes of undertakings specified in the order. In other words, when the special days are indicated as I

Mr. Rousseau:

suggested in Section 14 at five paid, plus whatever is proclaimed by the Lieutenant Governor-in-Council, the Lieutenant Governor-in-Council may make them applicable to all undertakings.

Section 21 is a new section. This refers to defining the regulation of the standard working hours and week for employees in any prescribed undertakings.

Section 22, this requires twenty-four consecutive hours off in every week must be granted to employees. That is the same as existing legislation.

Section 23, that eight consecutive hours off work must be given every employee in each twenty-four hour period of employment. That is new. Eight consecutive hours off within any twenty-four hour work period.

Section 24, that rest periods after five consecutive hours of work must be given as follows: (1) one hour to employees in retail and wholesale undertakings and that is the same as existing legislation, Mr. Speaker, and (2) one half hour to other employees and that is a new provision in this Act.

Section 25 overtime formula in qualifying periods for all employees or different categories may be described by regulation.

And 26, of course, the Lieutenant-Governor may make regulation with respect to hours of work.

Section 27: This is with respect to the Labour Standard Board making recommendations to the Lieutenant Governor-in-Council concerning minimum wage rates and their application. Now as I suggested when we were talking about the estimates of the Department of Labour and Manpower that the Minimum Wage Board which just had a new chairman appointed to it, and the two members who have served on it for some time, would merge when this Bill was passed, would merge into the new Labour Standards Board. And the difference of course is, and as I suggested then during that debate, that the new Labour Standards Board would have a much greater stroke than the existing Minimum Wage Board.

Mr. Rousseau:

Section 29; provisions outlining the authority of the Labour Standards Board to issue orders with respect to handicapped employees.

For the Labour Standards Board, Section 30, to review the regulations and orders every two years without - now they do it at the request of the minister, but they will do it every two years. But it encompasses all items under Labour Standards, not just the Minimum Wage.

Section 33 is a new section. The maximum interval for the payment of wages is half a month. In other words, every employee in this Province must be paid at least every half month.

Section 34 is a new section. The section sets out the time and place respecting the payment of wages etc. and respecting payment in legal tender. It is not often that this may occur but sometimes it does and we want to ensure that if it does that legislation would be available to combat it.

MR. DOODY: Are government bonds alright?



Mr. Rousseau.

It depends on where they are from. Section (35) is an improvement, we think, on the existing provisions, and it sets out the particulars to be furnished to an employee on his statements of earnings when paying wages. That is important, because many people, of course, do not have the bookkeeping ability to do many of these things, but it is, we think, basic that everybody who receives payment for work should have an itemized report of what his earnings were and what his deductions are and, of course, his net total of take-home pay.

Section (36) makes it illegal to stipulate where an employee may spend his wages, and that is a new provision. And that, you know, while it may seem to be a frivolous section, is put in there because of certain problems we have had so that it is impossible now for an employer to tell an employee where he can spend his wages.

Section (37), a person who is owed wages - and this is new, Mr. Speaker - a person who is owed wages has priority over all other creditors, including the Crown, to the extent of two thousand dollars provided his claim is recorded with the Director of Labour Standards.

MR. DOODY: Does that include the Federal Crown?

MR. ROUSSEAU: Yes.

MR. DOODY: The Federal Crown, income tax deductions?

MR. ROUSSEAU: Oh, I would have to check that out, Mr. Speaker.

Including the Crown, I would presume that it is the Provincial Crown.

I would assume it is the Crown in generality, the Federal and the Provincial, I hope. If it is not within our purview to do that, I am sure that the federal government, through our provincial minister, will let us know. But a person who is owed wages now has a priority over all other creditors to a maximum of two thousand dollars and only when it is logged with the Director of Labour Standards.

MR. FLIGHT: (Inaudible) accrued vacation pay to be considered wages in the event of a lay-off?

MR. ROUSSEAU: Yes.



MR. FLIGHT: Accrued vacation pay considered wages?

MR. ROUSSEAU: Yes. Well now that depends, you know. It depends on the unemployment insurance. There are different ways of doing it; whether it would be a lump sum or whether it would be drawn out over a period of time or what. So that would certainly make it dependent on the way in which it was paid.

Section (40) is a new section. An employee who has been employed for a continuous twelve month period shall be given unpaid maternity leave as follows; Eleven weeks preceding the estimated date of birth; any period between the estimated and actual date of birth; and six weeks immediately following the actual date of birth.

In Section (41), following completion of maternity leave an employee shall be given wages, duties, benefits, etc. not less favourable than those subsisting prior to the maternity leave.

Section (42), during the period an employee is on maternity leave, she does not accumulate benefits conferred by the act. An employer cannot dismiss an employee because of maternity leave. And this, of course, is a new provision.

Also Section (44), Mr. Speaker, is a new provision. Children under sixteen years of age shall not be employed in unwholesome or dangerous occupations as set out in this section nor shall they be employed between the hours of 10:00 P.M. and 7:00 A.M. in any day. Also they must be given at least twelve consecutive hours free from employment each day and children under fourteen years of age can be employed only in prescribed undertakings. The written parental consent for employment of children is required in Section (46) and that also is a new provision.

Section (48) is also a new provision. Written notice of termination or pay in lieu of notice is required when an employee wishes to terminate his employment or when an employer wishes to terminate a contract of service. And there are some exemptions pointed out there, Mr. Speaker, in Sections (47), (49) and (50).

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MR. ROUSSEAU:

Section (51) , The period of notice is one week for service of more than one month but less than two years and two weeks for service of two years or more for

Mr. Rousseau:

termination. Period of notice one week for service, more than one month but less than two years; and over two years it is two weeks of notice. At present notice is equivalent to the pay period, and that may be weekly or whatever, so this is consistent with the half monthly pay item that I mentioned before.

Section 53 is basically the same as the existing legislation. In order to terminate fifty or more employees within a four week period the employer must give written notice of intention to terminate to both the employees and the minister. The periods of notice are eight, twelve or sixteen weeks respectively depending on the number of the employees.

And Section 55, the Labour Standards Board is appointed to investigate and recommend to the Lieutenant Governor-in-Council on labour standard matters. That is similar to the Minimum Wage Board. The provision now, Mr. Speaker, the minimum on the Minimum Wage Board is three, the maximum is seven. We have normally gone along with three members on the Board, one member who is an independent appointment, one nominee of labour, and one nominee of management.

Section 56 indicates that the Labour Standards Board may convene conferences of employers and employees. This is similar to the present rule of the Minimum Wage Board but it now encompasses all matters under Labour Standards.

Section 57 refers to the appointment of staff.

Section 58 the Director of Labour Standards receives and investigates complaints, determines deficiencies and arranges settlements. Also where necessary the Director may prosecute with approval of the Department of Justice. This is similar to the present responsibility.

Section 59, Mr. Speaker, requirement for the employer to keep records and make them available to the department. And this is really a consolidation of all record keeping requirements under existing different pieces of legislation.

Mr. Rousseau:

Basically the same is existing legislation Section 60 respecting the powers of entry, interview and an inspection by the Labour Standards staff.

Section 61 is new, Mr. Speaker. The establishment of an unpaid wages account to receive unpaid wages from employers prior to remitting to employees subject to audit by the Auditor General, and this, of course, is a new provision. That is in Section 61. And I think the regulations under Section 62, general application to the Act stipulates some of the points raised therein.

The Section 63 and 64 is a new section, and a new concept. It is the establishment of a Labour Standards tribunal to be appointed by the Lieutenant Governor-in-Council to adjudicate referred cases determinations of the director which would be at the first level may be appealed to the tribunal, and of course the tribunals find it may be appealed to the district court. That, Mr. Speaker, is necessary because of the high back load of cases at the Magistrate's Court, a lot of times people do not pursue prosecution because of the time constraints that it takes a long while, and that the courts are obviously loaded with other items, and that we think the question of the Labour Standards violations are important, that we are now setting up the Labour Standards tribunal and of course they will now adjudicate on all cases that were previously referred to the courts. Indeed they will have the power to define rightness or wrongness and to order satisfaction to the employee by the employer. And we think it will greatly speed up the question of violations of the Labour Standards Act. By the way that tribunal has not been set up nor do we have anybody in mind, obviously it will be set up when the Act is passed.

Section 65 is a new section. Conditions to be met by employers or employees in making application for the review of a decision.

And Sections 66 and 67 and 68 are new sections of course which flow from the appointment of a Labour Standards tribunal, and an appeal of the tribunal decision to the district court and the penalties.

Mr. Rousseau:

And also Section 69 is new. In order that the tribunal may be filed with the Registrar of the Supreme Court, which I think my colleague the Minister of Justice may inform the House of the import of that, I think all decisions that are referred to the Supreme Court, of course at the magistrate's level and other levels that will also be done by the Labour Standards tribunal.

Section 71 is a new section. The Directors of corporations





MR. ROUSSEAU: A lot of exclusions and so on. One that was really repugnant was the sixteen to eighteen -

MR. NEARY: That is right.

MR. ROUSSEAU: - because there were people, I remember when that was brought in there were people who were hiring -

MR. NEARY: Terrible, terrible.

MR. ROUSSEAU: - individuals at sixteen years of age and paid them less than the minimum wage and then when they became eighteen years of age were terminated and somebody at sixteen was hired again. And this was of course repulsive to the decency of any human being. So that has been changed.

MR. NEARY: The big lobbyists, boy, the big businesses. you know, those lobbyists put the pressure on the government!

MR. ROUSSEAU: To change it?

MR. NEARY: No, no! To keep them, to have these exemptions.

MR. ROUSSEAU: Oh, yes! To keep the exemptions. we pretty well think this is a good bill. We think it is comprehensive. We feel that -

MR. DOODY: (Inaudible) any influence on this communist government over here.

MR. NEARY: You cannot go too much the other way either. you know.

MR. ROUSSEAU: To the best of our knowledge we have attempted -

MR. NEARY: You do not want to add to inflation.

MR. DOODY: Like compulsory insurance.

MR. ROUSSEAU: Far be it from me to interrupt the dialogue of two good friends.

MR. NEARY: No, no, it is all right.

MR. ROUSSEAU: We think the Act is a forward looking Act. We have held discussions on this Act with various representatives of

MR. ROUSSEAU: Labour and management. We have also done so on a Labour Relations Act which is a bigger problem. I think it is fair to say - and that is a facetious remark - I think it is more fair to say that we have reached more consensus on this one than we certainly have on the Labour Relations Act, which I hope will be coming up later today or tomorrow. It is very difficult trying to get the views of both labour and management on things, but I think by and large - I hope this will be welcomed. It is an attempt to provide as much protection as is possible within the law, and as the hon. member from LaPoile (Mr. Neary) says, without creating an imbalance, to protect the employee, especially those employees, Mr. Speaker, who are not unionized, who have no right to refer their decisions to anybody but the department, find themselves in awkward positions. We think this Act will go far in cementing their rights,

MR. ROUSSEAU: and we think that it is a good act.. We think that the move of this government from 90¢ to \$2.50 now as the minimum wage has been a good move. It is high in some people's estimation, and it is not high enough in others. But certainly in this day of inflation and rising costs, spiralling inflation and spiralling costs, the need for a reference to the minimum wage should be made probably more than it has been in the past, and we will certainly intend to do that.

MR. NEARY: It adds to inflation.

MR. ROUSSEAU: Yes.

MR. NEARY: Really.

MR. ROUSSEAU: But still and all, so do all --

MR. NEARY: Now you are talking. You are starting to get the right idea there now.

MR. ROUSSEAU: We have many factors that --

MR. NEARY: The Gross Provincial Product.

MR. ROUSSEAU: -- go to creating inflation.

But anyway, Mr. Speaker, as I mentioned, I will leave the Chamber for a minute now and pass this out to the girls out in the Clerk's Office and maybe I could get a couple of copies xeroxed there of the notes so that if any members want to zero in on a specific item they certainly may do so.

MR. SPEAKER: The hon. the member for Terra Nova.

MR. LUSH: Mr. Speaker, the initial remarks are that I suppose it is a good idea to bring all the existing legislation with respect to labour in terms of employment and one thing and the other all under one act, and I suppose that is about all one can say for this. It is a consolidation of existing legislation. There is hardly anything in it that can be considered of major impact, I suppose, and that is contingent upon how the government proposes to appoint the Labour Standards Board and the Tribunal Board. These are the two major things, I suppose, that come out of the act, the establishment of the Labour Standards Board to enforce the regulations and the tribunal. But again I said it is contingent upon how these two boards are established, and I will elaborate on that a little later.

Mr. Lush.

But certainly the bringing of existing legislation that we have under one piece of legislation is certainly a good idea. However, I do believe that it is incumbent upon the minister to make sure that people in the Province, that labourers, that employers and employees, are familiar with the act, that they are familiar with their rights under the act, and I think it is going to take major publicity by the government to make employers and employees familiar with their rights as they now exist under this particular legislation. And I mentioned some time ago, when I was speaking to one of the minister's items, I was talking about the importance of education in this Province, of educating people, employers and employees, about unions, about collective agreements and all this sort of thing, and I think this is becoming more important now with this bill that there be an education programme set out to acquaint the people with collective bargaining, collective agreements, because I am sure that there are a lot of people who do not understand the process of collective bargaining, and I think it is incumbent upon the minister to make sure that there is some type of educational programme, some type of ongoing programme so that employers and employees alike and union people can become educated with respect to the minimum standards of labour conditions in the Province, and with respect to the whole idea of unionism and collective agreement. There is a massive job to be done, and I was extremely disappointed to see that there was money taken from the budget this year. Last year there was \$20,000 voted, not a large amount, granted, but there was \$20,000 voted for what was called labour education. This year there was no such vote. And I am just wondering whether the minister thinks that all the work that needs to be done on labour education is done in this Province, and I can assure him, and I am sure that he must realize, that there is a lot of work to be done. So there is going to have to be a lot of work done to make sure that employers and employees know just what their rights are under this particular bill. There are a lot of



Mr. Lush.

individual clauses, I think, that can result in misunderstanding and I will get to these a little later. As I was reading them I found many of the terms to be confusing and many of the clauses to be confusing, and this is the difficulty with this stuff. You know, it is too bad that these things cannot be written in a language that people can understand. This is written for common folk, for common people. And, you know, it is in a jargon that you have got to be a Philadelphia lawyer to be able to understand what it all means. And I cannot for the life of me see when we are doing something for our people, for the ordinary people, why we cannot put it in their language. I cannot figure it out why this cannot be done and even a resumé at least of what is here. And, you know, when you start reading about the vacation and the holidays and the way that jargon is put there, you know, it becomes very, very complicated for people to understand. And, you know, I do not think it is necessary to have legislation here where some worker has to go and pay a lawyer to interpret to him what it all means. I find that unfortunate. I would hope that the minister can somehow make some resumé of what is here and to give it to employers and employees so that they can understand what all this is about.

As I have said, it is certainly necessary for some job, a massive job of publicity letting employers and employees know what their rights are under this particular legislation. I would hope that the Labour Standards Board will enforce the legislation. Let us hope -

AN HON. MEMBER: The tribunal.

MR. LUSH: The tribunal.

If this legislation can be enforced, I want to ask the minister does the legislation have sufficient teeth to cut down on the illegal work stoppages in this Province? Does this legislation have that particular teeth?

MR. ROUSSEAU: No, it has nothing to do with it.

MR. LUSH: Nothing? Oh, no, I am sorry. That is the next one, is it not? That is the next one. Yes, okay.

Now I just wanted to talk about a couple of pieces of clauses there that I think are not clear. They can cause some misunderstanding. They can cause some confusion. First of all, again, I just want to finish up my overall remarks by saying that, you know, I just think it is motherhood stuff. I do not think there is too much in it you can condemn. I think probably you can condemn it for not going far enough, but it is just motherhood stuff, just an adaption and a modification, if you will, almost a pure adaption of a lot of the labour legislation that is in existence across Canada and North America, just a follow-up of the -

MR. ROUSSEAU: It is new to this Province.

MR. LUSH: Pardon?

MR. ROUSSEAU: A lot of it is new to this Province.

MR. LUSH: Not new to the Province, but it is motherhood stuff with respect to labour standards. You know, a lot of it is just an extension of the Wagner Act, actually, of 1935. There is very little new in it. And what is new is not too specific -

MR. NEARY: Once we copied it from Saskatchewan, and that is why we went into Confederation.

MR. LUSH: And a lot of it comes from the Canadian Labour Code - is it? - a lot of the things there.

A couple of things, maternity leave, would naturally be very beneficial and the women of this Province would be proud about that. But I just wanted to allude to - I think it was employment of children. Again I think the bill is a little too general. I think it could be a little more specific. I have been reading, for example, bills across Canada, Saskatchewan and New Brunswick, and their bills are lot more specific on this respect with employment of children. They specify the type of work that you can engage people in at specific age levels. This one is a little too general. It does not go into details sufficiently as to the conditions of employment of children, the types of work that you can hire certain people for and the types of work that - I think there is a general thing there which says the type of work you cannot hire them for. But

Mr. Lush.

throughout Canada it is a lot more detailed than here with respect to the hiring of children. They lay out the kinds of work that children could be employed for and the types of work that they could not be employed for in detail rather than in just general and specific terms. So this one here, there is a loophole here. Employers could get out under this act here and hire children because it is too general. This particular act is not specific enough.

Let me see, Notice of Termination. There is also a point I want to make there. Let me see which one that is. Notice of Termination. Which clause is that? Fifty, is it? Fifty-one, fifty-two, notice, provisions relating to - I will find this, Mr. Speaker, in a moment.

MR. LUSH: It has to do with employers. Yes, now I have it. It relates to the conditions under which an employee may be terminated and it lists these, and that is alright. The conditions under which - let me get my own self straightened out on this.

Paragraph 47(1) Subject to subsection (2) and notwithstanding anything in this Part, where a period of notice of termination of employment is provided for in a collective agreement within the meaning of The Labour Relations Act, 1977, or in a written contract of service between the employer and the employee - let us see - is the period of notice required by the employer as is the case. So it goes on stating what the conditions of separation are and everything is normal up until Section 50.

Section 50 says that the employee does not have to receive any notice or any pay or anything else if, it says, the employer has mistreated the employee or acted in a manner that has or might <sup>endanger</sup> the health of well-being of the employee. Now this seems to be giving the employer a licence to mistreat his people. I do not know why this particular clause was put in at all, everything seems to be covered over in the other part, but here they have given the employer the licence to mistreat an employee. So for the employer, there is no notice necessary now that the employee can just be dismissed because the employer was allowed to mistreat him. I think this is a ridiculous piece of legislation giving employers, as I said, the licence permitting them to mistreat employees and why that particular piece of legislation was put there I do not know, I cannot see the justification for it - there is no justification for it, there cannot be - a piece of legislation that will allow an employer to mistreat an employee. A licence, this is what this particular legislation is, giving the employer a licence to mistreat employees and that should be wiped out, it should be rescinded, it should not be there at all.

MR. LUSH: The minister should come up with some explanation as to why it is there.

AN HON MEMBER: What clause is that?

MR. LUSH: Clause 50. It allows an employer to void an act for his own benefit. If he wants to get rid of a particular person and does not want to follow through the various provisions of the act he can mistreat the person, can mistreat the person, and can void the act for his own benefit. Why, as I say, that particular piece of legislation is there I do not know and if it cannot be explained in a satisfactory way I think it should come out of there. I see no reason for it at all. That is 50(a) that an employer-Pardon!

MR. ROUSSEAU: Subsection (1)(a)

MR. LUSH: (1) (a) right 51(a) gives the employer a licence, gives him the legal right to mistreat employees. That is the way I understand it.

MR. ROUSSEAU: You are wrong and I will explain it to you.

MR. LUSH: Pardon!

MRS MacISAAC: Section 48 does not apply.

MR. ROUSSEAU: I will explain that. That is for the employee and not for the employer, but I will explain it later.

MR. LUSH: Coming back on a specific clause again, there is one having to do with unbroken rest periods.

I have heard some complaints about that one and I am trying to find out which section deals with it. Paragraph 24: it says there that there should be a rest period of an hour given where there is a continuous twenty-four hour period of work. Again, people suggest to me that this is going to be a problem where people work



Mr. T. Lush:

twenty-four hours, If this is going to cause some problems, maybe the minister should elaborate on this and explain to the House whether it will or not, and give us some clarity on that.

Another one relates to vacation pay.

A question here for the minister on this particular one, and this is 9 (3), vacation pay, "No payment is required to be paid by an employer under this section unless the employee has been employed by the employer for five consecutive work days or more." Now get this again, "No payment is required to be made by an employer under this section unless the employee has been employed by the employer for five consecutive work days or more." Now that is a change in the legislation. I just forget what it was, but it certainly was not five days; it was much less than that. So does this mean that if a person works for four consecutive days that he will not get vacation pay, he has got to work for five consecutive work days?

AN HON. MEMBER: One week.

MR. LUSH: One week. So if a person, you know, got a job where he works four days he does not get any vacation pay, is that what it means?

MRS. MACISAAC: (Inaudible) four days this week, four next and four the next.

MR. LUSH: Well then, what does it mean? This is the thing, this is what -

MRS. MACISAAC: Four days only.

MR. LUSH: Does it mean five consecutive days in a week, can a person take - does it mean just five consecutive days?

MRS. MACISAAC: Five days, period, and then your employment terminates, That is the way I read it. I may be wrong.

MR. LUSH: Okay. Well this is what people are asking questions about, things they do not understand.

Now these are just all the queries I have on the specific pieces of legislation, Mr. Chairman. I just want to make some comments on the Labour Standards Board. I mentioned earlier

Mr. Lush:

that the Labour Standards Board and the Tribunal Boards are going to be very important in the carrying out of this particular piece of legislation. Both Boards have the potential of being nothing but an arm of government.

Unfortunately, the position is I think the Standards Board and the Tribunal Board are both appointed by government. They are all appointed by government, every single one of them. And so there is a danger here that this can become a thing of patronage, that the government can get people in this that are not going to be independent, are not going to work for the cause of labour, but are going to be yes men for the government. And I hope that does not happen. The success of this piece of legislation, the way that this is administered, the way that it is enforced certainly depends on these two Boards, and they certainly they cannot be political bodies. And it is too bad that it is set up this way, that they are appointed by the government. I just forget the Tribunal Board now: are all three members appointed by the government, the Tribunal Board?

MR. ROUSSEAU: No. The Minimum Wage Board, you mean. There is no Tribunal Board now, there is only a Minimum Wage Board -

MR. LUSH: But there is going to be one.

MR. ROUSSEAU: - which will become a Minimum Standards.

MR. LUSH: Right! Right! So they are all appointed by the government, right?

MR. ROUSSEAU: Yes, but the independent Chairman is appointed and the other two members are representatives that are recommended to government by Labour and by Management, one of each plus the independent.

MR. LUSH: Okay. But the Labour Relations Board again, all members are appointed by government. There are three - right? - the Chairman -

MR. ROUSSEAU: No there is - excuse me, if I may?

MR. LUSH: Yes, okay.

MR. ROUSSEAU: The Labour Relations Board has nothing to do with this, but it is appointed; there is a chairman, and a vice-chairman independently appointed -

MR. LUSH: I am sorry. I made a mistake: the Labour Standards Board.

MR. ROUSSEAU: Well, the Minimum Wage Board, which will become the Labour Standards Board, is appointed. An independent chairman, Mr. H. D. Renouf, has just been appointed a couple of weeks ago, and also there is a representative recommended to government by Labour and by Management, and both those have been appointed. They are appointed by the Lieutenant-Governor in Council but on the recommendation of employers and employees.

MR. LUSH: This is with respect to the two members, though?

MR. ROUSSEAU: Yes.

MR. LUSH: The Chairman is certainly -

MR. ROUSSEAU: Oh, yes. The Chairman is on my advice -

MR. LUSH: The Chairman is made without any reference to anybody.

MR. ROUSSEAU: - on my recommendation to the Lieutenant-Governor in Council.

MR. LUSH: And the other two members certainly have to be referred or get recommendations from employers and unions and whatever.

Mr. Lush.

The Labour Standards Board, Mr. Speaker, is an important board here for the administration of this act and again I would hope that it will become a good board. The government have the opportunity of making it a good board by making the proper appointments to it. And I would hope that it just does not become a position to pay off some political person. I would hope that it is going to be well administered, and it can be.

MR. ROUSSEAU: Was Mr. Renouf a good appointment?

MR. LUSH: Pardon?

MR. ROUSSEAU: Mr. H. D. Renouf, was he not a good appointment?

MR. LUSH: I have got no quarrels against him, no.

MR. ROUSSEAU: He will be chairman of the new Labour Standards Board.

MR. LUSH: So overall, Mr. Speaker, you know, I do not think there is anything earth shattering at all about this particular bill. It is a combination of a lot of things that are motherhood within labour, but certainly not to condemn it. There are some things there that are made legal, some things, some rights, for example, vacation with pay, that workers need to know that is their right. And even today it is surprising how many letters I get from people wondering whether or not an employer is supposed to pay them vacation pay. Well, it is here now. And let us hope that the minister will do the job so that people will know what their rights are, employers and employees, and that it is written in intelligible language, that people will understand just what their rights are under this particular bill. And this becomes more important than the other one that is coming up, which is massive. And these two bills together written in their present jargon, the workers of this Province have not got a clue.

MR. ROUSSEAU: The minister has a hard time reading it unless it is translated.

MR. LUSH: Right.



MR. LUSH: So there is something that got to be done so that this stuff is put in every day language that all of us can understand, workers can understand it, and everybody else. But as I have said before, there is nothing earth shattering I see there. It is motherhood stuff. But yet there are some things that are important to our people, and I think they should know about them in their own terms.

MR. SPEAKER: The hon.member for LaPoile.

MR. NEARY: Mr. Speaker, one thing for sure, you cannot legislate good labour relations. Good labour relations, Sir, can only be brought about through the right attitude on the part of labour and management. And I do not believe the minister is attempting in this particular bill to legislate in any way, shape or form good labour relations. It can only come about through good will and through the right attitude and that is something that I have been preaching now in this hon. House for the last several years, the need to go right down to kindergarten, right back to kindergarten right on through to university, and to educate our people in to the philosophy and the ideology of good labour-management relations and what the trade union movement is all about, and what management is all about. I am not taking sides at all, Sir. I am just saying that the fault sometimes for a breakdown in labour-management negotiations, a breakdown in communications, the admission of failure on both parts is brought about in most instances through ignorance, ignorance of what labour-management relations and negotiations are all about. And the government itself has been the worst violator of this. The government itself has shown a very, very poor example indeed when it comes to labour-management relations in this Province. Well, it is true, Sir, and we have an example before us at the present time, and we have seen other examples over the past several years where the government itself has shown complete ignorance of what good management-employee relations mean.

Now, Mr. Speaker, it is virtually impossible for the minister, for the government, to bring in legislation covering



Mr. Neary.

every aspect of labour and management relations. Sometimes I wonder if we do not go too far. The Minister of Finance the other day -

MR. ROUSSEAU: That is not this act. That is the next one.

MR. NEARY: No, I know. I realize it is not. Bill 62 really is the one where I am really going to get into the philosophy and the ideology and the spirit of good will that does not seem to exist in this Province. But we are bringing in a piece of legislation here really that is a consolidation of all the other pieces of labour legislation. Some of it is new. Some of it is old.

MR. NEARY: Some of it is a hangover of the labour legislation that was copied from the Saskatchewan labour legislation years ago that seems to have stood the test of time. One time Saskatchewan, when it had an NDP government, was supposed to have the best labour legislation in the whole of Canada, and fortunately the former Premier of this Province and the former Ministers of Labour were wise enough to copy the Saskatchewan legislation. But of course, times have changed and there is need to update some of this legislation. But as the Minister of Finance told us yesterday in his few remarks when we were talking about pensions on Private Members' Day, it is unfortunate indeed, Mr. Speaker, that we have to bring in so much legislation when the workers themselves, when the employees themselves should be doing more to help themselves. I do not know what the percentage of unionized workers is at the present time in this Province. Perhaps the minister could tell me - out of a total work force what percentage are organized, are unionized? It would be a very small percentage. Would it be 50 per cent?

MR. ROUSSEAU: Less than that.

MR. NEARY: Less than 50 per cent?

MR. ROUSSEAU: I would guess 35 per cent.

MR. NEARY: I would say it is roughly around 40 per cent.

MR. ROUSSEAU: Say 35 per cent or 40 per cent.

MR. NEARY: Forty per cent of the workers in this Province probably, or between 35 per cent and 40 per cent. The minister probably can find out for me now because I think that is quite important when we are talking about this Act, because we are bringing in laws and legislation here to do things that the employees should be doing themselves. And I do not understand, Mr. Speaker, why, especially in the white-collar industry - Did the minister find out the percentage?

MR. ROUSSEAU: It is in excess of 35 per cent and you add the Public Service and the teachers, etc., so I would say 40 per cent maybe.

MR. NEARY: Well, that is right. I used the figure of forty - well, maybe slightly less than that, but around 40 per cent of the

MR. NEARY: workers of this Province are unionized, organized into trade unions. Mr. Speaker, it is hard to understand why this percentage is so low, why the workers are not organized because, as the House knows, in unity there is strength. If the workers are unionized they are going to get better working conditions, better hours of work, better pay and so forth, better pensions and so forth and so on. But you have about 60 per cent riding along on the coattails of the 40 per cent who are organized, because the 60 per cent automatically expect to get the same benefits and the same privileges as those who are unionized. And sometimes the employers play the game of giving it to them anyway. I know one fish plant operator in this Province that is not unionized, his plant is not unionized. He watches what the other plants are doing and the moment the union negotiates an increase he will grant the same increase to his employees to keep the union out. And you have the same thing in the retail business, but you have it more so probably in the service station industry - service stations.

MR. ROUSSEAU: And Real St. Marie.

MR. NEARY: I beg your pardon?

MR. ROUSSEAU: And Real St. Marie.

MR. NEARY: And you have it with this company down in Labrador City, this French Canadian company that we have had so much trouble with. They have fought tooth and nail to keep the union out. They have done everything. I suppose they have broken all the rules and all the laws in the book. But in the service industries it is very difficult to get people unionized. And it is rather tragic, in my opinion. It is unfortunate indeed that they do not do more to help themselves and therefore the minister has to bring in this kind of legislation to do -

MR. ROUSSEAU: Some of them are frightened.

MR. NEARY: I beg your pardon?

MR. ROUSSEAU: Some of them have a fear of -

MR. NEARY: There is that fear.

MR. NEARY:

There may be the fact that they do not understand their rights, that they are afraid of the employer; there is still, I suppose, a certain amount of that in this Province, although it has changed to a large degree. But I know in gas stations, we have got gas stations by the hundreds in this Province, and I doubt if one of them is unionized. There may be one or two but I got my doubts. I know years ago when I was active in the trade union movement it used to concern us to no end when we would look at the retail business, service stations, gas stations, gas pump operators, garages, service industries. It was very difficult to organize these people into a union. I remember when I was active in the trade union movement there was a big drive put on to try to organize the retail clerks. And they just could not see the benefit of it. I do not know if they were family affairs or if this was inherent in the retailing business, but it is still the same today, it has not changed. It is very difficult to get the employees in the retail business organized. It is a real problem. And therefore the government has to sort of come in with this kind of legislation to fill that vacuum to do things that the workers should be doing themselves through negotiations with their employers. And in a lot of cases the legislation is merely a hit and miss affair. It may be good and it may be bad. It may be right and it may be wrong. The minimum wage has always been a subject of controversy, whether you are going too far or whether you have not gone far enough. The government and the minister are always riding the razor's edge when it comes to the minimum wage. And we still have not resolved that problem.

A lot of these clauses in the new bill are new. One that I notice there that I would like to ask the minister to give us some comment on is Section 15, other than in an essential undertaking, reference Section 18, an employer shall not require an employee to work on a public holiday. Now this raises the whole

Mr. Neary:

question that we had a few years ago of an employee in the Department of Highways who because of his religious beliefs refused to work on a Sunday, and the Department of Highways fired that particular gentleman. So I would like to ask the minister now if this will -

MR. ROUSSEAU: No, we did not.

MR. NEARY: I beg your pardon?

MR. ROUSSEAU: No, no.

MR. NEARY: The man was fired, Sir, and then later a grievance was made and there was quite a fuss kicked up around the Province, and the man was reinstated.

MR. ROUSSEAU: But there were certain, you know, options that he had, you know.

MR. NEARY: I do not know what other options the man had, he was fired. He was told his services were no longer required, and later he was reinstated. He appealed the case, made a grievance, I think, and appealed it, and, you know, will Section 15 or will Section 16 or Section 17, which are all new sections, I would like to know if they will cover this kind of situation, where a man because of his religious beliefs refused to work on a holy day or a holiday or on a Sunday or on special holidays will he be protected under this new Act?

And in connection with Section 19, Sir, which is again a new section, and the minister is gone out of the House now so maybe I could just sort of while away my time here while I am waiting for the minister to come back. Yes, the minister is coming back - under Section 19, which is a new section, in order to qualify for pay on a public holiday he must have been employed for at least thirty days before the holiday, not being absent for more than fifteen days during the previous thirty days. Well, the standard procedure in all union contracts that I have seen is that in order to qualify for a statutory holiday, a public holiday you must have worked the day before and the day after, and I think that is a pretty fair proposition.



Mr. Neary:

I wonder if the minister would consider\_ I do not know during the Committee meeting or not or maybe at a later date\_ consider making that in order to qualify for the public holiday, the statutory holiday, as my hon. friend sitting in the gallery knows when he was a member of my union, that if you worked the day before or the day after you qualified to be paid for the public holiday or the statutory holiday whatever the case may be.

MR. ROUSSEAU: Then if a person goes to work for one day, and then the next day? Normally it has been thirty days, you know. \_\_\_\_\_

MR. NEARY: Anyway, that is something worth thinking about because that is the standard procedure today, Sir. And, Mr. Speaker, Section 23, that eight consecutive hours off work must be given every employee in each twenty-four hour period of employment, I would like to ask the - where has the minister gone now? The minister is running around like a jack-rabbit. Where is the minister now, is he hid under any of the desks?

CAPT. WINSOR: He is outside getting a coffee.

MR. PECKFORD: He is listening.

MR. NEARY: Well, if the minister is listening I wonder if the minister could tell us if Section 23 is going to conflict in any way with existing working agreements, existing contracts? That is the part dealing with eight consecutive hours off work must be given every employee in each twenty-four hour period of employment. This is new. Will that conflict in any way with existing contracts or agreements and if it does will the agreement supersede?

MR. ROUSSEAU: Yes.

MR. NEARY: The agreement, the contract will supersede this legislation.

MR. ROUSSEAU: Well Section 4 says that nothing in this legislation will prevent any employee from receiving terms and conditions more favourable than those set out. These are just minimum standards.

MR. NEARY: Okay, that is fine, Sir, as long as it does not conflict with existing agreements or contracts it is probably alright. This act makes it illegal to stipulate where an employee may spend his wages. I think that is a pretty good move. I wonder has there been very much of that in the past? I thought we had gotten away from that now in this Province, of the merchant having control over the -

MR. DOODY: It was pretty common at one time.

MR. NEARY: It was common at one time. But the minister might

MR. NEARY: tell us if there is very much of it going on now - where you were subservient to your employer, where he had you right across a barrel, where he would give you credit and you never knew where you stood with him. And when you would go in to get your cheque he would probably give you a plug of tobacco and a bit of molasses and a bag of hardbread and that was your payment.

Well this eliminates -

AN HON MEMBER: Tory times.

MR. NEARY: Well, not Tory times are hard times. We are getting back to that again, I believe. I imagine this will eliminate that sort of thing if there is any of it going on now. And I imagine there is some of it going on probably in the rural, in the isolated areas, in certain parts of Labrador and Newfoundland, I imagine that the merchant prince concept still exists and this is a good way to get rid of it, a good way to eliminate that sort of nonsense of making the worker subservient, a slave to the employer. And I am glad to see that clause in there, perhaps the minister can tell us if there are very many examples of that now in this Province.

Section 44 - Children under 16 years of age shall not be employed in unwholesome or dangerous occupations. These are rather broad and vague terms.

MR. ROUSSEAU: The Labour Standards Tribunal would, in any difference of opinion, the Labour Standards Tribunal -

MR. NEARY: The Labour Standards Tribunal will probably have to spend many a restless night trying to sort that one out. And then, of course, they cannot be employed - children under sixteen years of age cannot be employed without the consent of their parents. That is a good idea. I commend the minister for putting that in there. And then apart from these few observations, Sir, I do not see too much wrong with the bill. It is a merely a consolidation of all the other labour bills that we have in this

MR. NEARY: Province. There are some new features to it. Now the most important part of this new legislation is the Labour Tribunal and I am afraid that like a good many other members of this House, I am not really, and maybe I should be, but I am not familiar of how a Labour Tribunal operates. Perhaps the minister could take a few moments in closing the debate on second reading just to stipulate and be a little specific on how the Labour Standards

MR. NEARY: Tribunal will operate. For instance, will it take the place of a labour court? I am all for - myself, by the way - I am all for a labour court in this Province because I do not think, Sir, that labour/management problems should be brought down before the regular courts of this Province, because you are dealing with people in most cases who do not understand - first of all they do not understand the philosophy of labour relations, they do not understand the labour legislation. I doubt, Mr. Speaker, if there is one lawyer in this Province who has made a study of labour legislation.

MR. ROUSSEAU: Bill Wells, I would think.

MR. NEARY: Bill Wells! Sir, if Mr. Wells has made a study in labour legislation I would say, Sir, that he certainly did not show it during the illegal strike between Iron Ore Company of Canada and their employees when he went down in court and made the most irresponsible, obnoxious statements, provoking people, workers, that I ever heard in my life. And if that is the kind of labour lawyers we have in this Province I say God help us. The man should have been barred! Not only were they irresponsible and obnoxious but they were untrue and they were proven to be untrue, where the gentleman went down and painted a picture of a whole community being on the rampage, out in a drunken stupor, burning and tearing everything apart in Labrador City. Is that the kind of labour lawyers we are developing in this Province? All that man would do is cause trouble. I lashed out at him. I have not heard a peep out of him since. I do not know if the employers now have dropped him - will not touch him with a barge pole, and I do not blame them - because all that kind of injection into negotiations and into disputes, all that does, Sir, is cause more trouble. That gentleman would start the Third World War if you left him alone. But, Mr. Speaker, there are really - and we should encourage more lawyers to study the labour legislation in this Province. Somehow or other they have not picked it up. Maybe there is not as much money in it as there is in downtown processing real estate business, drawing up first and second mortgages and conveyances. There may not be as much money in it. But I



MR. NEARY: believe, Sir, there is a good living in it for a few lawyers and I would like to see a few of our younger types, our young men that are coming out of law school, specialize in labour law. The Minister of Justice knows that there is not a man in this Province that you can point your finger to and say that he has specialized in labour law.

AN HON. MEMBER: Leo Barry has.

MR. NEARY: Leo Barry, Sir, has not specialized in labour law, although Leo Barry was appointed to the Labour Relations Board and it was probably a good appointment.

The only man that I remember during my association with the trade union movement that started off working practically tooth and nail for the trade union movement was Frank Ryan. Frank Ryan started out to be a good labour lawyer -

MR. DOODY: He has come a long way since.

MR. NEARY: - but then he got off the track. During the IWA dispute he went over and became a part of management, went to work for Price (Nfld.), which was the AND Company at the time, and is now being retained, and I would not be a bit surprised but a member of the Board of Directors of Price (Nfld.)

MR. SMALLWOOD: He is on the Board. He is Chairman of the Board now I think.

MR. NEARY: Chairman of the Board. Well, I mean he is a very -

MR. SMALLWOOD: - very able fellow.

MR. NEARY: - very able man, and I must say I have nothing but the greatest respect for him. The unfortunate part about it is that he did not continue his career as a labour lawyer and I was disappointed over that.

But there is a great future in this Province, and I believe the minister will agree, there is a great future for young men who are starting out practicing law.

MR. ROUSSEAU: Let you and I form a consultant firm?

MR. NEARY: Well I tell you, I often thought about it, I often thought about it because the whole thing is lopsided in this Province. Employers, management, the ones with the most money dominate the scene now and will usually win, and maybe that is one of the reasons why so many workers have been discouraged from getting organized. Because even under this legislation-as good as it is, or as bad as it is-there are a lot of times when you have long-drawn-out legal wrangles, like the one up at the Battery Motel.

I think it was probably the only unfair labour practice that we have had in this Province that was brought before court in recent times. I do not know if there has been any since.

MR. ROUSSEAU: Quite a few.

MR. NEARY: There have been some since. But what they do, they fire everybody, They fire the employees, who then have to go down and get a lawyer, and they have to go into court, and nine chances out of ten they are just poor, ordinary workers who do not have the money to pay expensive lawyers, and they do not have the time, and they are looking around for jobs, and they are tormented on how they are going to keep their family, keep the roof over their head, keep a bit of food on the table while the thing is being dragged out before the courts, and sometimes it takes a year, a year and a half, two years before you can get an unfair labour practice charge completed. Well, the procedure is too long drawn out.

MR. DOODY: They have got a union at CJON.

MR. NEARY: They have got a union at CJON, yes. I do not know if the newsmen got a union or not, but they have NABET, is it? But the procedure is -

MR. ROUSSEAU: In 1976 we had eleven employers prosecuted, we had sixteen charges laid, and we had fourteen convictions.

MR. NEARY: Fourteen convictions. That is not too bad, Sir.

MR. ROUSSEAU: Out of sixteen charges.

MR. NEARY: Well, that is very good. I am glad to hear that.

At least the employees are becoming more aware now of their rights and they are using the Act more than they were before. But there is still that fear and that threat from the employers who, if they are anti-labour, you know, they will find some way to put the boots to the employees. Now I do not know if this Labour Standards Tribunal can help in that situation or not. I would prefer myself to see a labour court in this Province, and in this regard -

MR. ROUSSEAU: I had enough trouble getting the Tribunal.

MR. NEARY: The minister had as much trouble now getting that Tribunal through Cabinet where he was dealing with the ultra-Conservatives -

MR. ROUSSEAU: No, no, no, But, you know, when you take away the jurisdiction of the courts people are naturally, you know, which -

MR. NEARY: But you are not taking away the jurisdiction of the court because you can appeal here to the district court.

MR. ROUSSEAU: But still they are replacing to some extent the courts, you know, Magistrate Court.

DR. FARRELL: The minister has no problem in this Communist Cabinet.

MR. NEARY: You know, the minister had as much trouble I would say getting some of this legislation through as I used to have trying to get reforms in Social Services, when I was Minister of Social Services. I can point my finger at the ultra-Conservatives who would object to any legislation that would lean a little bit towards the ordinary person, towards the ordinary worker of this Province. I could go up and down the ranks and I could point my finger at the ultra-Conservatives, And the minister is not one of them, I can tell the minister that. I can tell the minister who some of them are.

But I would like to know more about this Labour Standards Tribunal. I think it is very important. It is a major step. As I say, I would have liked to see a labour court myself to remove - because now, I mean, you know, if you are not satisfied with the decisions of

Mr. Neary:

the Labour Standards Tribunal your only recourse is to appeal to the District Court, and I presume you can go on from there to the Supreme Court. So really it is just another obstruction. It would be better to go straight into a labour court right off the bat, and then probably if you did that you would not have men like Len Lake down serving ten days on the Salmonier Line today if you had a labour court or even probably if you had the Labour Standards Tribunal set up.

Because with the District Court and the Supreme Court, everything has to be either black or white. And in a Labour Court I think the philosophy, the ideology, the reasoning it, the frustrations, the human element will be taken into account. So anyway it is a good first step. I am all for it. As I say, if I had my way we would go straight to a labour court in this Province. But this will do nothing, as I said in my opening remarks, this will do nothing to improve labour-management relations in this Province. It will give a bit of protection to the workers who are unprotected, who are not organized into a trade union movement at the present time. Sometimes I wonder if we bring in too much legislation if these workers will ever get organized. They will say, all you have to do if you want to get an increase in your



Mr. Neary.

minimum wage, if you want to get more holidays, if you want to get more time off, if you want this and you want that, is go to the government and get a piece of legislation brought in. This has always been a fear in the backs of the minds of those who run the trade union movement across this country, that sometimes you can overdo the legislation, and sometimes it is labour's own fault because they clamour for improved legislation when they know that the workers themselves are really the ones to blame. They have not done anything to help themselves, and they look to the government sometimes for too much when they should actually be out getting organized and trying to do things to help themselves. So the only thing really, Sir, that I would like for the minister to help me out a bit on is the Labour Standards Tribunal, tell us how it is going to work. I presume that labour and management will have input into it. They will be able to make recommendations of who will be appointed, representing labour the same as the Labour Relations Board, and management will be able to make recommendations and the minister will appoint the chairman. And then what happens to people like Mr. Renouf of the Minimum Wage Board? Will they be absorbed into the Labour Standards Tribunal in some way or other? Will they be dropped? Will all the members of the other boards that are in existence, the Apprenticeship Board, I presume - what other boards? - there is the Minimum Wage Board -

MR. ROUSSEAU: The Minimum Wage Board is the only one.

That will become the Labour Standards Board, Mr. Renouf and the two gentlemen who now serve .

MR. NEARY: Yes, but the Labour Relations Board, that will come under the other act?

MR. ROUSSEAU: Under the other act.

MR. NEARY: The new act, right.

MR. ROUSSEAU: And the Labour Standards Tribunal and the board.

MR. NEARY: So there are only two boards to be absorbed into the -



MR. ROUSSEAU: The board and the tribunal, the Labour Standards Board which will come from the Minimum Wage Board.

MR. NEARY: And will these be permanent employees? Will the chairman and the two members be permanent employees or will they be paid a salary or paid by the meeting?

MR. ROUSSEAU: Paid per diem unless the Labour Standards Tribunal becomes, you know -

MR. NEARY: Unless the work load becomes so heavy that they have to be employed on a permanent basis. Well, I would like for the minister to enlighten us, you know, give us some more details on the Labour Tribunal Standards Board.

MR. SPEAKER: The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Mr. Speaker, I just want to have a few words to say on this particular piece of legislation. I think on the whole it is a good piece of legislation in that it consolidates into one effort a number of major pieces of legislation that are presently on the statute books today, Vacation with Pay Act and things of that nature. And also, of course, like I said it does that and puts it all together in one package and also there are some new provisions in this act that I think are worth-while. But having said that, Mr. Speaker, the thing that really amazes me, to speak for a few minutes on the principle of the bill, the thing that really amazes me is the bill. The title of the bill is, "An Act To Provide Uniform Minimum Standards Of Conditions Of Employment In The Province." Notice the title, Mr. Speaker - To Provide Uniform Minimum Standards Of Conditions Of Employment In The Province. Should we not be considering when we are looking at labour legislation in 1977 minimum standards of health as it applies to labour in this Province, as it applies to employment in this Province, as it applies to the job, I suppose,

MR. RIDEOUT: simply put. I do not see anything, Mr. Speaker, in the piece of legislation we are considering today talking about health standards as it relates to employment. And I believe that we have enough information before us, Mr. Speaker, to be able in 1977 to legislate minimum standards of health in this Province as it relates to employment. And I am very disappointed in that respect in that the Bill does not go into that particular aspect of employment whatsoever. We, Mr. Speaker, in this Province today have enough information before us, enough facts before us that we know beyond any doubt that certain areas, certain types of employment in this Province or in any province across the country, are hazardous to health. Now when are we going to introduce and legislate by law strict standards of health conditions in the work place? We have not done it. It is not in this particular Bill. When are we going to legislate by law strict standards of threshold limit values with regard to dust exposure, for example, in our mining operations? We do not have to wait, Mr. Speaker, for any more studies to tell us that these things are absolutely harmful to health. We do not have to wait for that at all. That has been before the unions for years, it has been before governments for years, and yet we have not incorporated that into this particular piece of legislation. While I say again that the legislation is good in many respects, it certainly, Mr. Speaker, falls short of what we would expect labour legislation to contain in 1977 - uniform minimum standards of conditions of employment - and there is no mention whatsoever of health conditions, of environmental conditions in the work place. Mr. Speaker, it is only half a job at what is one of the most important issues facing the working men in this Province today. What about legislating threshold limit values for Advocate Mines operation in Baie Verte? They are doing it voluntarily, they are trying to control it voluntarily, But if they do not want to do that and if there is no pressure from the union, there is no legislative pressure from this House, there is no legislative pressure from this government, then how long can we expect those operations to be good citizens and to do voluntarily what they should

MR. RIDEOUT: be forced to do by legislation? And in that respect I am very disappointed, and especially coming from the minister whose name stands on this Bill, a minister who knows as well as I do what is facing his people in Labrador City and Wabush and in other parts of the Province. I am very disappointed that when we are talking about uniform minimum standards of employment that there is no consideration whatsoever - and I think this is the proper place to put it - there is no consideration whatsoever given to uniform standards of health in the work place, the environmental conditions that the workers in this Province have to face in practically all our mining operations. There is no consideration whatsoever given to it. I am disappointed in that and I would hope the minister would take a few minutes when he speaks to close the debate to explain his action, or lack of action, in this particular case. Why is there not something in here legislating threshold limit values? We do not have to wait any longer. We know what the facts are. We know that the Americans are talking about 2.5 fibres per cubic centimeter in the States of asbestos content in the ambient air. We do not have that legislated in this Province. Why do we not have it legislated? I do not know what the tolerance level recommended for Labrador's operations is, but whatever it is why is it not legislated? How long do we expect the companies to be good citizens and try to keep their contamination down to the accepted tolerance level voluntarily? We cannot expect that to go on forever, Mr. Speaker. And I would suggest that if we did not have the pressures of the unions - and I think the government is abrogating its authority. They are depending on the union to keep pressure on those companies to do the monitoring and so on, to keep the dust levels down which it should not be. There should be strict standards of operation, strict standards of environmental control in those operations. And that is as much, I would submit to this House, Mr. Speaker, that is as much part of the uniform standards of condition of employment in this Province as are minimum wages or

MR. RIDEOUT:

vacation pay or anything else. It is part of the work life, it is part of the work world, and we have chosen to neglect it and neglect it again in a brand new bill consolidating all the things related to uniform conditions of employment in this Province. So I am very disappointed in that respect.

Now I want to mention a couple of other points, Mr. Speaker. One is what I consider to be unfair labour practices in the Province of Newfoundland and Labrador. And I am sorry to say, Mr. Speaker, that that unfair labour practice is carried out by a department of the government, and I am referring to the Department of Transportation and Communications. The Department of Transportation and Communications, I have been told - and many people have told me that they have experienced it - hire apprentices fresh out of the trade schools, out of the vocational schools, and they will put them to work - let us take heavy duty mechanics as an example - they will put them to work as heavy duty mechanics in their highway depots, and they will keep them on, Mr. Speaker, for four years, and every year those apprentices will come into St. John's to the Tech. College for their apprenticeship training. And the day before they get their journeyman's, they are let go.

Now, Mr. Speaker, that must be unfair labour practice. The day before they get their journeyman's certificate and, therefore, are entitled to be full-fledged mechanics, become members of the union and they get their seniority and have their job tenure, they are let go. Why? Mr. Speaker, is there any wonder we can look around this Province and find highway equipment broken down, because, you know, what is happening! They do not hold on to those people long enough. As soon as they become skilled they let them go and they bring in a fresh crop again. Now I am not against



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the training of apprentices. But, my Heavens, what other company - I do not know of any company in the Province or anywhere in Canada who does that type of a thing, signs up five or six apprentices so that they can go through the four year training period and just before the Department of Labour issues their journeyman's, they let them go.

Now I would submit, Mr. Speaker, to this House that this is certainly unfair labour practice, unfair labour practice practiced by the government, the people who should be - I suppose we could make an argument - the people who should be showing the example. The bright light of labour in the Province, fair labour conditions should be the government, and they are not doing it. And I think it is time for the minister who is responsible for labour in this Province to get after his colleagues, the Minister of Transportation and Communications, and find out what is going on in that minister's department especially as it relates to the training of apprentices. I have had young people who finished up their journeymen's here this year working at the highways depot in Baie Verte. Just before they got their journeyman's certificate - That is it, you are laid off now and we will hire on some more apprentices who will be coming out of school now in another few weeks. I think that is wrong, Mr. Speaker. It is morally wrong. I think it is constitutionally wrong. It is certainly unfair labour practice, and I do not expect the present Minister of Manpower and Labour to tolerate that type of situation. If they are let go for reason for incompetence or something of that nature well that is fine, and there is a union procedure, grievance procedure to take care of it. But to be let go for no other reason and that they qualified themselves to whatever the qualifications called for is wrong. It is morally wrong. And not only that, but like I just said a few minutes ago, you end up with a fresh crop of apprentices coming in now out of the trade school in another week or so, and they got to learn the trade all over again. They have got to learn the



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machinery. They have got to learn the situation. And Highways will not have a grader to put on the Fleur de Lys road or the Seal Cove road because the motor will be gone, and they got to tinker around to learn how to rebuild it. Now I do not think that that is fair to the people. I do not think it is fair to those people who have spent their four years working with them.

Now, Mr. Speaker, there are a couple of provisions in the act itself that I would want to mention, and one is this Labour Tribunal that has been referring to by a couple of other members. I think the concept of a Labour Tribunal is a good one, but like many other members in the House I do not know how it will work, and I would hope that the minister could go into more detail in explaining how it is supposed to operate, how it is supposed to function rather than just the bear legalities or legal jargon that is outlined in the act. I would hope that the minister would do that before he closes the debate. So, Mr. Speaker, these are the points that I would like the minister to refer to when he gets a chance.

MR. SPEAKER: The hon. minister.

MR. PECKFORD: Mr. Speaker, I did not intend to get into this debate. I just want to clarify one thing that the hon. gentleman from Baie Verte - White Bay said about health and safety and so on and how right

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now in the Province we do not have legislation establishing standards. Whilst that is a valid point that he makes, that it is not written into statute, it should be recognized, and undoubtedly the hon. member does recognize as do other informed people in the industry in the Province, that we insist upon the ACGIH standards, that is, the American Conference of Government and Industrial Hygienist, whose standards we use and the companies in the Province are abiding by, if you will, or are adopting or accepting those standards as being the standards that should be used in the various industries in Baie Verte, in IOC in Wabush and Labrador City, for example. And as a matter of fact, for the record, in many cases the radiation levels that we use are higher, the standards are higher than are being used in the United States. This is an established fact that I just checked out a few minutes ago.

AN HON. MEMBER: Through the Health Department.

MR. PECKFORD: Yes, are higher than the ones being used in the United States. And this is a fact.

So whilst on one hand the hon. member is completely valid in the fact that we do not got it written in statute, nevertheless the standards being used are those that are recognized by experts in the field as being the standards necessary to ensure, under present information available, a safe environment for individuals, and undoubtedly that standard will continue to increase as additional information and knowledge becomes available which will dictate the higher standards to ensure even a higher degree of safety for the health of workers in such industries.

Finally, Mr. Speaker, the Department of Mines and Energy are in the process of putting those standards in regulations so that they become mandatory, even though by doing it it will not change anything because the companies are already abiding by or accepting those standards. But it will give the kind of thing that the hon. gentleman obviously is talking about, that they are mandatory

Mr. Peckford:

and if a company does come in then these will have to be the standards, and nothing less will be accepted.

AN HON. MEMBER: Who will place the regulations?

MR. PECKFORD: If the regulations go through, I guess it is the- I do not know if it is the Mines Inspection or Mines and Quarries or Lands and Mines, one of those.

AN HON. MEMBER: Mines inspection.

MR. PECKFORD: Yes, right.

So we are now making sure that they go in regulation in any case. So it is there, albeit the companies now in the Province are abiding by the regulations. And, as I said, the radiation levels, I just checked on it a few minutes ago, are higher than the ones now being used in the United States and many parts of Canada. That is to say we are doing any great shakes; they might need to be higher. Because the United States or the Mainland of Canada or the industries there do not see fit to do it, there is no reason why we have got to just go by what they say. If we can scientifically conclude that they need to be higher than what is in the United States, well let us go ahead and do it, if it is logic right and proper, and so we should, and, you know, hopefully we have enough independence of mind to decide on those kinds of matters based on information and knowledgeable people in the field at the University, and in government itself.

But I thought I would point that out for the benefit of hon. members, and I heartily agree with the remarks made by the hon. member for Baie Verte-White Bay (Mr. Rideout) in the sense that they should be put into law or regulations so that there is no doubt about it.

MR. SPEAKER (MR. YOUNG): The hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, I have very few comments to make on this bill. I would prefer to leave most of the comments that I

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have with regards to labour legislation in this Province to the next bill that I assume is coming in, An Act Respecting Labour Relations. I accept the theory that this is actually a consolidation of existing labour standards or standards of employment in the Province.

But it can be said, I have to follow the line of my hon. friend for White Bay for a minute in reply to the minister that there is no question - well there is obviously no mention in this bill of the Workmen's Compensation Board. And if there is an arm of government in this Province today that needs legislation, that needs to be overhauled and looked at in light of the 1970's it is the Workmen's Compensation Board.

And getting back to industrial diseases, Mr. Speaker, it is not only the disease itself or the industrial accident itself that we need to upgrade the standards, the working conditions of the men to avoid those kind of accidents or industrial diseases but we need to take a look at how we are treating our people after they have indeed contacted industrial diseases, after indeed they have lost an arm or a leg in an industrial accident.

And I believe that the Workmen's Compensation today, and I know that I have ruffled the feathers of some members of that Compensation

MR. FLIGHT: Board by statements I have made both in this House and outside, I believe that they are operating under archaic rules. I think it is time to look at what we are doing to our employees and to so direct the Workmen's Compensation Board to update the legislation and update it with an eye to taking care of the people in this Province who decide to become miners and work in areas where there is danger of industrial diseases or where they are more prone to have accidents that will render them immobile or risking limb and life. And, Mr. Speaker, the Workmen's Compensation Board is not operating today in a way that would recognize the risk that these people are taking and a way that would compensate them for the losses that some of their numbers will suffer over the years. It does not matter how good the labour relations or labour standards or safety levels that we introduce, we legislate. We can legislate all the safety standards that we can dream of and somebody out of a work force of 500 underground is going to lose an arm or a leg or a loss of limb and we should recognize that fact and we should have legislation covering Workmen's Compensation Board that recognize that fact and compensates them on an equitable basis based on what they were earning, the contribution they were making. So that is enough of that. We will get into that, I presume, a little later on.

Mr. Speaker, I believe that there are two class of workmen in this Province, two groups, the unionized and the non-unionized. And I would suggest to the minister that most of the things covered in this bill, the unionized people in this Province do not need.

They are well aware, they have expertise - most of them, the bigger labour unions have expertise, legal expertise; they have labour lawyers at their beck and call, they have got international representatives that understand when something is wrong. The people that this will benefit most are the non-unionized and



MR. FLIGHT: I would like to hear - maybe the minister could indicate just what is the percentage of our total work force who are non-unionized in this Province.

MR. ROUSSEAU: About sixty per cent.

MR. FLIGHT: About sixty per cent, so we are dealing with legislation that protects the right of about sixty per cent of our work force. And I again suggest to the minister that the people being represented in this Province by NAPE, by the United Steelworkers of America, by the International Carpenters and Joiners, by all the multinationals or international unions \_

MR. PECKFORD: So we have multinational unions now.

MR. FLIGHT: International

MR. PECKFORD: What about multinational corporations.

MR. FLIGHT: International, I meant. There may be.

MR. PECKFORD: The same thing.

MR. FLIGHT: Right. The people being represented by international unions, this stuff is small potatoes to them because they have got the wherewithal to protect their employees against the type of thing that the minister is legislating against here. And so what is so very important about this piece of legislation is that the minister would guarantee the House that the people whom it is designed to protect are aware of what their rights are under this legislation. You know, you take some small restaurant in some community which has five employees. Number one, the standard of education on the whole may not be such as to understand that.

MR. ROUSSEAU: I find it hard to understand myself.

MR. FLIGHT: Right, the minister himself and a good many others. So that is the important point, Mr. Speaker, that this bill be so publicized so that the rights built into it, the protection for the worker built into it, the worker is made aware because we have sixty per cent of the people in this Province, the working people of this Province, who need this type of protection that we are seeing here. And unless they are aware of it and unless the

MR. FLIGHT: employer is aware of it it will be of no benefit to a great deal of them. So, Mr. Speaker, the Tribunal: I can see, I agree with the member for LaPoile on a Labour Tribunal as opposed to our regular courts in this Province today. We have cases today where a wildcat strike is called, Mr. Speaker, now the officers of a union in a wildcat strike, the only way I can see that they get away from being accused of abetting and aiding that wildcat is to leave the country, because if they continue to live in the town where the wildcat is going on they are open to phone calls, they have got to walk down the street, if they are seen

MR. FLIGHT: talking to another union member, some overzealous company can decide and say, 'We will make an issue of this - we will show those guys.' And the guy finds himself with a three month suspension waiting for a Supreme Court judge to decide whether or not he abetted the wildcat strike, whether he was in contempt of court, whether he will go to jail or whether he will lose his job. And the minister knows well that I am talking about a specific situation right in this Province right now -

MR. ROUSSEAU: Grand Falls.

MR. FLIGHT: - in Grand Falls. And a labour tribunal who - the member for LaPoile (Mr. Neary) said that with a justice in our courts is black and white. You know, how does a president of a union which has pulled a wildcat strike totally disclaim any - how does he prove that he has nothing to do with it, that he is not aiding or abetting it? And presumably that a labour tribunal would take into consideration all the aspects, all the facts that the man had to move amongst his fellow workers, that he had to go to the picket line and advise them that the union was not supporting it. But we have companies and we have boards of directors in this Province that do not accept that and they will use the courts and they are using the courts. And I agree with the member for LaPoile that Mr. Lake might not be serving ten days right now if he were judged by a labour tribunal who looked at all the aspects of all that is involved.

We have a president of a union in Grand Falls that at this stage right now has been dismissed from his job pending the outcome of an arbitration case.

Mr. Speaker, I do not know if there is any way that we can legislate. Another hon. member mentioned this fact, that we have graduates coming out of our vocational schools every day and they are running into a situation where they cannot get jobs, and they cannot get them because they have to have experience. And I do not know if it would be possible to legislate that 'Look, if you need a carpenter and we have a kid coming out of university we have just spent X number of dollars on, who has been

MR. FLIGHT: into it two years, you hire him'.

MR. ROUSSEAU: Or a teacher.

MR. FLIGHT: Or a teacher? Well, not so much a teacher as a trade school graduate.

MR. ROUSSEAU: But the same principle applies, and they have the same problem of, you know, We cannot hire you because you do not have experience.

MR. FLIGHT: The same principle applies, Mr. Speaker, but a teacher - any person going into the teaching trade in Newfoundland today probably has two or three degrees, and if he runs into a situation that he cannot get a job in teaching he might well be able to come up with another job. But we are running into situations where we have graduates coming out carpenters - two years, three years or whatever it takes to get their diploma in carpentry or plumbing or any of the trades, and they are going out to employers who need these types of skills.

MR. ROUSSEAU: I agree with you. I am just trying to say it is wider than just trade school, you know.

MR. FLIGHT: Right. And they are going to companies who need this type of employee, who need carpenters, and who say, 'Sorry, no job - you do not have any experience.' Now where does the kid get the experience? So he ends up truck driving after the Province has put \$20,000 maybe over a period of two or three years into his education making a plumber out of him. And I do not know if it is possible to bring in legislation that would put some pressure, put some onus on the employer to hire these people.

MR. ROUSSEAU: It would be difficult.

MR. FLIGHT: And if they did not work out, fire them. But our young people are not getting a chance. They are not getting a chance to prove whether our vocational schools are working or not because they are not getting a chance to use the trades and to use the experience and the things that they were taught and learned in our trade schools. And, Mr. Speaker, I think that the House of Assembly should take more responsibility towards providing those people with jobs.

MR. FLIGHT: So that is about the extent, Mr. Speaker, of the few points I wanted to raise.

There was one other point - it is too bad that this Bill cannot be made retroactive because we have seen some gross injustices in this Province this year with regard to unpaid wages, vacation pay, this type of thing. I was very much involved when a company went bankrupt in this Province which owed their employees, about a couple of hundred of them, back wages. All of the assets were frozen by a receiver and it took six months practically to get the wages for these people. Their vacation pay has still not been paid. But the assets were there. The Bank of Montreal - The Royal Bank was collecting all the debts and piling it into an account that would be paid to creditors.



Mr. Flight:

And now we get a bill saying, if I understand this bill right, saying that the employee will have the first right. Too bad we cannot make it retroactive because there would be people in this Province today who would be facing court charges, Maybe we could go to the bank account and take out the money that has been accumulated there now on behalf of the creditors. The Province themselves, the government themselves -

MR. ROUSSEAU: The old saying is, It is not the mistakes that you make it is the ones that you repeat. So, you know, at some point in time you have got to rectify it, and it has been rectified, you know.

MR. FLIGHT: Mr. Speaker, this is going to sound a little bit critical or partisan, but we went through a debate here - I remember when we were talking about severance pay and lost time wages and back pay and vacation pay for the Come By Chance workers, and that was a year ago - and the company I am talking about who was contracted for this government and for creatures of this government, town councils, only happened four or five months ago. So how many times do we have to get burned before we learn?

MR. DOODY: Come By Chance (inaudible) there was no obligation.

MR. FLIGHT: I know it was voluntary, but at least Come By Chance bought in to prespective what is happening out there, what is happening in our work force. So, Mr. Speaker, I know people right now who are sitting waiting for vacation pay they will never get which they would have gotten if this bill had been in. So why should we not make it retroactive?

And I would like for the minister to point out what does this unpaid wages account mean? I am having difficulty figuring out just what that unpaid wages account is going to accomplish.

So all in all, Mr. Speaker, one could go on, I suppose, on and on. However I have to concede that this is obviously a vast improvement on what we have had. I think the

Mr. Flight:

most important thing in it, I believe, is that if we had some way of knowing how many people in this Province today are sitting back having earned wages from companies that went bankrupt and were not paid and will never be paid, and no provision made because other creditors had the first grab, so as to speak, the wage earners were considered last on the list and unless they could go and get some lawyers and file mechanics liens or what have you they did not have a chance. Now maybe that is one of the injustices that this bill will correct.

So all in all this bill is certainly an improvement on what we have had, and that is about all I will say on the bill at this stage.

MR. SPEAKER (MR. J. WINSOR): If the minister speaks now he will close the debate.

MR. ROUSSEAU: By the way, Mr. Speaker -

MR. SPEAKER: (MR. J. WINSOR): I will recognize the hon. member for St. George's.

MR. ROUSSEAU: Oh, I am sorry.

MRS. MACISAAC: Thank you, Mr. Speaker.

I just want to make a couple of points on this, Mr. Speaker. I am mainly concerned about the employees who are not unionized. To refer to Paragraph 9, and go back to what the hon. member for Terra Nova (Mr. Lush) mentioned, "No payment is required to be made by an employer under this section unless the employee has been employed by the employer for five consecutive work days or more," This is vacation pay. Five consecutive work days or more. I understand that to mean if you work for only four days and then your employment is terminated you do not receive vacation pay, which seems fairly reasonable. But I have discussed it with the hon. member for Terra Nova, and I see this the same way he does now that with respect to, say, casual workers or workers who - for instance, in St. George's we have the Flinkote boats coming in, and we have people working with Flinkote loading boats maybe for three days this week, maybe next week they may get called back for another three days,

Mrs. MacIsaac:

and this goes on and on where they are not full-time employees, but they may work every week for three or four days; and the way that is paragraph reads, this means that they would not qualify for vacation pay because this reads five consecutive days. Now while they may not work, as I said, for five consecutive days they may work three days one week and four days the next week and they are almost full-time employees.

MR. ROUSSEAU: That is the spirit of it, you know, when there is work available.

MRS. MACISAAC: Right, when there is work available.

MR. ROUSSEAU: In a specific situation, like you give, where the boats are coming in and there is no work tomorrow, you know, every second day a boat is in then that is five consecutive days in a ten day interval, as long as he works on a day there is work, you know.

MRS. MACISAAC: Yes.

MR. ROUSSEAU: I will explain it when I get up.

MRS. MACISAAC: That is five consecutive days; three days this week, maybe Tuesday, Wednesday and Thursday, and then the following

Mrs. MacIsaac:

week we may work Monday, Tuesday and Wednesday.

MR. PECKFORD: That is five days.

MRS. MACISAAC: That is considered five consecutive days, -

MR. ROUSSEAU: Yes.

MRS. MACISAAC: - even with the break.

AN HON. MEMBER: Even with the break.

MR. ROUSSEAU: I will explain it to you when I get up anyway.

MRS. MACISAAC: Fine.

MR. ROUSSEAU: It is a good point.

MRS. MACISAAC: That was one point I am concerned about, and the fish plant workers.

Again to get back to people who are not unionized, We have incidents where employees are hired and probably a week or so before the time rolls around for them to be unionized they get their notice of dismissal or termination - a shortage of work. This is fine if this is a shortage of work. But it appears to me that the companies, or some companies are using this to keep employees from becoming unionized, because maybe a week or so later they will hire other employees, They will not call back the employee that they laid off a week or so before, they will hire other employees. And this to me is an unfair labour practice. I would like for the minister to speak on this when he stands.

We also have people who work in - maybe small service stations would be a good example - working in small service stations and getting paid X number of dollars per month. Now they are not unionized; naturally if they were they would have some protection. But they do not know what their rights are. They are working long hours, they are not getting annual vacation - I know of a couple of incidents - they are not getting annual vacation, they are not getting their regular holidays, they work the regular holidays and they are not getting paid for it, and this is all happening simply because they are not informed as to what their rights are. Now it is in the Act, and as far as unionized employees

Mrs. MacIsaac:

are concerned they know what their rights are, and they have somebody that they can go to. They can go to their union to get their problems straightened out, but people who are not in unions are in the dark. And I would like to see some kind of information, a little brochure or something that could be passed out to those employees. I know there is the Act, the regulations and all the information is going out to the employers but the employers have it in their offices and the employees do not have access to it, and in a lot of cases they are certainly taking advantage of the employees and this is something that I would like to see some control over. There must be a way to let the employee know what his rights are, the employee who is not unionized.

I think these are the only points that I would like to hear the minister speak on. Thank you.

MR. SPEAKER (MR. J. WINSOR): If the Minister speaks now he closes the debate.

MR. ROUSSEAU: Mr. Speaker, first of all before I answer the questions I would like to say, and I did this inadvertently because I thought this was to be brought into another Act, that I will be moving an amendment to Section 73 of the Labour Standards Act, and I think it can be rightfully called Rousseau's amendment, because it involves a situation in Labrador City where an employer dismissed somebody, and when the person got a job with a subcontractor he was not allowed back on the site again. This amendment to the Labour Standards Act to Section 73 which I will bring about in the third reading stage will make it a violation for an employee who has been dismissed for any force to be put on a subcontractor, or somebody who is going in on the property to work, not to allow that person to work for them because he is not allowed in on the property. Now that is not just going to happen! It probably just does not happen in the district of Menihek, but it happens in many other places. Like I say, I apologize



Mr. Rousseau:

that I did not mention it before but it will be moved in the Committee stage, and that will not allow the owner of a piece of property to say to a subcontractor working on that property, look you are not allowed to hire John Jones because we dismissed him from the company last week and we do not want him back on the property. So that will be moved in the Committee. I just got it, I thought I was going into the Human Rights legislation, but apparently it is going into this legislation. And the amendment

MR. ROUSSEAU: will be moved in committee stage to Section 73.

Mr. Speaker, first of all if I may open with just a general comment - there are a lot of specific comments here - a general comment: The minimum wage people, the labour standards people in the department, by the way, have been doing their job.

I mentioned when the hon. the member from LaPoile was speaking that we had eleven employers prosecuted, sixteen charges laid and fourteen convictions in the courts. The total that our own people looked into and investigated, total cases in 1976 was 788. The total cases concluded thus far - some are still ongoing, There are 471. The number of employers affected was 271. So they are working at this. Just because a case does not reach the courts does not mean that it is not being pursued. And I might say to the hon. member from St. George's that the special violations she mentions, she should report that either to me or to the labour standards and we will certainly pursue that. The labour standards people will pursue any suggestion of a violation against what was previously the minimum wage and what will now be the Labour Standards Act.

MRS MacISAAC: The reporting was done by the employee.

MR. ROUSSEAU: Yes, or it can be reported by the employees, and it will be pursued and if there is a case then it will go to the courts if the employer is found to be in violation of the act, and the employee will be given every opportunity for his hearing. He may refer it, the hon. member may refer it either to me or to Labour Standards and we will certainly pursue that matter for the hon member, for that employee or anybody in the Province.

MRS MacISAAC: The employee has reported it already.

MR. ROUSSEAU: Oh, he has reported it. Well that will be pursued and obviously if the person is - So to give an indication, 471 cases that did not go to the courts were pursued by the Labour Standards section of the Department of Labour and Manpower in 1976,

MR. ROUSSEAU: and undoubtedly many of them will be settled, I hope, before they reach the Labour Standards Tribunal or the courts because the Labour Standards people are always pursuing any alleged violations of the minimum wage or Labour Standards Act. Does the hon. member want to say something?

MRS MacISAAC: I want to mention to the minister what I meant to say was I am wondering if there is any way that the employees, employees that are not unionized, can be made aware of what their rights are? They do not know what their rights are; it is only now and then they stumble on it and then of course they are going to take action but it may be years before they find out.

MR. ROUSSEAU: This is the year of the woman so we will answer; the last shall be first. Yes, we do have a book that is prepared and ready to go and as soon as the legislation is proclaimed the booklet will go out. It is in layman's terms, understandable terms because obviously the hon. the Attorney General and the Minister of Justice, and the Leader of the Opposition, I would think will be about - and the hon. the Speaker would be about the only three people in the House who could go through a bill and have full comprehension of it because of the legal terms in which it is written.

MR. ROBERTS: There are only three lawyers in the House.

MR. ROUSSEAU: Well, it is written in legal terms and it is not - you know, I even have problems with it. That is not to say that I am that - we all do, all the members of the House have difficulty. But the brochure that we will have will be printed in simple, everyday language and as soon as the act is proclaimed - it is already being prepared - it will be distributed.

MR. ROBERTS: The brochure will be distributed and it must be in comprehensible language. But it will say "Do not take this as the gospel because - go back to the act" because a guy never really

MR. ROBERTS: knows who he can rely on.

MR. ROUSSEAU: Well at least it gives -

MR. ROBERTS: A lawyer should be made to write things in language that people can understand. Lawyers can do it, the bright ones.

MR. ROUSSEAU: But it will be done and it will be distributed. but the thing is that the employees, for the reasons given partially and the fact that they do not know what rights they have, but also because there is a fear on their part as well. They do not know which way to go and if they knew this they would pursue the matter so it would be our hope to insure they are so knowledgeable of the conditions under which this new act will operate that they will be able to pursue that question.

The hon member from St. George's mentioned five consecutive days. The spirit of the act would mean for five consecutive days to read five working consecutive days. If it does not I have now read it in the record as the minister. In other words, if there are boats or something that has a day or two lapse between times that people have to work then that would be read as five consecutive days of work. In other words, if a person worked two days this week and it was no work for him for three weeks and all of a sudden the job resumed in three weeks time and he got three days, that would be five consecutive days.

I can appreciate, by the way, the hon. member for St. George's and other hon. members about the five consecutive days, but you have to draw a line

Mr. Rousseau:

somewhere. Fourdays or less, you know, the amounts are pretty small at 4 per cent of that, and we have brought it down from six or seven days before; but we picked five days because five days is a working week, Monday to Friday really, and we use that as a standard, and you have to set it somewhere, and we picked five consecutive working days to be the situation.

MR. T. RIDEOUT: I wonder would the minister permit a question?

MR. ROUSSEAU: Yes.

MR. RIDEOUT: I appreciate the minister's explanation in the fact that the minister has gone on record as saying that this is the spirit of the law. But once this becomes law, the spirit of the law and what the minister says is not going to have any effect, I would submit, on the interpretation of that particular law. So I wonder would the minister be prepared to move a little small amendment, as he suggested, saying that it is five working days.

MR. ROUSSEAU: I see no reason why not, if it is not well there. I was going to say prior to that that somebody may do it once but they would not do it twice, you know.

MR. RIDEOUT: Right.

MR. ROUSSEAU: But we will certainly look at that, and if the gentleman in the room inside there could take a look at that and see if that is needed -

MR. ROBERTS: You have some backroom boys handy?

MR. ROUSSEAU: Oh, yes. I have a couple just in case. You know there are a lot of details that may come out that I thought I may have needed.

MR. ROBERTS: You should get some of the backroom boys who are members in here. It is disgusting.

MR. ROUSSEAU: So anyway the spirit of it is, as I say, five consecutive working days.

MR. ROBERTS: We get more here and more quality here as well.



MR. DOODY: The hon. member for Burin-Placentia West (Mr. Canning) was quite disturbed earlier.

MR. ROBERTS: He was then, and the hon. gentleman, in the Premier's absence and everybody else.

MR. PECKFORD: Now we want to know where the hon. member for Burin-Placentia West is?

MR. ROBERTS: It is a good question. He is looking for the Premier. That may take some time. Sorry.

MR. ROUSSEAU: May I? Sorry, excuse me. I thought it was Friday.

MR. LUSH: Could I ask a question on that five days again?

MR. ROUSSEAU: Well, I said the spirit of it. If it is not clear we will take a look at it, and we will move it in Committee.

MR. LUSH: It is not clear, right.

MR. ROUSSEAU: Because, you know, the intention is five working days.

MR. LUSH: Right.

MR. ROUSSEAU: You know, it is not intended to discriminate against somebody who cannot get five consecutive days of employment because there is no employment there. It is meant for five consecutive working days. And as I said to the hon. member for St. George's (Mrs. MacIsaac) the intent is that two days, they are off for a week, and the job resumes or whatever it may be, you know for that type of job that she mentions specifically, so we will be prepared if it is not specific enough, and I will talk to the law people, if it is not, we will be prepared to move an amendment there in the Committee.

The problem of dismissal, before a person is unionized, you know, that is a very difficult thing; but again as with that particular one and many of the other points raised this morning it is a matter of reporting -

AN HON. MEMBER: Five consecutive work days.

MR. ROUSSEAU: Is it in the Act, five consecutive work days?

MR. ROUSSEAU: Well I understand it is in the Act, five consecutive work days. So anyway I will discuss it in a break before it comes to the Committee stage and we will see if it is necessary.

The dismissal before unionized is a very difficult thing, but if somebody feels that that is the case, then of course again they must report this violation, because there are a little over half a million people in our Province, and obviously the people in Labour Standards cannot know what is going on unless it is reported to them. When it is reported to them it is pursued vigorously. They have another avenue here - the Human Rights Commission, of course, could also take a look at that. You know, I have a particular problem up in my area where one man flies in airplanes from the North Shore of Quebec every time there is a vote, and they vote down a union and he sends them all back. You know, but one of these days we will make sure that we have somebody at the airport to stop that, but you know where we know something is going on we can take steps to rectify it or of course there are other methods of doing so.

But, you know, it is not in this Act, but in the other Act, The Labour Relations Act which will be coming up shortly as I understand, there is a guarantee that a man has the right to join the union. And that is a basic, human, free basic right of a man and, you know, this government subscribes to it and it will become enshrined in legislation when the Labour Relations Act, the next bill, comes.

The small operators in the gas stations; again the same sort of situation occurs where people have to report to us the situation. Of course the Department of Labour cannot go out and unionize them, it is up to a union to go in and to want to unionize them, to get the cards, the majority, and once they get the majority then that is satisfactory.

MRS. MACISAAC: It is just a matter of getting that little brochure -

MR. ROUSSEAU: Yes.

MRS. MACISAAC: - out to them and showing what their rights are.

MR. ROUSSEAU: Right, right.

Now I will go back, if I may. I mentioned the hon. member for Terra Nova (Mr. Lush), the questions of the resumé is ready to go as soon as it is proclaimed. It will be done in layman's language, and we will attempt to get it to every employee in the Province and employer as well.

MR. RIDEOUT: Including the Department of Transportation.

MR. ROUSSEAU: Including the Department of Transportation and Communications, if necessary.

Section 45, the

MR. ROUSSEAU: employment of children clause is not specific enough well, of course, if the hon. member would read Section 45 he would notice that there will be regulations of course under this and it is the specific job of the regulations to make sure that it is specific enough. It may well not be, in the member's opinion now, specific enough and I would not argue with that, but the regulations - that is normally the procedure - that regulations would make it much more effective.

Section 50 - well the section on the license to mistreat, I think the hon. member met with the director and is satisfied with that explanation now that indeed it is the employee who can quit without notice if he is mistreated. And of course that will be able to be reviewed by a tribunal on a matter of this nature.

MR. LUSH: You know it makes legal almost the fact of life. You know, it is not much -

MR. ROUSSEAU: It is a peculiar thing for all the members here who have not been the Minister of Labour and have not dealt with labour standards problems, some of the things that come to us are still Stone-Age concepts. We are not making things, we are not putting anything in here that we do not think we need. What is going into this act are things we need although in certain instances they may seem frivolous at this point in time, in 1977, but obviously they have been put into the act because we need them.

Section 24 - the unbroken rest period, Twenty-four hours, no sixteen hours is the maximum a person can work, he has to have eight hours break within any twenty-four hours. He cannot work twenty-four consecutive hours. Within a twenty-four hour period a person must have at least eight consecutive hours off. So they cannot work for twenty-four consecutive hours.

MR. ROUSSEAU: On vacation pay .The one working week: As I say, five days may or may not be agreeable but it was six or seven before; we are trying to make it one week. We picked that as a standard, four days, four per cent, and as I understand it the term is five consecutive working days. Is that not in Section 93?

MR. LUSH: It probably is.

MR. ROUSSEAU: Yes, that is satisfactory there. The member from White Bay -

MR. LUSH: Yes, it is a matter of the interpretation,

MR. ROUSSEAU: Section 93 says employed for five consecutive workdays.

MR. RIDEOUT: It says workdays? See satisfied.

MR. ROUSSEAU: Yes. So, we do not need that amendment. Now the fear that the hon. member from Terra Nova has that the Labour Standards Tribunal of the board may be a tool or an arm of government - that is not the case. We will continue to appoint these boards, as we have, with a representative from employees, a representative from labour and an independent chairman, You have to have a chairman who is respected, an independent. And I think that many people were quite pleased with the appointment of Mr. Renouf as a neutral man, you know, but it is difficult. You have to have a man who has the time.

MR. LUSH: Or a woman.

MR. ROUSSEAU: Normally a retired university professor, or a lawyer, depending if you need a lawyer in certain instances. The hon. member from LaPoile - I do not know if he is within range of my voice-but talking about the minimum wage, the minimum wage which is now \$2.50 - in the United is \$2.30. Why so many people are unorganized? Well obviously they do not want to get organized or they do not have enough people to organize or they just have not been approached to be organized. But that again is in the hands of the unions; the unions have to go and get the cards and conduct the vote and the Department of Labour and Manpower of



MR. ROUSSEAU: course will assist in any way but only after the Labour Relations has been shown that a majority, a simple majority - 50 per cent plus one of the employees want to be unionized, then of course they will certify the union. If there is not a simple majority, in other words if forty or forty-five per cent want it, well? So it is up to the employees themselves. But once the indication by the union who is trying to organize is that a simple majority of people want to organize, then the procedure just goes from there to the Labour Relations board, they are certified and then they become a union. But it is not the Department of Labour and Manpower's prerogative to go in and organize unless the people themselves show that they want to organize through a representative of some union who wish to organize.

The Labour Tribunal I am leaving for a minute. I will just answer the short ones and then I will go back to that. The member from Baie Verte - White Bay (Mr. Rideout) - of course I could not concur more than with the points he raised on health standards. This is a bill in a different context, I think, than health standards and I would agree with him that health standards are of extreme importance and I for one certainly would not want to complicate this bill with the sort of thing dealt with in health standards. I believe there should be a consolidation of all health and safety and occupational health and

MR. ROUSSEAU: safety legislation in this Province.

Indeed, we are working towards that end and, as I mentioned to the hon. member, the Advisory Council has asked me to await their recommendations and I am doing so. And hopefully - I would be very proud to stand up in the House to introduce a consolidation and new legislation for occupational health and safety in the Province. I do not know what the question is with Transportation and Communications. I know in my experience that because an apprentice is hired and spends his four years there is, as I understand it, no obligation on the employer, whoever he may be, to hire that apprentice.

MR. RIDEOUT: Unless there is some reason, there should be.

MR. ROUSSEAU: Well, that is my understanding. You know, there is no - now they will if the person is needed. Now there are other questions and maybe the union agreement as a matter of seniority and there could be a number of questions. I do not know what it is but we will certainly undertake to check it out. We have not had a complaint. I just checked with my people out there from Labour Standards on this type of thing. So - the Labour Tribunal again - I will mention that in a second. The hon. member from Windsor - Buchans (Mr. Flight) talked about the Workmen's Compensation Board, which really has no effect as yet in this particular piece of legislation, but he mentioned that it should be reviewed. It is now, as I mentioned to the House and as the hon. member is aware - should be aware - that we have just completed a review of the minimum wage - I am sorry, the Workmen's Compensation Board. We have had hearings all across the Province. As I understand it the committee is now in the process of writing up a report covering the past five years. In that report undoubtedly will be many recommendations to government in respect to the Workmen's Compensation Board. And government will take a look at it, consider it and certainly give every consideration to the recommendations contained therein. The hon. member from Windsor - Buchans again suggests that, you know, most of the people in the Province do not really need it. And I think the hon. member believes that to be true. But let me say to the hon. member - maybe many members

of the House might feel the same way - there are a lot of people in this Province who are unorganized, 60 per cent of them, and if this was not in there I would not hesitate to say that there would be sweatshops in this Province - how many of them I do not know. We would go back to sweatshop days, no question at all.

MR. FLIGHT: Would the hon. minister, for my clarification?

I want to make it very clear what I said. I said that most of the legislation enacted here by this Act will only benefit the 60 per cent unorganized people in this Province.

MR. ROUSSEAU: Yes, right.

MR. FLIGHT: Because the labour unions, again the internationals, made reference to this -

MR. ROUSSEAU: That is what it is intended for.

MR. FLIGHT: Right.

MR. ROUSSEAU: No, but I say the reason it is there and the reason it is necessary is because we would have sweatshops in this Province again - maybe not many, maybe a lot, I do not know - if this was not in legislation to protect them.

MR. FLIGHT: Well, now, again, to make sure they are aware of what is in this, the small shop with two employees or three employees, how is the minister proposing to make sure that they are aware of their rights in this matter?

MR. ROUSSEAU: I have already indicated - I do not know if the member was in the House - that we will make every effort to make sure that every worker and every employer in this Province has a copy of the resume in layman's terms that we have of the provisions of this Act and we will get it out to them.

MR. ROBERTS: What you need is a little booklet printed like trade union agreements or something.

MR. ROUSSEAU: Yes.

MR. FLIGHT: That is right.

MR. ROBERTS: There ought to be - if the minister would yield for a second. I do not want to speak in a debate because my colleagues spoke, you know, eloquently and effectively, but surely what ought to be done is almost the same as with a lease where there is now an obligation. I do not know what the minister is looking for, but if he expects aid from heaven he is not going to get it.

MR. ROUSSEAU: It is a bumblebee and I do not particularly like bumblebees.

MR. ROBERTS: But, you know, there is now a statutory obligation in this Province that when you enter into a rental arrangement with a landlord he must give you a copy of the lease. Well, that ought to be not just the Act, but a book. And surely what the minister I hope is going to do and what he ought to do is have prepared a little booklet that will say, Sir, 'Your Rights as an Employee'. And that ought to be required by law -

AN HON. MEMBER: We are running out of time.

MR. ROBERTS: - There is lots of time - ought to be required by law to be given to every employee at the time he is hired. You know, 'Here are your rights' for such and such, vacation pay and what have you. Surely that is what the minister ought to do.

MR. ROUSSEAU: As I suggested, such a booklet has been prepared and will be distributed in that way as well as other ways - through the newspapers, hopefully, through radio and television. They will give some people an indication in the layman's language of just what their rights are. And the hon. member from Windsor - Buchans (Mr. Flight) requests publicity on it and we say we will give it.

The unpaid wages fund that was brought up by the member from Windsor - Buchans - that would be  
be



MR. ROUSSEAU:

where the department gets back wages that were unpaid and the case is against the employer, the department will set up a special fund in the unpaid wages fund, and the worker will be paid directly out of that rather than directly from the employer, because some times it takes, even after the decision has been rendered, it takes a long time to chase it around. So that will enable the employee to obtain whatever wages he is justly and rightfully owed to have it as soon as possible rather than have to wait for a long period of time, and in many instances have to chase the employer to remind him that he has an obligation in wages to some employees.

I think that is pretty well all of the points except the Labour Standards Tribunal, which I have left until last, I do not think I have missed any of the points raised by the hon. members. The question of the Labour Standards Tribunal is, I think, quite a big one. The Labour Standards Tribunal will be established under this Act. And it will consist of appointments by the Lieutenant-Governor in Council and will sit from time to time as needed. Now here is the way it is envisioned that it will work. Any violation of this Labour Standards Act, any violation that is referred to the Labour Standards Division, or the Minister of Manpower or the Department of Manpower or to anybody who transmits it to the Department of Labour and Manpower will be investigated by an officer of the Labour Standards Division who would be an employee of government, an employee of the Department of Labour and Manpower. The question will then be pursued and if the employer or the employee, whichever, by the way, may refer to them, if they are not satisfied with the decision by the Department of Labour and Manpower, the Labour Standards Division, they may then refer the case to the Labour Standards Tribunal for review - the Labour Standards Tribunal which acts sort of as a court but has much broader scope, is not inhibited, in a way, as a court is will look at all aspects of the case.



MR. ROUSSEAU: They will look at this and render a decision on the basis of either the employer or the employee may initiate such action. Once a decision is made it will be communicated to the person who made the proposal that they were either being wrongfully treated under the Act or not. So then if the employer is not satisfied, or the employee, they may refer to the district court for a review at the court level, at the official court level. If they do not, of course, the employer may be fined, The Labour Standards Tribunal cannot fine the employer but he can refer to the Magistrates Court - I think, it is Section 68, section (2), yes. Section 68, subsection (2) a person who is guilty of an offence, and the Magistrates Court in this instance could levy the fine if the employer is in violation of the ruling of the Labour Standards Tribunal. So the Labour Standards Tribunal will consist of a natural person as chairman and representatives from various areas; they will sit in judgment of any infractions of the Labour Standards Act. They will render a decision. Their decision is binding. If the decision is not carried out the Labour Standards Tribunal can refer to the Magistrates Court or double the fine which is in Section 68, Subsection (2) Violation of the Act. The employer or the person to whom this decision was rendered if he is not satisfied with the decision may refer to the District Court.

So it is really an attempt, as I said when I introduced the Bill, it really is an attempt to speed up the process because the courts have many things on their platter, and of course these cases are often difficult to get on a docket; as well many people do not like to go to the courts and rightfully so. You know, this is a tribunal we think that will serve that purpose. I hope that completely enough answers the queries about the Labour Standards Tribunal.

MR. ROUSSEAU: Mr. Speaker, I have great pleasure in moving second reading.

On motion, a bill, "An Act To Provide Uniform Minimum Standards Of Conditions Of Employment In The Province," read a second time, ordered referred to a Committee of the Whole House, presently by leave.

MR. PECKFORD: Order no. 28, Bill no. 62, Mr. Speaker, and after so doing could we recognize it being one o'clock?

MR. ROUSSEAU: I would like to adjourn the debate and call it one o'clock.

MR. SPEAKER: Order 28. It is moved and seconded that Bill no. 62, entitled, "An Act Respecting Labour Relations In The Province," be now read a second time.

MR. ROBERTS: Call it one o'clock.

MR. SPEAKER: It being agreed that it be called one o'clock, I leave the Chair until three this afternoon.

PRELIMINARY

UNEDITED

TRANSCRIPT

HOUSE OF ASSEMBLY

FOR THE PERIOD:

3:00 p.m. - 6:00 p.m.

THURSDAY, JUNE 2, 1977

The House resumed at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (MR. YOUNG): Order, please! I will ask the hon. minister to yield for a moment, please: I would like to welcome on behalf of the House, sixty Grade V students from the Sacred Heart Elementary School in Placentia accompanied by their teachers, Mrs. Anna McGrath, Mrs. Catherine O'Keefe and Mrs. Linda Woodman.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (MR. YOUNG): And a special word of welcome to thirty-two students from Grade VI, St. Peter's Elementary School, Upper Island Cove, accompanied by their teacher, Mr. William Greeley.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (MR. YOUNG): The hon. Minister of Labour and Manpower.

MR. ROUSSEAU: I thought there may have been some ulterior motive when, in the Common Room, the Speaker said, "Do not stand up too quickly because I have some students to introduce." Certainly I am sure that all hon. members appreciate the importance of Upper Island Cove, and on a day like this maybe we would love to hear some of the wit from Island Cove, but however we have some business before us. This is the time of the year, I think, when all of us in this House who were teachers, and June is coming on, and around the 15th. of June you look forward to a little vacation. However, there will be no vacation today. We are going to do the brief comments on the Labour Relations Bill, Bill No. 62, because there are so many versions of it that we want to make certain that everybody has the right version.

MR. NEARY: The minister's version.

MR. ROUSSEAU: The what? The minister's version? Yes. I hope.

MR. NEARY: That will become our version -

MR. ROUSSEAU: The Bill has been in the making now for about four years, almost five years. I would be misleading the House if I did not say that we do not have the concurrence of management, and we do not have the concurrence of labour, and it is unlikely that we will get the concurrence of either or both to a new bill, An Act Respecting Labour Relations In The Province. But we have

MR. ROUSSEAU:

made every effort in the past four years to meet with management generally, to meet with labour generally, and to meet with managements specifically, and to meet with labour specifically, to try and find some formula which both sides could accept as being in the best interest of good labour relations in the Province. As I say, I cannot say that. I think there are still some items in the bill that are not satisfactory to either or both sides.

The bill coming in now, you know, if that bill is delayed again there will be more changes in it. And all that hon. members have to do is look at Bill 75 in the last session to know that there have been changes in this bill as well. And undoubtedly if the bill is not



MR. ROUSSEAU: discussed in this session, the next Bill, whatever number it may be in the next session, would have more changes to it as well. The time has to come when we have to -

MR. NEARY: Will the minister be here for the next session to introduce a Bill?

MR. ROUSSEAU: Why? Should I not be?

MR. NEARY: Well, the minister is going to resign and retire from politics, is he not?

MR. ROUSSEAU: Oh, sometime.

MR. NEARY: Not before the next session?

MR. ROUSSEAU: On a day like today I do not know. But anyway, the Bill is an attempt to compromise between really three groups; the department, of course, and government on the one side; and management and labour on the other. Now it is a pretty extensive Bill, there is no question about that. I have again some notes on it, which I went through this morning, and obviously I could spend two hours talking about it. I think I tried to give as comprehensive an outline of the Labour Standards Bill this morning as was possible. I do not believe I received much criticism in the fact that I had not enlarged on certain items when the members brought them up. as they will bring them up in this Bill, certainly we will enlarge on them.

MR. NEARY: Sure, boy.

MR. ROUSSEAU: But I will go over it again. I have some notes and I only have one copy, but as I did this morning with the Labour Standards Bill I will have these Xeroxed. It is pretty difficult with so many revised editions of the Bill and the notes it is very difficult to find the right one, but I will give these out after. I will just go over some of the sections. And I think really it would be accurate to say that -

AN HON. MEMBER: (Inaudible)

MR. ROUSSEAU: - and what I am going to say is superfluous anyway because hon. members across the House, I assume, have read the Bill -

MR. NEARY: From cover to cover.

MR. ROUSSEAU: - from cover to cover - and have comments

MR. ROUSSEAU: to make on it regardless, I might point out certain sections and what they refer to, and then as the afternoon wears on we may hear some of the problems expounded by either side in respect to the sections of this Act.

Sections 6 and 8 refer to the appointment of the Labour Relations Board. The vacancy in the executive staff - section eight also refers to the appointment of a solicitor for the Labour Relations Board - I think it would be accurate to say that at some point in the future we are going to have to look at the possibility of a permanent chairman for the Labour Relations Boards. That is now in the very initial consideration stages. As you know, and as I mentioned to the hon. House, Leo Barry, the present chairman of the Labour Relations Board, has resigned effective August and we will have to find another chairman for that board. Some thought has to be given to the fact of appointing a permanent chairman of the Labour Relations Board. Section 8 (4) refers to the appointment of a solicitor at this point in time. Section 9 refers to the establishing of panels, Labour Relations Board and procedures in respect to the meeting of panels. Right now we have one panel, the Public Service Panel, and obviously we are going to have to have different panels for different sections of industry in the Province. Section 12 is a new section. It suggests that the Labour Relations Board and panel give written reasons for their decisions. That I think is incumbent on the Labour Relations Board - as they hear the advice and recommendations of both sides and they make a decision that it would be incumbent on them to give a written decision and the reason for their decision. Section 13 to 18 and section 17 - the powers of the Labour Relations Board have been extended, by the way, I might mention. Where previously the board had its powers it now has the power to deal with unfair labour practices - complaints of failure to negotiate. We have not advanced the ability to determine whether a strike is legal or illegal. That for the time being will stay with the courts of the land. Section 21, the new section, is that the board order may be filed in the Supreme Court consistent with this morning's Labour Standards Tribunal which is also maybe filed in the Supreme Court. So most of the sections of the

MR. ROUSSEAU: . 20's - Section 22 and 23 -

Section 22 refers to the authority of the board to make rules. Section 23 refers to the unfair labour practices, the employer prohibition - Section 24 and 25, the restrictions on employers in respect to discriminations.

AN HON. MEMBER: (Inaudible)

MR. ROUSSEAU: Section 26 concerns employer threat to close down or move a plant during a labour dispute and the actions that would arise from that. Section 28 refers to the trade union coercion or intimidation of employees - Section 29, the restriction on organized slow-down. Section 30 and Section 31, which are both new, refer to the employee's

MR. ROUSSEAU:

right to union membership and hearings by the board and concerns provisions and agreements respecting union membership and make provision for exclusion of religious orders, because the Act as I suggested this morning, holds it a right of an individual to become a member of a trade union in this Province: Every employee has a right to be a member of a trade union and to participate in its activities.

Section 34 is a new section, the authority of the Labour Relations Board to issue access order to isolated premises. Section 35 is the provision respecting the assignment of dues to unions. Sections 36, 37 are determining of the bargaining unit by the board and the application for certification to the board from unions and councils. Section 39, the board may find appropriate a unit of professional employees. Section 40 is also new, the certification or they may be varied to include dependent contractors. There was a section 41 in the old bill which has been deleted. Section 43 is new. The board may issue certification orders for geographic areas in the construction industry. Section 46 and 47 and 49 are new. 46 and 47 refer to the enquiry by the board to determine union support and conduct of prehearing vote in certain cases, and section 49, the certification of councils of trade unions and the responsibility of member unions. Sections 50 are bargaining aspects of it. Section 69, I think is one of the contentious sections, and I say it now because it is going to come up, the determination of the concept of a special project, and obviously that is there; where there is an undertaking and a declaration of a special project, all the employees are required to organize for purposes of collective bargaining as will the employers. Section 71 is one that is a very difficult one, I guess, but all collective bargaining must be carried out in good faith. That is a very difficult one to work with but it is there and hopefully, even though as the hon. the member for LaPoile (Mr. Neary) mentioned this morning, you cannot legislate

MR. ROUSSEAU: good labour management relations, at least we would see collective bargaining in good faith.

Sections 79 and 80, the appointment of conciliation officers and mediators, and section 82, the recognition of voluntary agreements for special projects. Sections 83 to 87 are noteworthy. There are extensive changes in the arbitration procedure and this is covered in sections 83 to 87, provisions respecting arbitration boards and new responsibilities; the authority to modify the penalty, which if it has been in some collective agreements but have not been in law that you could modify a decision of an employer in respect to if a person was fired all the arbitration board could say was yes or no, he is fired or he is not fired. But this will enable the arbitration board to modify the decision and, for example, where deemed appropriate given a disciplinary action of dismissal for a certain period of time rather than uphold or deny the suspension or dismissal. And Section 88 is a section which contains a settlement provision for the construction industry. Section 90, the effects on the bargaining rights when business is sold or transferred and the change of name, which we talked about this morning as well in the Labour Standards Act. Section 97 is new, that



MR. ROUSSEAU:

is deferring consideration of a board request until after a conciliation officer submits his report. There is some more leeway there for the minister, whereas one time it was fifteen days and that was it, if the minister did not reply that the union was in a strike position, now there is the ability to wait for a certain period of time until the Conciliation Board's report is in. The procedure was simply a standard procedure. If the minister had a request for a conciliation board he immediately, automatically appointed a conciliation officer, and the conciliation officer normally - not normally, always reported within fifteen days after discussions with the senior members of the department, and a recommendation was made whether or not a conciliation board was to be appointed. Normally what would happen if there was a recommendation that no conciliation board be appointed, that the minister just did not bother to reply to the letter after fifteen days, which of course put the union in a legal strike position, or the minister would write the union and say, Yes, we have granted a conciliation board.

But now instead of that fifteen days the minister has a period of time after the report of the conciliation officer, because we want to ensure that the conciliation officer makes every effort to attempt to bring out an agreement between the disputing parties.

Section 118 is a new section. The enforcement procedures respecting unfair labour practices, intimidation, discrimination, threats of plant closure, and alteration of wages, organized slow down or failure to negotiate gives new authority to the Labour Relations Board to deal with a variety of complaints primarily unfair labour practices, and this has not been the case in the past.

Section 119 is a new section, and the Board may investigate alleged violation of Section 118, and where necessary issue a directive to any party.

Section 120 is a new section, which is a penalty failing to comply with an order or a directive of the Board.

MR. ROUSSEAU:

Sections 122, 123, and 124 are general sections. But Section 125 suggests that the aggrieved person may make a written complaint to the minister in respect to a violation of the Act. Section 126 is a new one: Employees may complain to the Labour Relations Board respecting neglect by the bargaining agent, and the Board may investigate and issue an order. The other sections there are pretty well from the old Act.

Sections 137 and 139, the information of trade unions must be filed with the minister, because it is nice to have the information obviously regarding the trade unions in the Province. I am looking for the other contentious item, Section 98:

"Where the Lieutenant-Governor in Council has evidence that the continuance of a strike or a lockout poses a threat to an industry in the Province or a geographic area of the Province, the Lieutenant-Governor in Council may by order require the bargaining agent representing the unit of employees who are on strike or locked out to conduct a secret ballot of the employees in the unit to determine their wishes with respect to the resumption of work." That does not mean that the Lieutenant-Governor in Council will order them back to work; merely that they will conduct a ballot if in the opinion of the Lieutenant-Governor in Council such a ballot is warranted, and the minister may require during the conduction of that vote that an officer of the Department of Labour and Manpower be present. These are the highlights of the bill. There is so much there I am sure that I would welcome, as I will undoubtedly get the comments from hon. members of the House and on the assumption that they have read it, and if they have questions to propose we will certainly try and answer these questions for them, any further questions of course we will try and answer them, or if we cannot answer them, take a look at them. But, you know, I think the Bill is a compromise bill in respect to labour and management, and I think a bill that has been long overdue, it is a long and complicated bill. I guess in a way we would rather have

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Mr. Rousseau:

it a shorter one, but such is the situation.

So these are the extent

MR. ROUSSEAU: of my comments at this time.

MR. NEARY: Mr. Speaker, first of all, Sir, I want to say straightaway that this bill should be killed, it should be stopped right stone dead in its tracks. The minister has laboured now for four years and brought forth nothing. Mr. Speaker, the minister in introducing this bill in its present form has lost the goodwill of the trade union movement in this Province, has turned the Newfoundland Federation of Labour against the minister and against the bill. The minister introduced a bill a year ago called Bill 75. Bill 75, before it was introduced in the House the minister had prior consultation with the Newfoundland Federation of Labour and there was some correspondence exchanged between the minister and the secretary of the Newfoundland Federation of Labour, Mr. Richard Cashin. There were strong objections put forward at a number of meetings that were held with the minister in connection with this bill. The Federation of Labour contended that the bill should be scrapped that the old Labour Relations Act had been working fairly well, fairly smoothly, fairly effectively and that all it needed was a few amendments. But the government, the government felt that they had promised, somehow or other they had promised that they were going to bring in some great reforms in labour laws in this Province. And they have been labouring now like the elephant for four years and they have brought forth a mouse and in the process of doing it they have upset the executive and the members of the Newfoundland Federation of Labour. Because after consultation with the Federation of Labour on Bill 75, and there was some correspondence back and forth between the minister and the secretary of the union, and there was agreement that certain things would be left in and certain things taken out and certain amendments would be made, when the minister sent back Bill 62, I think on Monday past, a few days ago, Bill 62 was sent back, there were a few surprises in the Bill. There were

MR. NEARY: things in Bill 62 -

MR. ROUSSEAU: May I pose a question? The meeting that the hon. member is referring to took place recently?

MR. NEARY: The meeting took place -

MR. ROUSSEAU: With the Federation. The letter that the hon. member has -

MR. NEARY: The letter was May 25th.

MR. ROUSSEAU: Is that what the hon. member is referring to?

MR. NEARY: No, I am referring to Bill 75 as compared to Bill 62.

MR. ROUSSEAU: No undertakings were given at that meeting that preceded that letter by me when I was minister.

MR. NEARY: Mr. Speaker, I read the letter and there were certain undertakings given by the minister, there was give and take. The minister had tried to justify certain new clauses in the agreement, the Federation of Labour were objecting. For instance, in this new bill—let me give the House an example—in this new bill the government, the minister has introduced religion as one of the criteria, as one of the reasons, as justification for a man not joining the union. The first time in the history of this Province and I suppose in the history of Canada that religion has been introduced in labour management relations and it should be taken out! I say shame on the minister, shame on the government! It should be removed. Religion should not be introduced or used in an employee - employer relationship.

MR. ROUSSEAU: Are you talking about religion or religious orders?

MR. NEARY: No, religion. If a man objects to joining a union on religious grounds then he does not have to; he is allowed to be exempt from joining the union. It is the first time it has been introduced and religion should not be introduced, religion should not be introduced, Sir, in employee - employer relations and should be taken out of the bill.



MR. ROUSSEAU: This morning you were arguing because somebody got fired because he had religious beliefs, right? Is that not correct?

MR. NEARY: That was a gentleman that refused to work on Sunday because it was against his religious principles.

MR. DOODY: And what if he does not want to join a union because it is against his religious principles?

MR. NEARY: Has nothing at all to do with it. It is like apples and oranges, Sir, chalk and cheese - two different matters altogether. And so, as I started to say a few minutes ago, the minister had been carrying on negotiations with the Federation of Labour. The Federation of Labour felt that they were having some input into this new Bill, even though they vehemently and strongly objected to it and told the government and told the minister they did not want it. They wanted to go along with the old Labour Relations Act with a few amendments to beef it up, to update the Labour Relations Act which they felt was a pretty good Act but nevertheless the minister and the government decided that they wanted to cram a new Act down their throats. This was supposed to be a great piece of labour reform, a great reform in labour legislation in this Province. And all it is going to do, Mr. Speaker, is harm. It is going to create a bureaucratic jungle. It is going to create legalistic obstacles in the way of creating a good atmosphere of labour/management relations the likes that we have never seen. I do not know if members are aware of it or not, but under the old Bill there were eighty-two sections; under the new Bill, under the new Bill one hundred and fifty-five, and it would take a battery of lawyers to unravel the half of them. My hon. friend said this morning they are not understood by the ordinary person, by the ordinary worker. They were designed to create a bonanza for the lawyers who will have to be hired to interpret the various sections. A hundred and fifty-five! The old Bill, eighty-two sections and the new Bill, a hundred and fifty-five, and a lot of them just throwing obstructions, harassing the workers. That is all the majority of the Bills - if hon. members would take the time to read the Act, most of the

MR. NEARY: new clauses are designed to restrict people to the extent where all it will do is harass union members and unions and the executive and the workers. And, Mr. Speaker, as the Newfoundland Federation of Labour pointed out to the minister, the old Bill, the old Labour Relations Act which had been enforced for twenty-odd years in this Province, that had stood the test of time, that was copied almost word for word from the Saskatchewan Labour Relations Act - that needed a few amendments, granted, the Federation of Labour admitted that it needed a few amendments, but the thing is, Mr. Speaker, that the whole trade union movement, the officers, the members, management have become used to the old Act. Now they have to be re-educated into a new Act with one hundred and fifty-five sections. And instead of being a reform as the hon. the Premier has been telling us now for so long that we have two major - we have been hearing this for weeks in this hon. House - we have two major pieces of labour legislation to bring before this House. We have two pieces of labour garbage to bring before this House, that is what it is! And it should be killed and the minister should withdraw the Bill and not proceed with it. Because all it is going to do is upset labour and management and it is going to create ill will and bad feeling, and God only knows we cannot afford that. We have had blood enough now in this Province. It is a legalistic jungle the minister is creating. It was only three days ago that the new Bill was sent along to the executive and to the President of the Federation of Labour. They did not even have an opportunity to have any input as far as the new sections that were sneaked into this Bill.

MR. ROUSSEAU: Nothing was sneaked into the Bill.

MR. NEARY: They were sneaked in, Sir. Bill 75 and Bill 62 are two entirely different Bills.

MR. ROUSSEAU: I am not saying they are not, but there was nothing sneaked in.

MR. NEARY: Well, if the minister was so anxious to have input from the Federation of Labour why did not the minister let the

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MR. NEARY:

Federation of Labour go over Bill 62

with a fine-toothed comb and make their recommendations and their suggestions?

They just sent it off to them, did not even give them a chance to comment

on the new clauses. I think there were clauses, especially the ones

MR. NEARY: 137, 138 and 139 that were sneaked in, and the one on religion that they strongly object to.

MR. ROUSSEAU: Remember, there were two different executives, too, that we dealt with, you know, over the years.

MR. NEARY: Mr. Speaker, I am not denying the fact that the minister had met with two different executives. The minister could have met with three different executives. Four years to produce this document? It took four years? I would not like to see this hon. crowd drawing up the Atlantic Charter or the British North America Act.

MR. DOODY: I am afraid that is different. The British North America Act incorporates freedom of religion.

MR. NEARY: Oh, Mr. Speaker! I cannot see how the hon. gentleman has twisted that, freedom of religion. That is not the point. This is the first time that religion has reared its ugly head in employee/employer relations.

MR. HOUSE: It is within the NTA Act.

MR. NEARY: It should not be there - I do not care what it is in - it should not be. And not only that, Mr. Speaker, talking about the Newfoundland Teacher (Collective Bargaining) Act, this is another suggestion that has been made to the minister: that Section 3, Application, "This act does not apply to any employee in respect of whom collective bargaining may be conducted under the Constabulary Act, 1970; the Fishing Industry (Collective Bargaining) Act, 1971; the Newfoundland Teacher (Collective Bargaining) Act, 1973; the Public Service (Collective Bargaining) Act, 1973; or the St. John's Fire Department Act, 1972. The minister was told by the Federation of Labour in no uncertain terms that these acts should be repealed and that everybody, all workers, should be put under the one Labour Relations Act. And what is wrong with that? What objections did the minister have to that? I read the minister's reply to the Federation of Labour. I did not see any justification for not following out the recommendations of the Federation of Labour and putting everybody under the same act. Why not?

Mr. Neary.

Why cannot it be done? What is wrong with it? What is the objection to it? Why have two separate acts for two different groups of workers? Is an officer worker in Confederation Building any different than an officer worker downtown? Is a labourer with the Department of Communications any different than a labourer for Bowaters? Is a mechanic any different than a mechanic with the Iron Ore Company of Canada? Why cannot they all be put under the one Labour Relations Act? Why is that request of the Federation of Labour being ignored?

MR. DOODY: Including the Constabulary and the firemen.

MR. NEARY: Why not put them under the same Labour Relations Act? What is wrong with it? Does the minister have any objections to that? Why have two or three bureaucracies?

MR. DOODY: Say yes or no. Do you agree with it?

MR. NEARY: I certainly do agree with it. I think they all should come under the one Labour Relations Act; the same criteria, the same principles should apply to all workers and not make distinctions. That is another recommendation of the Federation of Labour that has been ignored by the government and the minister. This is supposed to be the Magna Carta of labour in Newfoundland, this thing we have before us here today. All it is going to do, as I said, is create hardship, inconvenience, harassment, embarrassment and labour trouble and strife. And God only knows we have got enough of it. The minister should be trying to eliminate it. He should be trying to cut down the red tape, cut down on the bureaucracy instead of building it up. And another argument that was put forward by the Federation of Labour - and I am not sure if it is covered in this act or not; if it is not, it should be - and that is when votes are taken to determine whether or not the majority of workers of a plant are in favour of



Mr. Neary:

the union, the union always contended, even when I was active in the trade union movement, we could not get a voters list. The employer would not provide the union with a voters list.

MR. ROUSSEAU: That is not a problem as far as this Act is concerned.

MR. NEARY: That is a problem, Sir. It is a big problem.

MR. ROUSSEAU: Not as far as this Act is concerned. Read the letter.

MR. NEARY: I read the letter. And I made a note from the minister's letter, "Labour feel that they should be provided with a list before the vote is taken.

MR. ROUSSEAU: So does the minister, but it does not cover -

MR. NEARY: So does the minister. The minister says it is not a problem, I say it is a problem.

MR. ROUSSEAU: Look, the conciliation officer has it, give it to the union. You know, that is not something that is covered in legislation.

MR. NEARY: Mr. Speaker, I contend, the Newfoundland Federation of Labour contends, that it should be covered in legislation. The minister says it should not be covered in legislation. Now who is right?

MR. ROUSSEAU: I am saying it is not necessary to cover it in legislation.

MR. NEARY: The Federation of Labour, the trade union movement says it is necessary. I say it is necessary. There may be other members of the House say it is necessary. The minister says it is not necessary.

MR. ROUSSEAU: I say it is not necessary to have it in legislation, not that I am saying it is not necessary to have it.

MR. NEARY: Well I say it is necessary to have it in legislation, and I am entitled to my opinion just the same as the minister is, And if the minister thinks that this Bill is going to go down in history as a great reform in labour legislation in this Province then I am afraid the hon. gentleman will leave politics very

MR. NEARY:

dismayed, a very sad individual indeed. That the hon. gentleman - whether he resigns before the session is over, or before the term is over, or waits until the term is up and then leaves politics, certainly this will not be any credit to the hon. gentleman. The hon. gentleman waited four years, he could have waited another few weeks to give the Federation of Labour an opportunity to have some input into this legislation which they were denied.

They had input, they were consulted on Bill No. 75. But Bill 62 was flung at them on Monday past, I believe, when it was delivered to them. And they looked it over and they saw these extra clauses sneaked in there. No prior consultation -

MR. ROUSSEAU: They were told that at the meeting I had with them.

MR. NEARY: They were not told it at the meeting, Sir. They were caught completely unaware, caught by surprise by Sections 137, 138, and 139. Now let us see what they are. Let us see what the Federation of Labour is so concerned about.

MR. ROUSSEAU: What are the numbers?

MR. NEARY: 137, that is suing and being sued. Status of union and provincial addresses, etc. "Each trade union and each council of trade unions is a legal entity for the purposes of prosecuting and being prosecuted and for the purpose of suing and being sued." This is, Sir, one of the most significant aspects of this bill, making the union a legal entity.

MR. SMALLWOOD: Would the hon. gentleman yield? Is this not exactly what the great labour strife and political strife took place about in England, the Taff Vale decision, the famous or the notorious Taff Vale decision which made unions legal entities who could sue or be sued? I am not arguing for the moment as to whether that should be so or not, but is that not the famous, or even the notorious, T-A-F-F V-A-L-E court decision in England that split the whole public of Britain asunder?

MR. NEARY: Well I am not familiar with that particular case, but if my hon. friend says it is so, it is so, because this has been a great battle down through the years. The trade union movement have been fighting against this sort of thing, as the hon. gentleman knows, ever since, you know, ever since they began. And now it looks like they are going to lose the battle, that they are going to be made, if this Act is passed, they will be made legal entities, they can be sued -

MR. SMALLWOOD: Or sue.

MR. NEARY: or they can sue, sue or be sued. Each council or trade union is a legal entity for the purposes of prosecuting and being prosecuted and for the purpose of suing and being sued. A trade union shall maintain an address in the province -

MR. ROUSSEAU: You were Acting Minister of Labour for a year. You know what the Trade Union Act was, do you not?

MR. NEARY: Yes, I know what the Trade Union Act was. The Trade Union Act -

MR. ROUSSEAU: It is going now to be repealed and that is going to replace it, which is the same thing. No difference. They have always complained, the unions have always wanted to get rid of the Trade Union Act. We are going to get rid of it now and that is the limited edition of what we are going to have in this Act to cover the old Trade union Act, so.

MR. NEARY: "A summons, notice or other document may be served on a trade union by leaving it or sending it through the post

MR. NEARY: in a prepaid registered letter " - just listen to this! Everybody else has to have it served on them; if you are going to serve a summons it has to be served by the bailiff, by a sheriff, by a Justice of the Peace, but not so in the case of a member of a trade union. "A summons, notice or other document may be served on a trade union by leaving it or sending it through the post in a prepaid registered letter addressed to the union at its latest address in the Province as notified to the minister under this section."

MR. SMALLWOOD: What are the other two?

MR. NEARY: The other two clauses?

MR. SMALLWOOD: Yes.

MR. NEARY: "Any documents to be served by post on a trade union shall be posted in such time as to admit of it being delivered in the due course of delivery within the period, if any, prescribed for the service thereof; and in proving service of the document, it is sufficient to prove that the document was properly directed and that it was put as a prepaid registered letter in the post office."

MR. SMALLWOOD: That is only a detail of the other. Now what is the third?

MR. NEARY: That is it.

MR. SMALLWOOD: Those two? That is it?

MR. NEARY: That is just 137; 137 makes a union a legal entity and they can sue or be sued.

MR. ROUSSEAU: The same as they are now.

MR. SMALLWOOD: It describes the detail.

MR. NEARY: It describes the detail.

MR. ROUSSEAU: That is the same as they are now.

MR. NEARY: Well, the Newfoundland Federation of Labour objected - well, it was not in Bill 75; it was dropped from Bill 75 and put back in Bill 62 and that is why the Newfoundland Federation of Labour



MR. NEARY: is upset over it, and want it taken out.

MR. ROUSSEAU: It was in the Trade Union Act.

MR. NEARY: Well why was it sneaked back in when the minister-

MR. ROUSSEAU: It is not sneaked back in. We are repealing the Trade Union Act.

MR. NEARY: When the minister was discussing Bill 75 with the trade union movement, the Newfoundland Federation of Labour, which is the legal body to represent the Trade Union movement in this Province, that clause was not in there. Why was it put in after and the Federation not told about it?

MR. ROUSSEAU: May I make a comment?

MR. NEARY: You can answer the question. I will yield for an answer.

MR. ROUSSEAU: Okay. I will just answer the question. A few years ago, when I was minister previously in 1973 or 1974, a new Trade Union Act was developed. It was sent to the Federation of Labour and they completely rejected it. It was thrown out and we operated under the old act. All this is now is the same thing as the existing Trade Union Act except it is now encompassed in Bill 62. Nothing new, except the filing of certain informations; they were always a legal entity.

MR. NEARY: Mr. Speaker, the hon. gentleman, Sir, is not facing the charge, if you want to put it that way, the charge that I am leveling at him. That the hon. gentleman in Bill 75 did not have Clause 137, 138 and 139.

MR. ROUSSEAU: I am saying that is correct.

MR. NEARY: That is correct. And the Newfoundland Federation of Labour went along with that and the Federation of Labour thought in good faith and with good will that these clauses had been dropped. But when Bill 62, which was the revised bill, the one we now have before the House, when that was presented to the Federation of Labour on Monday past, three days ago, lo and behold they discovered



MR. NEARY: that not only were these three clauses in there but a number of other clauses had been sneaked in that they did not approve of.

MR. SMALLWOOD: How many other provinces of Canada have the same provisos?

MR. NEARY: How many other provinces of Canada? I cannot answer that.

MR. SMALLWOOD: Ask the minister.

MR. NEARY: Well perhaps the minister can tell us how many other provinces have these provisions. I do not think there are two many.

MR. ROUSSEAU: May I put it simply. The charge you are leveling is Bill 75 plus the Trade Union Act. Now it is only Bill 62 with no Trade Union Act and a limited bringing about of the Trade Union Act in 62. It is taking a lot of it out which was offensive to labour. That is all, All labour relations are now in Bill 62. There are not two acts.

MR. SMALLWOOD: How many provinces?

MR. ROUSSEAU: All provinces.

MR. NEARY: No, Mr. Speaker, I am not prepared to accept that. I forgot to ask the Newfoundland Federation of Labour president when I met with him over lunchtime -

MR. SMALLWOOD: Ask him what about the Federal Act? Is it in the Federal Act?

MR. NEARY: No, I do not think it is.

MR. SMALLWOOD: Let us find out.

MR. NEARY: The only way I could find out is do a little research. Obviously you cannot take this crowd's word for anything. I either have to get it myself or I have to go and ask the Federation of Labour to get it for me. And one other complaint that the Federation of Labour put forward to the minister that the minister choose to

MR. NEARY: ignore, was the fact that it is not written in legislation that municipalities are considered as employers. The minister again says it is not a problem, the Labour Relations Board will recognize the fact that municipalities are employers. But, Mr. Speaker, I contend that it is a problem and that unions, that employees of certain municipalities and town councils in this Province have had trouble with them, they have had trouble with them and if you have trouble once that is enough to

MR. NEARY: enshrine that in legislation, which the minister has refused to do. What happens - look let me ask the House this, Mr. Speaker - what happens when the regional government is set up, when the Minister of Municipal Affairs either forces regional government on the people in the greater St. John's area, in the metropolitan St. John's area, shoves it down their throats, or gives the people a chance themselves to elect or appoint from the town councils in the area their own members, whichever way it is done, and you end up with regional government? Will that regional government then be considered as an employer? Can my hon. friend from Twillingate (Mr. Smallwood), can my hon. friend answer that with all his years of experience in jurisprudence, in dealing with legislator?

MR. SMALLWOOD: Do not pile it on now - jurisprudence. I was never a judge.

MR. NEARY: Could the Minister of Municipal Affairs tell the House: when this regional government is set up, will it be an employer? Obviously it will be providing services, it will be collecting taxes, it will be employing people, but in the eyes of the Labour Relations Board will it be an employer?

MR. SMALLWOOD: Is there a definition in the beginning of the act?

MR. NEARY: There is no definition and this is the problem, therein lies the problem.

MR. SMALLWOOD: No definition?

MR. NEARY: Municipalities are not listed as employers. There has been trouble, there has been trouble, as the Federation of Labour can tell the hon. gentleman, there has been trouble defining municipalities as employers, We are going to have probably more examples of regional government throughout this Province and they are the creature, they are the creature of government. So can you interpret this then as meaning that they are employers?

MR. SMALLWOOD: Page seven, second last paragraph.

MR. NEARY: Page seven. "Employer" means any persons who employs one or more employees. But the trouble is, you see, the trouble is, Mr. Speaker, for the benefit of my hon. friend, is that it has been argued before the Labour Relations Board that municipalities are creatures of the government and therefore in the true sense are not employers. It is the government who is the employer.

MR. SMALLWOOD: "Any person who employs."

MR. NEARY: Well, I can only tell my hon. friend the arguments that have been put forward, that have caused all kinds of frustration, that have caused all kinds of inconvenience, that have cost the -

MR. SMALLWOOD: The Hydro Commission?

MR. NEARY: Right.

MR. SMALLWOOD: What about the liquor board?

MR. NEARY: Well, they come under a different act.

MR. SMALLWOOD: Are they employees?

MR. NEARY: They do not come under the Labour Relations Act.

MR. SMALLWOOD: Here it says, "employer" means any person who employs one or more employees. Any person.

MR. POUSSEAU: What do you not read the whole letter into the record?

MR. NEARY: I read the whole letter. I know what it says in the Act, but my hon. friend would be surprised to hear how lawyers can argue and twist and turn and cause trouble -

MR. SMALLWOOD: No.

MR. NEARY: - and they have caused all kinds of trouble before the Labour Relations Board in connection with certifying town councils, municipalities, local improvement districts, community councils and the like. They argue that they are not entities unto themselves, that they are creatures of government and there have been arguments developed; fortunately the rulings so far, I believe, generally speaking, have been in favour of the employee. But that does not necessarily get away from the fact that there has been tremendous cost and inconvenience

MR. NEARY: and delays. And I do not know if hon. gentlemen are aware of it or not but one of the most frustrating experiences that workers can go through are the delays that are caused in getting their case before the Labour Relations Board and getting it heard and getting certified. It causes all kinds of trouble, and if you get this kind of a legal argument it could be postponed days and weeks on end. In the meantime the employer can get rid of the employees, find a way to lay them off, get rid of them, terminate their services, they could die, leave, go away and the next thing you know you have not got a majority of the unit and the whole thing is thrown out. In order to avoid this kind of legal wrangle, then it should be written into the act



Mr. Neary:

that municipalities are employers in every sense of the word and, as I said, the regional government. It is going to be appointed by—let us say the Minister of Municipal Affairs appoints a regional government: It is then an agency of the government, is it not? So who do you deal with?

MR. SMALLWOOD: No, no. Not necessarily.

MR. NEARY: Well I presume that the Newfoundland Liquor Corporation is an agency of this government. The town councils are agencies of this government. That the Newfoundland Power Corporation is an agency of this government.

MR. SMALLWOOD: Yes.

MR. NEARY: If the minister appoints a regional government that is an agency of this government.

MR. SMALLWOOD: If they are not elected.

MR. NEARY: If they are not elected; and the minister is talking about appointing them. And they have employees and they are collecting taxes and they are doing work. Then, let us say, the union organizer goes out and gets them organized, and then they go before the Labour Relations Board, make an application for certification. Could not a lawyer come in and argue that they are an agency of government, they are not an employer in their own right? So we have to avoid this sort of thing, cut it off at the pass, and the only way to do it, and it does not cost very much, is to write it into the legislation, spell it out.

Let us see what other points. Oh, yes! The secret ballot. In this new Act there is another new provision that will compel unions to hold a secret ballot every time a counter proposal is made by an employer during negotiations. I presume this came up mainly as a result of the Waterford Hospital strike when the Minister of Finance argued that the latest proposal that was put forward by Treasury Board should have been brought before the membership of the union, and should have been voted on by secret ballot.

Mr. Neary:

Well now, Sir, so far the trade union itself has not done too bad.

MR. ROUSSEAU: Where do you get 'every time a new proposal' in here? Did you read the section? It is not in there. It is when there is a threat to an industry. You must have the wrong Act.

MR. NEARY: No, Mr. Speaker -

MR. ROUSSEAU: Section 98.

MR. NEARY: Mr. Speaker, I do not have the wrong section, if the minister will just give me a chance to deal with it.

MR. ROUSSEAU: No, but you have made a statement now. Mr. Speaker, on a point of order. I do not think the hon. member would attempt to mislead the House, but Section 98, Subsections (1) and (2) does not state that when a new proposal is offered. It suggests that when there is a threat to an industry in the province or a geographic area of the province that the Lieutenant-Governor in Council may decide. But not when there is a new proposal. A point of information, I should say.

MR. NEARY: Mr. Speaker, let me carry on on my trend of thought before the hon. gentleman gets too jumpy altogether. Because this Bill is not going to go down in history as the hon. gentleman's major accomplishment in this House.

MR. ROUSSEAU: No, I do not doubt that.

MR. NEARY: The hon. gentleman will regret today that he ever brought this into the House because it is going to be dangerous to both the industry and to the trade union movement. It is a retrogressive step. All it is going to do is create more trouble and strife, and we should be trying to undo that.

Mr. Speaker, what the bill does is this; it forces unions to hold a secret ballot when there are proposals or when, in the opinion of the Lieutenant-Governor in Council, an industry or the province is being threatened.

MR. ROUSSEAU: That is not correct.

MR. NEARY: That is not what it says?

MR. ROUSSEAU: No.

MR. NEARY: Mr. Speaker, well let the hon. gentleman straighten me out.

MR. ROUSSEAU: Well, I will tell you the reason.

MR. NEARY: I say, Sir, that this bill calls for a secret ballot, forces a secret ballot on a union when a proposal is made and when it is considered in the interest of the Lieutenant-Governor in Council -

MR. ROUSSEAU: If the hon. minister has that in the Act the hon. minister will amend that section when a proposal comes in in Committee stage. It is not in the Act. I will not have to do it, but if it is there I will take it out; and it is not there.

MR. NEARY: Let me look at -

MR. ROUSSEAU: Section 98 subsection (1).

MR. NEARY: Section 98. That is right, 98.

MR. ROUSSEAU: Page 64.

MR. NEARY: Well then, 98; "where the Lieutenant-Governor in Council has evidence that the continuance of a strike or lockout poses a threat to an industry in the province or a geographic area of the province, the Lieutenant-Governor in Council may by order require the bargaining agent representing the unit of employees

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who are on strike are locked out to conduct a secret ballot" And that is precisely what I said, Sir.

MR. ROUSSEAU: No, you said -

MR. NEARY: Section 98 should be stricken from the record.

MR. SMALLWOOD : Why, 'Steve'?

MR. DOODY: What is wrong with leaving it there?

MR. SMALLWOOD: What is wrong with that?

MR. ROUSSEAU: You said when there was a proposal.

MR. SMALLWOOD: If there is a threat to the Province.

AN HON. MEMBER: It is not a proposal.

MR. NEARY: Mr. Speaker, it is a very dangerous section, very dangerous, and it should be taken out.

MR. ROUSSEAU: Why? What is the reason?

MR. NEARY: I will give the reason why it should be taken out. Because the government, the Lieutenant-Governor in Council can find any flimsy excuse at all -

MR. ROUSSEAU: Come on!

MR. NEARY: - and bring legislation in this House or force the union to go back to work.

MR. SMALLWOOD: You know, all it does is require a secret ballot.

MR. NEARY: It requires a secret ballot.

For instance, if a group of employees are dealing with Treasury Board and they offer - say, for instance, they are looking for a ten cent increase in pay and Treasury Board offers them a half a cent, all right? And the bargaining unit, the bargaining committee say, No, we are not going to take this back to our members. Under this Section 98 they could be forced to do it or -

MR. ROUSSEAU: No!

MR. NEARY: - they could be ordered back to work.

MR. ROUSSEAU: How?

MR. NEARY: Yes, Sir, they could.

MR. ROUSSEAU: 'Steve' how? Tell me how? Look, if it is there, it should not be.

MR. NEARY: If the Lieutenant-Governor in Council has evidence that the continuance of the strike -

MR. DOODY: Or a lockout poses a threat -

MR. NEARY: - or a lockout poses a threat to an industry -

MR. DOODY: - in the Province or a geographic area in the Province. My God, that is not a half cent!

MR. NEARY: Well, it could be.

MR. DOODY: Do not be ridiculous!

MR. NEARY: It is too dangerous a weapon, Sir, to hold over the heads of the workers of this Province.

MR. DOODY: It is a weapon that is designed to protect the people of this Province.

MR. NEARY: It is a weapon that I would not put in the hands of this hon. crowd, I guarantee you that.

MR. SMALLWOOD: Well, should no one who is in a Province or a country have the right to protect a basic industry, for example?

MR. DOODY: Of course, it has. It has the right to protect the people.

MR. SMALLWOOD: Somebody ought to have it.

MR. NEARY: Mr. Speaker, we are hearing now from the hon. the gentleman from Twillingate (Mr. Smallwood) again coming to the defence of the government when they are on the ropes.

MR. SMALLWOOD: No, no!

MR. NEARY: And I say to the hon. gentleman that this House is the only place where that sort of thing should be decided, not in this bill. If we are going to decide it, decide it in this House and not allow a crowd of -

MR. DOODY: Hon. gentlemen.

MR. NEARY: No. What would you call them? Not radicals - a crowd of irresponsible, a group of irresponsible, inexperienced do-nothings have that kind of power in their hands.

MR. SMALLWOOD: They will not be the government forever.

MR. NEARY: Well, I do not care who is the government. Let the House do it. If we have to, call the House back in session.



- MR. SMALLWOOD: For every strike?
- MR. NEARY: If there is an industry threatening the economy of the Province.
- AN HON. MEMBER: That is what happened -
- MR. SMALLWOOD: No, it is not what happened.
- MR. DOODY: No, it is not what happened.
- MR. SMALLWOOD: How many times in history have they done it out of the hundreds of strikes? Twice.
- MR. NEARY: I say, Sir, it should be removed.
- MR. DOODY: And we gave them everything they asked for.
- MR. NEARY: And the authority of that sort of thing should rest in this House, and not in this piece of legislation; and the minister was told that in no uncertain terms by the Newfoundland Federation of Labour, and the minister chose again to ignore it.
- MR. DOODY: What percentage of the Province is unionized you asked this morning.
- MR. NEARY: About forty per cent of the Province.
- MR. DOODY: Well, who looks after the other sixty per cent?
- MR. NEARY: This House, not the Lieutenant-Governor in Council.
- MR. DOODY: This House?
- MR. NEARY: Not a crowd of irresponsible do-nothings.
- MR. DOODY: Elected to govern.
- MR. NEARY: I did not know, I did not hear that we had a dictatorship in the Province yet, Sir. This is what this sort of thing would do.-
- MR. DOODY: Nonsense!
- MR. NEARY: - take the power out of the Legislature and put it in the hands of the Lieutenant-Governor in Council.
- MR. SMALLWOOD: Who would put it in their hands?
- MR. NEARY: This bill, this act.
- MR. SMALLWOOD: This House, this House.
- MR. DOODY: This House.

MR. NEARY: Well, that is why I am saying that I am voting against it, because I think if there is any authority or any power of that kind that it should rest with all the elected representatives of the people and not put down on the eighth floor. And I am deadly opposed to this. It is a dangerous piece of legislation and a dangerous weapon to hold over the heads of the workers in this Province. And I hope that the minister got me straight now.

MR. ROUSSEAU: That I can accept. I mean, you know - but the point that you are saying that every time they would vote with every offer that is not -

MR. NEARY: It could. Mr. Speaker, I said that it could happen. If you are dealing with Treasury Board, if it is a group of hospital workers dealing with Treasury Board and they get an offer of a half cent -

MR. DOODY: A half cent! You know, you are bringing it to the ridiculous. If in government's opinion -

MR. NEARY: Well, I am talking about a ridiculous group of hon. gentlemen.

MR. DOODY: - a lot of people's lives are in danger,

MR. DOODY: then certainly they have the right to ask the union to have a secret ballot to decide whether an offer is reasonable or not. That is a protection for the union membership and not an oppressive point.

MR. NEARY: Mr. Speaker, this House are the only ones that should have that kind of power or that kind of authority so that every man will have to stand up and be counted -

MR. DOODY: Unless you join a political party you will never get that kind of power.

MR. NEARY: - so that we can have debate and that we can get both sides of the story. This way you cannot get both sides of the story. You could be bought off by management, as has happened. It is not the first time that governments have been brainwashed and bought off by management -

MR. DOODY: In the case that you just cited -

MR. NEARY: - by the big wheelers and dealers, not the first time when they are contributing to their party campaign funds. Who will they side with? Who would government side with if some big employer that is contributing to the party in power, owns them body and soul - and that is the way the system works. We have not taken any steps in this House yet to change that - they can come in and say, 'Look, this crowd -

MR. DOODY: Are the unions not involved in politics?

MR. NEARY: I beg your pardon?

MR. DOODY: Do the unions not have some say in political parties? Do they own some political parties body and soul? Do not be so foolish!

MR. NEARY: Well unfortunately, Mr. Speaker, they have not been able to make the progress in this Province that they should make. The moneybags still control both parties, both major parties in this Province. I could name them if I wanted to, the people who own parties,

MR. NEARY: who own the members on either side of the House. And hon. members if they do not like it they can lump it, but it is true - both sides of the House - and when you look at office space - office buildings that are rented downtown where the government have about thirty locations in this city you will find office space rented by members of both sides of the House or their families or their companies. And it is enough to frighten you when you think about it. So what would happen if they had this kind of power when you get some big corporation coming in and saying, 'Oh! they are threatening the economy of the Province. Put them back to work or we will not contribute any more to your campaign funds.' It would not take long, I guarantee you, before they would be legislated back to work. I think it should be stricken, taken out of the Bill. And, Mr. Speaker, I only have a few minutes left. I have had a lot of interruptions, which were probably good.

Then there is the matter of 138. It is another one that the Federation of Labour is objecting to - Section 138 - which is really designed to harass the union: A trade union shall file with the Minister a copy duly certified by its proper officers to be true and correct of the constitution, rules and by-laws of the trade union

and any branch or local thereof within the province, and a list of names and addresses of its president, secretary' - a copy of the constitution, by-laws, all amendments made to the constitution and so forth and so on, and 'shall contain full and complete statement of the objectives and purposes of the trade union movement'. The trade union movement are the only organization in Newfoundland that have to do that. What about the Board of Trade? What about the J.C.'s? What about the Lion's Club? What about the Kiwanis Club? What about the Chambers of Commerce? What about all the other organizations? Why the trade union movement?

MR. ROUSSEAU: Because we are responsible for the labour movement.

MR. NEARY: Because they are responsible for what?

MR. ROUSSEAU: The Ministry of Labour is responsible for -

MR. NEARY: It is designed, Sir, to harass the trade union movement. I remember when it was put there and it should be taken out of it altogether. 'Upon being so requested by a member, a trade union shall without delay furnish him without charge a copy of the audited financial statement of the union.'

MR. ROUSSEAU: What is the matter with that?

MR. NEARY: 'Upon being so requested by a member, a trade union shall' - That could cause all kinds of problems, Sir, and certainly could be used to harass the union executive.

MR. STRACHAN: What does 139 (2) mean?

MR. NEARY: I beg your pardon?

MR. STRACHAN: What does 139 (2) mean?



MR. NEARY: 139(2) is a dandy! "Where a member of a Trade Union complains to the minister that the union has failed to comply with a request by him under subsection(1) the Minister may request the trade union to furnish the Minister with the financial statement described in subsection (1) and the trade union shall comply forthwith with any such request of the minister." The treasurer is going to resign, retire, die, be gone away somewhere on a convention, the office could be vacant, but it does not make any difference they have to pony up. Obviously whoever drafted this bill does not know how unions operate. They probably operate more efficiently than any management organization, than any service club. The ones that I have had any dealings with they are run in an efficient manner. But somehow or other they are suspect under this bill, there is a dark cloud hanging over them and I would submit, Sir, that the best thing to do with this is to kill it, lay it on the table of the House, give the Trade Union movement a chance to have some input into it before it is railroaded through the House in the dying moments of this session of the House. It is not a good bill, it is only going to cause more trouble and strife, it will just create a legal jungle that the ordinary worker, the ordinary union member will not understand and all it will do, Sir, is endanger any whatever shred of employee-employer relationship that is left in this Province.

MR. SPEAKER: Hon. member for Mount Pearl.

MR. N. WINDSOR: I just want to ask the minister if he would give me some explanation or some clarification. I understand as I read this, the explanatory notes to this bill, that there is a change proposed from the existing legislation which would now make professionals groups, or could make it possible for professional groups to come under the Labour Relations board. I wonder if when the minister speaks next could he expand on that, say why this is being done. Would there be any conflict between existing legislation,

MR. N. WINDSOR: for instance the Association of Professional Engineers Act or the Medical Act or whatever? Since there is already legislation covering these professional groups what effect will this bill have on existing legislation and maybe he could give me some explanation of why this may be done.

MR. SPEAKER: The hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, I just want to say a few words about the overall bill and I agree with many things that the hon. member from LaPoile said about this bill. I do not think that this is a bill that is going to particularly improve labour relations in this Province. That is not to say that everything in the bill is a disaster or that there are not some good points in the bill, obviously there are, and as we debate the thing I hope that I will be able to point out some of the features that I think are good in the bill, but the bill in total is again a bill that is a lawyer's dream. We have got here - we have extended on, I think the old legislation that the hon. member from LaPoile mentioned that there were eighty-eight clauses in it. Here we have a bill which has somewhere one hundred fifty-four or one hundred and fifty-five clauses, quite a massive document. That combined with the one that we had this morning certainly makes a very massive document with respect to labour relations in the Province and as I pointed out then, and I will again point out now, that it is very difficult to legislate good labour relations in a province. And I think what the ministry must be concerned about is some sort of educational programme that informs our people about the legislation that is now in existence. But for good labour-management relations, even though there is some legislation necessary, it is not gotten entirely through legislation and I think the minister would be well advised to carry on some educational programme, some publicity programme so that the people of this Province are informed as to what this bill is all about. But there must also be some programme in schools to acquaint our people, to make them

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MR. LUSH: familiar with labour relations and the jargon and the terminology and what collective bargaining is all about.

I again stress this point because there is an awful lot of people in this Province

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who do not understand the procedure or the process of collective bargaining, and it is a complicated procedure. It is not as simple as most people think it is. And I mentioned this morning, and I will mention again, that I was disappointed to see \$20,000 removed from the vote this year that was in last year's budget for labour education. This year it is not there. I do not know if it is in any other part of the budget, but last year there was an area designated of \$20,000 for labour education, not very much, not very much, just a drop in the bucket in relationship to the job that has to be done, but it was \$20,000. This year it is removed, and that is disappointing to learn that the government is not concerned with educating our people with respect to labour and labour relations. And this is where we have to start, in the schools with the young people. These people have to be made aware of the economy of Newfoundland and of labour and labour relations. And if we do not start a programme there, I do not know how we can expect labour relations to change in this Province. Certainly this bill is not going to improve the labour relations in the Province. Already we have harassed the Federation of Labour with certain segments of the bill. And again I refer to the new segments that are in Bill No. 62 that were not in Bill No. 75, 137, 138 and 139. And my understanding is that these are parts of the old Trade Union Act, and the most undesirable parts with that. It is not the better parts of the old Trade Union Act. It is the most undesirable parts, parts that labour are hoping are going to be rescinded. Labour is fighting to have these particular clauses rescinded, and here the minister brings them in as a new bill, as a major piece of legislation. Here is labour trying to get this rescinded; these particularly more unfavourable aspects of the old Trade Union Act.

MR. ROUSSEAU: So are management trying to get some of it, you know, because they are not happy.

MR. LUSH: It was not done in a proper way. When did we get the bill ourselves, Mr. Speaker, this particular one?

MR. ROUSSEAU: I do not know, Monday or Tuesday.



MR. LUSH: The first time I saw it was this morning.

MR. ROUSSEAU: You know, the hon. member got to remember that this bill is about the seventeenth version after four years. It is not something that has been sprung on anybody, you know, and if we kept it out there would be a different bill in the next session. If we kept it out, it would be a different one.

MR. LUSH: Well, I still believe that the bill could have come to us a little more quickly, to all members, and certainly to the Federation of Labour so that they could have seen what the changes were and had some chance to have some input before it got to this stage. But be that as it may, it is done, and it is unfortunate that it was done this way. And certainly, as I have said, not a bill, by the way it was introduced, by the way it was put together that its lack of involvement of labour and the management and the lack of concensus that it is not going to improve labour relations in the Province. But again in order for the people to know what is in it, it is going to take a massive publicity job by the minister, by the government, so that people understand what is in the bill, so that labour and management, each will know its rights and obligations or responsibilities as proclaimed in this particular bill.

There are many clauses that are confusing and cause a lot of misunderstanding and my hope is that we will get down to them as we go through it clause by clause. But there are just a few points that I want to mention about now so that the minister can address himself to these matters when he gets up to speak to it. Again I point out the dangers as I did this morning with respect to the composition of the board. I would hope that there are good, impartial people put on that board. Again it is the Lieutenant-Governor in Council who appoints these people, and I would hope that the people are put there on their merit, the people who can deal with labour, people who are familiar with labour and the management relations, good P.R. people, people totally cognizant of the problems of this Province, and again that is in the hands of the government, and I would hope that they will do it fairly and properly. But there is that danger, Sir. There is



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that danger that they be political appointments, both the chief executive officer of the board and the board itself. There is no reference either in the bill to what remuneration any of these people will get.

MR. ROUSSEAU: Standing. It is the same for all boards.

MR. LUSH: Okay.

Mr. Lush:

Now I just want to refer to a couple of points just now to get the minister to address himself to, when he gets up to speak, just a couple of clauses. In Clause 37, Bargaining agents and units - let me see, it mentions here, yes, "The Board may certify the trade union as the bargaining agent of the employees in the unit." And what this does, this is in the matter of a union, of a council applying for certification and it says, "The Board may certify the trade union." Now I just wonder why that is there. If the union can show that it has got a majority of people in a certain group wanting to be certified, and all conditions being equal, the Board having checked out the various circumstances with the unions to see that they qualify, why is it that the Board got the final say even though the majority of the people want this union to be their agent, want them to be their representative in bargaining, that the Board got the total say? And I thought that the Board was more or less a supervisory body but this certainly gives them, this makes them an enforcement body because they can decide which union or which council is going to represent people even though there is a majority vote. And so the Board has the final say regardless of the vote, regardless of the people who want that particular union to represent them, the Board got the final say in this matter.

And then there is one other one, 38 here, it mentions that under (d), 38 (d): "The employees in the proposed unit - and this is again talking about bargaining agents and units about being certified. And it says, (d) - "the employees in the proposed unit, in a vote by secret ballot conducted by the Board, in which they expressed their preference for the sub-group or the larger existing unit have favoured the sub-group by a two-thirds majority of those entitled to vote." I just wonder why it is a two-thirds majority rather than just a simple majority, why we should propose for this to be a two-thirds majority.

MR. LUSH: And just one other point, I think, and that is in Clause (77). Forty, I am not clear on what 40 says, 40 refers to, "The Board may, upon the application of a trade union, or a group of dependent contractors, vary a certification of a trade union as a bargaining agent to include dependent contractors, if the Board is satisfied that" so on and so forth. The bill does not seem to say clearly to me whether dependent contractors can be unionized. It does not say that clearly. Can they or can they not be unionized? This is not clear in this particular bill here at the moment.

And just one other one before I sit down, and that one is 46, Enquiry by the Board. In this one it says, "For the purposes of determining whether the majority of the employees in a unit consist of members in good standing of a trade union or whether a majority of them have selected a trade union to be their bargaining agent, the Board may make or cause to be made such examination of records or other inquiries as it deems necessary, including the holding of such hearings or taking of such vote." But it does not say how the vote will be decided again, whether it is going to be a simple majority or whether it is to be a two-thirds majority. At one place with respect to the Board accepting a bargaining unit, it has got to be two-thirds. Here in this one, on 46, it does not say how the vote is to be decided, whether it is to be a simple vote or whether it is to be a majority vote. So I think that should be - certainly I think that should be clarified.

84, I think, is the next one I want to bring to the attention of the minister. Let me

MR. LUSE: see what that one says. This is to do with the powers of an arbitration board, and says "An arbitration board appointed pursuant to a collective agreement or in accordance with this act" and so on it goes down. I think there should be an extra subsection put in here and it should be similar to 104 which is for a conciliation board. 104 - and this is the thing about this act, it is so inconsistent. 104, I think it is 104, yes 104 (6), I think the same thing should apply to the arbitration board as to the conciliation board. In 104 (6) it says, "No person who has any pecuniary interest in the matters referred to the conciliation board or who is acting, or has within a period of six months preceding the date of his appointment acted, in the capacity of solicitor, legal adviser, counsel, or paid agent, of either of the parties" involved. and I think that there should be a section including this requirement for arbitration board members, and arbitrators, to subject so that we are assured of impartial arbitrators and arbitration members. It should be the same to be consistent. There should be no difference in the composition of the arbitration group as with the conciliation group.

These are just a couple of the clauses that I want the minister to address himself to and in making a few general remarks I just wonder what the minister feels that this bill is going to do to labour relations in this Province. We have already suggested that it looks like that we have tried to sneak in a bill which the Federation of Labour thought was a different bill. We have got things in it that was not in Bill 75, with very little notification - I mention 137 particularly, 138, 139, the worst aspects of the old Trade Union Act - and this is a poor way to start. If we are interested in creating good labour relations in the Province, if we are interested in starting good labour relations, this certainly has got to be a poor way to start, to start off with harrassing the Federation of Labour. It is a poor way to start.

MR. LUSH: I wonder how the minister feels about the different pieces of legislation with respect to minimizing or cutting down on illegal work stoppages in the Province. Is this bill going to do that? And it has always been a query of mine, I have been puzzled as to why we have so many work stoppages when in every collective agreement there is an agreement for final settlement, arbitration. And why is it that we have so many illegal work stoppages when the agreement for final settlement is in every collective bargaining settlement? Why is it? The legislation is no different now. It is the same as it was previously with respect to final settlement and yet we have been having a tremendous amount of illegal stoppages in this Province, a great inconvenience to the public, and I just wonder what this bill is going to do to this, if it is going to do anything. Is the government going to enforce the legislation? Are they going to see that there is a minimum of illegal work stoppages? And I would say, and I think the minister made this point as well, that you cannot legislate good labour relations and this is why I have said that we have got to carry on, one, with this programme itself an extensive publicity programme so that the people - and in a language that they can understand just what their rights are, just what collective bargaining is all about, the process. There are a tremendous number of people in this Province who do not understand it and certainly one of the requirements in any kind of a confrontation situation is understanding, in an adversary situation, it is our understanding, and many of our people do not understand what the collective bargaining system is all about. Maybe the unions are not doing the job that they should be doing in informing the people what it is all about, but certainly the government has got to take some responsibility. And I make the final plea to the minister to see to it that there is something done in our schools with respect to labour and labour relations so that we are working with young people to be able to



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start with them so that they will understand what labour relations is all about, so that they will fully understand the process of collective bargaining and to know the obligations of each party involved, the employer and the employee. And there has got to be trust between the employer and the employee, and I think that today that is lacking. And I think that this bill is not going to help to improve that trust. It is not going to help to improve trust between the employer and the employees. And it is unfortunate that some major clauses got slipped into this bill today without the consensus, without any rapport, without any dialogue with the Newfoundland Federation of Labour. With that, Mr. Speaker, I finish.

MR. SPEAKER: The hon. member for Twillingate.

MR. SMALLWOOD: Mr. Speaker, there are doubtless a number of principles involved in this bill. I do not propose to deal with any more than two of them and with regard to one of them I merely mention it to pose a question to the minister. There is a principle to the effect that a union shall be capable of suing or being sued, to become a legal entity like a corporation, like an individual. The question I have for the minister is this - and if he has not got it he ought to have it; and if he personally has not got it, his officers in the Department of Labour ought to have it - what is it called now? Industrial Relations or whatever the department's name -

MR. NEARY: Labour and Manpower.

MR. SMALLWOOD: - the department ought to have this information, and if they have not got it, a simple telephone call to the Department of Labour of Canada at Ottawa would get the answer, and the question is this: Of the nine provinces how many have on their Statute Books today a precisely similar requirement or proviso that a union is a legal entity, that it may sue or be sued? How many other provinces have it? And then at the same time I would like to know, What is the law in the United Kingdom where this very matter was the subject of one of the most terrific political battles ever fought in Great Britain as a result of the Taff Vale court decision which said that a union was a legal entity, that it could sue or be sued? I do not know -

Mr. Smallwood.

I know what the immediately subsequent result of that legal decision was, but I do not know what the present day situation is, whether the unions in Great Britain - where you have a Labour government, you have a Labour government today; you have virtually a trade union government today in Great Britain - what is the position in Great Britain? Are unions legal entities there? May they sue and be sued in Great Britain under a Labour government, virtually a trade union government? The nine provinces of Canada, the United Kingdom, and, say, some of the more progressive states of the United States, the State of New York, the State of Wisconsin, the State of California, the State of Pennsylvania, what is the law in those states? Are unions legal entities in those states? May they sue and be sued under the law?

Now we are asked to adopt this principle in the present bill. Surely we have a right to know whether we are unique, whether this is the only province that is asked to enact that principle into law. Surely we are entitled to know, and surely the minister is the one to tell us, and surely he should tell us before we vote on the bill. Now the other principle I would like to know something about is this: My hon. friend from LaPoile kept saying, he said several times that this other clause - I forget the number of it - gave this hon. crowd, as he calls the government, whom he accused me of supporting, and I am not supporting the government -

MR. NEARY: No, Sir, I did not accuse you.

MR. SMALLWOOD: Well, the hon. member said, "He is supporting them again; that is the second time," that I was supporting the government. I supported the government, if that is what you can call it, when I - I was not here for the vote, but I argued against putting on a tax on export power.

Mr. Smallwood:

That was not supporting the government. That, in my view, was supporting Newfoundland. And if I take a position on this bill it is not by way of supporting the government. If my vote could put them out of office, out they would go in the next three minutes. I am not a supporter of the government. I do not take the stupid position that everything they do is wrong. I do not take that position. I think that many things they do are right, and they are to be commended for the good things they do. What kind of a stupid crowd would we be if we saw no good in them! How stupid could we be to be like that!

We will get more credit with the Newfoundland people - not that I am looking for credit with the Newfoundland people, shortly I will be done with it, I hope forever - but the Liberal Party would have more credit with the Newfoundland people, and so would any opposition party if they are always willing to give credit where it is due. Then the criticism of a government becomes far more effective when it comes from a crowd who have been giving them praise and credit where they thought it was deserved.

Now having said that may I say this - what is it 'Steve'?

MR. NEARY: Clause 98.

MR. SMALLWOOD: Clause 98. Now what the clause says is in English. We do not have to be bilingual, it is here in English, our mother tongue. And, Mr. Speaker, I am well aware of the fact that at second reading we are dealing with the principle, but sometimes - and we cannot go into details, that is done at Committee stage, line by line, and clause by clause. But, Sir, to enunciate a principle sometimes I think Your Honour will agree that it is interesting and important, and perhaps necessary to quote the actual words involving embodying a principle. Clause 98: "Where the Lieutenant-Governor in Council," that is the Cabinet, the Queen's Government, Where the Queen's Government" has evidence that the

Mr. Smallwood:

continuance of a strike or a lockout poses a threat to an industry in the province or a geographic area of the province," then the Queen's Government, that is, the Lieutenant-Governor in Council may, by order, what? require, require what? require the bargaining agent representing the unit of employees, that is, require the union who are on strike or locked out, to conduct a secret ballot. What kind of tyranny are we setting up here, that the people's House, the representatives of all of the people, union and non-union, what kind of tyranny is this that the government with appalling audacity come in here and ask the democratically elected House to give them the authority where they think that an industry or a region is threatened, give them the authority to require what? that all the unions shall be taken out and hanged? No. Shot? No. Put in jail? No. What? What are they asking us to give them the authority to do? To require what? A secret ballot. Is there anything undemocratic about a secret ballot? Is there anything undemocratic about, or tyrannical for a government that thinks that there is some danger to require a secret ballot? Surely that is as democratic a procedure as it is possible for the members of this House to imagine.

A secret ballot in the unit, that is in the group that are on strike or are locked out, to determine their wishes. A secret ballot, the government says, You shall have to enable the members to determine their own wishes, what they want. Not what the government wants. Not what my hon. friend wants, or what I want, what the people on strike want or the people who are locked out.

Now I say that is eminently democratic. I see no fault in it. And if that means that I am supporting the government, so be it.

MR. NEARY: What about the Board of Trade, should they have a secret ballot on things too?

MR. SMALLWOOD: If the Board of Trade -

MR. NEARY: Why not put them in there?

MR. SMALLWOOD: - I would say that if the Board of Trade  
menace the economy I would be in favour



MR. SMALLWOOD: of a law abolishing them! Wipe them out altogether!

MR. NEARY: Well, why not wipe it into the Act, the Chambers of Commerce, the Boards of Trade and the rest of them.

MR. SMALLWOOD: The trouble is that Boards of Trade have no employees, they may have one stenographer down there.

Unions may have a few employees, Sometimes you hear of the employees of a union going on strike. It is always a scandalous thing when it happens; the union is chagrined about it. Sometimes one of the great co-op societies in England has its employees out on strike, and they blush about that, but the fact of the matter is that the membership of a co-op may run to, in the case of England, several millions, In the case of individual co-ops the London co-op has, suppose eighty or ninety thousand members and they will have, relatively speaking, relative to the number of members, they will have a small few employees. But the Board of Trade are like the Masonic Order or the Orange Order; they are just a professional body, like the Medical Association, like the lawyers club, the lawyers union. We are talking here in this act, I take it, in this bill, we are talking about labour relations. I do not see that the Board of Trade has anything to do with labour relations except to make a propaganda statement-which anybody can do, anybody can make a propaganda statement.

MR. NEARY: What about the construction association?

MR. SMALLWOOD: Construction association? If they are employers it should certainly apply to them, insofar as they are employers.

MR. NEARY: Well, they are employers.

MR. SMALLWOOD: Does it apply to them?

AN HON MEMBER: On lock outs it would.

MR. SMALLWOOD: Well, employers? But the hon. member is talking about employers' associations. The association probably has no employees and has nobody on strike, they are a professional body, they are a propaganda body, they are a body set up in self defence or for aggression or both. But insofar as it can be made to apply to them I am all for having it applied to them. Now it goes on, for the purposes of this section, the Queen's government having decided that an industry or a region of the Province is menaced, order, by order in council, they order a secret ballot to be taken among the members, and that having been done, For the purposes of this section, the Minister may require that an officer of his department be present during the conduct of the vote."

I do not see anything wrong with it! I do not see anything wrong with it! I am trying to see what is it that is wrong with it, nobody has told me, and if I see nothing wrong with it, if I am here when the vote is taken, I will vote for it. But I do ask the minister -

MR. ROUSSEAU: May I make a point to the hon. member. Just to show you the hon. minister who sneaked in the bill and the hon. member has been around for a long while and understands legal terms - Bill 75, which was the old bill, says this, and if the hon. member will follow in Bill 62, "Where the Lieutenant-Governor in Council has reason to believe that the continuance of a strike or a lockout poses a threat to the economy of a province or geographic area" It is different in that bill.

MR. SMALLWOOD: Yes, well this is a little narrower. If it said, if this bill -

MR. ROUSSEAU: And rightfully so.

MR. SMALLWOOD: If this clause said the economy of the Province I would vote for that, but it does not go that far. It goes a shorter distance than did the act that it replaces. It says here "An industry or a region." I would go further. How in God's name, how in the name of democracy

MR. SMALLWOOD: can the people's House, the only House there is in Newfoundland that represents all the people, the forty per cent of the workers that are in unions and the sixty per cent who are not, and all the rest who are not eligible for unions anyway, the entire population are represented here on this floor, and if this House is not to have the right, and has not got the duty to make laws governing unions what are we here for? What rights have we got that are worth having?

The regulation of unions, the regulation of all kinds of bodies. We have an act in here regulating the Medical Association, we have an act we passed regulating the optometrists we have another act we have regulating the dentists.

MR NEARY: They regulate themselves.

MR. SMALLWOOD: But we gave them the right to do it.

MR. NEARY: Yes, to discipline, to regulate themselves, They have -

MR. SMALLWOOD: But we gave them that right.

MR. NEARY: Yes, we were generous -

MR. SMALLWOOD: That right was given them by the popularly elected legislature of the Province. Whatever rights they have are rights that we gave them, whether we were right or wrong to give them

MR. SMALLWOOD: We did give them those rights and there are laws on our statute books regulating all kinds of bodies and all kinds of organizations and all kinds of interests in Newfoundland -

MR. NEARY: - write their own act.

MR. SMALLWOOD: - and why should it not be so? That is what we are elected for.

MR. NEARY: The lawyers write their own act. The Medical Association writes their own act. The Trade Union movement -

MR. SMALLWOOD: No, they do not.

MR. NEARY: - I do not think are allowed to have input into it.

MR. SMALLWOOD: They do not write any acts.

MR. NEARY: They do write them -

MR. SMALLWOOD: They may -

MR. NEARY: - and send them to the government who rubber stamp them.

MR. SMALLWOOD: Well, they may draft a bill and bring it in and ask the government to pass it.

MR. NEARY: To rubber stamp it.

MR. SMALLWOOD: I have had bills brought to me when I was Premier by various outfits. We did not agree. We did not do it. We did not pass them. And I remember when the Lawyers' union, the most powerful union we have, even much more powerful than the Doctors' union, I remember when the Lawyers' union, got obstreperious and I called in the Attorney General and I said, "Leslie, I would like you to take a message to the Lawyers' union." He said, "Certainly, Premier." I said, "Take them this message; if they do not agree to certain amendments we will bring in a bill and we will abolish the Law Society." He said, "You mean that?" I said, "I mean it." And he told the Law Society and their opposition to our proposed amendments collapsed. Why should they not? No. We have a right here to enact legislation controlling and regulating all the affairs of the Province except matters of purely private conscience. You do not tell churches

MR. SMALLWOOD: what they are to preach or what they are to believe. You do not tell individuals. You do not take away the right of private judgement. You do not take away the right of conscience.

MR. NEARY: That is what you are doing here now.

MR. SMALLWOOD: You are not doing any such thing. On the contrary, you are giving the government the right to require a secret ballot -

MR. NEARY: And to put somebody from the government, from the government, from the Department of Labour into the union hall while it is going on.

MR. SMALLWOOD: - to see that it is properly conducted. But I know - I do not need to ask the Minister of Labour this - in other provinces is there law, is there legislation in other provinces requiring the presence of an official of the Department of Labour? I do not need to ask that because I know that it is so.

MR. NEARY: I doubt it very much.

MR. SMALLWOOD: It is commonplace all across Canada and in many parts of the world that the government are represented by an officer, not a member of the government, but an officer, an employee of the government and usually in the Department of Labour, to see that a proper and fair and honest ballot is taken.

MR. NEARY: Only when they are invited.

MR. SMALLWOOD: I do not think that that is so either that it is only when they are invited. I think the law gives the authority to the government to order it so. They do not use it too often, and I do not imagine that the present administration or their successors or those that will come after their successors, I do not imagine that any government would except in a real crisis. There can be a real crisis but the crisis in Newfoundland is not likely to be as dire, as menacing as a crisis can be on the national scene. For example, if the postal workers went on strike and stayed out for six months - six months, no mail; if the air pilots, or air personnel go on strike and there is no aircraft for six, eight, ten months; and if the railroaders went out and so



MR. SMALLWOOD: on and so on you can imagine that an absolutely unspeakable tragedy that would be to the economy of Canada and the fate and the welfare of the entire 23 million Canadians. We are not likely in Newfoundland to have a crisis of that dimension, that is not too likely, but it is entirely possible that sometime or other - and the bill is meant to cope with a problem if and when it comes. If it does not come, well and good, but if it comes the authority must lie somewhere to deal with it. And this House is asked in a democratic vote to give the Queen's Ministers the right to deal with it, the authority to deal with it.

Now I think that we have got to trust them, that they will be men of common sense, that they will not be looking for political disaster, that they will not act like fools, that they will not act like little sawdust Ceasars, that they will not act like jackasses, I think we have to depend on that. They are reasonable and logical men. I personally disagree with some of their policies, and I would vote cheerfully tomorrow to put them out of office and put in a Liberal, especially if I could feel that it was a genuinely Liberal Government. I would vote to do this tomorrow.

MR. STRACHAN: It is going to be.

MR. SMALLWOOD: Well, let us hope so. Let us hope the answer is yes to vote (a) that it will be a genuine Liberal Party and (b) that they will form

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the government. Let us hope that I will give them a vote. I will vote for them. I promise now I will vote for the Liberal candidate in any district where I happen to be living. So I am not a supporter of the government, but in conscience I have to support anything they do that I think is right. What in the name of God else would I do? What will anyone do? The member for LaPoile (Mr. Neary) will probably vote against it because he is as convinced in his mind and heart that he is right, as I am that I am right. And I cede to him - you know what Voltaire said, I believe you are wrong but I will defend to the death your right to be wrong. The right to be wrong is the final definition of freedom. If you have not got the right to be wrong -

MR. NEARY: The trade union movement in the Province says it is wrong, I say it is wrong, other members say it is wrong, but the former Premier says it is right.

MR. SMALLWOOD: Okay. So be it! The Federation of Labour says it is wrong. I say it is right, and it is my vote that I am going to cast, not theirs.

MR. NEARY: Okay.

MR. SMALLWOOD: I am going to follow my conscience. I am going to vote as I see it and that is what I am here to do, and that is what the hon. member is here to do to vote according to his conscience.

MR. NEARY: And that is what I intend doing.

MR. SMALLWOOD: Let the Federation of Labour do as they do.

Mr. Speaker, I hope that in this pregnant matter of a union being a legal entity that may sue in the courts of the land or be sued that that is not a principle or an idea that is unique to Newfoundland. Give us the names of all of the nine provinces that have it, and the names of American states, and above all the United Kingdom which has a Labour-trade-union-government tell us what the law is in those lands.

MR. SPEAKER: The hon. member for Fagle River.

MR. STRACHAN: Mr. Speaker, I am going to exercise my right to be wrong. Mr. Speaker, I have no experience in the legislation of labour legislation and in comparing the two acts, 75 and 62, there are a number of areas which seem to be very wrong, or some of the things which seem to be included.

Mr. Strachan.

For instance, I understand, that in Section 31 of the Bill No. 75 which was expanded into Section 31, subsection 1, 2, and 3 in which especially the second section, 31(2), where the member for LaPoile (Mr. Neary) was going on about religious beliefs, we feel and the Federation of Labour as well feel very strongly that when we start entering these kinds of things into labour legislation we start opening up a whole can of worms here, I would like to see if these religious beliefs are entered into in anything else but labour legislation. And the whole point that I feel about much of this legislation is that the administration opposite may feel that it is enlightened legislation, that it is legislation which has improvements and so on, but I have very strong feelings that what we are doing is we are increasing the situation and the position of putting labour in this Province, as elsewhere in many parts of the world, labour in this Province into a stronger adversary position with government and with employers. It seems to me that we always seem to feel that in order to correct anything what we have to do is increase legislation on labour, increase the whole thing, tighten it down, batten it down, if there is a loophole here or a loophole there. But I would like to see a similar kind of legislation introduced into the professional bodies, as we have stated. And I have always believed that in order for something to work, we have to have three things; the capital, the resource and the labour. And the three of them are of equal important in most cases. And what we see is that capital in the form of corporations or companies seem to be able to have one set of principles - the resource is there and that is up to the legislation and the administration to handle that - but when it comes to labour what we do is force them into adversary positions where we have to legislate them all the way in every one of their moves. And instead of realizing that if we are going to bring in enlightened legislation, and enlightened legislation should be that we understand that labour - and I may be blamed for being a socialist in this - is of

MR. STRACHAN: equal importance as capital. And if labour is of equal importance as capital, it should therefore be recognized that it should be sitting on the board.

MR. SMALLWOOD: Would the hon. member allow me to remind him that what he has just enunciated is not good Liberalism. Good Liberalism in this matter was enunciated by Abraham Lincoln who said not that labour is as important as capital, but that labour is the mother of all capital. Therefore it is much more important.

MR. STRACHAN: I thank him for the slight correction. If I was appearing to mean that, it certainly was not what I really believe in, because I feel firmly about it that what we seem to be doing all the time - and he gives examples of Britain, for instance, of the socialist government in Britain run by labour and so on - is that we have got into the situation in Britain where we have created adversary roles in which there is a scuffle between capital in the form of one party and labour in the form of another party so that what we have now is a total mess from one extreme of the pendulum to the other. If we want to bring in enlightenment here, we should follow possibly the example in West Germany and other countries where they realize that labour is of the utmost importance and labour should therefore participate, and be a full participant, in the matters affecting them, whether it be in the development of a resource, a development of a product, and companies and so on. And what we should really be looking for - surely an enlightenment is not an Act which is increased by eighty-odd sections, increase an Act by eighty odd sections and bring in religious beliefs and bring in subsections here and subsections there in which we are hemming him in tighter. Surely we should be looking for legislation which will change the whole thing, if we want to be enlightened, in which we recognize that labour is a force, that the ordinary working person has something to contribute. And what he contributes is of equal importance as the source of money which is coming in to get that resource moving. And I feel very strongly that what we are doing here and are continuing to do, and what will happen as we go



MR. STRACHAN: down the road and down the line in the years to come, is create a situation here in this Province in which we have a stand-off position almost on all occasions between labour and capital. It will continue to be that way; there will continue to be fights and arguments, strikes, adversary roles created in which we add another ten sections to a document and hire more lawyers to interpret it. And this is a lawyer's dream as such, that is what this is.

This is what it creates, a lawyer's dream. It is already getting to the stage where it becomes so extremely complicated that what we have are delays and strike action and so on because of the complications of the document. Surely what we should be doing is to try to change the whole thing around, change the whole thing so that labour does participate fully in the development of the resource and is regarded as the equal or more so, of capital. It interests me—and in this regard I totally support the member from LaPoile (Mr. Neary)—it interests me that what we seem to see all the time is legislation directed against the workers, but there is no legislation directed against many of the professional groups, because the professional groups have the ability to run themselves. They make their own laws, their own rules, their own documentation.

If we are going to regard them all as equals then surely this House should be legislating them equally as hard as it is legislating the ordinary worker. Surely this is totally wrong. There is a double standard somewhere, an extreme double standard somewhere, in which legislation, on the one hand for professional groups and groups who are supposedly able to regulate themselves and allowed to regulate themselves, and legislation on the other hand for the workers who are trying to struggle to obtain some place in this society, some place which is equal to a doctor or a dentist or a lawyer or other professional worker, whatever you want to call him. Surely they are all the same! And this to me is the whole heart of the matter, that what we are doing here is applying these double standards, one standard for the worker and another standard for the professional bodies who are allowed to virtually please themselves, run





Mr. Strachan:

in which they have asked, and this is as late as May 13, in which they have asked that the administration reconsider the introduction of the new Labour Relations Act. They feel that the most appropriate way to deal with changes is to have amendments to the existing legislation. "All parties concerned have worked with the language of this legislation for over twenty years. It would be a destructive thing to have totally new language, and it might well not serve the purpose of harmonizing industrial relations. We think therefore if there are problems with legislation it should be dealt with by amendment." And for example they give some points that they feel could be done, and that this would be a far better way, they have lived with that bill. They know the bill. The workers know the bill. The unions know that bill. And now we are coming in with a bill which is one hundred and fifty-odd clauses, one hundred and fifty-four clauses which expand into all kinds of fields and, as we stated, all it has done is to create a lawyer's dream, that when we get into negotiations there will be more batteries of lawyers sitting in on negotiations than were ever seen before.

What they are stating here surely makes sense, that if we are going to bring in enlightened legislation it is not by increasing this Bill to one hundred and fifty-four clauses, many of which are already bones of contention between the Federation of Labour and the Department of Manpower -

MR. ROUSSEAU: And management.

MR. STRACHAN: - never mind! - without getting into the strike situation even before the bill comes in. There is a standoff position already created in which the Federation of Labour cannot accept many of the clauses and would prefer to remain with the one they have and see amendments done to that rather than increase it to this extent in which they will obviously have fights, obviously have positions. It is creating an atmosphere or a position in which strike action almost automatically will take place. And I cannot

Mr. Strachan:

help but agree - without getting into the Acts, because I have little knowledge of labour legislation as such, not working in situations like that but I cannot help but agree that what we are doing here is virtually creating an atmosphere in which industrial relations in this Province are going to get worse rather than better. And surely that is not the aim of the bill. The aim of this bill surely should be to improve industrial relations and not to make them worse nor to create strike situations or situations on which there are a great deal of argument.

So I feel strongly that in this the minister should let the bill remain and have further consultation with the Federation of Labour and others in which there is further input into it. If they feel that strongly then surely, obviously they can vote it through, can pass this bill through and there is little that we on this side can do about it. But surely if we are going to get into it, surely let it stand aside and have further consultation with the Federation rather than pass this legislation through in which there are many points they argue about, many points which have been sneaked in, for instance, on Bill 75, Clause 31: it was only one section and then we see that it has been added now to the two additional sections one of which deals with religion, a person's religious beliefs, plus another section below, and this has been added into it. I am sure that much of what has been added into has not been done - or obviously if it has been done with consultation it is even worse, because virtually it goes over the heads of the Federation of Labour and their beliefs in it, surely there is a lot more to be discussed and argued about the points that the member for LaPoile (Mr. Neary) has brought up. And what you are creating by bringing in this bill, what you are creating to me seems to be a situation which is making a very ready and ripe situation for strife within this Province.

Just to reiterate a point; I feel

Mr. Strachan:

that the minister should possibly sit down and possibly think up a whole new rationale for dealing with labour and labour relations in this Province. We have had just this Monday past, for instance, the case in which the president of a union in the minister's own district, Len Lake, was sent to jail for seven days or ten days. He went to jail quite happily, He believed in and was arguing on a principle; the principle was a strike on safety of workers after three deaths in Labrador West, and he felt strongly because he took part in a parade, and because the strike was illegal,

MR. STRACHAN: and he was seen in the parade that he was standing on his principle and he was sent to jail for ten days. And I talked with him Sunday night when he came in here and he does not mind going to jail. He is quite pleased to go to jail because he believes very strongly in the principle. I find it very funny for instance when the member for LaPoile (Mr. Neary) and ourselves went down to Labrador City at a time when the strike was on, that in a city, or a town or a community in this Province, as soon as we get off the plane we are photographed. We are photographed by officials, and to me it is amazing, unbelievable in 1977 in this Province that when we come off a plane we are photographed, people who shake hands with us are photographed. It is not a police state but it is because it is labour that is involved - if it was some professional body or some grandiose corporation and so on there would be no problem whatsoever - but it is because labour is involved we are photographed.

MR. MARSHALL: Who photographed you?

MR. STRACHAN: We were photographed by corporation officials who were photographing everyone who was involved because they could use it in a possible court case and people who came to meet us at the airport in Wabush had to turn their backs all the time from us. They came to meet us and so on but they were afraid to get photographed. Many of them were hiding from us and there we were, legislators in this House, talking about labour and I am sure the member for LaPoile (Mr. Neary) can confirm what I am saying. Do you want to ask a question?

MR. MARSHALL: Yes. You were not photographed, surely, by employees of the government or law enforcement agencies or anything like that? It was the corporation - was it? - a private concern which did the photographing? Or was it the government?

MR. STRACHAN: No. It certainly was not government. It was the corporation who have such a tight hold on the situation, such a tight -



MR. STRACHAN: in fact, they own the virtual place, they run it by their rules. You can try and play around it if you want. If you lose your job you lose your house. All kind of things - just unbelievable! - and we talk about creating atmospheres in which there are going to be harmonious industrial relations with a bill, bill 62. How can you have harmonious industrial relationships in a community in the North, isolated in the middle of Winter, where people are caught in these kind of situations in which they come and greet and come to the airport to meet members of the Legislature and are found to be photographed so they can be possibly used against them in court and everybody seems to feel that this is good industrial relationships. Total nonsense, total nonsense! To me it is unbelievable we can carry on with this kind of legislation, or carry on with these kind of situations. It is even a farther extreme when we come back on the plane that we cannot get off the plane in Churchill Falls. We are just the same as everyone else and a public servant the same as everybody else. So I have no privileges, no more than anyone else. But here we are, legislators in the Province, and I cannot get off the plane in Churchill Falls and go ashore. I cannot get off, I have no authority, no right in the world to get off the plane. They will not allow us in. How foolish! A community, a town in this Province in which is sewn up so tightly, sewn up so tightly. And we talk about good industrial relations with the workers and we start bringing in bills like this to create good industrial relations for workers. How foolish! How idiotic! And what we are heading for in continuing down that road is that we are going to legislate the workers until they cannot move, and they virtually cannot move without there being some kind of dispute, and what we are going to end up with is a situation in which a standoff position is created and we end up in the same situations as some of the other socialist governments in Britain and various other places, the mess they have gotten themselves into. And the mess they got themselves into was because they could not understand that you do not knock, that what you do is sit down and

MR. STRACHAN: change your roles. Get off your high horse! Stop feeling that because you are a professional and because there is only a worker there that you can therefore dictate. Give them a role, give them a role to play. The proper role is an equal role round the board, for instance, the Board of Directors. They should be sitting in at meetings and then they start to participate in the industry. Then they start to understand, as many of the workers in the Stephenville and Labrador Linerboard found out when they were given participation

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on the board, the Board of Directors level, and they realized their financial position, they then feel that we will not take our pay raise, that we will not do this, and we will not do that, because we realize the seriousness of the situation. But if we continue to legislate, and feel that by legislating and more legislation that we can put them in their place.

MR. SPEAKER: I interrupt the hon. gentleman for a moment to inform hon. members of the two matters to be debated at 5:30 P.M., notice of both of which has been given by the hon. member for LaPoile, (Mr. Neary). The first arises from a question asked the hon. Minister of Public Works and Services on the subject matter of the purchase of land for a contemplated golf course in the Terra Nova National Park area; and the second arises from a question asked the hon. Minister of Municipal Affairs on the subject matter of the procedure for the setting up of a St. John's regional government.

The hon. member for Eagle River.

MR. STRACHAN: I will just finish off, Mr. Speaker. I have a little more to say on the point. I do not want to go down through the bill, but I appeal to the minister to delay this bill, not to put it to a vote, to delay this bill and go back and have further discussions and consultation with the Federation of Labour and try to understand that to continue this kind of additional legislation, next year other additional legislation, more and more and more, that if we continue down this avenue we are continuing down the wrong avenue for improved industrial relationship in this Province, and the wrong avenue for the economic development of this Province. And they should realize that labour is of equal importance or greater importance than some of the other resources that we seem to give preference to, and we not interested in legislation against it.

MR. SPEAKER: The hon. member for Windsor - Buchans.

MR. FLIGHT: Mr. Speaker, I would like to add a few words in this particular debate. Mr. Speaker, it would appear - we have to believe,

Mr. Flight.

I suppose, that this bill is basically for protection of the working man in this Province, and, Mr. Speaker, that in itself is an irony because the fact is, Sir - and I believe, too, that the minister should recall this bill. I do not believe it should come to a vote. I am not exposing any secrets, Mr. Speaker, when I say that - because the press have already made statements in this Province that this hon. House will close on June 10, and so in a sense we are under a guillotine rule. There are twenty-five pieces of legislation to come before this House, at least twenty-five pieces. We have three or four heavy pieces of legislation.

MR. DOODY: June 10 is a date set by the press.

MR. FLIGHT: Well, I am going on the assumption that the press has got a good source of information. And so we are going to have to debate a bill - if we take every day, we are only taking the five days. Private Members' Day is Wednesday. So if labour wants something to get its back up about that fact itself is something that labour can get its back up about, because this bill is going to go through, a bill that will set a complete new labour relations act in this Province. In the maximum, if we do not even look at the rest of the legislation being proposed, we have Private Members' Day in five days, and I doubt very much if this bill is going to take the whole five days - or if it is going to get, not take, the whole five days.

So, Mr. Speaker, I would submit to the minister that he has been asked by the Newfoundland Federation of Labour, he was told categorically that we do not need a new act. We need amendments to the old Trade Labour Act, that this is the kind of an act 62 is as compared to 72, that there are something like eighty more amendments. There are eighty more clauses in this act than were in the old Trade Union Act. They fear that it is going to take a year or two to educate the labour movement as to what exactly is involved. Or, as the hon. member for LaPoile (Mr. Neary) has said, it will become a lawyer's dream where by the time the Law Society ends up educating the labour movement or representing them, they will have made another fortune.

MR. Flight.

Mr. Speaker, why not amend the old Labour Relations Act? Why this, as the hon. member for LaPoile (Mr. Neary) called it, legal jungle? Why is this being presented to the labour movement and to the working man and to the workman man's representatives in this Province. Now, Mr. Speaker, the right to legislate back to work, or the right to legislate a secret vote within a unit that is on strike; I am torn between two loyalties on this particular clause, Mr. Speaker. I listened attentively to the member for Twillingate (Mr. Smallwood) who pointed out that there is nothing undemocratic and that he would support that clause.



Mr. Flight:

I listened to the hon. member for LaPoile (Mr. Neary) saying it was wrong and that the Newfoundland Federation of Labour disagreed with it. I do not understand, Mr. Speaker, We have had a strike going on in this Province for five months, one of the most heart rending strikes, one of the most aggravating strikes that we have ever had. Now I can tell the minister that out in the Province -

MR. ROUSSEAU: I know! They favour legislating them back to work.

MR. FLIGHT: Right. Labour leaders out in this Province, the rank and file, everybody concerned or represented in labour have indicated that if ever a strike in this Province should have been legislated, an end should have been legislated to that is the strike. That is the one, the one we are still in right now. But now here is this Cabinet. Can anyone believe, for argument sake, that if the right is given to this Cabinet that, with the House sitting, knowing what was going on in the Province, that this Cabinet did not have the gall or the gumption to come in this House and say, "We are going to legislate an end to this strike, we are going to legislate them back to work, we are going to force a secret ballot, and the results of that secret ballot will hold for three months so we can work this out," then how in God's name, if we give the Cabinet the right - they did not have the gall or the gumption to do it then, to make it a non-partisan thing - are you telling me, is the Cabinet telling me that they will take it upon themselves to make a non-partisan decision and say that we are ordering - not the House of Assembly, where the House did it - but we, the Cabinet of the day, are going to legislate a group of people back to work or we are going to legislate a secret ballot. If ever the Cabinet had a strike on their hands, if that was the approach we have had this past five months - and they have been told that in this hon. House and that is the mood of the Province; and it was political, nothing

Mr. Flight:

- and they did not have the political gumption to bring in the kind of legislation that would have forced a secret ballot. why am I to believe that if we approve this clause that they will then take it on themselves to act? They did not have to call the House together for this case. And, Mr. Speaker, I am not sure I agree with that clause. The fact is if we get into a situation in this Province where a strike must be ended in the better interest, in the national interest, this House can be called at any given moment. So I am not too sure of the Cabinet; that is what we are here for. And I am not too sure if the Cabinet needs that kind of a power. They had it because the House was open and it would only take them one day, but they did not use it. And if they would not use it in that situation I cannot think of a strike in which they would use it. I cannot think of a situation that would require that kind of action more than the one we are watching right now.

So, Mr. Speaker, like I said, I do not know if I will vote for it or vote against it. I will listen to the rest of the debate and make my mind up, but I do not think that that particular clause is going to serve any purpose in this particular House. I do not think that particular clause is going to serve any particular reason because, given what we have just come through and we are still into, if a Cabinet or a government was not prepared to bring legislation before the House what they are asking their right to do in this particular clause then I cannot see them doing it strictly as a Cabinet, and taking all of the flak that would come from it. So they have not shown that kind of leadership in this House right now, and I fail to see why, I have no proof or no reason to believe that they would do it if the right was vested into the Cabinet, whereas now it is vested into the House.

MR. FLIGHT:

Now, Mr. Speaker, I would suggest, Sir, that what the working man in this Province needs worse than he needs this Act right now, Mr. Speaker, is some proof that the administration of the day is prepared to enforce the labour relations acts we already have. There is not too much that is not already covered in legislation. There is not much in this, although there are eighty clauses, there is not very much, except a few things that were sneaked in after the minister had some discussions with the Federation of Labour, that was not already there. The problem as far as the working man and unions of this Province are concerned is the inability or the lack of ability, for the want of a better word, of the government and the minister enforcing the legislation that we have now. We have legislation. The minister shakes his head. Let me give the minister an example. I was party to a couple of years ago a union, sixteen people working for a multinational company in this Province who wanted to be unionized,

MR. FLIGHT: They sent out a union representative who came down spoke to everyone of them. They indicated they wanted to become member's of a union. Every one of them signed a card saying they would become a member of the union if they had the chance to have a free vote and they would seek certification. They notified the Department of Labour, The Department of Labour said, "Fine, go and become certified. It is only right that you become a union." Within a day the top management of the company heard what was happening, sent a management representative down, intimidated them, called him out in his car and said, "If you become a union this is what will happen to you." Within days the thing was squashed and two people were fired because of their involvement in trying to unionize that particular shop. Now where was the Department of Labour and the officials they did not step in? The legislation was there and the legislation was there just as strong as it is in this bill.

MR. ROUSSEAU: Was there a complaint made?

MR. FLIGHT: The complaint was made. The Department of Labour spent days back and forth and it just vanished and disappeared. If you had enforcement -

MR. RIDEOUT: Enforcement is the thing.

MR. FLIGHT: If we had enforcement we could cut that bill in half. I would rather hear the Minister of Industrial Relations stand up and tell us how he intends to enforce this when we declare it law. That has been the problem in this Province, Mr. Speaker, not that we did not have the necessary laws, and obviously we needed some amendments. But not that we did not have the laws, we did not have the teeth. The Department of Industrial Relations or the Department of Labour up until this point in time have not had the gumption or the ability or the staff, whatever it takes, to enforce the law. And that is why the Newfoundland worker, and that is why the corporation appears to have the upper hand. People are walking around this Province today with no jobs, fired, because they

MR. FLIGHT: were involved in trying to bring about a union in their shop. And that kind of legislation is not going to solve that kind of a problem. And when the minister stands up to close this debate I would like to hear him say that we have got a new approach now, we are going to enforce. What is the point of bringing in this type of thing if we cannot enforce it.

Mr. Speaker, again, industrial enquiries. I want to hear the minister while we are talking on this bill tell why he has refused - I can name two applications that came to this minister for the appointment, or at least came to his department, for the appointment of industrial enquiries. The Churchill Falls one is the first one that comes to mind. Churchill Falls - the climate between employer and employee up there will never be the same again. We had violence up there. The minister has been asked to appoint an industrial enquiry, asked by labour, and he categorically refuses and as a result we had the type of thing and the type of atmosphere that everybody knows existed in Churchill Falls. There are men today again not even in this Province, they were forced to quit. After the strike was over they were forced to quit and leave the Province because of their involvement in the strike. Now that is the reason why labour in Newfoundland today looks at the minister and this administration with scorn, believing that they could not care about their rights because they refused to appoint a simple industrial enquiry that would have defused that situation in Churchill Falls. They were forced to appoint one in Buchans after it became obvious that the union there had enough and they would take over the town.

MR. ROUSSEAU: Nobody was forced to do it in Buchans at all.

MR. FLIGHT: You were forced. You had no other choice, the way you got out of the Buchans situation. After six months on strike the only way -

MR. ROUSSEAU: You do not haul industrial enquiries down like you haul conciliation boards down, you know.



MR. FLIGHT: The minister has only been asked to appoint two and he refused to appoint both.

MR. ROUSSEAU: Would the hon. member yield? You know, it is very funny that before 1971 - I hope the hon. Premier would - very, very, very few industrial enquiries were appointed in this Province.

MR. SMALLWOOD: Would the hon. minister take a good look, because I am no longer Premier.

MR. ROUSSEAU: I am sorry. Did I say that?

The hon. the former Premier, I meant to say. But there were very, very, very few industrial enquiries appointed in this Province. Since 1972 this administration has appointed twelve or fifteen industrial enquiries. We do not want them to have the same status as a conciliation board of which there are of course many appointed in the run of a year. There has to be some discretion shown when an industrial enquiry is needed or the next thing that tool would not be available with the significance it now is.

MR. FLIGHT: Mr. Speaker, after you have a situation like you had in Churchill Falls, after you have responsible labour unions coming to you and saying, "Will you please appoint an

MR. FLIGHT: industry inquiry? At least it will defuse the situation." Then what justification can you have not not appointing it? What could have been lost?

The situation of Central Newfoundland Hospital workers - union requested an inquiry, no inquiry. Let them work out their own problems. Let us take a chance on the morale being ruined in that hospital. So, Mr. Speaker, when labour in Newfoundland looks down on government, when labour in Newfoundland looks down on the performance of the minister or the Department of Labour or the Cabinet, it is for those reasons.

MR. ROUSSEAU: That is not what the Federation-

MR. FLIGHT: You have never recognized any request they have made yet.

MR. ROUSSEAU: That is not what the Federation told us the other day.

MR. FLIGHT: What did the Federation tell you when they were requesting the inquiry in Churchill Falls?

MR. ROUSSEAU: I am just telling you what the Federation said the other day when I met them in the office. What the hon. member is saying is not what the Federation told me.

MR. FLIGHT: Now, Mr. Speaker, there is one more thing I want to say before I sit down, and this is in a general sense. What I am today is a result of labour. I am the only person, I suppose, of my family, going back to day one to today, it is not part of a labour movement. That is not part of labour. What I am I owe it to labour. And, Mr. Speaker, twenty years ago I could understand any person in this Province standing up and saying, I am in favour of labour. They are right, they are always right. Because they were wrong - for so long they were wrong. But the circle has become full now, Mr. Speaker. The fact is that unions today - not all unions, but a lot of unions - have become very powerful, are just as influential as the companies they work for, have got just as much input into our way of life. And I am suggesting,

MR. FLIGHT: Mr. Speaker, it is not too wrong now for the government of the day to look at a situation and if 200 men go on strike in a given area and within months that as a result of that 200 because they are in the primary industry is the cause of 2000 going on strike, then I think this government has a responsibility to decide as to whether that group of people have that right. And it is obvious that strikes are not the answer any more.

But, Mr. Speaker, I am not prepared to stand up and defend labour when labour will look at a situation and say, 'We will use the population of Newfoundland. With the CNR, we will go on strike on the Gulf and we do not care if Newfoundland starves to death or ever gets any more mail' - you know. I am not prepared to see a hospital go on strike -

SOME HON. MEMBERS: Hear, hear!

MR. FLIGHT: - holding you up, saying, 'Look! We have you over a barrel. We have 500 patients here and we will not admit anybody else.' I am not sure that the time would not come for the government to intercede. And I am not too sure that if I were part of that government that I would not suggest we intervene. And I am not too sure that the responsible labour leaders in this Province today would not agree and would not say, 'Let us put something together to avoid this type of thing.'

Mr. Speaker, I saw a strike here in Central Newfoundland last year. As the hon. minister knows Price (Nfld.) employees went on strike. Within months practically every industry in Central Newfoundland was laying men off right and left. Had the strike continued the economy of Newfoundland would have been flat. But there were only 500 men took that original strike vote.

MR. ROUSSEAU: What about Section 98 and what is the matter with that?

MR. RIDEOUT: Because there is a difference.

MR. FLIGHT: There is a difference.

MR. RIDEOUT: A big difference.

MR. FLIGHT: So, Mr. Speaker, I think it is time for

MR. FLIGHT: this government to start recognizing that unions are not the meek and mild that they were, that the workers are not so meek.

MR. ROUSSEAU: Are you suggesting I do not?

MR. FLIGHT: Pardon me?

MR. ROUSSEAU: Are you suggesting I do not and the government does not? They are not meek and mild. Nobody is suggesting they are.

MR. FLIGHT: The big internationals are not meek and mild, Mr. Speaker, no. But, Mr. Speaker, I have seen no performance by this minister. We had the Churchill Falls thing; we did not get any legislation, we did not get an industrial inquiry. We have the Waterford thing down there now and we have not seen any intervention. If that is not being meek and mild what is?

MR. ROUSSEAU: By who?

MR. FLIGHT: By the Cabinet. You are calling the shots right now, and there has been enough said in this Province that should have prompted action from the Cabinet or from the minister. So, yes, I stand and make the charge that this administration up to now has been meek and mild as far as some of the strikes we have seen in this Province these past few years are concerned -

MR. ROUSSEAU: Oh, excuse me!

MR. FLIGHT: - and would probably be respected a lot more by the labour movement had they taken some stronger steps than they have taken.

MR. FLIGHT: No, Mr. Speaker, having said that, again I believe the time has come for a complete review of the labour - management situation in this Province. I do not believe strikes are the answer anymore, and I do not believe that unions believe that strikes are the answer anymore. We have to come up with something else, and the fact is that either this government will accept their responsibility in this type of a situation or the unions and the labour movement will take that responsibility. They will dictate as they have dictated; they have dictated to us in this Province. And, Mr. Speaker, anything that I have said here with regards to labour doubly applies to management, but the fact is that the internationals today are in a position to protect themselves from management. The people in this Province who need legislation to protect them are the unorganized, the sixty per cent we talked about a few minutes ago.

And, Mr. Speaker, there have been efforts made by unions to organize these people, to put them in a position to have the protection that comes from being part of a union, and this government have not come out and supported the certification of those unions. As a matter of fact, the example that I used a few minutes ago is one example and there are others. And these people are still not organized, and they are still working with no agreements, no nothing, no protection. The only protection they have is the act.

MR. ROUSSEAU: Are you suggesting that we, the government, decide who is going to organize this group?

MR. FLIGHT: No, but I am suggesting that when sixteen people, a group of employees of an international company, notify the Department of Labour that they want to be unionized and they have found a bargaining unit, and that a man goes in and helps them organize, that you protect their rights that they do become organized if they want to. You do not allow them to get into a situation that management comes down and threatens the whole works,



MR. FLIGHT: "If you organize we will fire you!" and then when it is all over they do fire two people who have been the ring leaders. I say the Department of Labour should intercede in that type of a situation. And you were asked to intercede and you did not.

MR. ROUSSEAU: Which one was that?

MR. FLIGHT: I am not going to name names. I will tell the member privately. So, Mr. Speaker, some of the things I wanted to say. I suppose that it would be better to take the thing clause for clause as we go, but however I would like to hear the minister refer to some of the things that I have mentioned. I would suggest to him in all honesty and all sincerity that the best thing he could do would be to withdraw that bill until the Newfoundland Federation of Labour has a chance to have more input into it. There is not enough time to debate this bill.

SOME HON MEMBERS: Hear, hear!

MR. FLIGHT: We have had it for four years. The last time was 1975. The minister of the day decided to table it because he was requested to do so by the Newfoundland Federation of Labour. They have been requested again by the Newfoundland Federation of Labour to table it; there are more clauses there, the Federation of Labour have only had it for three days, the Federation have made recommendations that are not embodied in this legislation and if the minister wants to keep the good feelings of the labour movement in this Province he would table this bill.

SOME HON MEMBERS: Hear, hear.

MR. SPEAKER: Hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Thank you, Mr. Speaker, I have to take a few minutes to get up and exercise my right to be wrong before we finish the debate on the principle of the bill. Mr. Speaker, "An Act Respecting Labour Relations In The Province." Now if there is a lesson, Mr. Speaker, to be learned from this, how not to go

MR. RIDEOUT: about attempting to improve labour relations in the Province, it is the way that the minister, and I suppose you would have to say the government, is dealing with this particular piece of legislation.

To have this proposed bill slapped at the Federation of Labour last Monday, I believe it was, and expect them with all the changes, because nobody can hide under the hood that it is the same bill that they had four years working on, nobody can hide under the falsehood that it is the same bill that they had in their possession last year to study, to have that, Mr. Speaker, slapped on those people and expect them to have the time to intelligently study it with all the new changes that have been placed in it from the old Bill 75 of last year, Mr. Speaker, is a farce. Those people have not had a chance to look at it; in fact, a lot of us have not had a chance to look at it. There are numerous changes in this bill from what was proposed in Bill 75 last year. Nobody has had a chance to react to it and the minister now is over there trying to push this through the House in the last dying days of the session.

Mr. Speaker, the minister should be scourged for what he is trying to do to the Federation of Labour and organized labour in this Province. It is not fair, At least if the minister had shown them the bill or had them look at the bill for a couple of weeks prior to trying to shove it through the House, at least they would not be able to say that we have not had a chance to react to it.

MR. NEARY: No wonder he is getting out of politics.

MR. RIDEOUT: The minister should get out of politics. I am surprised that the minister would do the likes of this, have those people have a look at this Monday and a few days after try to shove it through the

Mr. Rideout.

House of Assembly when we have not even had the benefit of their advice. Nobody has had the benefit of their advice. They rush in today and we disagree with that, we disagree with something else, everybody is falling all over each other wondering what is happening. The minister, Mr. Speaker, should withdraw this bill. He should give the representatives of labour in this Province a chance to have a decent look at it, a time-consuming look at it, so that they can take all those new clauses - there are a half a dozen or a dozen clauses, Mr. Speaker, in this bill that were not in the one that they studied last year. How do we know how they react to it? Do they not have a right to react to it? I mean, it is foolishness to try to shove this through. We are making laws, laws that we have to live with and those people have to live with, and we are trying to shove this through in the last few days before the session is over.

Now, Mr. Speaker, there are a few particular items that I want to get on to. Clause 3 - What makes the Fishing Industry (Collective Bargaining) Act exempt from this law, Mr. Speaker? What makes the Newfoundland Teacher (Collective Bargaining) Act exempt from this law? Or what makes the Public Service (Collective Bargaining) Act exempt from this bill when it becomes law? The Constabulary Act, maybe, and the Fire Department Act I could probably reason myself without asking because of the nature of the protection that those people provide. And I understand that they have given up the right to strike for extra things that were written into their agreement. That does not apply to the Fishing Industry (Collective Bargaining) Act. That argument does not. It certainly does not apply to the NTA, and I do not think it applies to the Public Service Act. So why are they exempt?

MR. DOODY: The only reason is, I think, because they got their own act.

MR. SPEAKER: Order, please!

It being 5:30 P.M. the hon. gentleman must adjourn the debate.

MR. RIDEOUT: Mr. Speaker, I move the adjournment of the debate.

MR. SPEAKER:      At this time the motion to adjourn is deemed to be before the House. The first subject for debate, the purchase of land for a proposed golf course in the Terra Nova National Park area. The hon. member for LaPoile.

MR. NEARY:      Mr. Speaker, I would suggest that the government, Sir, give a good deal of thought to this matter of building another golf course in our Province when we already have a golf course here in the city of St. John's that we were told last year is practically bankrupt. I would oppose the building of a golf course in the Terra Nova Park area, Sir, on the grounds that they have good arable land in that area. And as the members of the House know, the Province is so short of arable land that we had to place a freeze on farm land in and around the greater St. John's area. It is almost criminal, Mr. Speaker, to build with public money also a facility that will only be used to a limited degree and will only be used, Sir, by the well-to-do. It will only be used by those hon. gentleman, by people who can invest \$100 in a pair of golf shoes and \$200 or \$300 or \$400 or \$500 in bags of clubs, those people who will be involved in golfing probably know more about the nineteenth hole than I do, where you will have to spend a considerable expense at the nineteenth hole, at the club bar, in a Province that is already well-endowed, I am afraid, with facilities to accommodate alcoholics.

What we need, Mr. Speaker, are facilities that would improve the dreadfully low level of physical fitness in this Province, indoor facilities, Sir, that can be used on a year-round basis in a Province where we have weather conditions that are so unpredictable. We should be spending money, Mr. Speaker, on facilities that are also open to the ordinary citizen of this Province at a minimum expense in equipment and membership dues. What we should do, Sir, is to go back and ask Ottawa to reconsider this whole matter, and ask Ottawa to spend the money on facilities. Nobody is objecting to \$1,250,000 coming into the Province, the \$1,250,000 that will help raise the standard of physical fitness of ordinary citizens in this Province.

Mr. Nearv.

to the point where they will be living a happier life and be less a strain on the medical care health plan in this Province. Mr. Speaker, when President Carter took over as President of the United States he set up a President's Council



MR. NEARY: on physical fitness and sports and appointed seven experts to study the various form of sports in the United States to see which ones were top priority, which ones were used the most to get people in good physical condition.

I might say for the benefit of hon. gentlemen that jogging came first with a score of 148. Bicycling, my hon. friend from St. John's East (Mr. Marshall) may be interested to learn that bicycling came second with 142, and handball was tied for third with skating, either ice or roller skating, and squash with a score of 140.

But poor old golf, Mr. Speaker, just listen to this, poor old golf was a way down in twelfth spot, the hon. Premier might take note of this and maybe take up handball and squash instead of trying to get in shape down here at Bally Haly, Poor old golf was down in twelfth spot, just barely ahead of softball and bowling, which were the lowest rated.

Mr. Speaker, I am certain that Ottawa would welcome the proposal to use their gift to this Province to provide a facility that will be of physical value to this Province, a real demonstration, Sir, in participation for all the citizens of this Province rather than another facility whose use will be limited to the select few, to a small few who can well afford to spend their own money on the game of their choice. I would like to suggest, Mr. Speaker, that the hon. Minister of Tourism or of Public Works immediately get in touch with Ottawa and sound them out on the feasibility of building an indoor recreation facility, handball courts or racket ball or squash courts where there are numerous players getting involved, where there is a minimum of expenditure and equipment and clothing involved for the ordinary person of this Province.

AN HON. MEMBER: You can tell him more about the game.

MR. ROUSSEAU: I do not know anything about the game, but guess who?

MR. SPEAKER: The hon. Minister of Public Works.

MR. ROUSSEAU: Twenty-four hours and -

AN HON. MEMBER: I did not know you played golf.

MR. ROUSSEAU: I used to play golf. I enjoyed it very much. That is my prerogative and even if I am wrong it is my prerogative. It is a beautiful day to be out on the golf course.

Mr. Speaker, the hon. member brought this to my attention a few days ago and I had to take it as notice and I refer the question to my colleague, the Minister of Tourism, under whose jurisdiction the agreement between Ottawa and the Province stands in respect to the building of a golf course which I believe was signed in the days of the hon. member's membership in the previous administration. So it is not a new thing. The question that I understood was raised by the hon. member for LaPoile (Mr. Neary) was how much provincial money was going to be involved in the building of a golf course at Terra Nova National Park. I can only reiterate what my colleagues said yesterday or the day before yesterday, that there is no provincial money whatsoever involved in the land purchase or construction of this golf course insofar as the province is concerned. It is all paid for in the agreement covered between the provincial and federal government. While I can agree that there are more games that are more attractive to people than golf, there are also games less attractive to people than golf. Of course, everybody has to have their opportunity to enjoy the game of their choice. Also of course I think from the hon. Minister of Tourism's viewpoint the question of a golf course would obviously be a resource based activity in the sense that it would bring tourists in. So I would assume that from that point it would make the park more desirable from a visitor's point of view that it is

MR. ROUSSEAU: his intention to proceed with the -

MR. NEARY: Tennis courts would be more attractive.

MR. ROUSSEAU: - golf course. So all I can say is in reply to the question posed by the hon. member originally was that it will cost the Province, as the hon. the Minister of Tourism has indicated, no money. It is all part of the agreement between the federal and provincial government and there will be no cost to the provincial government.

MR. DOODY: It is only in St. John's it is a rich man's game.

MR. SPEAKER: The next matter for debate is the setting up of regional government in the St. John's area.

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, the reason I raised this matter, Sir, at this particular time is that so far the Minister of Municipal Affairs has evaded the issue of whether or not the members of the regional government in St. John's, in the greater St. John's area are going to be appointed or

MR. NEARY: the municipalities are going to be allowed to recommend members of the town councils in the area to the regional government. I believe now, Sir, the minister is on the verge of bringing legislation into this House. And before the minister brings in the legislation the minister should tell the House now, once and for all - give it to us straight - is the minister going to appoint all the members of the regional government that is going to be set up before July or is the minister going to allow the municipalities in the greater St. John's area to recommend a member of the council to that regional government? Now the minister has used the argument, which I think is a very weak argument, that there is going to be a municipal election in November and they would have to go through the motions again if they made the recommendations now. And I say to that, so what? It could very easily be that some of the members that may be recommended by the councils to serve on the regional government may not run in the next town council election. They could very easily be defeated. But so what? It is only a matter of just making other recommendations. If the minister, Sir, follows the course that I think he is going to follow, and that is to appoint these people to the board, then he will be setting up another similar bureaucracy to the School Tax Authorities where you have taxation without representation. And I think it will get off to a very poor start. So I would hope, Sir, that the minister would allow the town councils, the city of St. John's, Torbay, Mount Pearl, Wedgewood Park - the various town councils around the greater St. John's area to do what they did in Toronto. And the minister agrees that the Toronto Metropolitan system is a model for any country in the world to follow. And one ward in the city of Toronto, in the Metro area, one ward has a population more than the whole population of Newfoundland. And all we are talking here in the city of St. John's is a population of a little over 100,000. There is no reason, Sir, in this world why the minister should not ask the town councils to make their recommendations and if the minister has to appoint a chairman for a year or two or three, well then I would not have any objection to that,

MR. NEARY: but eventually I think that those that are recommended by the town councils, they themselves then should pick their own chairman. And I hope that is the procedure that the minister will follow, Sir, and not do it in a non-democratic way. I hope that the minister will follow a democratic procedure and allow the people to have some say in who is going to serve on this regional government.

MR. SPEAKER: The hon. Minister of Municipal Affairs and Housing.

MR. DINN: Mr. Speaker, just to address myself briefly to the question posed by the hon. member, it is no wonder the hon. member is sitting on the opposite side of the House. He appears to be so out of touch with local government in the Province and in this region. All he had to do was read the Commission Report, attend the meetings held by the Newfoundland Federation of Municipalities, talk to the councils and councillors and he would know that exactly what we are going to bring in is exactly what they want. And that is the way we operate on this side of the House, Mr. Speaker. We do not attempt to shove it down their throats, we try to do it by negotiation, conciliation, and get the best possible form of regional government in St. John's that is possible to get.

MR. NEARY: That is what Henley was saying, shove it down their throats.

MR. DINN: Mr. Speaker, the hon. member -

MR. DOODY: You have had your five minutes.

MR. DINN: He has had his five minutes and I would appreciate it very much if he would keep his mouth shut for just two or three more.

MR. NEARY: Do not get nasty now.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: Now, Mr. Speaker, regional government in the St. John's urban region is a necessity, and necessity being the mother of invention, that is what we intend to do - bring in regional government. If it is possible at all for me to bring in regional government in this session of the House I will do it. And everybody is working towards that



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MR. DINN:

goal.

MR. NEARY:

But will they be appointed -

MR. DINN:

Now, Mr. Speaker, first of all, operating in the St. John's urban region as we all know is a Metro Board that is appointed. That to me is not representation. We should not have it that way nor do I want it that way. What I want is a regional government that is elected. I have talked to the councillors and the

Mr. J. Dinn:

councillors have indicated to me that they have enough responsibility now as local councillors without taking on an additional responsibilities for the regions as members of a regional council. That being the case I intend that we will have direct elections. Now since the city of St. John's is not expanded, and therefore under the Kenley formula as recommended in his report he suggest six from the city of St. John's, we are going to amend that formula because the city is not expanded so that we will have four elected representatives from the city of St. John's, six from outside of the city in the November elections hopefully if we can get them in place, and four appointed, four appointed and the chairman appointed. Now that is the way we tend to go initially. We are attempting to get this in place, Mr. Speaker, for this session of the House so that we can get at least enabling legislation for regional governments in St. John's. If the hon. member had attended any of the meetings, read the report, had spoken to any of the councillors he would see that this is exactly what they want, exactly. And that is the way we intend to do it.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The motion to adjourn is deemed to be before the Chair. Is the House ready for the question?

Those in favour "Aye".

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Contrary "Nay".

SOME HON. MEMBERS: "Nay".

MR. SPEAKER: In my opinion the "Nayes" have it. I therefore leave the Chair until 8:00 P.M. this evening.

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
8:00 p.m. - 11:00 p.m.  
Thursday, June 2, 1977

The House resumed at 8:00 P.M.

MR. SPEAKER: The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Now, Mr. Speaker, in my few remarks this evening before we adjourned I made a few remarks about Clause 3 with the application of a particular bill, and I hope the minister, when he rises to speak to close the debate, will give us a few explanations of why in particular the fishing industry, the Newfoundland Teachers' Association and the Public Service - the other two, I think, we can readily understand, because of special arrangements and special protection provided why they may be outside the auspices of this particular bill. The three that I have mentioned though we find it rather difficult to understand why they should be, and we think the legislation should probably apply to those as well.

Now, Mr. Speaker, I want to go on to Clause 98. I know that most of what can be said about Clause 98, Mr. Speaker, has already been said so I will try not to backtrack over too much ground. I suppose you can make a fairly decent argument for having the right placed in the Cabinet, the Lieutenant-Governor in Council, which is the Cabinet by another fancy word, of forcing because of the continuance of a strike or lockout which poses a threat to industry in the Province or a geographic area, I suppose you can make some sort of a weak-kneed argument for giving the Cabinet the right to force a strike vote or a vote on the issue of whether to continue the strike or whatever in that particular case. But, Mr. Speaker, I believe there is a much larger principle at stake than meets the eye in this particular case. I think to give that kind of power, for this House to give that kind of authority, to give that kind of power to the Lieutenant-Governor in Council is wrong. Now it is all right, Mr. Speaker, to say that we are democratically voting to give that type of authority to the Cabinet. It is all right to say that. I know that. It is very difficult to argue against that. But I have, in my short experience, I have noticed national strikes across

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Mr. Lush.

this country. We have to go no further, for example, than the CNR. And what happens, Mr. Speaker, in the case of Ottawa? You do not have Ottawa forcing a vote by legislative authority placed in it by the House of Commons. You do not have that. You have the government at Ottawa, if it has to in the national interest, taking a stand through Parliament. They will bring a special piece of legislation before Parliament if they deem it is in the national interest to do so, and they will have a debate on that and the members will vote. And if they pass the legislation, then those people will have to go back to work. I think it is much better to do it that way than it is to have this special authority placed in the Cabinet. And I think my colleague from



Mr. Rideout:

Windsor - Buchans (Mr. Flight) made a very good point this evening. If there is one strike in this Province that should have been dealt with by this government, it is the current dispute at Waterford. You know, you can argue whether the government had this authority or not what would they have accomplished by it? They would have had a vote. So what! They would have had a vote. But, you know, is there not a better way around this than just having a vote? And I do not believe for one minute, Mr. Speaker, that we should give that type of authority to the Cabinet. I do not say that in the spirit that I do not trust the Cabinet or I do not trust the minister, or the minister that may be over there twenty years from now. It is not in that spirit I say it; It is in the spirit that I believe that this House, and this House can be called together any time. It is only a matter of a couple of days and this House can be together to debate a piece of legislation if it is deemed in the Provincial interest to do so. And I do not believe that we should give that type of authority to the Cabinet, and I am not prepared to vote for that particular clause in the bill.

Now there are some things in the bill that I believe are good, and some that I obviously do not. There are some that I can swallow, and some I cannot. But I cannot swallow Clause 98, You know, that is the way I feel about it, and that is it. I think it is taking away the right of members of this House to be able to debate an issue before we make a decision. The Cabinet will make it, you know. So we are not in on it, we do not have any say in it. We cannot offer our advice. We cannot offer our opinions for what they may be worth or what they may not be worth. But they can take that and with this particular piece of legislation and force a vote.

Now, Mr. Speaker, there is another little principle involved. We have given those people-rightly or wrongly, that is

Mr. Rideout:

another argument - but we have given most people, some workers in this Province, the right to strike as the ultimate weapon. We have given it to them by legislation of this Assembly, of this House. And those people acting within the collective bargaining rights that they have appoint a collective bargaining unit to go and bargain with their employer, and they appoint them on the ground that they will come back when they have what they consider to be a legitimate offer to offer to the membership. In most cases, now you might get the odd case, but in most cases is not that exactly what happens? When they have got what they consider to be something worth offering to their membership they will come back - they may recommend it, they may not recommend it, they may just give it to them and not recommend anything - but they will come back to their membership for guidance.

So why do we need this, Mr. Speaker? I see no justification, in fact, for this Clause 98 whatsoever. And as I said, rightly or wrongly, you can argue for or against, we have given those people the ultimate weapon, and part of that arrangement that they have is that they send the bargaining team off to bargain with their employer. Now we are going to shove something else in between that, this bargaining team has the blessing to go and bargain and ordinarily come back after you have something to offer us. If you think it is not worth offering to us, well do not come back.

MR. NEARY: It is interference in the internal workings of the union.

MR. RIDEOUT: Of course it is interference in the internal workings of the union, but we are going to shove a wedge in between that now. Any time that the Minister of Finance, if they are bargaining with the Treasury Board, is not satisfied - and you can conjure up all kinds of reasons that can be against the geographic or industrial interests of a particular part of the Province; you can conjure up

Mr. Rideout:

any reason for that— any time the President of the Treasury Board is not satisfied, he can clamp on Clause 98 and force a vote.

MR. ROUSSEAU: No. The Lieutenant-Governor in Council.

MR. RIDEOUT: Well, the Lieutenant-Governor in Council is the Cabinet. Now if the Minister of Finance comes before the Cabinet and says, "Look, I cannot get anywhere with this. The whole Baie Verte Peninsula is down, so that is hurting a geographic area of the Province industrially. Let us force a vote?" What are we doing?

We are interfering! Of course we are interfering in another way with the rights that this Legislature had given unions in this Province. Mr. Speaker, I would submit that it is undue interference, unnecessary interference, and I cannot in all conscience support Clause 98.

Now you can talk about any great principle that when we vote here we give the gentlemen on the other side or the Cabinet of the day the authority. That is all hogwash. All bologna. This House should have some say, and if the government got the guts to bring in legislation, the gumption to bring in legislation to force people back to work, that is another situation. We will debate that when it comes. But not this wedge, on the sly, up the side to force those people to vote and interfere

Mr. Rideout.

with the internal workings of the union. Now, Mr. Speaker, I want to move on rather quickly to Part 7, Enforcement, Clause 118, I believe, and three or four other clauses thereafter. Mr. Speaker, the minister is expecting the labour movement in this Province to buy what clauses he has in here when there have been all kinds of changes made from the proposed bill that was tabled in 1975. The enforcement clauses that are in the new act that we have here before us today are not at all - and you would only just have to glance at it for one second - they are not at all like the enforcement clauses that were in the old bill that was passed out to the unions for study and scrutiny and so on more than a year ago. And, Mr. Speaker, this is another sin that the minister has committed. He gave those people this on Monday. On Thursday he is trying to pass it into law. For Heaven's sake, will the minister get a bit of common sense and withdraw this bill so that at least the Federation of Labour will have had a chance to react to it, because it is not the same bill, Mr. Speaker, that they had a chance to study and react to. It is not the same at all. So, like my friend from LaPoile (Mr. Neary) said earlier today, shoving all this in on the side, all those new clauses in on the side and then trying to shove it through the House at the last minute is wrong, Mr. Speaker.

MR. NEARY: What they should do is shove it, period.

MR. RIDEOUT: Well, I do not know if that would be parliamentary but I am sure that the point is well taken. But there are three or four clauses here, Mr. Speaker, in the enforcement section in Part 7 that are altogether different from the points made - and they make different points and different regulations, different laws than those made in the original act back in 1975 which those people had an opportunity to study and react to. And I think it is grossly unfair of the minister and grossly unfair of the ministry to try to shove this down the throats of the labour force in this Province without giving them a chance to react to it.

Mr. Rideout,

Maybe there is something in there they do not like, and maybe legitimately so. Let us give them a chance. I have looked at the bill for 1975 in the enforcement section. It does not resemble this at all. Fines are increased. It applies to different sections. It is a whole different ball game. And then you got religious beliefs shoved in on top of it all.

MR. NEARY: The first time in the history of the Province.

MR. RIDEOUT: The first time in the history of this Province, I suppose the history of any province, that you got the right to refuse to join a union based on religious beliefs. What are we coming to, Mr. Speaker, and where are we going? This piece of legislation may seem inconsequential to the minister and to the ministry, but, Mr. Speaker, this is a law that we are going to have to live with and that the people of this Province are going to have to live with, and I got no intentions of standing over here and letting this slip by. I think it would be an abrogation of our duties as an Opposition if we did that. So the enforcement section - they have not had a chance to look at it at all, have not had a chance to react to it, and yet we are expected to give that our blessing and let it slip right through. And, Mr. Speaker, I would submit that that is not good enough, and we are not intending to let it happen from our point of view.

Now then you go on to **Trade Unions generally,** Part 9, Clause 137, 138 and 139, I believe. You get into making them legal entities so they can sue and be sued, and a half a dozen other very - a drastic change, Mr. Speaker, a whole new direction from what we have been -

MR. NEARY: With the likes of Brian Mulrooney, we will put them all in jail.

MR. RIDEOUT: Or Bill - what is his name? The company lawyer - Bill Wells, you know.

They will be sued, Mr. Speaker, and be well sued. Instead of having one union leader out on Salmonier Line now you might have them all out there.



Mr. Rideout.

Sue and be sued, and a half a dozen other things included, a whole new direction.

MR. NEARY: A formal union now, a union of about twenty-five employees does not have a chance against the big corporations.

MR. RIDEOUT: Yes, they have a great chance. The big internationals, Mr. Speaker, may not be so poorly off, because they can afford obviously to hire legal advice and they probably have legal advice retained at all times. But the smaller

MR. RIDEOUT: unions, how are they going to be affected by this piece of legislation? Mr. Speaker, there is more to this piece of legislation than meets the eye and the more we get into it the more faults you can see with it. I can assure the minister that when he comes down to clause by clause study of this piece of legislation that the House may not be over by next Friday if that is what people have in their minds.

MR. NEARY: They have fallen off by six months.

MR. RIDEOUT: There is a whole different direction, especially clause 137, 138 and 139 as leading the union movement, the trade union movement in this Province. And then they go do it behind their backs! That is what it boils down to! They have had three or four years to study, yes, to study a bill that does not resemble this one! Whole, brand-new sections, Mr. Speaker, that those people have not even had a chance to react to.

MR. ROUSSEAU: (Inaudible) something came up officially (inaudible)

MR. RIDEOUT: Not on this bill, no. It was sent to them on Monday and it is before us today, not a chance whatsoever for to react to it. They rush in here trying to point out a few things that have become obvious over the last few hours.

MR. ROBERTS: A direct insult to the labour movement.

MR. RIDEOUT: Of course it is an insult to the labour movement. Forty per cent of this Province is in the labour movement and more than that will be one day. And we come in here and we are asked to pass the likes of that into law, Mr. Speaker, I say it is a shame, it is a sham, and like I said earlier this evening when I began these few remarks first, the minister should be scourged, he should take that bill and walk right out of the House with it altogether.

MR. NEARY: Let us hear from the hero over there -

MR. SPEAKER: If the hon. minister speaks now he closes the debate.  
Hon. Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, the minister should not be in quite so much of a hurry -

MR. ROUSSEAU: I am not in any hurry. I just want -

MR. ROBERTS: -to close the debate. If the minister were as anxious to give us information about building contracts as he was to close his debate we would all be further ahead, Mr. Speaker, than we are. I do not intend to say a great deal on the bill, Sir, because a number of my colleagues have spoken and a number of my colleagues have made some extremely sound points and I do not want to repeat those.

I just want to talk about two or three matters which I believe were of importance and which I think are relevant to this bill which, if it is adopted, or I venture to say in the face of the government majority in this House when it is adopted, this will become the basic labour legislation, the basic legislation under which trade unions are organized in this Province, certified, and the basic legislation under which the collective process is carried out. It is an important piece of legislation. It has had a lengthy gestation period. I have not bothered tracing back the family tree of this particular bill but it goes back at least as far as Noah's Ark. The gentleman from Humber East holds up his hand with four fingers to mean four years. It is at least that. It was four years ago that the Labour Federation in convention censured the then Minister of Labour, the present Minister of Forestry and Agriculture, censured him for their failure, the government's failure to bring before the House the legislation which they had undertaken to bring before the House in the election campaigns of 1971 and 1972. At that time we were promised a complete revision of the Labour Relations Act, I guess the new bill will be called this, but the old bill - yes, it is the Labour Relations Act. And the old bill was known as the Labour Relations

MR. ROBERTS: Act, We were promised a complete revision of it so we now have it before us. It is at least five years old, It stems from the Cohen Commission and the Cohen Commission in turn was a substitute for the Rand Commission .The original appointment by the Smallwood administration was the late Mr. Justice Ivan Rand, a distinguished lawyer, a distinguished jurist and a great Canadian.

MR. NEARY: Do not forget the Neary Commission.

MR. ROBERTS: Well, yes. I will come to the - you mean the Ed Neary Commission, the gentleman who is now the Registrar of the Supreme Court. Fortunately what he says there is listened to with a great deal more heed than what he said on the Neary Commission, the Royal Commission. I had forgotten that; it slipped my mind because it was so inconsequential but I thank my friend from LaPoile and I will make a note now and at the appropriate point I will say a few words on that report, which I did not particularly think was a good report, by the way, I did not think it was a very helpful report and perhaps while we are at it we could have a search for the world-wide congress which was going to be held as a result of that.

However that is somewhere down the road, Mr. Speaker. The first point I want to make is simply that this particular piece of legislation has had a gestation period of at least four or five years. More than that, says my friend from Eagle River (Mr. Strachen). Well, that is my analogy and I will make that. But let me go back: Mr. Justice Rand was appointed

MR. ROBERTS: to be the royal commissioner I would guess about 1969 or 1970. He began his work, but then death intervened and so he had to cease his work, or at least to interrupt it. Shortly thereafter, after a search throughout Canada, Dr. Maxwell Cohen, Dean Cohen of McGill University, was appointed to be the royal commissioner and in due course he produced the royal commission report. My friend from Terra Nova (Mr. Lush) I know brought it up with him today, quite a lengthy document, a lot of good stuff in it, not all of it I would agree with but a lot of very good points in it. Then that report was pigeon holed in 90 or 90 separate pigeon holes at once and the government went all over the map in dealing with it. Then in due course, about a year ago, a year and a half ago is it now, we were presented with a bill here in the House, was it last session?

MR. NEARY: Yes.

MR. ROBERTS: Last session.

MR. NEARY: Bill 75.

MR. ROBERTS: Bill 75 at that time. And that bill, we were told, was developed in consultation with the labour movement and with the employers of this Province. We were not told, nor could we be told, that it was agreeable to both sides; that would be a misrepresentation, that would not have been correct, because as the labour movement very quickly made it clear, very quickly made it clear, the bill brought in last year was not acceptable to them in a number of important points. I do not have the bill before me nor do I have the notes which I made at the time, but I can recall very vividly a meeting with the President of the Federation of Labour, then as now Mr. Tom Mayo, and with a number of his executive members and myself and one or two of my colleagues went to meet with him and we met with him and we listened to their objections and tried to learn what was on their mind. I thought they made some good points. I did not agree with all of their points



MR. ROBERTS: any more than I do not guess they agree with all of our positions; that is well and good. When they elect a member to the House, as I guess they will, not this time, not in these by-elections coming up now but in due course there will be a member here representing NDE, then presumably he will be closer to the positions advocated by the Labour Federation.

In any event the bill we had last year was not acceptable to labour. So what do the government do this year? They bring in a bill. I do not know how much notice it got, I did not look up but it has been on the go, whether it has been on the Order Paper; it has been talked of, it has been prated about by the minister for at least the last three or four months and there have been questions, he has made statements, he has made answers that the bill was coming. And so we get it. We get it at just about the last minute. It was distributed in the House I believe Monday,

MR. NEARY: No, yesterday.

MR. ROBERTS: Yesterday. Yesterday. And now it is called for debate today. I may say that is a change in the government's plans, another broken commitment, because I was told by the minister just last week, earlier this week in fact, that the government intended to deal with the financial legislation, all of it. And they have not dealt with all of it, they have dealt only with supplementary supply. But they intended to deal with all of the financial legislation before they came back to the labour legislation or any other legislation. But that is a minor point.

However, it is far more serious that we have now discovered that the Labour Federation were not consulted on this bill, not in any real or meaningful way. They were not given an opportunity to look at the bill which it turns out has a number

MR. ROBERTS: of quite significant changes in it from the bill which we saw here in the House last year, and those changes in a lot of ways are not improvements. Now I am not here to speak for the labour movement; I am here to speak for my party and my own district and so I am not going to get into the details of their objections, but I do want to say that I think the minister has behaved very shabbily. I think the government have behaved in a very shoddy fashion. I think that the conduct, their conduct in this matter is not tantamount, tantamount means close to, that it amounts to, that it is a direct insult to the labour movement, the organized labour movement of this Province. It is a direct slap in the face, and I do not see how it could not have been intended to be that. I do not see how it could be taken to be anything else. Why do I say that? Well, the government have already shown an awareness of the interest of the Federation of Labour in this matter, if there was ever any question of that. There is no urgency with this bill. We have staggered on in this Province without it for five years of this present administration.

MR. RIDEOUT: They would just as soon not have it, they said.

MR. ROBERTS: They say they would just as soon not have it? I did not hear that gem. Of course, there is much of their legislation they would just as soon not have, just as the Province would just as soon not have this government. The labour movement have not asked for it. There is no urgency. It is not a matter that must be dealt with now. It is not like interim supply which, unless it is dealt with by a certain point in time there come difficulties in carrying out the administration of the

MR. ROBERTS:

financial affairs of this Province. It is not of that nature. It is just a perfectly ordinary Bill. It happens to be a little longer than most of the Bills which come before the House and it is certainly infinitely more important than almost any other Bill that is now on the Order Paper or has been on the Order Paper this session. So why have the government chosen this course of action? As I said, I think it is shoddy, I think it is shabby treatment. I think the labour movement which represents thousands and tens of thousands of the people of this Province, the men and women of this Province organized into their unions, I think they deserve better than that. So I would say to the minister that when this Bill receives second reading - and it will receive second reading, whether we vote for it or not it will receive second reading because the government majority are determined to have their way, and because there are more of them than there are sitting to Your Honour's right, Mr. Speaker, they will have their way - that when this Bill receives second reading, which is only approval in principle, that the course of prudence and wisdom will be for the government to refer the matter to a select committee of the House or to a standing committee - except we do not have standing committees. The Premier talks of them every now and then. We have two set up. The standing committee on the rules I do not think has ever met. My friend from Kilbride could correct me. Am I wrong? Has it met?

MR. WELLS:

No.

MR. ROBERTS:

No, it has never met. And the standing committee on the Public Accounts is doing magnificent service in exposing the very wrong conduct, or what we believe to be the very wrong conduct of the Minister of Public Works and his officials, I say the minister and his officials in the sense that the minister is responsible for his officials. I am certainly not accusing the minister himself of anything except possibly neglect of duty and negligence, but nothing more than that, as if that were not serious enough.

MR. ROBERTS: The standing committee on Public Accounts is doing terrific work, but we have no other standing committees and, despite the Premier's bleats once in a while, we are not going to get any, I fear. So let us have a select committee and let us refer the Bill to that committee. Then the Federation of Labour, let us give them a decent interval, let us not say to them, 'Ladies and gentlemen, you have forty-eight hours to consider and make representations upon the Bill that is the law, that is the basic charter for your activities in this Province, the basic organizational rules, the fundamental law, the constitution of the labour movement, the constitution of collective bargaining in this Province.' Let us take a little time. There is nothing urgent about this Bill. I do not know of any single reason why it must be passed this day or this week or this month or even this session. Let us refer it to the labour movement, and let us refer it to any other group, because if the labour movement has not been consulted I assume and I hope - because even treatment is the least we could expect - I assume and I hope that no other group has been consulted including manufacturers or representatives of the boards of trade or other groups who have a perfectly legitimate and proper interest in the matters dealt with by this Bill. So let us then refer this. Let us seek out public support for passing a Bill that is a new charter that lays down the ground rules for a very important segment of the life of our Province, a very important chunk of activity. I do not understand why the government have done this. Maybe they feel that their relations with the labour movement are so terribly bad they cannot get any worse. But the government have chosen to give the back of the hand to the labour movement, and I think chosen to do it deliberately or show negligently that it must be deliberate. It is not accidental. No minister of Labour - whatever we now call him. We call him the Minister of Labour - no? We have changed it back.

AN HON. MEMBER: Manpower and Labour.

MR. ROBERTS: Manpower and Labour. No minister in that

MR. ROBERTS: portfolio could bring a Bill before the House without giving extensive consultation to the labour movement.

MR. NEARY: They did not even have the courtesy to tell the Federation of Labour -

MR. ROBERTS: Oh, my friend from LaPoile (Mr. Neary), former President of the Federation of Labour, reminds me that the government were so arrogant they did not even have the courtesy - the common courtesy! - to extend to the Federation notice that the Bill would be coming before the House. So I suppose Mr. Mayo and Mr. Cashin and the other members of the executive of the Newfoundland and Labrador Federation of Labour heard about it on the radio.

MR. NEARY: No, I went to see Mr. Mayo on Monday.

MR. ROBERTS: Well my friend from LaPoile went to see him and that is the first Mr. Mayo had heard of it.

MR. NEARY: That is right.

MR. ROBERTS: That is the first he heard of it.

MR. NEARY: It was delivered to him on Monday. He did not know it was coming before the House and they had no chance to study it.

MR. ROBERTS: Well, I thank the hon. gentleman, because the information is of value and of relevance. So I say to the minister that there is no irretrievable harm done



Mr. Roberts.

at this point. Let him agree quite simply to refer the matter to a select committee. The committee can sit, let it hear representations from the labour movement. The government are not bound by it. To begin with the government and their supporters will have a majority, and properly so, of course, on any committee set up of this House. And the government can always refuse to accept any report of a committee in the unlikely event the majority of the committee would bring in a report that is not acceptable to the government, and that is unlikely given the fact they have a majority, the government and their supporters. Let us let people in on the legislative process. This just is not - you know, take the Order Paper. If my friend from Harbour Grace (Mr. Young), Sir, could keep his braying to a little less high level, I should be grateful to him. I do not mind him chattering, and I always am willing to listen to him speak. But, Sir, his muttered asides are more than asides, they are over-hears. If they were just over-there, they would be okay, but they are over-hears. We will come to the hon. gentleman's bill shortly, Mr. Speaker. We will come to the hon. gentleman's bill shortly when we get into the bowels of the undertaking business.

MR. NEARY: That is right. We will embalm the hon. gentleman, Sir, before the next election.

MR. ROBERTS: The hon. gentleman will have embalmed himself. But you look at the Order Paper and, you know, an impartial observer, Mr. Speaker - I do not claim to be one, but some of my best friends are - an impartial observer would not come to the conclusion that the Order Paper is studded with important pieces of legislation. I mean, the amendment to the Tourist Establishments Act is not exactly the sort of matter that should keep this House sitting for weeks on end. It changes \$1,000 to \$2,000, and -

MR. RIDEOUT: A contribution to the Minister of Tourism.

MR. ROBERTS: Yes, My friend from Baie Verte - White Bay (Mr. Rideout)

Mr. Roberts.

tells us that it is a contribution to the Minister of Tourism. And I assume it means that in future when ministers and Premiers take animals out of season they will be subjected to \$2,000 fines, not a \$1,000 fine.

MR. NEARY: No, they have a special permit, you know.

MR. ROBERTS: Yes, and they got a special cartoon in The Daily News this morning, too.

"An Act To Amend The Solemnization Of Marriage Act," sounds very interesting until you look at it and realize that, you know, it is a pretty inconsequential - and I could go on.

MR. NEARY: Do not forget the Embalmers Act.

MR. ROBERTS: Oh, yes. Well the Embalmers Act is not as yet properly embalmed.

MR. NEARY: Oh, I see.

MR. ROBERTS: But, Mr. Speaker, I am quite serious when I say to the minister that I think it would be wise and prudent and right in every way to refer this bill to a select committee and not just the Federation of Labour. I mean, if the Canadian Manufacturers Association wish to make representations, by all means let us hear them. And if the Board of Trade or the Chambers of Commerce throughout the Province wish to do it, then by all means, because this is not on a par with the act to amend the Tourist Establishments Act or an act to amend the Solemnization of Marriage Act. This is a very basic document. It lays down the ground rules for a large segment of our economic life and activity. Thousands of people will be affected by this and hundreds and hundreds of business and economic activities will be affected very basically by it. And what is to be lost? A few weeks, a few months? What does that matter on five years? What does that matter? The government can wait five years. They can wait until the seventy-first day of this session to bring in the bill, which

Mr. Roberts.

they brought in last year, and they presumably could have brought in at any point this year. What is the hurry? What is the rush? There is no good of the minister saying that there has been consultation. There obviously has not been. There may have been consultation on the bill last year. But this one, as my colleagues have shown, is significantly different.

MR. NEARY: That is right.

MR. ROBERTS: What is to be gained by rush, and what is to be lost by a little mature consideration? Everything is to be gained by slowing it down. We have in this Province, as elsewhere, from time to time, we have illegal strikes. We sometimes have illegal lockouts. Because of the nature of collective bargaining there tend to be more unlawful strikes than there are unlawful lockouts. Either is possible and neither is lawful. I think all people agree that one of the reasons why we get unlawful activity of this kind is a breakdown in good management-labour relations. You know, take the situation down in Menihek last February where there was quite an unpleasant strike. Indeed, some of the union men who

MR. ROBERTS:

have been convicted of offences in there, I believe now Len Lake and -

MR. NEARY: They are out on the Salmonier Line doing ten days.

MR. ROBERTS: They are out on the Salmonier Line as guests of Her Majesty's for a week or ten days, whatever the sentence of the court was.

MR. NEARY: Ten days.

MR. ROBERTS: They will serve their sentence, and emerge as a new version of the Tolpuddle martyrs.

MR. NEARY: They got a big welcome home plan for them down there.

MR. ROBERTS: My friend for LaPoile (Mr. Neary) says, and I have no doubt about it, that there will be a big welcome home planned, a very big welcome home planned. But anyway, the sentences were imposed by the court, and I certainly have no comment on that. But the fact remains that the strike itself, which I believe was an unlawful one, grew primarily not out of the incidents which sparked it, they were just the sparkes that touched off the powder keg, but they grew out of the fact that labour-management relations between that company and its employees have not been good. And I am not assigning blame, I am not assigning fault, but I am simply noting the existence of a situation.

Well, to rush into this, to rush through with this bill, cannot do any good and it may well do some harm. So I appeal to the minister, who is, I think - not I think: I am sure! - a very decent and sensible man who tries to do his best, which is all any of us can do. We may have our differences with him. I criticized his conduct as a minister from time to time, and that is my right and my duty, and when he is over here, as he will be presumably one of these years - if he is fortunate enough to find another constituency when he seeks re-election elsewhere, finds a constituency to elect him, he will be over here. He will be doubtless criticizing the proceedings of ministers -

MR. NEARY: But did you not hear the news? Did you not hear the news?

MR. ROBERTS: What news?

MR. NEARY: He is not going to run anymore.

MR. ROBERTS: He is not going to run anymore. No, no! He is not going to run in Menihek.

MR. NEARY: No! No, period. Getting out.

MR. ROBERTS: No, no, no! He may say that now, I say to my friend for LaPoile, the gentleman for Menihek (Mr. Rousseau) may say now he is not going to run, but when the bell sounds the old warhorse will come out of the stall ready to go.

MR. RIDEOUT: The adrenalin will flow.

MR. ROBERTS: The adrenalin will flow, and a lot of things will probably flow too, and he will come out chomping at the bit. I do not think he will run again in Menihek. I do not think that. I understand he is interested in one of the Humber seats.

MR. NEARY: I will bet the Leader of the Opposition a bottle of wine that he will not run in politics again.

MR. ROBERTS: I will take up the hon. gentleman on that bet. I hope the hon. gentleman -

MR. NEARY: Blue Nun.

MR. ROBERTS: I know the hon. gentleman and I will honour our wagers, unlike Mr. Charlie Power, late of Ferryland and possibly again of Ferryland, we will see what happens in the election,

MR. NEARY: I drink Blue Nun -

MR. ROBERTS: who wagered a case of champagne that he would win last June by 500 votes, did not win, and certainly did not win by 500 votes at that time or even the time before, and has failed unfortunately to deliver the case of champagne.

MR. NEARY: What is the hon. Leader's choice? Mine is Liebfraumilch, Blue Nun.

MR. ROBERTS: Well I think a good robust red wine, A nice burgundy wine; and if the Premier would throw in some partridge we could have - the Premier has a whole freezer full, I understand.

MR. NEARY: Well I like Mother's milk.



MR. ROBERTS: Mother's milk? The hon. gentleman finds Mother's milk sold in the liquor stores? I know the government have got their hooks into almost everything, but that?

MR. NEARY: Liebfraumilch, Blue Nun.

MR. ROBERTS: Mr. Speaker, I wander, I am lead astray. But quite seriously I say to the minister that I think the course of prudence and wisdom would be put to bill for second reading, sure, but to refer it to, instead of Committee of the Whole, or in Committee of the Whole we can have people coming before the House, and there is no rule at all that says outside people may not appear before a Committee of the Whole if we invite them to. But better still a select committee, the minister would chair it, and I think we might get a better bill we might, we might not but we would certainly get one which was perceived to be a better bill, and I believe that is the essence of the whole suggestion.

I think, you know, the minister would do well to consider that, would do very well to refer the matter to a select committee, and if there are unhappy people in the labour movement, and I think there are tonight with the way in which they have been treated by the government, it will help to mollify their feelings.

AN HON. MEMBER: Look who is back.

MR. ROBERTS: More importantly for the public interest, I believe it will produce a better piece of legislation.

MR. NEARY: Checking on abortions, no doubt.

MR. ROBERTS: By the way, if the hon. gentleman wants a figure on abortions I can give him one that came to me today which rather staggered me. There were 412 applications for abortions, and 411 were approved.

MR. NEARY: That is right.

MR. ROBERTS: A pretty good batting average. pretty good batting.

MR. NEARY: I wonder what happened to the other one. My goodness, it is fantastic, is it not?

MR. ROBERTS: I do not know. I have heard of one young lady who

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apparently had two abortions within eighteen months.

MR. NEARY: That is right. There are stories coming out of this that would make your hair stand on end.

MR. ROBERTS: But, Mr. Speaker, we are away from - that is a different sort of labour. We could say it is labour relations, I guess, of a kind. I mean, when you are told a lady is in labour it does not mean she has become the Minister of Labour or that she is in the Department of Labour.

AN HON. MEMBER: She is not on strike.

MR. ROBERTS: There are those who say that sometimes it comes under unemployment insurance or workmen's compensation.

MR. NEARY: It is too bad we could not abort this bill.

MR. ROBERTS: The government I think have acted foolishly in bringing this bill in without consultation, and I am surprised to hear that there has not been consultation. I would not be surprised to hear that there is not agreement.

MR. ROUSSEAU: So am I. So am I.

MR. ROBERTS: Yes, the minister is surprised.

MR. ROUSSEAU: I really am.

MR. ROBERTS: Well, the minister may well feel that there has been consultation. All I can say is -

MR. NEARY: On Bill No. 75, yes,

MR. ROBERTS: Yes, but this is not Bill No. 75. This is Bill No. 62.

MR. NEARY: That is right.

MR. ROBERTS: And a very different bill in some material ways. And I do not see anything to be lost by further

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consultation, and I see a great deal to be gained by further consultation and so I quite seriously suggested to the minister that I think that it would be a wise move. I am not aware of any urgency of this bill. If there is, why was it not brought before the House months ago? It has been ready for months in one form or another. You know, why not have consultation? If the bill is a good one, if it is as the government believe - and you pay your money and take your choice as long as you get a receipt - if the bill is a good one, it will stand the test of time. It will stand the test of public scrutiny. And if it is not a good bill, then let us find out now. Let us not find out down the road when situations have arisen that perhaps cause public disorder or cause economic hardship.

Now let me say a word or two about the Neary report, by which I do not mean the report on my friend from LaPoile, by which I mean the royal commission that was carried out by Mr. Ed Neary, late of the law firm of O'Dea, Greene and Neary -

MR. NEARY: And Puddester.

MR. ROBERTS: - and Puddester, a law firm which did extraordinarily well out of the government. The hon. Fabian O'Dea, of course, chaired his own royal commission which achieved some sort of mark. Mr. James J. L. Greene, Q.C., legal adviser to Labrador Linerboard -

MR. NEARY: A member of the Board of Directors of Newfoundland Hydro.

MR. ROBERTS: Well, I will come to that.

- Labrador Linerboard which rafts up great huge fees, I have no doubt, for him, and no doubt he earns them, but rafts them up, a member of the Board of Directors of the Hydro Corporation. And, of course, the Minister of Mines and Energy has consistently refused to bring out how much these men are paid, if anything. I know they are not paid what they are worth, but I am sure they are paid.

MR. NEARY: Solicitor for the Premier in libel suits.

MR. ROBERTS: Mr. Greene has been spending his Friday afternoons appearing - not appearing before the Chief Justice, but appearing in an enquiry currently underway before the Chief Justice of this Province, appearing as a solicitor. Mr. Greene obviously has done well by the administration.

Mr. Roberts.

A fine lawyer, he would make a great judge if ever Joe Clark wins. He would make a great Chief Justice if ever Joe Clark wins, and that is unlikely, or maybe Claude Wagner. . . And then we come to Mr. Neary who is, of course, no longer in active practice. He is now the registrar of the Supreme Court. And I understand from my colleagues who practice at the bar, as opposed to those who merely stand at the bar, I understand Mr. Neary is proving to be a very distinguished registrar and is doing a first-class job. And I think the treasurer of the Law Society, who is present with us tonight - I am pleased to see him - would agree that Mr. Neary is doing a distinguished job as the registrar of the Supreme Court.

I do not want to talk about Mr. Neary, and I do not want to talk about his job as registrar; but what I do want to talk about is his report, which I think was a thoroughly bad report, and I think the government agreed with that, because when the report came in it was promptly buried underneath about sixteen feet of royal commission reports, somewhere beneath the Snowden report, down there underneath the Whelan report, underneath the twenty-one task force reports which were not made public and all the other royal commission reports that are gathering dust. No wonder we need new office buildings. No wonder the government are renting space everywhere they can find it, Mr. Speaker, just simply to house the reports that they have not acted upon. It takes a large annex indeed. The government did the right thing to bury the Neary report, because I think that it was a thoroughly bad report, and I do not think it represented very much progress of any desirable sort towards solving the problem it was addressed to. I do not think that was the fault of the commissioner. I think he was given an impossible task. I think that it is not something into which a royal commission can enquire. It is not something in which that sort of enquiry will produce any fruitful results. The reasons for unlawful strikes - wildcat strikes, to use the common term - are many and various, but they are not the sort of

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thing that should be dealt with in legislation. They are the sort of thing that can be dealt with by acting in good faith. And I think that is an additional reason why the minister, in my view, would be well-advised to consult with labour widely and with not just labour but with everybody, anybody who wants to have a crack at this bill, Sir. We do not open up the Legislature in this Province, we talk of it. The Premier prates on about it from time to time. Do you know that in Nova Scotia, Mr. Speaker, almost no major bill goes through the Legislature without being referred to a select committee, and one and all can come and have at it?



MR. SIMMONS: In Nova Scotia?

MR. ROBERTS: In Nova Scotia. In Quebec, a province that we do not want to emulate in a lot of ways, but if they do something that is right we should have a go at it, most Bills are referred to committee. In Ottawa, in the House of Commons, Legislation is referred to committees. Ordinary people - who have nothing to offer except wisdom and the knowledge that they are paying the shot for these antics, that they are paying the taxes that go to finance our salaries and the House of Assembly and the expenditures of the government of this Province - the ordinary people who know what it is about, who might be able to contribute something, who might just be able to improve a Bill, are asked to come and give their views, given the opportunity to do so. I think it is something they should do.

MR. NEARY: Scattered-day Collins just arrived.

MR. ROBERTS: I think we should have a moment's silence, Mr. Speaker, in tribute to the Minister of Health -

MR. RIDEOUT: The dead arose and appeared to many.

MR. ROBERTS: - who has obviously missed his 'plane and therefore is with us for an hour or two this evening.

MR. NEARY: Scattered-day.

MR. COLLINS: Run in St. John's West -

MR. ROBERTS: Somebody said, 'Admit strangers,' and the minister came in.

MR. COLLINS: What happened in St. John's West?

MR. ROBERTS: Now, Mr. Speaker - oh, the minister is not somnolent.

AN HON. MEMBER: (Inaudible) hear you.

MR. COLLINS: The hon. Leader is not again going to St. John's West knocking on doors.

MR. ROBERTS: I will do a lot of knocking on doors, but for the time being, Sir, there is more knocking to be done here. If ever there was a knocking shop in the world it is this government.

MR. COLLINS: They are always knocking in the wrong place.

MR. ROBERTS: Yes, in the wrong place. The hon. gentleman has not seen the report of the Public Accounts Committee, and the inquiry before the Chief Justice and a number of other places where some knocking has been going on the last few weeks. The hon. gentleman might spend a little more time tending his own knitting in the field of abortion -

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: - and a number of other of his - And then wait until we get the report of the inquiry Mr. Justice Gushue is carrying out - Mr. Justice Gushue of the Court of Appeals -

MR. COLLINS: (Inaudible)

MR. ROBERTS: - which I think will make it obvious, Sir, that all has not been well in the way in which nursing homes have been run under the minister's aegis. I think there are a number of points, Sir, that the minister -

MR. COLLINS: (Inaudible)

MR. ROBERTS: The minister would be well advised -

MR. COLLINS: (Inaudible)

MR. ROBERTS: - to tend his knitting.

MR. COLLINS: (Inaudible)

AN HON. MEMBER: It is not the hot weather that is

MR. ROBERTS: Now, Mr. Speaker, if I may go on with serious matters and not talk any more about the Minister of Health -

MR. NEARY: The decorum of the House immediately went down when the minister walked in.

MR. ROBERTS: Well the minister brings with him his own disasters wherever he goes. And he is also the minister of course -

MR. COLLINS: Do not blame me for your troubles.

MR. ROBERTS: No, I would not blame the minister for my troubles, but I would blame him for a lot of Newfoundland's troubles. And he is the minister who presided over the beginnings of the fishery scandal and when the truth comes out about that it will be seen that the minister

MR. ROBERTS: bears full and complete ministerial responsibility for a \$7 million throw-away.

MR. COLLINS: Time will tell.

MR. ROBERTS: Yes, time will tell, Sir. And since we do not get Time in Canada it is Macleans from now on and Life would show us pictures except that Life is out of business.

MR. COLLINS: Time will tell.

MR. ROBERTS: Now, Mr. Speaker, if I may go on with serious matters as I have said and not deal any more with the Minister of Health for the time being.

MR. COLLINS: (Inaudible)

MR. ROBERTS: The time for sport with a licence is after hours.

Now, Sir, to come back to the Bill. I would like to say a few words not on the business of the Bill, because that has been dealt with by a number of my colleagues and also of course we will have the opportunity hopefully before a select committee, but if not, the committee of the whole to deal with it.

I just want to talk about one clause that I understand is somewhat contentious and I am not sure there is agreement with all of my colleagues on this. We have not discussed this at any length in caucus, we have not had an opportunity to, because among the other reasons why the government brought in this legislation in such a rush and among the other disadvantages of their bringing it in is the fact that we get no opportunity to discuss it in caucus.

AN HON. MEMBER: No, it is surprising -

MR. ROBERTS: The Bill was tabled yesterday, was it? Yesterday?

AN HON. MEMBER: Yes, that is right.

MR. ROBERTS: It takes the average person two or three minutes at least to read a ninety page Bill with 155 Sections in it. And the House met at ten o'clock this morning until one o'clock and from three

MR. ROBERTS: o'clock until six o'clock and here we are again at eight o'clock. So there has been little opportunity to caucus on it. I make no apologies if there is a healthy divergence of views. I think in particular my friend from Twillingate (Mr. Smallwood) and I may not be on the same wave length on this point.

AN HON. MEMBER: Correct.

MR. ROBERTS: And I am not sure I know the number of the clause.

AN HON. MEMBER: Ninety-eight.

MR. ROBERTS: Ninety-eight, I am told, is the one. And that is the one that gives the government - I am sorry, the Labour Relations Board, the power -

MR. NEARY: The Lieutenant-Governor in Council.

MR. ROBERTS: - Lieutenant-Governor in Council - I am sorry, the Cabinet, the political Cabinet - not the House of Assembly, not a court of law, but a group of politicians, a group of men and, hopefully, women -

MR. NEARY: To send in the storm troopers.

MR. ROBERTS: - a group of politicians who have all of the failings and all of the strengths of politicians, whatever they may be and as numerous as each may be, gives them the power to conduct a secret ballot.

MR. NEARY: No, and send in the storm troopers.

MR. DOODY: No, a supervisor.

MR. NEARY: Well, what is that?

MR. J. CARTER: What is wrong with a secret ballot?

MR. NEARY: Nobody is arguing about the secret ballot.

MR. ROBERTS: Let me -

AN HON. MEMBER: You are.

MR. NEARY: No, I am not.

MR. ROBERTS: Let me say a few words about this.

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MR. ROBERTS:

I will read the section if hon.

gentlemen would like. Section 98 (1)"Where the Lieutenant-Governor in Council has evidence that the continuance of a strike or lockout poses a threat to an industry in the Province



MR. ROBERTS: or a geographic area of the Province, the Lieutenant-Governor in Council may by order require the bargaining agent representing the unit of employees who are on strike or locked out to conduct a secret ballot of the employees in the unit to determine their wishes with respect to the resumption of work." This is subsection (2).

For the purposes of this section, the minister may require that an officer of his Department be present during the conduct of the vote." That is the storm trooper's section, subsection two.

Now this is one of these provisions that on the surface looks like a very fair, equitable and reasonable thing to do and the gentleman from St. John's North (Mr. J. Carter) has just asked what is wrong with a secret ballot. Well, nothing is wrong with a secret ballot.

AN HON. MEMBER: He would not know the difference.

MR. ROBERTS: Nothing. Nothing is wrong with a lot of other things, depending on the circumstances. There is nothing wrong with salt, but if the hon. gentleman should be so foolish or so ill advised as to drink an entire cup of salt he will no longer be an hon. gentleman, he will be a candidate for the Embalming Funeral Directors Society. There is nothing wrong with many things in themselves. There is nothing wrong with this section on the surface but I think there is an argument against it and I know the hon. gentleman from St. John's North will pay attention to it. I may or may not be able to change his view but at least I will make my argument and he and other hon. gentlemen can decide. I have no hope for the government. They have made up their minds by whatever process they follow and, you know, they are wedded to this now, live or die, I can hear them up prating about it for hours yet to come. But I would like to say a few words on it.

MR. ROBERTS: A strike is a lawful activity. I know there are unlawful strikes, but a strike is a lawful activity if carried out in accordance with the law, in accordance with this bill when it becomes the law. A strike should not frighten anybody. A strike does not represent a breakdown of the collective bargaining process. I sometimes hear on the radio news, or I hear people say, or you read it in the newspaper that negotiations have broken down. That is accurate. A strike has gone on. That is accurate. Or you hear the collective bargaining process has broken down, a strike is going on - that is not accurate. Well, let me say quite clearly that in my view I do not think that this can be challenged, a strike or a lockout, and the two are the two sides of the same coin, one is infinitely more common than the other but they are two sides of the same coin, Mr. Speaker, a strike or a lockout is a normal part of the collective bargaining process. It may not be a desirable part. It certainly represents a failure to achieve agreement through negotiations and it refers the matter away from the bargaining table, across a table bargaining back and forth, it refers it to another forum. It refers it to a forum in which two voices are heard, the voice of public opinion and the voice of the union members and the management representatives.

I believe that if we are to accept the principle of strikes, as I do - I do not like them, I do not welcome them, but I think they are a legitimate part of the process. I would far rather that matters in dispute were settled by strike than matters were settled by compulsory arbitration, which is another way out of it, or were settled by violence, which is another tactic that has been tried in the past, or were settled by refusal to recognize the legality of a strike under proper conditions which in the past just leads to unlawful strikes and I think it is the best alternative that anybody has ever come up with and for all

MR. ROBERTS: the studies and commissions and reports and talk there has been the last year or two, or three or four or five about strikes and about changes in the collective bargaining process, nobody has yet found a better alternative than a strike.

MR. DOODY: Like democracy, it has its problems.

MR. ROBERTS: Yes. My friend from Harbour Main - Bell Island (Mr. Doody) is quite right when he said something like democracy. It is not perfect, to use Churchill's phrase, or to come close to using Churchill's phrase, it is not perfect it is simply the best form of government we have ever tried. Well, a strike is not a very perfect thing, it can cause great hardship, but it is simply better than any other method that has been devised for settling the matters that are subject to collective bargaining and to negotiations in that process.

And so when a strike is underway, I believe it is of the utmost importance that we stand back from it, we the Legislature, the Sovereign Legislature. The government is the creature of the Legislature, the representatives of the House, there because they hold the confidence of the House, we should stand back from it and let events take their course. The criminal code is there in the event there is any improper or illegal activity. You saw that in Labrador City where there was conduct which the courts judged to be an offence under the criminal code and the appropriate penalties were levied. So if there is that kind of problem that is dealt with by that. That leaves only two kinds of situations, one is "a normal strike",

MR. ROBERTS: the second is an abnormal strike. This particular section, Sir, the principle enshrined in this section, I think it will be agreed, hopes to deal with the so-called abnormal situation where - I read it, I will not repeat the words - but where there is going to be grave hardship to an area or where there is grave hardship to an industry. And since industry is not defined in this bill, which is a strange thing, it means an employer, as far as I can see - you know, it is the sort of thing that will cause a lot of difficulty. That word ought to have been defined in this context.

Now we all agree we should not interfere in a normal strike,

If, for example, tomorrow there was a strike, say, at Browning Harvey, to take a company that does business in this Province, and they make Pepsi Cola and Suncrest products and whatever else Browning Harvey make. That could go on, I would suggest, indefinitely before any public interest was harmed. The economic interest of the company might be harmed, the economic interest of the employees might be harmed, but that is part of the strike process and we all agree on that. Indeed, that is the weapon with which each side tries to bring the other to an agreement. The employees, the union on strike, hope that they will so stick it to the company that they will make them hurt economically, that they will then be given whatever they are seeking going on strike, and alternately the company, on the other hand, hopes the union, the members will get up in arms and will be disgruntled and miss their pay cheques and that they will go back to work or accept less than they wanted and they will go back to the bargaining table and settle for a lesser deal than they held out for before the strike. So that causes no problem. If Browning Harvey is on strike the only people who would suffer, I guess, would be the people who like Pepsi Cola as opposed to the people who like Coke, and that does not particularly bother me. I mean, one likes either impartially or one likes neither and I do not think it makes very much difference to the life of the country.

MR. ROBERTS: Now the so-called abnormal strike, the so-called type of action that is dealt with or purported to be dealt with under this section. Mr. Speaker, first of all it is impossible to define adequately exactly what we mean, I think we could all agree on a concept, on an idea, but when it comes to putting it into words I think we get into trouble. And I think the minister has got into trouble in drafting this particular section. I think the words are very wide, the words are open to interpretation, "Poses a threat," that is not a threat, it does not say constitutes a threat, it is poses a threat. "Poses a threat," very wide grants of power, difficult to define precisely what is meant. And so the government say now that they want the power to deal with abnormal strikes; they want the power themselves to order a vote to be held. Now, Sir, is that consistent with the principle? Is that consistent with the principle that we do not interfere unless the strike is abnormal, unless the strike -

MR. J. CARTER: Will the hon. member permit?

MR. ROBERTS: Yes.

MR. J. CARTER: Some unions do not necessarily require a secret ballot at the very outset of a strike.

MR. ROBERTS: The hon. gentleman is quite right when he says that some unions do not require a secret ballot at the outset; some do and some do not. We are not debating a provision that all unions before they go on strike would have a secret ballot.

MR. J. CARTER: Should they not?

MR. ROBERTS: Well, that is a different point. I am not going to answer that right now. Nor are companies required to consult their shareholders before they take a strike.

MR. J. CARTER: Or a lockout.

MR. ROBERTS: Or a lockout, either way. I am a shareholder in the Bank of Commerce, I hold I think it is twenty-eight out of



MR. ROBERTS: the twenty-eight million shares, a substantial force in the Bank of Commerce, I can assure Your Honour. And, you know, the Bank of Commerce can take a strike without consulting me or any other shareholders. There is a man up in Nova Scotia who actually owns three per cent of the issued capital stock in the Royal Bank of Canada. Astonishing! Apparently every cent the gentleman has ever earned he has invested not just in bank stocks but in that particular stock, and he has over the years accumulated three or four per cent. I forget the gentleman's name, a gentleman in Nova Scotia, I believe he is now on the board of directors of the bank, as well he might be, He probably owns more than any hundred shareholders put together. There is no requirement that even he be consulted, there is no requirement that even the directors of a company be consulted before they have a lockout or a strike. We leave it to the company themselves. Well then, let us leave it to the union themselves. Why be so uneven handed? Why do we impose a requirement upon unions but not upon companies?

Mr. Speaker, where we have an abnormal situation, we would all agree we have to act, That is not the issue. The issue in this section is how we should act

MR. ROBERTS: and who should act. Now, Sir, there are a number of possible ways we could act. First of all, let us define when we ought to act, when we should act. I suggest we should act only in two situations; one, to use a phrase that I think is beloved of lawyers, where there is a clear and present danger, not where, to use the words here, a threat is posed. There is a big difference. The Cabinet might well see a threat in the strike at Browning Harvey. They might well decide it poses a threat. And remember, Your Honour, the debates of Cabinet are secret; nobody need ever know what passes at Cabinet. All that one knows is that a decision is announced and they say in our opinion the strike at Browning Harvey, to continue my example, poses a threat to an industry and they can then step in. I think they should step in only when either there is a clear and a present danger, or alternately something has occurred which constitutes harm. It is a very fundamental principle of law, as I understand it. A phrase which I first heard from the lips of Sir Brian Dunfield, although I suspect, am quite certain, in fact, it was originated by him, and that is every dog is entitled to his first bite, that you cannot be charged with any crime or any offence or any law unless you have done something. Even the crime of conspiracy involves talking to somebody else.

So, Sir, I would suggest that we should in abnormal situations only when either there is a clear and a present danger to the public interest and that can only be determined by events as they develop. Take the Waterford strike, some may say it is a clear and present danger, it obviously is not. It has been there for - the Minister of Finance agrees with me. The strike has been on what, fourteen weeks now?

MR. DOODY: Eighteen weeks.

MR. ROBERTS: Eighteen weeks, Obviously grave inconvenience but not clear and present danger. If there was the government would have

MR. ROBERTS: acted and so they ought to have acted.

MR. DOODY: But under the circumstances they should not have.

MR. ROBERTS: No, it is not a clear and present danger.

MR. DOODY: It is a matter of opinion.

MR. ROBERTS: Well, it is a matter of opinion but it is a matter that can be judged from events. I mean, negligence is a matter of opinion too, but negligence can be judged from a series of events and lawyers and judges have little or not difficulty in looking at a series of events and saying that is negligence, it is not the standard of care which a reasonable man ought to have exercised in those circumstances. I mean, that is straightforward.

The Minister of Municipal Affairs is negligent per se, or as -

MR. RIDEOUT: You do not mean Municipal Affairs.

MR. ROBERTS: Or as the lawyers say res ipse loquitur, the thing speaks for itself. The minister is the example. But where there is a clear and present danger, or where there has been an act of harm, an event that causes harm to the public interest, then we should act. We should not act on positive a threat. We should not act in the circumstances. That is one argument in principle against this clause. I have two others. The next one is, who should act? Well, here, Sir, we begin by saying it should not be the Cabinet, a body of politicians - I have nothing against politicians, some of my best friends are in politics - but a group of politicians who meet in secret, who deliberate in secret, who debate in secret, who decide in secret. Not even the fact of Cabinet meetings is announced. It was not public that the Cabinet had dinner tonight down in the Cabinet room and had a Cabinet meeting while they had dinner. That was not public. There is nothing particularly secret about it but NIS did not spew out a bulletin saying, "The Cabinet tonight met."

MR. DOODY: The menu was very secret.

MR. ROBERTS: Well, actually the menu was exposed in the elevator on the way up and I may say I was glad I was not in the Cabinet

MR. ROBERTS: and was not asked to dine with them on this occasion. I only hope they paid for it out of their own pockets, of course, and got a receipt. Above all get a receipt. Particularly if they pay in cash.

Mr. Speaker, I do not think it ought to be the Cabinet. It could be one of two other bodies. It could be the House of Assembly or it could be the courts. One way to do it is to set down, say, when in the opinion of the court upon application by the minister the court finds that there is a clear and present danger, or that a harmful event has occurred to the public interest, the court shall order whatever we want the court to do. We will give them the power, let them decide. Or it could be the House, a body which meets openly and which debates openly, which decides openly. And so if there is a grave danger to the public interest, any responsible House of Assembly, and I venture to suggest, Sir, that every House is responsible. We may not all be responsible at all times. Hon. gentlemen opposite and hon. gentlemen on this side are not always fully responsible. We all do things perhaps we ought not to do, or would not do upon reconsideration. But the House of Assembly, any responsible legislature would respond. If tomorrow the government came in, months ago the Minister of Finance came across the House to my colleague from Conception Bay South (Mr. Nolan) and I and said, "Here is the adjournment motion we proposed for Friday evening and it says in so many words, we will adjourn until Monday but if there is a problem," and we all know what it dealt with, the Waterford situation, "if there is a problem there we will come back to deal with it." And he said, "Do you guys object?" We said, "Of course not. Of course not. I am not so sure whether we could object, but whether we did or not we did not object and we have not. I mean,

MR. ROBERTS: if in the opinion of the government, the Minister of Finance and the ministers responsible, if in the opinion of the government the situation had come to the point where legislative action was needed we would have agreed to meet anytime and to stay sitting until the situation was dealt with. I mean, that is straightforward. So I would favour, I think, the House because I think it would be a political decision and the point at which political decisions ought to be decided is here in the Legislature. But if not the House, then let us refer it to a judge, an impartial figure, a man of experience and knowledge, not caught up in the passions of day to day politics or day to day events, a man in many ways insulated from day to day events. That is the whole point of giving a judge tenure on good behaviour until he reaches his seventy-fifth birthday. That is the whole point of it, that man can sit back hear arguments, reach a decision. We abolished ex parte injunctions: we abolished them and it is called the great reform, Now the minister is bringing in something infinitely worse than any ex parte injunction. He is bringing in not even ex parte, for at least in ex parte one guy had to swear an affidavit, one side has to go before a judge, here it is just the Cabinet.

To restate the two points: first of all, I do not think the circumstances are right. I do not think they are adequate to justify any intervention in a strike situation, not the circumstances spelled out here. I have spelled out what I consider to be circumstances sufficient to justify intervention by the government; one, a clear and present danger to the public interest; or two. an event that constitutes a danger to the public interest.

MR. DOODY: - an injunction would force -

MR. ROBERTS: Oh, hold on now! The minister says - and of course there is a secret ballot in injunction, I have not dealt with the third part, which is what do we do, what kind of action do we take. All I am saying is, you know, I am dealing first of all with the circumstances



MR. ROBERTS: in which we act and then who acts. The third point of my concern is what action do we take. But I have dealt with the first one, where we ought to act, and I do not think we ought to act in these circumstances. I do not think we ought to act in the words that where the government are in Council, the Cabinet has evidence, not conclusive, not determinative, but has evidence - and I have never practiced law, Mr. Speaker; maybe I will maybe I will not, I do not know, but I know that almost anything constitutes evidence. A carbon copy of a receipt is evidence. It may or may not be good evidence but it is evidence. All the Cabinet has to have is some evidence, not very much. The evidence could be merely a minister giving an oral statement, "Boys, we have got trouble now at the Pepsi Cola plant," or the "Coca Cola plant," Equally the same up at Cadens or at Browning Harvey, the two bottling, I suppose they are not bottling, they are canning companies now.

MR. DOODY: No free commercials.

MR. NEARY: No. They do both.

MR. ROBERTS: They do both, do they? Okay. Poses a threat.

I do not think that is adequate to justify the State's intervention in the collective bargaining process, and that is what we are talking of here. We are talking of the state intervening in the collective bargaining process. We all agree that there are cases where a state ought to intervene but we all must agree that they are abnormal because, Sir, for the state to intervene in a collective bargaining process, that represents the breakdown of collective negotiations, of collective bargaining. A strike does not.

Eora Laskin, who has gone on to greater things now as the Chief Justice of Canada, was on the staff of the law school when I was wending my way through the mazes of property and land law and torts and the other things we were taught, and he taught us labour law and constitutional law - or attempted to. He did his best. What we gleaned from it is a matter for opinion. It was a matter for examination at the time. But I remember Eora Laskin, Chief Justice Laskin

MR. ROBERTS: as he now is, saying time and time again that the strike is the lawful and proper extension of collective bargaining. He did not say it was the right one or the best one, but the lawful and proper extension of the collective bargaining process. And we are talking of intervening in that and we should intervene only in abnormal, or very unusual and very specific circumstances.

MR. ROUSSEAU: Agreed, agreed!

MR. ROBERTS: The minister agrees but the bill he brings in does not provide an adequate springboard; the events necessary to spring this section into action are not in my view adequate. I have stated what my view is; number one a clear and a present danger; clear and present, both terms of art in law; or alternately, the occurrence of an event that constitutes a danger. Those are the events which should spring intervention in the collective bargaining process. What we are doing here is interfering in the process and we should not do it lightly. So that was my first point.

To recapitulate, the second one is that it ought not to be the Cabinet: Let it be either the House of Assembly or a court. I would prefer the House of Assembly because I think it is a political type of decision and this is the place for political decisions, but I can certainly see where a court could intervene. And the minister shakes his head. I do not know why.

MR. ROUSSEAU: I am not sure whether it is a political decision really.

MR. ROBERTS: I do not say a partisan decision, a political decision as opposed to a legal decision or a mechanical decision. People confuse the word political and the word partisan. They are not the same words. The minister is a political figure.

Mr. Roberts:

As minister, he may or may not be partisan. He is partisan when he seeks election as a candidate for this party or that party. Partisan and party are the same root, the same derivation. But we are all political. We are all, you know, I suppose, I do not know how you would define politics but it is the things having to do of public affairs, public life, political activity, not partisan. That is a different concept altogether. So it is a political decision. I think the place for that is here. Let the Cabinet decide boys we must act and let them come before the Legislature, and the minister concerned states his position and the House debates it, and then accepts it or rejects it. That is the process we should follow. But if not, let us have a court; let us give the judge the power to hear arguments.

Now what should he do? The Minister of Finance thought I suggested that the judge should have the power to issue an injunction. I have not suggested at this stage any power one way or the other.

MR. DOODY: I am sorry to interrupt, but said that this change was infinitely more infamous than the ex parte injunction.

MR. ROBERTS: Well, it is in my opinion. It is a matter of opinion.

MR. DOODY: I am saying it is two entirely different things.

MR. ROBERTS: Well, I agree. We had an ex parte injunction and we banned it. Injunctions can still be issued, they are issued all of the time, but injunctions can be issued only after both sides have been heard. Here action can be taken without any side being heard, without anybody being heard. The Cabinet can meet in the dead of night, can meet by phone, it can meet in the Premier's own mind. Cabinets have that authority, Cabinets function in that way from time to time where they must.

Mr. Roberts:

It is quite possible that the Premier and the minister could get on the phone some night and make a decision under this section, and the rest of the Cabinet would go along with them after the fact. That could happen. It could easily happen. I have served in a Cabinet, and I have seen decisions taken that way. Where it has to be, where a Cabinet must act quickly, they do act quickly. You know, sometimes they act for other motives.

Now what shall they do? The provision here is to order a secret ballot to determine their wishes. And that sounds as reasonable, Sir, as the day is long. What is the real effect of it? Is it a form of harassment? First of all, there is no restriction as to how many secret ballots can be ordered. Under this section the minister could order 1,000 or 10,000 or 100,000, he could keep ordering them until finally he got the result he wanted. Secondly, there are no rules laid down as to who may vote in it. The employees of the unit, whatever that may mean? Those who are at work at other jobs? They are not at work on the strike, you know. Why interfere in the collective bargaining process? There is no power to order a company to consult in shareholders or even its board of directors, to determine their wishes with respect to the resumption of work. What do we do then? So the minister, quoting this clause, stands and the minister orders, and the order is of course carried out, and there is a resumption of work indicated. The employees vote 85 per cent, say, "Yes, we want to go to work." What does that mean? On whose terms? They may want to say we want to go back to work, we want to go back to work on the terms we struck on. The crowd out at Waterford want to go back to work. I am sure that each man and every woman there wants to go back to work this night but on the terms they struck for. They have stood out for eighteen weeks now through the Winter on picket lines; sure they want to go back to work. Those men and those women have been

Mr. Roberts:

eighteen weeks without a pay cheque, except whatever they might get from strike pay. Of course they want to go back to work, but on what terms? I would say the Waterford people want to go back to work on the terms they struck for. So this clause is absolutely futile in what it orders, except it gives the employer a very good propaganda weapon. This clause, Mr. Speaker, is not only offensive in principle for the reasons which I have outlined at some length - but I believe it is important and that is why I have done it at some length - but it is one-handed, one-sided. It intervenes on the side of the employer. It seems reasonable until you look at it. Then when you look at it, it orders a vote, a secret ballot of the employees in the unit - and if we are going to have a ballot let it be secret; let us not get caught up on secret ballots that is irrelevant, we all concede that, if there is going to be a ballot let it be secret. By the way, is this not the hundredth anniversary - no, next year is the hundredth anniversary of the great Liberal reform, the secret ballot, the one the Tory Party opposed all along. It is good to see they are with us now. The secret ballot of the employees in the unit is to determine their wishes with respect to the resumption of work. What does that mean? What does that prove? What?

It sounds good until you begin to look at it. It is like the talk of restructuring; it sounded terrific until you began to look at what had come out of the restructuring process - nothing of any value! I invite any hon. gentleman, any minister - the ministers are



Mr. Roberts.

all responsible for this piece of legislation, Cabinet solidarity, collective responsibility. What does it determine? What affect does it have except to give the employer a propaganda weapon? And so if this clause was thought through - and I doubt if it was - if it was not thought through it ought to be dropped, just taken out of the act. If it was thought through the ministers opposite must have realized that it was as offensive as can be, because it is a direct intervention on the part of one party to the dispute - the employer, not the union - and if they decided that and decided to leave it in it must have been with a determination to hurt the labour union, to hurt a union that is on strike. The Cabinet, Sir, are asking for a grant of power, an arrogant, naked grab of power to enable them to intervene in any strike situation. Oh, they may say it is limited. Sure it is limited! "Where the Lieutenant-Governor in Council has evidence" - whatever that may mean! - "That the continuance of a strike or lockout poses a threat to an industry in the Province or a geographic area of the Province-" Now what in Heaven's name does that mean when you look at the words? It means nothing more or less than if the Cabinet - and that can be a minister or two, Sir - that if the Cabinet decide that we should intervene in a strike we can. There is no talk of a clear and present danger. There is no talk of the occurrence of an event which constitutes a danger or a harm, an event of harm, none of that whatsoever. And remember, the Criminal Code runs! This does not deal with criminal activity. That is taken care of under the Criminal Code.

MR. J. CARTER: Would the hon. member permit?

MR. ROBERTS: A question, yes.

MR. J. CARTER: How does arranging for a secret ballot interfere with the progress of a strike?

MR. ROBERTS: Well, I would say to the gentleman from St. John's North that he might ask the minister what it achieves, because as far as I can see all that it achieves is to give the employer a propaganda weapon. I say that on the assumption that the result of a vote in some cases would be, yes, a majority vote to resume work. But what is the question put before them?

Mr. Roberts.

Is the question, Do you want to resume work? But on what terms?  
The Waterford crowd want to go back to work, but on specific  
terms. The government want them back to work, but on specific terms.  
The trouble is the two terms do not meet. It is a meaningless  
section. All it does is give the Cabinet the power to intervene  
in a strike in a way that will hurt the union and help the employer.

MR. J. CARTER: Surely the vote could be on the latest offer  
though.

MR. ROBERTS: Well, would it? The gentleman says, "surely," but  
it is not in the law.

MR. J. CARTER: I agree that it should be tidied up.

MR. ROBERTS: I mean the section is badly drafted. I think it is  
offensive in principle.

Mr. Speaker, there is not a quorum present.

I do not mind speaking to empty faces as well as empty benches, but  
may I call a quorum?

MR. SPEAKER: Order, please!

A quorum has been called.

Call in the members.

Order, please!

I will ask the Clerk of the House to count the House.

Is it agreed that three minutes have elapsed?

SOME HON. MEMBERS: No!

MR. SPEAKER: It is not agreed.

SOME HON. MEMBERS: Agreed, agreed!

MR. ROBERTS: No, no, follow the rules.

MR. CHAIRMAN: Order, please! I will ask the Clerk of the House to count the House.

I am informed a quorum is present.

The hon. Leader of the Opposition.

MR. ROBERTS: Thank you. Mr. Speaker, I think hon. gentlemen having returned I should perhaps go through my argument again, or should I spare them that? I will.

MR. N. WINDSOR: Spare us the agony!

MR. ROBERTS: The hon. gentleman can talk of being spared the agony, I read today with some interest of his spearheading the government in an effort to cover up very serious default of government activity. He is nothing more or less now, nothing more or less now than a - what is it called in football, the heavy who runs ahead? running interference! Running interference now for the gentleman from Menihek (Mr. Rousseau).

MR. WINDSOR: Trying to keep the Chairman straight.

AN HON. MEMBER: A star.

MR. ROBERTS: Called him a star? No, they never called the gentleman from Mount Pearl (Mr. Windsor) a star. They may have called him a fallen star but they did not call him a star. The goat, that is the phrase! What is it The Telegram said? Running interference for the government! That is worth a raise in the Premier's office. That is worth a raise!

Now, Sir, where was I? I was talking about section 99 and I made the point that I do not think it does anything. I do not think it achieves anything at all. So I am going to suggest to the minister that he withdraw section 99. I do not think it need be replaced with anything because if a situation should arise whereby the government should act in the public interest, then the way to do that is to bring a bill before the House and take whatever action is appropriate. There may be cases where it is desirable to order the bargaining unit to hold a vote on a proposal. That might well be desirable in certain cases. But let us do it by

MR. ROBERTS: legislation if we are going to interfere in the collective bargaining process. Let us do it that way if we are going to intervene. I would take it out, period. But if it is going to be in, if the government insist, if they are stubborn enough to insist on having it, then let us make it meaningful. Let us first of all take the power away from the Cabinet and put it either in the House or in the court, Let us say that there must be either a clear and a present danger or the occurrence of an event which constitutes harm, a harmful event. They may seem like loose words but I think the legal draftsmen will assure the minister that they are precise words. They are words of art in the legal sense. And that when those events occur the House of Assembly on passage of a resolution, we would not need a bill then, may or shall order a vote on a specific proposal with the following effect, because supposing the vote is taken and it shows that eighty-nine per cent of the members of the bargaining unit say we want to resume work: what does that mean? Would the minister tell me what that does - except it does not force them back to work. Or does it? There is nothing in this Act, nothing in this Act that makes them go back to work, is there? Not that I have seen. No. The minister agrees. It does not force them even back to the bargaining table in the sense of forcing them by law or by injunction or by command. All it does is give a wallowing propaganda point to the employers. That is all it does.

Now, I mean, I have made what I think is a very reasonable case against that section. I am not railing. I am not shouting. I am not jumping up and down. I think I have made a very good legal analysis and I think a very good policy analysis. I regret that I was not here when the minister introduced the bill but I am told he did not speak at any length on this particular section. And that is correct, is it?

MR. POUSSEAU: I spoke on all sections.

MR. ROBERTS: No. My colleagues tell me the minister did not -

MR. ROUSSEAU: No, not at that time.

MR. ROBERTS: - devote any specific attention to this one. I would suggest to him that the case I have made is probably the first time he has heard the case made. I doubt if it was made in Cabinet. I doubt if it was made in his department. I am sure it was not made in Cabinet. I am sure the Cabinet did not look at it. And if the section was drawn to their attention they would say, "Oh,well! That sounds reasonable. Let us do it." One of these things that sound attractive at first blush here when you come to look at it it is not. I say to the minister now, can he argue with what I have said? At first blush it sounds reasonable and then they say, "Well,why not put it in anyway,what harm is done?" Well,what good is done? And surely the principle that underlies our legislation ought to be, not "Oh,well it does not harm anybody." It ought to be, "What good does it do? What end is achieved? What useful and proper and good end is achieved?" So I say, Sir, to the minister that I think he really ought to withdraw that particular clause. I would drop it entirely if I were the minister because even if a vote is ordered it does not achieve anything. What does it achieve? Can the minister tell me what does it achieve? What did the minister have in mind when he drafted that section or had it drafted, when he gave instructions for it? What did the minister have in mind? There was a vote at Waterford. It was more or less forced by the government. It was not forced by law.

There was a meeting. There was a vote.

MR. DOODY: The people were given the offer to vote. The union said, "The ballot boxes are here you may vote if you wish,"And they said, "No, we do not want to vote. We are happy the way it is."

MR. ROBERTS: So it does not help to end the strike,does it? What is achieved? I mean,the minister is asking us to bring it up.



MR. ROBERTS: You may say Why all this chatter, Mr. Speaker, about one section, but this is one of the few sections in this bill that is new. I suppose out of the one hundred and - I have not seen a concordance, if that is the right word, but out of the one hundred and fifty-five sections I suppose ten are new. Are there ten? Where is Brother Lush? He has gone through the bill intensely. No more than ten. I mean there is little that is new in it.

MR. ROUSSEAU: There are a lot more than ten.

MR. ROBERTS: There are not five new ideas in the bill.

Mr. Roberts.

I mean, there are a lot of new words and some things are made more complicated and some are made less complicated. But there are not five new principles in the bill. This is a very uneven interference, Sir, and that is my real objection against it, that it is interference in the collective bargaining clause. I quite agree with the state's right and the state's duty to interfere in the process, Mr. Speaker, where there is a clear and present danger or an event of harm has occurred. We would be negligent in the extreme if we did not interfere or intervene in the collective bargaining process at that stage. Of course, we would. But, Sir, the intervention would have to be effective. This is not effective. It is simply something pandering to the worst kind of employer, that is all it is. It is offensive, it is abusive, it is powerless, and it is futile. It achieved no good. It could certainly achieve a lot of harm. So I say to the minister quite simply that I believe he should drop the clause. He cannot move it. He cannot amend his own bill in Committee, but one of his colleagues will gladly do it just to drop this clause, drop it, drop it, drop it, drop it, condemn it, damn it, put it out, and, you know, let us go ahead.

Now, Sir, I guess I am about out of time.

Other hon. gentlemen, I guess, wish to speak. I have said what I wanted to say. I will deal with it in Committee if there are any other points. But let me try to sum it up by saying that I do not get terribly excited over the bill. It has been a long time coming. An elephant has a gestation period of eighteen months, I am told. This bill has had a gestation period of four years. It certainly is not as useful as an elephant. I do not think it will do very much because I do not think it attacks the real root of labour-management problems in this Province. It does not. It is not a new charter. It does not blaze any new principles on the heights. The minister will not be able to say, I was the man who brought in the following new principles. I could talk, if the minister wanted, about some of the new principles of collective bargaining that are being talked of, some of them being adopted in some jurisdictions. But this does not implement anything very much.

Mr. Roberts.

It is a bit of a false alarm, you know. It is like a firecracker the fuse of which has burned for several minutes and it goes off, not with a bang, but with a phfft. That is all it is. It is a damp phfft. But the way in which it is introduced, Mr. Speaker, in my view is a bad way. It ought to be referred, the labour movement have a right to be consulted. So do the Chambers of Commerce and the employer groups. They have a right equally to be consulted. I do not know why the minister chose not to. I do not find him to be arrogant in his dealings with people. Some of his colleagues are arrogant. The Minister of Transportation and Communications is arrogant. The Minister of Manpower is not arrogant, in my experience. I think he has a genuine desire, and I think he has that name in the labour movement and in the employer groups. They find him an easy man, and a good man to work with. But why he has gone ahead at it this way, I do not know. But it is not too late, refer it to a select committee and give them a couple of weeks to look at the bill. They will not need a long time, because much of it is familiar stuff, and then let us have representations and a better bill will come of it, a better bill, either changes in this bill or

MR. ROBERTS: a bill that has been tested and found true, tried and found - not found wanting, but found well-founded; and secondly, drop this Section 98. You cannot argue with it, Mr. Speaker; I think I have shown that it does nothing, it is meaningless, it has a potential only for harm; no good can come from Section 98. To use a phrase that the former Mr. John Crosbie appropriated somewhere, "There is not a jot nor a tittle, not a scintilla of good in it," no good in Section 98. It looks attractive, and I say to hon. gentlemen opposite who are private members, who are not bound by the convention of Cabinet responsibility, I invite them to consult their consciences on this one because Section 98 - and I guess we will probably move its deletion in committee, we will test on it that Section 98 can achieve no good, it can only achieve harm. I do not think there is a case that can be made in favour of it, I do not think the minister could possibly make a case in favour of it.

I think it is one of those things that on the surface looks good, but, Sir, a rotten mackerel looks good on the surface, underneath it does not.

The ice on a pond in the Spring, to look at it on the surface, the ice is still there, perfect on the surface until you walk on it and go down through it. This is thin ice indeed, it is dangerous ice, it looks good but when you begin to test it it is not solid, it is not substantial. Section 98 is a very offensive section, it does not achieve any good, it does harm. Now the minister, Sir, can disregard everything I have said, He is a minister over there and he has got his Cabinet colleagues with him and he has got the majority to his back and he can ignore everything we have said on this side, He can just dismiss it as so much piffle and wind and there is nothing we can do about it, not a damn thing we can do about it, Mr. Speaker, nothing we can do. We can say what

MR. ROBERTS: we believe and that is all we can say. The minister may choose to ignore it, but I say to him that would be a mistake, not that we are going to do anything about it, the government can take this section out, sure, happy to do it, no problem at all, But we cannot do anything with it right now. The minister can have his way, he can make this law alone. Oh, I know it takes a majority of the House to make a law, but for all effective purposes now the majority of this House is concentrated in the solitary presence of the gentleman from Menihek, the entire weight of this House, He alone will decide whether this clause stays in or goes out. So I say to him that it is a mistake to put it in; I do not think it is very good, I do not think it serves any purpose. It has been hammered at all day, has it not? And no defence has been made, no hon. gentleman has raised his hand -

AN HON. MEMBER: What are you talking about?

MR. ROBERTS: 98. I just abolished it, ripped it up and down, in and out and reduced it in little shreds, little pieces of paper on the floor.

MR. NEARY: It was sneaked in.

MR. ROBERTS: There has been no defence, not justification of it. I do not think there can be one. So I say to the minister, let us take it out and let us have done with it.

Mr. Speaker, let me conclude a few short remarks that have gone for a longer time than they ought to perhaps. gentlemen opposite lead me astray, Sir,

MR. DOODY: : You are good until a quarter to ten.

MR. ROBERTS: I am good way beyond quarter to ten, but my time runs out at quarter to ten.

MR. NEARY: Quarter past ten, is it not?

MR. ROBERTS: Quarter past ten it runs out? I am good way



MR. ROBERTS: beyond quarter to ten, but at quarter to ten my time runs out is what the hon. gentleman is saying, I guess. I do not see it as a very exciting bill, Sir, I suppose it is the shining gem in the legislative diadem of this government this year, but that just shows how empty the legislative sack really is when this is their big achievement. It has been much ballyhooed, but there is nothing to it. It has been talked about and ballyhooed and praised up by the government, but there is nothing in it, I do not think it attacks the real problems, it does nothing to solve the real problems. But, Sir, it can do harm. Note the way in which it was introduced. Often what we do is not as important

MR. ROBERTS: as the way in which we do it.

I could call a man a thief and get away with it, Sir. It is libellous to call a man a thief unless he be a thief, but in certain instances one could call a man a thief and get away with it. If a woman comes up to a man and says, "You are a thief, you have stolen my heart," no court in the land would find her guilty of a libel or a slander, a slander in the case of speaking.

MR. NEARY: How about breach of promise?

MR. ROBERTS: I do not know. Tell us about breach of promise.

MR. NEARY: Well, if the hon. gentleman promised -

MR. DOODY: He has been to a nominating convention again.

MR. NEARY: - promised the Federation of Labour -

MR. ROBERTS: Oh yes! Oh yes!

MR. NEARY: - that he would consult.

MR. ROBERTS: Well, either breach of promise or alienation of affections, as the case may be.

MR. DOODY: I thought you were going to raise the Grand Bank situation again.

MR. ROBERTS: If the hon. gentleman from LaPoile (Mr. Neary) had run in Grand Bank we would have had a better Attorney General than we have today.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: A much better Attorney General.

Whether the hon. gentleman was on this side or that we would have had a better Attorney General than we have today.

MR. DOODY: You are the only lawyer there.

MR. ROBERTS: I am the only lawyer on this side and there is only one in the Cabinet on that side. The other two got the flick for daring to object, or daring to question. There are only four lawyers in the House, are

MR. ROBERTS: there not? What a blessing it is.

MR. DOODY: That is amazing! That is one of the most delightful -

MR. ROBERTS: There are only four of us in the House. And think how many there are downtown. Think how many.

MR. NEARY: There are four and a half, because I am learning, Sir.

MR. ROBERTS: My hon. friend from LaPoile is not a lawyer, but he certainly has been the benefit of more lawyers than most in this Province and he knows a lot about the law, one way or another. But there are only four lawyers. I guess it is the first House since there has been Houses. There are more teachers than anything else in this -

AN HON. MEMBER: The Speaker is a lawyer.

MR. ROBERTS: The Speaker is a lawyer but I do not count the Speaker as part of the House in the day to day business.

MR. WHITE: There are a few broadcasters.

MR. ROBERTS: A few broadcasters, yes.

MR. DOODY: And one to come.

MR. ROBERTS: Oh, I did not know Walter Power was in the broadcasting business. Is he?

MR. DOODY: For awhile it seemed that he was.

SOME HON. MEMBERS: Oh, oh!

MR. DOODY: I thought he was for a while.

MR. ROBERTS: Now, Mr. Speaker, for real power vote Walter. Not a bad slogan, we must try that one.

Mr. Speaker, the bill is not a very good one, and I say that in a kindly way. I do not want to berate the minister. If I wanted to berate the minister there is enough in his ministerial conduct in

MR. ROBERTS: other ways to berate him about. This is not a good bill. It does not achieve anything. If the minister persists in pushing it through he will do harm. He will achieve that. I do not think he wants to do that. So I say to him, Sir, Drop this clause 98. Push it out! Put it aside! Then set up a select committee. We would offer to move it but that would be a concession. Let hon. gentlemen on the other side do it. Set up a select committee. Say to the federation come before us, Give us your briefs, your views, your points. Say to the Federation of Employers or the Chambers of Commerce - whatever they call themselves now - Come before us, we are writing a basic charter, a basic fundamental law. If I had my way, Sir, I guess we would just do without it. I think there are a thousand things more important in this Province today than this particular bill.

MR. NEARY: They could have amended the old Labour Relations Act and done a better job.

MR. ROBERTS: They could have amended the old Labour Relations Act and achieved any good that they will do.

MR. NEARY: That is right! That is right!

MR. ROBERTS: Even the flag is more important than this, and it is well known where I regard the flag in the priority of the public needs of this Province today. With 65,000 drawing unemployment insurance and 11,000 or 12,000 eating dole, to be talking about a bill that does not do anything at all, anything good at all is, I think, an imposition on the House. But, Sir, we must debate it because the government insist on bringing it in.

MR. WHITE: Right!

MR. ROBERTS: I guess it is the best thing to do, and I guess it is the best thing they have done all

MR. ROBERTS: year, which really does not say they have done very much. It shows, in fact, how little they have done.

AN HON. MEMBER: Very comfortable. Very comfortable.

MR. ROBERTS: If the hon. gentleman for Green Bay (Mr. Peckford) is very comfortable, he will not be comfortable when the Premier sees him, he will life him about six inches off that seat.

Mr. Speaker - however the hon gentleman does not worry, the Premier is not going to be back. The Premier is not going to be back at twenty minutes to ten at night, Sir.

MR. PECKFORD: He will still be here for you to look at ten years from now, and you will still be saying the same thing you are saying now.

MR. ROBERTS: He may well be. He may well be. Will I see him on television?

MR. PECKFORD: Do not worry! Do not worry!

MR. ROBERTS: Will the hon. gentleman lend me a television set that I can see him on?

MR. PECKFORD: Your dreams are laudable.

MR. ROBERTS: Will the hon. gentleman lend me a television set that I can see him on?

MR. PECKFORD: Your dreams are laudable.

MR. ROBERTS: I will give him a receipt.

MR. PECKFORD: If you can dream and not make dreams your master/, If you can think and not make thoughts your aim.

AN HON. MEMBER: Amen!



Mr. Roberts. He has read a little Kipling. He is a Kipler.  
He is a Kipler.

I would also say to the hon. gentleman in the words of Kipling that the Colonel's lady and Judy O'Grady are sisters under the skin, and nothing more need be said to the minister.

MR. PECKFORD: Oh, boy, another body blow.

MR. ROBERTS: No, Mr. Speaker, no, Sir, you cannot give a body blow to the minister. It is like putting your - look, let me say this about the minister, Mr. Speaker -

MR. PECKFORD: He just bestrides the world like a colossus.

MR. ROBERTS: - let me say this about the minister. I have been watching him now all session. He has been in the House for four or five years. He has been elected twice, once by the skin of his teeth, and secondly by a very good vote. And he came in as a very raw junior member, and he became an assistant to the Premier and worked his way up in the world until he entered the Cabinet. And since then he has been trying very hard to emulate his heroes. And he took as his hero the former Mr. John Crosbie, and a good man to take as a hero, an able man legislatively, and the gentleman from Green Bay (Mr. Peckford) took Mr. John Crosbie as his hero, and he tried to emulate him. Did he make it? No, Sir, he has not made it. In fact, he has not even measured up to the stature of the former Mr. Leo Barry.

We used to refer to Mr. Barry as the schoolboy debater, because that is what he was. The hon. gentleman from Green Bay is not even at that level, Sir. He is a kindergarten debater, and he proves it by - here he goes again, Sir.

MR. PECKFORD: Why are you wasting so much time on me then?

MR. ROBERTS: A kindergarten debater.

MR. PECKFORD: Why are you wasting so much time on me?

MR. ROBERTS: Why am I wasting so much time? Mr. Speaker, my answer to that is that is if I -

MR. PECKFORD: Bill No. 94, is it?

MR. ROBERTS: - am out walking around as I will be on Tuesday in Croque -

MR. PECKFORD: What bill is that contained in?

MR. SPEAKER: Order, please!

MR. ROBERTS: - if I am out as I will be on Tuesday evening next walking about in the community of Croque and I should step in something, I will have to take the time to scrape it off. That is exactly why I am wasting the time to deal with the minister.

MR. PECKFORD: Come run in Green Bay.

MR. ROBERTS: Exactly the same thing, Sir.

If I step in something while walking around in the dark in Croque, I will have to scrape it off. So when you deal with the minister you have to deal with him.

MR. PECKFORD: Name them.

MR. ROBERTS: Now, Mr. Speaker, let me tell the hon. gentleman from Green Bay -

MR. NEARY: You should not tangle with him.

MR. PECKFORD: I will tangle with no individual.

MR. ROBERTS: - he is a tempting target, Sir, he is a tempting target, but I should not really allow myself to be distracted by him because all it does is flatter him.

MR. PECKFORD: Exactly.

MR. ROBERTS: And he certainly does not need any flattery.

MR. PECKFORD: Exactly.

MR. ROBERTS: The hon. gentleman from Green Bay will not want for a friend as long as he has a mirror.

MR. PECKFORD: Is your ego trip over now?

MR. ROBERTS: Mr. Speaker, let me conclude my few remarks, because I have only five minutes left anyway, by saying that I think this is not a good bill. I will not go so far as to say it is a bad bill. It is not a good bill. It does not do very much that is worth-while. The way in which it has been introduced is bad, and I think will cause problems and not achieve the good things that it ought to achieve. And I think that some of the clauses, particularly that one Section 98 to which I have spoken at some length, are very offensive and ought to be removed. So I would hope, Sir, that the minister will heed

Mr. Roberts.

what I say. He may not agree with me. I do not expect him to say that he agrees with me. But I hope he will heed, and I hope he will act on it. I do not really know, Sir, whether we will vote for the bill or not. And I do not think it is terribly important whether we do or not, because I do not think there is very much in this bill that is worth recording an opinion upon. I do not really think it is a step forward, and I regret that. I think - and I will close on this, Mr. Speaker - I think the minister has missed a great opportunity to be a reforming labour minister to bring in new and important legislation, I think instead he has brought in a piece of legislation that is like yesterday's hash, Sir, stale, warmed over and not very palatable.

SOME HON. MEMBERS: Hear, hear!

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

The hon. minister.

MR. ROUSSEAU: How long do I have?

MR. NEARY: About ninety minutes.

MR. ROUSSEAU: Mr. Speaker, I will start off by saying that I am -

MR. SPEAKER: Order, please!

The hon. minister has forty-five minutes.

MR. ROUSSEAU: Forty-five minutes.

MR. NEARY: Forty-five is all you have.

MR. ROUSSEAU: - an extremely, bitterly disappointed individual today - that is my first comment! - because if the Newfoundland Federation of Labour has communicated to the hon. members opposite that I have sneaked in a bill,

MR. ROUSSEAU: and I have not consulted with them, then my own personal opinion is that it is not correct. I feel very bad about it, and I mean very bad about it. It is something that I would have thought after a few years showing the co-operation that I have attempted to show really makes me feel very, very sad, and I mean that very sincerely.

There are a few things I want to say, Mr. Speaker. Everybody is talking about sneaking in a bill. Well, nobody is sneaking in a bill!

The one point that is forgotten is that this is not merely a labour bill, it is a labour - management bill and there are two sides that had to be consulted. But you cannot keep going back forever. A point in time is finally reached when you have to make a final decision on the bill. We have consulted for four years. The reason the bill is late in this session is because it is only the last couple of weeks that changes have been made in it. We will continue to make changes in it, we will continue to water it down. Mr. Speaker, do you know that here are the changes - this wonderful sneaky bill that the minister bought in! - here are the changes from Bill 75: Clause (31) Section (2), Clause (79) Section (2), Clause (8), Clause (30), Clause (18) and those clauses that the hon. members opposite harangued about today. Do you know where Clause (118) came from, Mr. Speaker? It came from the Labour-Management Cooperation Committee, which includes a Mr. Cyril Strong of the Canadian Labour Congress, which includes a Mr. Faulkner from Central Newfoundland, and includes many representatives of Labour. That is where that came from. The Labour Management Cooperation Committee requested certain changes to the powers of the Labour Relations Board.

MR. ROUSSEAU: The Labour Management Cooperation Committee requested that the new bill make provision for extending the powers of the Labour Relations Board to deal with, (i) unfair labour practices, approved; (ii) complaints of failure to negotiate, approved; (iii) the determination of illegal strikes and lockouts, not approved. That remains with the courts. That is where Sections 118 and 119 came from. Not from the minister, not from the government, but from the Labour Management Cooperation Committee. Clause (38), Clauses (136) and (137) and (138) and (139) came as a result of the inclusion in Bill 62 of the Trade Union Act which was offensive to labour.

MR. NEARY: They were left out of Bill 75.

MR. ROUSSEAU: But they would have been read in conjunction with Bill 75 with a total, with the other Trade Union Acts. It is now -

MR. NEARY: Not at all.

MR. ROUSSEAU: - intended that the Trade Union Act will be repealed -

MR. NEARY: Nonsense.

MR. ROUSSEAU: - and that Bill 62 will implement certain parts of it.

MR. NEARY: Nonsense.

MR. ROUSSEAU: Clause (154) is new, the repeal of The Master and Servants Act.

MR. FLIGHT: Clause (98), what about that?

MR. ROUSSEAU: Clause (98) was changed, as the hon. member has noticed, because it was too specific, and changed at the request of the Labour Movement.

MR. FLIGHT: They were opposed to it.

MR. ROUSSEAU: There is no question about it, they certainly are opposed to it. The hon. Leader of the Opposition was consulted on the designation of special projects. It was discussed with the hon.



MR. ROUSSEAU:

Leader of the Opposition and I do not know who else. Management is just as determined to get that out of the bill as labour is to get section (98). I stood up today, and I was quite frank, and I said the bill is not one that will receive complete endorsement by either side. But we cannot have one bill for management and one bill for labour. We have to reach some compromise in the middle. We have attempted to reach a compromise. In the minds of many people,

MR. ROUSSEAU:

Bill 62 is a watered-down version of  
Bill 75.

Bill 62 is a watered-down version of

MR. NEARY:

Not at all.

MR. SMALLWOOD:

No.

MR. ROUSSEAU:

Now these are the magnificent changes  
that have occurred between Bill 75 and Bill 62.

Now these are the magnificent changes

MR. NEARY:

What about the religion one?

MR. ROUSSEAU:

A few days - that was changed.

MR. NEARY:

It is back in there again.

MR. ROUSSEAU:

I mean it was changed from Section -  
it was in Section 75, It is now in Section 62.

I mean it was changed from Section -

MR. NEARY:

That is right, sneaked in!

MR. ROUSSEAU:

And a few days ago the Federation of Labour  
met with me and asked me to junk the Bill. I said that. I am not, you know,  
I am not hiding that fact, and we said as government, No, we would not junk  
the Bill. They asked me for certain changes in the Bill. I said I would  
take the changes under advisement. I wrote a letter back to Mr. Cashin,  
the Secretary Treasurer of the Newfoundland and Labrador Federation of Labour,  
dated the 25th -

And a few days ago the Federation of Labour

MR. NEARY:

The 25th of April.

MR. ROUSSEAU:

The 25th of May.

MR. NEARY:

But then Bill 62 came after that.

AN HON. MEMBER:

- came after that -

MR. ROUSSEAU:

I know it came after that. This was the  
point that the Federation of Labour -

I know it came after that. This was the

MR. NEARY:

Yes, well they were dealing with Bill 75  
there.

Yes, well they were dealing with Bill 75

MR. ROUSSEAU:

Mr. Speaker, I sat down today - look I have  
been, you know, for a number of hours listening intently by the way to the  
arguments of hon. members.

Mr. Speaker, I sat down today - look I have

MR. SPEAKER: (Mr. Young) I must remind hon. members that the hon. minister  
has the right to be heard in silence and I would ask you to observe that rule.

The hon. minister.

MR. ROUSSEAU: And I wrote Mr. Cashin back, Mr. Speaker, and I would like to read the letter into the record, if I may, because certain parts were quoted today. And I will then table it, but I would like to read it into the record. 'Dear Sir: I refer to your letter of the 13th May and the meeting which took place in my office on the same date with you and other members of the Federation executive dealing with the proposed new Labour Relations Bill which I plan to introduce during the current session of the Legislature. During our meeting, you elaborated upon the wish expressed in your letter that I reconsider the introduction of the new Bill and bring about any desired changes by way of amendments to the existing legislation. As I have stated to you it would require extensive amendment to modernize existing legislation and since there have already been several major amendments to the present Act over the past few years I sincerely believe further amendments would confuse those who have to work with it. Consequently, I have to confirm my intention to introduce the new Bill during this session. You have proposed several amendments to the Labour Relations Act and I would like to deal with them in point form in the order in which they appear in your letter. Number one, the check-off clause be mandatory, that is, legislate the Rand formula. As I stated to you in our discussion, our proposed new Bill preserves the principle contained in the present legislation in this Province which I believe is consistent with legislation in other Canadian jurisdictions which obligates an employer to honour a dues assignment by an employee where the employee is a member of a certified bargaining unit. Number two, the membership card signed during organizing drives be valid for one year. During our meeting it was pointed out that the criteria for membership in good standing in the Trade Union is set forth in the rules and procedure of the Labour Relations Board and consequently it would not require a change in the Act to change the present system. I can appreciate your point in this regard and I can inform you that action has already been initiated to have the board make the necessary changes to its rules. Number three, when a certification vote is ordered the outcome should be valid on the basis of a simple

MR. ROUSSEAU: majority of those voting. As you know, this principle has been a subject of controversy in labour relations throughout Canada for many years. However, to our knowledge, no jurisdiction has changed the system which I believe is an extension of the principle envisaged in all cases of certification that the union is required to have the support of the majority of employees in a defined bargaining unit in order to be certified as bargaining agents. I am unable to justify such a change in principle.' And you know why, Mr. Speaker? Because if there were 100 employees and 10 came into a meeting and voted to form a union that to me is not democracy, there should be a majority of the people who are in the bargaining unit. And I would think that a responsible union would not want less than a majority to have certified as a unit. You know, people do not want to go in - the unions are not asking to go in and certify people who do not show a majority wish that they want to be certified.

MR. NEARY: Now they have to.

MR. ROUSSEAU: That was asked for by the Federation. When a certification vote is ordered the union should be provided with a voters list before the vote - the point brought up by the hon. member for LaPoile (Mr. Neary) today. I agree entirely with your suggestion on this point. However, since this matter is again dealt with in rules of procedure rather than in the parent legislation I have initiated action with the Labour Relations Board to have this matter rectified. That is not too bad, Mr. Speaker. That is three out of four. And the difference of opinion here between the Federation and the department may well be that they perceive that this has to be enshrined in legislation. And somebody brought up - I do not know if it was the hon. member from LaPoile or somebody today said they perceive it to be wrong. That is correct. And in meeting with the union and the management groups we have met with and the various union groups we have met with over four years, when we say to them, 'Here is what we intend,' there is always that fear, what about if the government changes or what about if the minister changes? But the intent from a



MR. ROUSSEAU: departmental point of view is there and is explained to them on each occasion. 'Number five, that provision be made in the Act to deal with a strike on the question of recognition, that is, a strike occurring in a first contract situation. Legislation should give authority to either the minister or the board to impose after a respectable period of time a first agreement for a duration of one year. I must emphasize the feeling I expressed -'

MR. NEARY: No coaching from the cheap seats.

MR. ROUSSEAU: Pardon?

MR. NEARY: No coaching from the cheap seats.

MR. ROUSSEAU: "I must emphasize the feeling I expressed to you during our meeting that the legislation must respect the rights of both parties to collective bargaining. In my opinion government might be interfering in the free collective bargaining system and unduly infringing on the rights of the parties if we attempt to impose any collective agreement on the parties. Number six, an application for decertification not be entertained until one year has passed from the date upon which the local bargaining unit has complied with the procedures in the Act pertaining to conciliation. In my comment it was pointed out during our meeting that Section 52 of the proposed new Bill already deals with this point, and I understand you are now satisfied that this matter is adequately covered.' You know, this was a week ago.



MR. ROUSSEAU: 'Number seven. that the Labour Relations Board be given the authority to deal with the question of unfair Labour practices. As stated in our meeting, I am glad to be able to inform you that the proposed new bill has recently been changed to empower the Labour Relations Board to deal with complaints of unfair labour practices.'" Today I got harangued for section 118. The federation wants it, the Labour Management Cooperation Committee wants it, and I get harangued because 118, 119, 120 are there. I did not put it in. Government did not put it in. The department did not put it in. It was a request from the Federation of Labour and from the Labour Management Co-operation Committee of this Province.

MR. NEARY: Now who put in 136, 137, 138, 139?

MR. ROUSSEAU: I will speak about that in a second now?

MR. NEARY: Right. And 98.

MR. ROUSSEAU: Anyway, Mr. Speaker, these are the points. There are a few other comments. I will table this letter and -

MR. NEARY: And that all has to do with bill 75?

MR. ROUSSEAU: Yes.

MR. NEARY: That is right.

MR. ROUSSEAU: The whole thing. But I will state and I will be quite frank too that the Newfoundland Federation wants the bill withdrawn. There is no question about that.

MR. NEARY: That is right. That is right.

MR. ROUSSEAU: No question at all about that. Management feel as strongly about that section on special projects as the Federation or the labour movement feel about that secret vote. But anyway. Now, if I may, that is available.

Now, Mr. Speaker, I have got so many things here. First of all, the question today arose and I have some notes on it, and the hon. member for Twillingate (Mr. Smallwood) was quite concerned and other members brought it up, the question of legal entities. Legal entities can sue and be sued in Alberta, British Columbia, Manitoba, New Brunswick and Prince Edward Island. Alberta, British Columbia,

MR. ROUSSEAU: Manitoba, New Brunswick and Prince Edward Island. Two great NDP Provinces in there I believe. No, there was - well there was when that bill was brought in in British Columbia and Manitoba. Quebec unions are incorporated under the Professional Syndicates and can sue and be sued.

Federal Canadian Labour Code - Nova Scotia Trade Union Act and the Ontario Labour Relations Act can be prosecuted for offences under their respective labour acts. I am not sure about Saskatchewan. So it is not a new concept in this Province. It is not something that we are doing only here.

Now I know it is not going to satisfy, but I would appreciate very much if the hon. member for LaPoile (Mr. Neary) would let me explain this once more and that is the last time that I will do it but I will try and get my explanation over. Section - where am I? Section 136, 137, 138 and 139: up to now there has been an act of this Legislature coming under the jurisdiction of the Department of Labour and Manpower called the Trade Union Act.

MR. NEARY: Which should be revealed.

MR. ROUSSEAU: A couple of years ago the intent was to have a new Trade Union Act. We drafted a new Trade Union Act. That Trade Union Act was referred to the Newfoundland and Labrador Federation of Labour. The Newfoundland and Labrador Federation of Labour reacted very, very unkindly to that act. That act was withdrawn, was not introduced in the House of Assembly because the Federation of Labour did not think it was a good act. So we were left with the existing Trade Union Act.

Now, Mr. Speaker, had Bill 75 in its form gone through it would have been read in conjunction with the Trade Union Act, two different bills, the Trade Union Act and Bill 75, which was the old bill that was passed, was on the Order Paper here in the last session.

Mr. Rousseau.

What we did, Mr. Speaker, was simply this; we took the Trade Union Act and we put it into the Labour Relations bill, and it came out in Bill No. 62 as Sections 136, 137, 138 and 139. It is not sneaked into the legislation. It is incorporated in this bill. It is already on the books. It is nothing new. It is in the Trade Union Act. The only thing is now that we will have one act to cover labour relations in the Province in our attempt to consolidate the legislation and not two. We have taken not all of the Trade Union Act and put in here. We have taken some desirable features of it. Now while there are a number of clauses there, we should take a look at 137.

Trade Unions generally - now all we are asking there is for the trade unions to file with the Department of Labour in their best interests some information. The Department of Labour and Manpower is responsible for associations with Labour organizations across this Province. Is it too much to ask, Mr. Speaker, that we have the addresses of the officers? Many times I need to get hold to a president or an international representative of a union. Many times it is difficult because they travel quite a bit in serving their constituencies, and rightfully so, That we have a mailing address, that we have their constitution, is it wrong, Mr. Speaker? Is it wrong to say in Section 139 that upon being so requested by a member a trade union shall without delay furnish him without charge a copy of the audited financial statement of the union? Can anybody disagree with a member of a union asking the executive for an audited copy of the union's financial statement. That is section 139. That is repulsive.

Section 137 is that each trade union and each council of a trade union is a legal entity specified, but that was in the last act.

Section 133, a trade union shall file with the minister a copy duly certified by the proper officers to be true and correct of the constitution, rules and by-laws, a list of the names and addresses of its officers. A copy of the constitution - rules - well,

Mr. Rousseau.

That is all I am asking for, you know, and some sort of an order, you know. I am some sort of a scatter-brain because I am trying to put two acts together in taking out a lot of features out of the Trade Union Act. And I ask the union for the names and addresses of the executive members, for the constitution and by-laws. I am saying to a member of the union that if you wanted to see the audited financial statement for the proceeding year you can have it.

My God! Today I got more flak on Section 137, 138, 139 from somebody - Section 118, today, Mr. Speaker, Section 118, a harangue! A request from the Labour Management Co-operation Committee and a request from the Newfoundland Federation of Labour, and I did it. I changed it. I went to Cabinet. I fought in Cabinet. I went to Cabinet twice on behalf of labour to attempt to get those changes in there, and I got them. But I am haranguing and sneaking in a bill which nobody knows about! A week and a half ago I met -

MR. LUSH: A point of order, Mr. Speaker.

MR. SPEAKER: A point of order.

MR. LUSH: We are debating a rather major issue. There are only seven or eight people in the House. I think we should have a quorum call.

MR. FLIGHT: I think so, too.

MR. ROUSSEAU: I concur with the member.

MR. FLIGHT: Right.

MR. SPEAKER: A quorum call has been sought.

MR. SPEAKER: Is it agreed we call it three minutes?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Agreed.

MR. ROUSSEAU: So, Mr. Speaker -

MR. SPEAKER: There is a quorum. I have to inform the hon. gentleman, or at least the hon. gentleman who asked for the quorum, that there is one present.

SOME HON. MEMBERS: Oh! Oh!

AN HON. MEMBER: What happened to the three minutes rule?

MR. SPEAKER: Order, please! I had asked whether it was agreed that it be called three minutes. If I do not hear a dissenting voice at the time I have to presume that the proposal is acceptable.

MR. ROUSSEAU: They do not want to hear what I have to say.

MR. SPEAKER: The hon. the minister.

MR. ROUSSEAU: Well, Mr. Speaker, I was talking about the points raised today. So I am being harangued about sections, the enforcement sections, which came out of the Trade Union Act. They are not new. A lot of the Trade Union Act has been deleted. Mr. Speaker, let me, for example, read off about this big, bad ogre all of a sudden, the old friend of labour who has turned against the movement and snuck a bill into the House of Assembly today. Sections of this act which are to the betterment of the labour union movement in this Province, section 12, section 17, section 21, section 34, section 35, section 36, section 38, section 39, section 40, section 41 was deleted at the request of the union movement, section 43, section 45, section 46, section 47, section 49, section 70, section 71, section 83, section 84, section 85, section 86, section 87, section 88, section 118, section 119, section 120, section 128, section 137, section 138, and section 139 -

MR. FLIGHT: That all came out of Bill 75.

MR. ROUSSEAU: - to the obvious betterment of the labour movement in this Province. Now I can stand up here and I will say honestly all the things in that bill are not what the labour movement want and all the things in that bill are not what the management people



MR. ROUSSEAU: want. If they had two choices, in my opinion I believe the labour movement would ask for the section on the ballot to be taken out, management would ask for the question of special projects to be taken out.

Now let us not fool ourselves about section 98 and section 98, subsection (1) and (2). The hon. Leader of the Opposition stands up and says the minister, all of it rests on the minister. You know, the hon. Leader of the Opposition, being a member of Cabinet, would assume I would think that a principle of that import would not be decided by a minister or by a committee of ministers but by Cabinet, and one would assume I think with one of that import, which is really part of the guts of that bill, that it went over long and detailed discussion, head ringing, hand wringing in Cabinet for many, many, many times. The pros were looked at it, the cons were looked at it. Management came in, labour came in; management

Mr. Rousseau:

came back in; labour came back in, management came back in; labour came back in, Section (98) has been fought against from the beginning. The section on special projects have been fought against since the beginning. The Premier has letters from the President of the Canadian Manufactures Association. We have had representation from the industry in this Province.

AN HON. MEMBER: Agreeing with it?

MR. ROUSSEAU: No! They want it out. We want to leave it in there. Because if Section (98) and Section - I forget the Section on special projects, what is the number on that? But anyway the section dealing with special projects, and Section (98) with the secret vote are principles of this bill. They are both assumed to be handled with discretion.

Now here again is an example of the big, bad boy with labour, who sneaks something in on labour. When the hon. member for Twillingate (Mr. Smallwood) was speaking today -

MR. DOODY: Sections (69) and (70) -

MR. ROUSSEAU: Sections (69) and (70) well that is okay.

The big bad minister today changed the Bill, Bill 75 read "Threat to the economy of the Province or a geographic area." The labour movement wanted that section out. Government said, No it will remain in. Labour said, "Well, look! It is not fair. The threat to the economy of the Province is too general. Government said, That is not our intent to abuse or misuse that section. We want to make it more specific. So now we say, It is a threat to an industry not to the economy of the Province. And I can assure hon. members of this House, Mr. Speaker, and hon. people in this Province, and especially members of the trade union movement that government would be off its cotton picking head to go around ordering votes every which day if there is somebody out on strike. This government agrees with the right to a legal strike.

SOME HON. MEMBERS: Hear, hear!

MR. ROUSSEAU: But in the process of a long, bitter strike as

Mr. Rousseau:

occurred at St. Lawrence, when there is a feeling from certain members of the union that they want to vote on a proposal and are not permitted to vote on a proposal, then this government feels that the members of that union, who have certain rights as individual members of society as well as members of the union, have that right to vote. And if in the instances outlined in the Act that government felt, on the advice of the minister, I am not shying away from the responsibility, if we decided to conduct a vote anywhere tomorrow you can be cotton picking sure that it would be the Minister of Labour and Manpower who makes the recommendation of government.

SOME HON. MEMBERS: Hear, hear!

MR. ROUSSEAU: That is not going to be used idly, That is going to be used when there is proper recognition of the fact that a vote is requested or required. It would have happened, in my humble opinion, in one instance in this Province in the last few years and that would have been St. Lawrence, If I were Minister of Labour at the time I probably would have recommended to my colleagues in Cabinet that a vote be requested. I would probably do that. I cannot think of another situation where I would have done that.

The Waterford Hospital strike, when I was involved for a couple of weeks, the union told me, "We are not going to bring this back to the membership, who are going to reject it." I did not disbelieve them. I knew if they said they were going to reject it, that they would reject it because they should have the feeling of their membership. But there are times when you have signs from the membership which indicate, maybe not the minister, but the feeling is that they want a vote.

MR. NEARY: It is interference in the internal workings of the union, and the minister knows that.

MR. ROUSSEAU: What is the matter with the request of individuals, a significant enough number, to request that secret ballot?

Mr. Rousseau:

Now I say to hon. members that the only time in my personal opinion it would have been used would have been for the St. Lawrence strike. I cannot think of another situation in this Province.

MR. FLIGHT: Well, it is there to be used.

MR. ROUSSEAU: Where? It is there to be used, it most certainly is.

MR. FLIGHT: In the collective bargaining process.

MR. ROUSSEAU: As I say, that Section was not put in idly. It has been discussed and discussed every possible which-way with it over a number of sessions, in Cabinet, and the decision has been taken.

Now the introduction of the question of religion, everybody is hep on that. You know, it is simple, It is a matter

MR. ROUSSEAU: that government in its wisdom or in its stupidity, whichever view you take, that a man because of religious beliefs, or a person because of religious beliefs who do not - have you read this section, by the way?

MR. FLIGHT: Oh, yes. I read the bill.

MR. ROUSSEAU: Who do not want to vote in -

MR. FLIGHT: I read the bill, more than the Minister of Municipal Affairs did.

MR. ROUSSEAU: That is the wrong bill. Look, there are so many bills floating around -

MR. NEARY: Well why does it come up now after all these years? Why do you introduce it into management - employee relations now?

MR. FLIGHT: Why was it not in '75?

MR. DOODY: He had a particular case last year. One of the employees of the Department of Transportation and Communications who -

MR. NEARY: That is a different matter altogether.

MR. DOODY: He did not want to work on Friday.

MR. NEARY: That is a matter of a fellow who did not work - wanted to work on Sundays.

MR. DOODY: That is right.

MR. NEARY: Well so what?

MR. DOODY: Because of his religious conviction.

MR. NEARY: Yes, so what?

MR. DOODY: That he should work on Sunday, not on Friday.

MR. NEARY: That is a completely different matter altogether.

MR. ROUSSEAU: Excuse me, Mr. Speaker, I only have forty-five minutes. I want to read 31, subsection (3). "Where an employee is exempt from the provision of a collective agreement described in subsection (2) because of religious belief, the board shall order that the employee make a written assignment of wages pursuant to section 2 of section 35 to the trade union in an amount



MR. ROUSSEAU: equivalent to union dues payable from time to time by the employees to the trade union, and the assignment may not be revoked without the consent of the Labour Relations Board; but for the purpose of Division I of part (111), and for the purpose of any strike vote by employees, that employee shall be deemed not to be an employee.

Now I would assume that if a person has honest religious beliefs that that is a fair and democratic right that that individual has as a member of society. We have a case now, a celebrated one; a good ball player with the Milwaukee Brewers who will not play because of his religious beliefs from sundown on Friday until sundown on Saturday. Nobody is sending him down to the minor leagues. They accept that principle, that man's right to believe as he does believe and there are many religious questions involved. I remember when I was principal of the school at Wabush that we stopped all dances at midnight on Saturday. In other words, we did not dance after midnight to go into Sunday because certain denominations involved in the total school, which was a number of sections, did not believe in Sunday dancing. Now a lot of the kids felt, "Well, why can we not dance on Sunday?" You have to respect the view of other people. And that is what we are attempting to do.

MR. NEARY: It is narrow minded and the essence of bigotry to bring it up now. It should not have been brought up.

MR. ROUSSEAU: Section 98.

MR. NEARY: It should not have been introduced in labour management relations.

MR. ROUSSEAU: The hon. member for LaPoile (Mr. Neary) dealt today with a vote on every new offer and I said to the hon. member three or four times and he - there was a vote with every new offer. Now, Mr. Speaker, I said there is not a vote with every new offer,

MR. ROUSSEAU: That is not what a threat to an industry or to a geographic area means. It is not the one half cent or it is not ten cents.

MR. NEARY: It could be.

MR. ROUSSEAU: It is not that.

MR. NEARY: It could be.

MR. ROUSSEAU: It is a threat to the industry or to the area. It is not a vote with every new offer. This is not something that the Department of Labour and Manpower would not lose its credibility or attempt to lose its credibility with the union movement by going in and ordering a vote ever second or third day. And maybe after what I heard today, obviously the labour movement has no faith in me any more, but last week I understood from the federation that they were not displeased with the way they had been treated by this government. They are not happy. Naturally they are fighting for their members and rightfully they should, and they have not received everything they have asked for. But I think in general terms up to now that the labour movement in this Province have been happy with the way they have been treated with this government. At least that is what I was told.

The hon. member for Mount Pearl (Mr. Windsor) raised a point today, by the way, about professional groups. Yes, there is the ability in that act for a professional group to band together, be certified by the Labour Relations Board and to bargain with their employers, the same as any other group. They have that right. Because they are professional does not mean they do not have the same rights as every other individual. They have to be certified by the Labour Relations Board.

The hon. member for Terra Nova (Mr. Lush) brought up a number of points, again the composition of the board. And remuneration by the way is normally for all boards in the Province. The composition will be done with a great deal of consideration by the Lieutenant-Governor in Council. The hon. member for Twillingate (Mr. Smallwood) and I mention that now about the question of a legal entity. UK law I do

MR. ROUSSEAU: not have the research facilities available on. If the hon. member is persistent in that I will certainly undertake to find that.

MR. NEARY: The year after next.

MR. ROUSSEAU: The hon. member for Buchans-Windsor (Mr. Flight), about the industrial enquiry in Grand Falls. I have mentioned today, by the way, not in speaking but that there were very few industrial enquiries in this Province prior to '71. I think the hon. member for LaPoile (Mr. Neary) might agree with that since he was Acting Minister. I think there were two or three.

Mr. Rousseau.

Since 1972 there have been maybe two of them in the sense that it is hoped to be the ultimate tool that we have in process. And if we start using them like a conciliation board then they lose their practicability. I think they are very important. I think the one we appointed in Buchans in 1973 went some way in initiating a settlement there after a long and bitter dispute.

MR. FLIGHT: Two long and bitter disputes.

MR. ROUSSEAU: Two long and bitter disputes quite possibly, But a long and bitter dispute, and that one I was actually involved in in the first day I went into the department. I remember that.

The one in the Grand Falls hospital. Look the request came in, and we looked at it, and I said that the request was reasonable, we would look at it even though there was no provision under that act to appoint an industrial enquiry. I offered the union a senior official of the department to sit down with the officials of the hospital and the union, I offered my deputy minister, or assistant deputy minister, or Director of Labour Relations to go in and sit down with them and try and iron out their problems. I have money in the budget this year for a labour-management committee, which I think is a fantastic thing, which I have a great deal of pleasure in, one of the very few small ideas, a good one where labour and management and the government get together -

MR. NEARY: Sure, we always did that.

MR. ROUSSEAU: - and formed labour management committees. That vote was put in the first time in 1974-1975. I think it is a very useful process. I am not saying that the problems that the people at the Central Newfoundland hospital per se did not warrant in their mind an industrial enquiry. I am saying that as Minister of Labour and Manpower I have to use some discretion on how I utilize that instrument. And it is an instrument that has to be used, and if it starts coming every second day, it is going to lose its usefulness.

MR. FLIGHT: How about the Churchill Falls one? I accept the Grand Falls one.

MR. ROUSSEAU: I do not know the details. I was involved in the Grand Falls one. I was not involved in the Churchill Falls one, and I do not remember the details. But if the hon. member would like to pose a question I will undertake to get the information for him. But obviously if it was turned down, it was turned down for a valid reason.

MR. NEARY: Pressure from the high mucky-mucks.

MR. ROUSSEAU: Now the one that really amazed me - a numbers of things that amazed me today really - I think the one that amazed me the most was the one from the hon. member for Buchans - Winsor. I have not changed the sign, but I give him the courtesy of his hometown first. Sixteen men wanted to organize and that there was no help from the department. That to me is incomprehensible that the Department of Labour and Manpower would deny help there. And I can assure the hon. member that if that request went to the department and that request was denied then I will personally investigate the request.

MR. FLIGHT: Mr. Speaker, the request was not denied. But when the men indicated that they wanted to form a union, and when management came in and intimidated them after they had signed cards saying that they unanimously wanted to join, and then within weeks their management from their mainland head office came in and intimidated them, the department did not back them up.

MR. ROUSSEAU: That is a violation of the Labour Relations Act.

MR. FLIGHT: That is right. That is exactly what it is.

MR. ROUSSEAU: And that again I cannot comprehend.

If the hon. member would privately like to give me the name and the circumstances therein -

MR. FLIGHT: I will.

MR. ROUSSEAU: - because I consulted with the officials out there today, and they were not aware of that, and they suggested to me that if indeed such



Mr. Rousseau.

a case occurred that they would follow prosecution procedure under the Labour Relations Act. Now all I can say is what the department's official position is. Circumstances may prove the hon. member to be right. I hope they prove him to be wrong. I really do, because I cannot - you know, if anybody in this Province in the field of labour or management put their hand out for help to the Department of Labour and Manpower, it is there. Now they may not be satisfied with the final result of what happens, but it will be checked into and we will certainly do everything we can to ensure good labour relations in this Province.

Now I am not going to say, Mr. Speaker - I have - what? - about five minutes? Is that all? Forty-five minutes goes fast when you are speaking, and it goes very slow when you are listening. I cannot say that I am happy with all aspects of this bill, because it is a compromise between labour and management to the best of ability of the Department of Labour who sat in on - I would like to be able to catalogue the meetings that have been held over the past few years. I really would. You know, I feel bad today that somebody feels that this bill was slipped in in a sneaky way. I do not think as the Minister of Labour and Manpower or Manpower and Industrial Relations previously that I have attempted to sneak anything into the House of Assembly. That is not my intention, but there has to come a point when a bill has to be introduced. You could keep going back and forth to eternity. The bill already in the view of my officials in the department is a watered-down version of Bill No. 75. The next thing is left is no bill.

Mr. Rousseau:

I am not going to say that the bill is going to be perfect for labour relations in this Province. I am not going to say that the bills that we have - and the point, by the way, raised by the hon. member for White Bay (Mr. Rideout) about the different Acts, Section (3) I believe it was, that these Acts are peculiar to a certain industry and in our thinking it was better to leave these Acts in place, in most instances almost new Acts. And I can assure the hon. member, and the hon. member was a teacher who would know specifically of that Act. That we have had problems with all the new Acts we have had. It takes a while to shake them out. I am not going to say there might not be an amendment to this Act the first day after it is proclaimed. There are always problems that arise in the way it is written up, in the way it is interpreted. But I know what the intent is.

MR. NEARY: What is wrong with deferring the bill and letting trade union movement act?

MR. ROUSSEAU: I know what the intent is. Mr. Speaker, I have a few more minutes. May I finish? The intent is there in the bill, it is difficult, and I think the one point that I would graciously accept and happily accept on the other side today is that maybe people on both sides, by the way, management and labour may not perceive this bill to be as - it is read or as the government thinks it to be. And that -

MR. NEARY: Why ram it through? Why not table the bill?

MR. ROUSSEAU: Mr. Speaker, you know, as Minister of Labour and Manpower I know what I have to do, and I shall do what I have to do as Minister of Labour and Manpower.

MR. NEARY: There is nobody with a gun in your back telling you that you have to do it. Why do you have to do it?

MR. ROUSSEAU: I will take the appropriate action that I have to take, and let us just leave it at that for now, may we.

MR. NEARY: Lay it on the table of the House.

MR. ROUSSEAU: But anyway, Mr. Speaker, I do not know if I have answered all questions involved. I have tried to. I appreciate the comments that were made today. I appreciate the comments of the President of the Federation of Labour when I talked with him. I appreciate those, and I will continue to talk with him and other labour officials in this Province.

MR. NEARY: Yes, but why cause trouble and strife when you can do it in a peaceful way, and put it on the table.

This bill has been talked about for four years.

MR. NEARY: No, it has not.

MR. ROUSSEAU: will retract that statement. That inaccurate, Mr. Speaker, it is not deliberately misleading the House. This is the final form that resulted from four years of discussion in respect to a bill to change the Labour Relations Act of the Province.

So with that, Mr. Speaker, I move second reading.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Is it the pleasure of the House that the said bill be now read a second time? Those in favour "Aye".

SOME HON. MEMBERS: "Nay".

MR. SPEAKER: Contrary "Nay".

SOME HON. MEMBERS: "Nay".

MR. SPEAKER: In my opinion the "Ayes".

SOME HON. MEMBERS: Divide.

MR. SPEAKER: Let the House divide. Call in the members.

DIVISION

MR. SPEAKER: Those in favour of the motion please stand.

The hon. the Premier, the hon. the Minister of Health, the hon. the Minister of Social Services, the hon. the Minister of Rural and Industrial Development, the hon. the Minister of Mines and Energy, the hon. the Minister of Justice, the hon. the Minister of Finance, the hon. the Minister of Municipal Affairs and Housing, the hon. the Minister of Fisheries, the hon. Dr. Farrell, the hon. the Minister of Manpower and Industrial Relations -

SOME HON. MEMBERS: Hear, hear!

- the hon. the Minister of Education, Dr. Collins, Dr. Mr. Young, Dr. Twomey, Mr. Wells, Mr. Goudie, Mr. Windsor, Mr. Cross, Mr. Patterson, Mr. J. Carter, Mr. Woodrow, Dr. Winsor, Mr. Marshall.

MR. SPEAKER: Those opposed to the motion please stand.

The hon. the Leader of the Opposition, Mr. Hodder, Mr. Strachan, Mr. Simmons, Mr. White, Mr. Lush, Mr. Flight, Mr. Rideout, Mr. McNeil, Mr. Neary.

MR. SPEAKER: Order, please! Twenty-five in favour, ten against. I declare the motion carried.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: On motion bill No. 62, a bill, "An Act Respecting Labour Relations in the Province," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

The hon. the Minister of Finance.

MR. DOODY: Your Honour, I have a message from His Honour the Lieutenant Governor. All rise, please! I mean, anyone who can bring the House to its feet. It is expensive, but!

MR. SPEAKER: Another message from His Honour the Lieutenant-Governor to the hon. the Minister of Finance.

"I the Lieutenant-Governor of the Province of Newfoundland, transmit estimates of sums required for the public service of the Province for the year ending 31st. day of March 1978, by way of further supply and in accordance with the provisions of the British-North America Act of 1867, as amended, I recommend these estimates to the House of Assembly.

Sgd. Gordon Winter  
Lieutenant-Governor."

The hon. the Minister of Finance.



MR. SPEAKER: The hon. Minister of Finance.

MR. DOODY: I move that the - I do not know if I should do it or not, but the Speaker leaves the Chair and the House resolves itself into a Committee of Supply, but I always thought the House Leader did that.

On motion that the House resolve itself into Committee of Supply, Mr. Speaker left the Chair.

MR. CHAIRMAN: Order, please! Bill 84.

MR. DOODY: This is Bill 84, the main supply bill.

MR. CHAIRMAN: Order, please! I will ask the Law Clerk to read the resolution.

RESOLUTION:

That it is expedient to introduce a measure to provide for the granting to Her Majesty for defraying certain expenses of the Public Service for the financial year ending the 31st. day of March, 1978 the sum of \$235,244,500 in addition to the initial sum of \$159,650,000 authorized for like purposes by the Supply Act, number 37 of 1977.

On motion resolution carried.

On motion enacting clause, carried.

On motion title, carried.

On motion Clause 1, carried.

MR. CHAIRMAN: Shall Clause 2 carry?

MR. PICKMAN: Mr. Chairman, Clause 2, I move that in line seven the words, 'the Act No.1' be stricken out and replaced by the words, 'Chapter 35.'

MR. SIMONS: Mr. Chairman, a point of order.

MR. CHAIRMAN: A point of order has been raised.

MR. SIMONS: Mr. Chairman, just to clarify that our not participating at this point is not any indication that we did not want to. But we understand that this is part of the seventy-five hours and, therefore, we have no opportunity. That is a correct assumption, is it?

MR. DOODY: Yes.

MR. SIMONS: Yes, yes.

On motion Clause 2 as amended, carried.

On motion schedule, carried.

On motion enacting clause, carried.

On motion preamble, carried.

A bill, "An Act For Granting To Her Majesty  
Certain Sums Of Money For Defraying Certain Expenses Of The Public  
Service For The Financial Year Ending The Thirty-First Day Of March  
One Thousand Nine Hundred And Seventy-Eight And For Other Purposes  
Relating To The Public Service."

On motion title, carried.

Motion that the Committee report having passed  
the Resolution and the Bill with amendment, carried.

MR. HICKMAN: Mr. Chairman, I move that the Committee rise,  
report progress and ask leave to sit again.

On motion that the Committee rise, report progress  
and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER: The hon. member.

MR. CHAIRMAN:

Mr. Speaker, the Committee of Supply have considered a certain resolution and a bill consequent thereto, being bill No. 84 with some amendment, and recommend said bill be introduced to give effect to same and ask leave to sit again.

MR. SPEAKER:

The Chairman reports having considered a certain resolution and a bill consequent thereto, being bill No. 84 with some amendment, recommends that a bill be introduced to give effect to the same.

On motion, report received and adopted  
Committee ordered to sit again, presently.

On motion, a bill, "An Act For Granting To Her Majesty Certain Sums of Money For Defraying Certain Expenses Of The Public Service For The Financial Year Ending The Thirty-First Day Of March One Thousand Nine Hundred And Seventy-Eight And For Other Purposes Relating To The Public Service," read a first, second and third time, ordered passed and its title be as on the Order Paper. (Bill No. 84).

MR. HICKMAN:

Committee of the Whole.

On motion, that the House resolve itself into Committee of the Whole, Mr. Speaker left the Chair.

MR. HICKMAN:

Bill No. 34.

A bill, "An Act To Provide Uniform Minimum Standards Of Conditions Of Employment In The Province." (Bill No. 34).

On motion, Clause 1, carried.

MR. HICKMAN:

Clause 2, Mr. Chairman. I move an amendment to Clause 2(f). "Minister" means the Minister of Labour and Manpower. I move that the words 'Manpower and Industrial Relations' be stricken out and the words 'Labour and Manpower' substituted therefore.

On motion, amendment as indicated, carried.  
On motion, Clause 2, carried.

On motion clauses 3 through 7, carried.

MR. LUSH:

Mr. Chairman.

MR. CHAIRMAN:

The hon. member for Terra Nova.

MR. LUSH:

On Clause 8, just a point of clarification, 8 (b) says the employment by that employee does not cease before the end of



On motion Clause 8, carried.

MR. CHAIRMAN: Shall Clause 9, carry?

The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Clause 9, Mr. Chairman, I want to have another word to say about Clause 9(3). "No payment is required to be made by an employer under this section unless the employee has been employed by the employer for five consecutive work days or more." Now I know, Mr. Chairman, that the minister went into this in some detail today, and in some way until I had another opportunity to speak about it, the minister sort of allayed the fears that I had and maybe some other members of the Opposition had about the applicability of this law in certain instances around the Province. It says, "by the employer for five consecutive work days or more." Now the minister talked about the spirit of the law. Now the spirit of the law is absolutely useless. The interpretation that judges or magistrates and anybody else is going to put on this particular clause and this particular law is exactly what matters. What the minister says in this House in debate in the Hansard - I would submit to the minister that he knows more about this probably than I do - is the last thing in the world that any judge or any court is going to come back to to fine out. They will look at precedents. They will look at everything else, but they are not going to look at what the Minister of Labour and Manpower said in this House as to what the spirit of the law is to be. Now having said that I also want to raise another point, Mr. Chairman, and that is this. Unless the employee has been employed by the employer for five consecutive work days or more - what about, Mr. Chairman, if a person is working as a stevedore out in Corner Brook and he works two days this week with Newfoundland Steamships, and he works three days next week with - I do not know - CNR, and he works two days the week after with Marine Stevedore Limited, It is all different employers; he does not have five consecutive work days, What happens to him?



Mr. Rideout.

The spirit of the law is not good enough, Mr. Chairman. We know what the spirit of the law is supposed to be. The minister told us that today. If we are going to make legislation, if we are going to make laws, for goodness sake, Mr. Chairman, let us make them as least unambiguous as possible. And that is the point, I believe, that a number of us tried to make today in debating the principle of this bill when we raised this particular clause, and I want to commend it to the minister again. "Unless the employee has been employed by the employer for five consecutive work days -" Now if a man works at stevedoring, for example, he may work five consecutive work days but they may be with different companies or with different outfitters, with different employers so what is going to happen in that particular case?

We talked about the case of my colleague from Bay St. George, and I believe the minister said that the spirit of the law would deal with that case. Well here is something that I believe is different than the spirit of the law.

MR. CHAIRMAN: The hon. minister.

MR. ROUSSEAU: Mr. Chairman, I just checked with the law clerk and an official of the Department of Justice and that act, in the opinion of the clerk, if I may use that opinion, and in the opinion, I presume, of the drafters, is as the member suggested and as I indicated today as being the spirit that it would be read as five consecutive days of work in a job where there is work. But I will undertake to check that out with the Department of Justice and if it is not so, I will undertake to bring an amendment in as soon as humanly possible. But according to the information I have it does cover the instances suggested by the hon. member from St. George's (Mrs. MacIsaac) today and the hon. member for Baie Verte - White Bay (Mr. Rideout). And what I indicated today was the case. If it is not the case I will certainly undertake to make sure that there is no confusion at all with it. But as I say my information now and my advice is that there is no confusion there in respect to the interpretation of that section.

MR. CHAIRMAN: The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Mr. Chairman, I have to say one last word, and I do not want to hang up the Committee. There is nothing boils me more than to be sent in here as a legislator, to attempt to pass laws that the people in this Province are going to live with, when we do not know the consequences of what we are doing. Now if we do not know, let us hold the thing over and come back to it a little later on if we do not know what we are doing. We brought up what I consider to be legitimate points, and the minister acknowledges that, and let us deal with it. Let us not pass it now and then come back two years from now looking for an amendment to that when we have people who are going to suffer because of this law next month if it is proclaimed. That to me is not the right process to make. I am not a lawyer, I know that. But there is something deep in my stomach that says if we are going to make laws, let us make just laws and make them right, and I cannot accept what the minister has said.

MR. ROUSSEAU: Well, Mr. Chairman, that is it. As far as I am concerned the advice I have is indicated therein, and if the hon. member wishes to speak further on he may do so.

MR. RIDEOUT: Mr. Chairman, I move, seconded by my colleague from Lewisporte (Mr. White) if that is necessary that Section (3) be deleted from Clause (9). And Mr. Chairman, the reasons I move so are obvious. I do not think that we have the right in this House - once the inequities are pointed out. Now if nobody foresaw what was about to happen in those particular cases then that is all we can do about it, we will live with it, and once the matter is brought to our attention we make amendments. But when we foresee the possible inequities, the possible injustice, that we are going to pass into law, Mr. Chairman, that is not law. And I would submit, Sir, we would be negligent in our duties as legislators if we come into this House and pass that type of law knowing full well the consequences of what we are doing. I think it is wrong, Mr. Chairman, and on those grounds I would move the deletion of subsection (3) of Clause (9).

MR. CHAIRMAN: Is the Committee ready for the question?

The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Chairman, I was absent this afternoon from the House when Bill 34 had second reading. The minister has even left me for the moment, I was hoping he would be back soon or perhaps the Minister of Justice in his absence can help us. It might be worthwhile before we just take a vote on this to have someone on the government side respond to the points which have been raised so ably by my colleague from Baie Verte-White Bay (Mr. Rideout). I would like to hear some argument on the point. My colleague has put what I believe is a good case. I have listened carefully to what he had to say, and it seems to me there is a danger that there is going to be some discrimination here in the unkind sense of that term,

MR. SIMMONS: discrimination against those people who have not worked five consecutive days, and it is the example of the stevedore I think needs to be taken into account. It is very pertinent. It is a very pertinent example. Now there may be some very good reasons why it cannot be done or there may be some other loopholes that this subsection (3) of Clause (9) were meant to cure. You know, we are reasonable people. Perhaps the hon. Minister of Justice could address himself to that instead of just taking the vote on the matter.

MR. HICKMAN: Yes. May I read it again? "No payments are required to be made by an employer under this section until the employee has been employed by the employer for five consecutive work days." And the key to the whole thing is 'work days'. So if you have them moving from one employer to another the work days still count with each employer. Otherwise if you took it out, Mr. Chairman, then if a man worked for a day what kind of a vacation? You would have to start calculating it for that one day, and that just could not work. It would be totally unreasonable.

MR. FLIGHT: He would have to work five work days.

MR. HICKMAN: Not have five work days.

MR. FLIGHT: Consecutive work days.

MR. HICKMAN: Oh, yes.

MR. FLIGHT: One day after the other.

MR. HICKMAN: Five consecutive work days, it does not mean five days - Monday, Tuesday, Wednesday, Thursday, Friday. It can mean this Monday, a week from Monday, Thursday, the following Wednesday, and the next Saturday with the one employer as a stevedore, so that is five -

MR. RIDEOUT: But what about different employers?

MR. HICKMAN: Wait now! He could work today with Clarke Steamships -

MR. RIDEOUT: Right.

MR. HICKMAN: -that is one work day with Clarke Steamships, he can work tomorrow with Furness Whitty, and he goes back the next day with Clarke Steamships, He has got now two consecutive work days with Clarke Steamships, and he goes somewhere else the next day and he goes back the third day with Clarke Steamships, there is always a day in between, he now has three consecutive work days, All right?

AN HON. MEMBER: With a different employer.

MR. HICKMAN: And so it goes.

MR. SIMMONS: Mr. Chairman, -

MR. HICKMAN: Well, just tell me that the work days -

MR. CHAIRMAN: The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Chairman, it has got to be a bit clearer than that. It is not getting through to me. Do you follow the minister?

MR. PECKFORD: I got lots of it here.

MR. SIMMONS: No, no. I am not wanting to be unkind to the minister at all. I think he did his best, Sir, and from his asides to the Law Clerk I gathered he was not sure himself whether he was in grasp of the situation.

MR. HICKMAN: We can always return to this.



MR. SIMMONS: clause 3. All right? Because your payroll officer as a matter of course, particularly here into a seasonal employment situation, your payroll officer as a matter of course says, gross payroll, plus four per cent. It does not matter whether the guy has worked consecutive days or one day or fifty days. It is just an across the board rule. I look at my friend the Minister of Education, He would know the kind of thing I am talking about where you have seasonal people on during the Summer, probably painting schools and that kind of thing. What is the difference whether the man has worked five days of 365, or four and a half days of 365? Should he not be entitled? You know, is he not in degree also entitled to vacation pay, if the degree is determined by the length of his work activity obviously, the number of days involved. But why the pickiness here about this five days? Just wipe it out! Administratively you make it a lot simpler for the employer or the payroll officer, because he just then says, "Here is gross payroll; John Jones worked seventeen days, x dollars plus four per cent. Mary Smith worked three days, y dollars plus four per cent." It is just that simple. Why cut it off at five days or four and three-quarter days or whatever it is we are trying to do here? What is the difference?

MR. HICKMAN: If it is agreeable to the Committee, may we let 9 (3) stand and on tomorrow I will have an opinion from the Law Officer of the Crown dealing with that issue which I will table.

MR. SIMMONS: With the understanding that the Committee will then be able to make a decision on 9 (3)?

MR. HICKMAN: 9 (3).

MR. SIMMONS: Oh, yes. Okay.

MR. RIDEOUT: If the minister does not mind I would like one other point to be raised. You know, I may be stupid when it comes to the definition of 'consecutive,' but Monday this week, Monday next week, Monday the week after to me is not five consecutive work days so I would like that to be taken into consideration too.

MR. HICKMAN: We are talking about with the employer now.

MR. RIDEOUT: We had better consider different employers too.

MR. HICKMAN: Anyway let 9 (3) stand.

MR. CHAIRMAN: Is leave given for the Committee to suspend consideration of section 9? Leave is given. Agreed.

On motion clauses 10 through 32, carried.

MR. CHAIRMAN: The hon. member for Terra Nova.

MR. LUSH: I want to say a few things here. It is getting close to eleven, and I do not know whether the House intends to go on, but on this one, I also, 33 I want to refer back to subsection 2 here as well, because this mentions this subject to subsection 2 and in subsection 2 the minister will recall here with respect to contract of service that the bill lists a number of people who are excluded from the contract of service and they are people in accountancy, architecture, law, medicine, pharmacy, professional engineering, and so on.

This 33 (1) is important here to this definition, subject to subsection 2 and the regulations, an employer shall not less frequently than half monthly pay to an employer the wages due to that employee up to a day not more than one week before the date of payment. All

MR. LUSH: right? And what I am saying, what I want to say here is that I think this is discriminatory in that we have got a large group of people that are not considered under the Act, they are excluded under the contract of service. And I am just wondering what difficulty can be raised here. Let us say, for example, there is a person who is articling to be a clerk that he is excluded from this particular legislation and is not subject to the section that we just talked about, Subsection (2) because they are excluded from that. And here in 33, with respect to payment of wages, these people who are excluded they are not included in this. So there is a large group of people that is excluded from this Act. I do not know whether the minister is following me or not.

MR. ROUSSEAU: No, I am not.

MR. LUSH: All right.

MR. SIMMONS: Just relate 33 to your definitions in Section (2).

MR. LUSH: In Section (2) -

MR. SIMMONS: Section 2 (b).

MR. LUSH: Section 2 (b).

MR. SIMMONS: The exclusions under 2 (b).

MR. LUSH: Under 2 (b), we have got exclusions there. I have read them.

MR. WHITE: 2 (i).

MR. SIMMONS: Yes, well (b) (i), 2 (b) (i).

MR. LUSH: Accountancy, architectural law, medicine, pharmacy, professional engineering, surveys, teaching. These people are all eliminated from the contract of service and that is included within the definition. All right. So since they are not included in that definition they do not fall within 33, which is payment of wages. All I am saying is I think that is discriminatory that this large group of people is excluded here and there could be problems.

MR. HICKMAN: They are covered under their special acts.

MR. LUSH: Some of them would not be.

MR. HICKMAN: Well now, you are talking about your

MR. HICKMAN: accountants, architects, lawyers, medicine, pharmacy, professional engineering and surveying, teaching -

MR. LUSH: Teaching would be.

MR. HICKMAN: Veterinary science. All covered.

MR. LUSH: Would they all be?

MR. HICKMAN: Yes, Sir. And occupations as may be prescribed.

MR. LUSH: Well that is the point I want clarified, whether all these, whether they be not included under this Act, you know, or whether the point applies to them. And why say that they are excluded if they are covered in their own act? If they are included in some other Act I do not see the purpose of all this. It looks like they are being excluded, you know, when indeed they are included.

MR. DOODY: There are some differences in all of these Acts.

MR. ROUSSEAU: You want to make sure that you know who you are referring to, you are not referring to and limiting the generality of Subsection (2) of Section (33).

MR. LUSH: 33 (1). All right, because it reads subject to Subsection (2), right? So that is the point I was making there, you know. If they are covered that is fine.

MR. ROUSSEAU: They are covered.

MR. SIMMONS: But Subsection (2) there referred to Subsection (2) of Clause 33.

SOME HON. MEMBERS: Oh, oh!

MR. ROUSSEAU: This is why I am wondering about, this is why I am confused.

MR. LUSH: It still talks about the contract of service.

MR. ROUSSEAU: Right, yes.

MR. LUSH: It still talks about the contract of service, and these are the people -

MR. ROUSSEAU: And these are the people who are included.

MR. LUSH: Right. These people who are listed are not included in, they are excluded in the -

MR. ROUSSEAU: Because they are included under other contracts and acts.

MR. LUSH: Well if that is the case, that is fine. But otherwise if they are not included under some other, there could be a danger here, you know, if these people are excluded from the legislation there is a potential existing there that there be abuse with respect to this Act for a payment. But if they are covered that is fine. I just wondered.

MR. ROUSSEAU: They are covered.

MR. LUSH: Okay.

MR. CHAIRMAN: Shall Subsection 33 carry?

On motion Subsection 33 carried.

MR. HICKMAN: I move that the Committee rise, report progress and ask leave to sit again.

On motion that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER: The Chairman of the Committee of the Whole reports they have considered the matters to them referred, and have directed me to report progress and ask leave to sit again.

On motion that the Committee of the Whole have considered the matter to them referred, reported progress and ask leave to sit again.

On motion report received and adopted, Committee ordered to sit again on tomorrow.

On motion the House at its rising do adjourn until tomorrow Friday, June 3, at 10:00 A.M.