LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session — Eleventh Legislature
33rd Day

Saturday, April 1, 1950.

The House met at three o'clock p.m.

SECOND READING

Bill No. 94 – An Act to amend The City Act, 1947

Hon. L.F. McIntosh (Minister of Municipal Affairs): – This Bill, Mr. Speaker, is to amend The City Act in several particulars. I might say that there are no major changes in principle in this Bill, and the various details might more adequately be discussed in Committee of the Whole. I would, therefore, move that Bill No. 94 – An Act to amend The City Act, 1947, be now read the second time.

Mr. Arthur T. Stone (Saskatoon City): – Mr. Speaker, I am afraid that requests made by the workers for amendments to this Legislation may have been left out by the Minister, and I am wondering whether it was done because of a certain editorial in the "Leader-Post". When legislation has been prepared in consultation with the workers, then in my books it is good legislation. Now these particular workers have had the strike weapon taken away from them. It is something that all we workers fight for – the right to strike. It is our only means of protecting the only commodity we have – that of the use of our hands; and I think that, when that strike weapon is taken away, something should be put there in its place.

I have read the editorial, although I don't want to comment upon it. To me it is really ridiculous. It is devoid of facts. This request of these workers would in no way interfere with the collective bargaining; the city and its workers could continue to bargain collectively as they always have done, and I doubt very much whether the report of compulsory arbitration with the civic employees has been good. If that is so there is no reason why it should not continue to be that way; but it has always appeared that the negotiation for civic workers has dragged on and on. They have started early in the Fall maybe, and dragged on, and the old council would let it go on. The new council would come along, and it has dragged along until the mill rate was just about to be set, and then the blame for the increase in mill rate has always been put on the increased wages. That is not fair, Mr. Speaker. That is only a contributory factor to the increase in the mill rate; but of course they have appealed to the sympathies of the taxpayers.

Mr. Speaker, I believe that the Government are suggesting that perhaps the councils have not had time to study this issue. Well, I can't prove that they didn't know about this, but certainly they must have heard

about it, because I understand this has been before the Government for some months. Now they have had more than a week at least, and they will have another week – and as the Premier said, last night, we can stay here for another week or two if necessary to study this. I think it is very important and so, Mr. Speaker, I hope the Minister, before the Bill is passed, will intimate the real reason why the Government has changed its mind on this very vital principle.

Hon. T.C. Douglas (Premier): – First of all, I want to say that the Government hasn't changed its mind at all. If there were any change in the Government's mind, the position would be reflected in the legislation. There is nothing in the legislation to deal with the groups of workers to whom my hon. friend refers. It is true that representations were made by certain civic employees, last Fall, to the Government, through the Minister of Labour. They made recommendations which the Government did not feel it could accept and incorporate into legislation. Now had that legislation been under consideration, the proposals would have been drafted and sent out to the urban municipalities and those bodies affected, in order that we might hear their representations. However, since the application and the representations were being rejected, there was no sense in sending out the proposal which was being made. As far as we are concerned that was the end of the matter.

Representations were made several times to the Government, through the Minister of Labour, by these particular employees, and in each case the proposal which they made was mainly that one party in a dispute, namely the civic employees, could ask for compulsory conciliation, but we did not feel that we could agree to unilateral conciliation and in a dispute one party could ask for conciliation but the other party had not the same right. For that reason we turned down the proposal.

Then, when we got on into February, the civic employees and their counsel asked if they could meet a committee of the Cabinet. Now probably this comes from being too lenient. We have always taken the position that we don't meet delegations after the House has opened, if any legislation is going to be discussed, it must be discussed prior to the House being opened so that the various people concerned can be consulted and have an opportunity to express their views. In this case we felt that, since we had rejected these people several times, we ought to hear their representation, so a committee of the Cabinet met them and we listened to their story and told them the reasons why we could not accept the principle of unilateral compulsory conciliation. They then withdrew the one proposal and submitted another one which suggested bilateral compulsory conciliation. Well, of course, that is a different story. We told them, "You are now asking that either party can ask for compulsory conciliation and on those grounds we are prepared to place the matter before the Cabinet."

That was on the 25th of February, may I point out. This legislation had already been drafted and, as the members will see, it is printed without any reference to this particular group of employees. When the matter went before Cabinet, the Cabinet were very favourably impressed with the representations of this group of people. Here are employees, particularly firemen, policemen, power house employees and hospital employees

who, as my hon. friend has said, lack the one final weapon which labour had always had in a dispute – the right to withhold its services. As every hon. member knows, these particular groups of employees cannot withhold their services: first, because in some cases the Criminal Code forbids it, and more particularly, because public opinion just wouldn't stand for a policeman walking off the job, or employees walking out of a hospital and leaving people sick without care. For that reason we recognized that they had a very just case, and I am prepared to fight for their case.

There were two factors we had to keep in mind, however, at that very late date. The first was that we have always tried to play fair with the municipalities, urban and rural, insofar as legislation is concerned. We have always tried to see that, sufficiently far in advance, any legislations coming in here is discussed with them. It may not be discussed with them in its final form, but the general principles underlying the changes are discussed with them. After all, if the senior government and the junior governments are going to work harmoniously together in this province, it can only be done in a spirit of co-operation and in a spirit of mutual confidence, and that is only possible if they know in advance what we propose to do. But that does not mean that we are going to accept their recommendations always. It doesn't always mean that they will agree, that we will agree, as to what is the best course of action; but certainly we feel that they have a right to express their views, say what they think and present their side of a case, and then, finally, having listened to all sides, we bring down legislation here which we, in our limited wisdom, think is the best course of action to take. Now that wasn't possible, in this case, and much as we think that the civic employees have a case (and the matter is not dropped by any means), we did not feel that we would be wise in bringing in a House amendment. That is what it means; it was never intended in the original legislation. It is not a matter of changing our minds; it was never there. But we did consider the advisability of bringing in a House amendment and I think the Minister of Labour, in the press, made some reference to the fact that we were considering that question. But we felt we had two reasons why we did not proceed with that: one, that the urban municipalities, we think, ought to have a chance to make representations, they should have an opportunity of studying this, presenting to us what it will involve, how it will affect them and to present their side of the case. If we have listened to the employees' side certainly we ought to hear the city's case as well.

There is another question which has to be thought out – and I know that my friend, the hon. member for Saskatoon, will appreciate this, because he is an old and experienced trade unionist – and that is that this question of compulsory conciliation has very wide implications, and I am sure I am not thinking of it the same way as the Leader of the Opposition. The implications are these: if we are going to say that employees who work in a power plant owned by the city of Regina or Saskatoon can have compulsory conciliation, rather than having them go on strike and breaking the Criminal Code, then we ought to give some consideration to making the same provision for the employees in Moose Jaw, who work for a private concern, or the employees who work for the Saskatchewan Power Corporation, which is owned by the people of Saskatchewan. That means that this principle, if it is to be applied to civic employees of certain categories, probably ought to be applied to private employees of similar categories and provincial employees of a similar category. That would mean provincial hospitals, T.B. sanatoriums, that would mean

National Light and Power in Moose Jaw. All of these are essential industries, but they wouldn't come under an amendment to The City Act.

Now the implication I have reference to is, that I would like, myself, to hear the representations of not only the employers who are concerned, but also the labour movement. The labour movement, generally has never looked with favour on compulsory conciliation; they have never looked with favour on arbitration, for the very simple reason that they say that to agree to arbitration (and that is what compulsory conciliation is – it is just the euphonious term for arbitration), if they agree to arbitration, they are delegating a decision which affects their members to a Board, or even to one person, because most of these boards are chosen by one party each selecting a representative and those mutually agree on a chairman. So really, the chairman is the person making the decision, and the whole welfare of the members of that union are placed in the hands of that chairman, and most unions have never been willing to agree to that. They usually, say "We will agree to conciliation, but we reserve the right always to go back to our membership and have our membership vote as to whether or not we will accept the decision".

Now I can see the case for the civic employees; but if we take the step with reference to civic employees, we must be prepared to go on to apply it to Provincial Government employees in certain industries such as hospitals and power plants, and to private employers who hire people in power plants, such as the National Light and Power at Moose Jaw. Now I don't know what the reaction of the labour movement would be to that. I would certainly like to hear their views before taking a step that might lead us in that direction, and it was for that reason that the Government felt that, until we had some consultation with, and heard representation from, the cities, until we had canvassed the wider field to which this would inevitably lead, and we did not feel that we should proceed with it on such short notice. After all this matter was only presented to us in its present form on the 25th day of February.

I want to say this, as I sit down, Mr. Speaker. Let no one imagine, first, that our mind was changed by the Regina "Leader-Post", because if my mind were affected by the Regina "Leader-Post", I wouldn't have any mind; secondly, it was not affected by any representation made by the cities, other than the fact that they did claim that they have a right to be consulted and we have always agreed that they have that right; and the Government has taken the position that these particular groups of people, who, by the nature of their occupation, are deprived from withholding their services, have a special claim on some particular method of procedure that will prevent them being pushed aside and being ignored and having their case dallied along, with the result that proper collective bargaining doesn't take place. We feel that they have a just case. We have not dropped the matter. After consultation with the other groups I have mentioned, we will be prepared then to decide whether or not some legislation is necessary to give them the protection which we feel they are entitled to, and which they haven't got at the present moment under the present state of affairs. We feel, however, that, to bring down such legislation now, without time to consult with these various groups, would be probably taking an ill-considered step, and probably be taking a step that would lead us much farther afield then we had any intention of going when we talked about amending The City Act.

Hon. C.C. Williams (Minister of Labour): – Mr. Speaker, there is not much to add to what the Premier has said; but I might give a brief resume of the steps that have been taken, commencing last September or October, when the group, under the leadership of Mr. Bagshaw, came to see me and suggested to us that we pass legislation that would give these groups compulsory conciliation providing they asked for it. It has been explained that that position was reversed on the 25th of February when they met the Premier, the Minister of Municipal Affairs, and myself.

Now, I don't think for a moment that labour has agreed on this themselves, and I have letters in my file that will prove that. Even the first visit this group made to see me indicated that very fact, and later we got a letter from the A.F. of L. head office in Ottawa indicating that they were not in favour of it down there, either. Two or three months later, we did get another letter indicating that (this is the head office in Ottawa that I am speaking of) they were not in favour of this proposal of having compulsory conciliation. Later they reversed their position, and indicated they, (that is Ottawa) were favourable to it.

I don't think anyone on this side of the House is going to lose any support if this is not proceeded with, for the reasons that I indicated a moment ago – that labour is not agreeable on it. We propose, before the next Session of this House, to get labour together and have them hammer out something that they are fairly unanimous on. I think it would be most unwise to go ahead and put in legislation at the request of one group if another group does not want to go along with it.

I made a statement to the "Leader-Post", the day before yesterday, I think it was following the editorial in any case, and I would not want this House, or you, Mr. Speaker, to get the impression that the "Leader-Post", in the slightest way dictates the labour policy to this Government – not in the slightest. Here is what I replied, and I think it is worthwhile reading. It followed an editorial, a statement, the day before that, on the third page, and this was sent over to them, Thursday morning. It appeared on the twenty-third page, last night:

> "Premier Douglas, together with Labour Minister Williams and Minister of Municipal Affairs McIntosh, recently met Mayor Menzies and representatives of the Regina and Saskatoon city councils regarding the advisability of amending The City Act. Sometime ago representations were made by employee representatives who feel that they have, on occasion, been taken advantage of in negotiations because they are known to be unable to use the strike procedure, either by law or in the public interest. It would be for example, unthinkable that hospital employees go on strike and, in the interests of humanity, they never would. These representatives also feel that, while agreement may be reached in negotiation with city officials or committees, councils can and do arbitrarily refuse to ratify such agreement which has been reached after great difficulty and often involving a lot of tedious work.

> For these reasons they requested legislation which would provide boards of conciliation, the findings of which would be binding on both parties. Supporting this request letters have been received from representatives of city employees as follows: Regina 5; Saskatoon 2; and one each from Yorkton, Moose Jaw and Prince Albert.
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> Regardless of whether or not this legislation is proceeded with, it is expected that, in future, city councils will exercise more care in dealing with representatives of their employees."

Now, I do suggest, Mr. Speaker, that this particular group have had some complaints in the past, and feel, to use a slang term, they have been "pushed around" by certain city councils. That is why they came asking for this legislation. Now, I think, in view of the publicity that has taken place, they won't have any trouble during their next negotiations; but I feel, as the Premier has indicated, due to the chain of circumstances it was not practical to go along in the 1950 Session. We do propose to have the matter definitely cleared up in plenty of time for the next Session.

Mr. D.H.R. Heming (Moose Jaw City): – Mr. Speaker, with regard to Mr. McIntosh's legislation on The City Act, he has skipped one Bill here – No. 83 – which also comes under the same type of discussion we have been having; that is The Firemen's Platoon Act. Is it the intention of the Government to omit that legislation?

Hon. Mr. McIntosh: – Well, Mr. Speaker, in answer to the question of my hon. friend from Moose Jaw, the policy of the Government will be known in good time.

The question being put, the motion for second reading of Bill 94 was agreed to.

SECOND READING

Bill No. 87 – An Act respecting the Correction and the Prevention of Delinquency

Hon. J.H. Sturdy (Minister of Social Welfare and Rehabilitation): – I would like to draw the attention of the Assembly to the great progress that has been made in implementing the recommendations of the Laycock Commission on Correction and Prevention of Delinquency, submitted in 1946 or 1947. This, may I point out, is in contrast to the long-delayed action on commission reports that have been submitted to the Federal Government and the Provincial Governments here in the past, such as the Rowell-Sirois Commission, the Archambault Panel Commission, and even the Larger Unit commission report which lay on the books of the Legislature for a period of several years.

Immediately on receiving the Laycock Commission report on our penal institutions in this province, we set about doing something about it, and I would like to take time, if I dare, to point out the improvements that have been made in our institutions, at very little cost to the people of this province. As a matter of fact you will discover that the actual cost of our corrections' programme for our penal institutions in this province has dropped rather than increased, during the past two or three years.

I would like to tell you of the inauguration and the rapid development of our rehabilitative programme with respect to the education of delinquents, both juvenile delinquents and adult delinquents, their training in the institution, in various trades and so on, our probation programme, our parole programme; and I would like to point out, for the benefit of certain newspapers, that our institutions in this province are certainly no summer resorts or recreational clubs.

I have here a works' programme for the day. In, (as an example) our Regina jail, they have a sixteen-hour day there – reveille at 5:45 in the morning, and they carry right on through with work and training right up until 9:00 in the evening. So, believe me, in our rehabilitative and training programmes the delinquents are kept very very busy indeed through the entire waking hours of the day. Let there be no misunderstanding on that score. Our institutions are no recreational clubs for the people who have the misfortune to be sent there.

Mr. A. Loptson (Saltcoats): – Did you say they work from five o'clock in the morning until nine o'clock at night?

Hon. Mr. Sturdy: – No, I say they are busily engaged in some training programme or recreational programme or rehabilitative programme or works programme, throughout that entire period. Does that answer your question? That includes, of course, recreation and prayers in the evening and so on.

I would like to point out what authoritative bodies across the Dominion of Canada have to say about the programme that is being carried out in this province. Quoting from the Dominion Bureau of Statistics:

> "Crime rate was more rampant in Alberta during the past year, according to a breakdown by the R.C.M.P., with courts handling over 14,000 cases. In Manitoba, the number of cases have increased by 252, and (according to this statistical report) there was a drop of nearly 800 cases recorded in Saskatchewan."

I would like, also to call your attention to another statistical report from Ottawa, where it states that Canada's penitentiary population has been increasing steadily since the end of the war. Now that has been in reverse here in Saskatchewan; and because of our prison population being reduced in this province, we have found it possible to close down one

of our penal institutions, with considerable saving to the people of this province. I am referring to Moosomin. The Opposition, from their remarks, would appear to wish that institution open and filled up; but I assure you that it is not the opinion or the wishes on this side of the House, although we could suggest a couple to put into it.

I would like to call your attention to this newspaper report by J.A. Edmondson, who is the president of the Canadian Penal Association, a man with an international reputation and authority as far as penal institutions are concerned. This is what he says, referring to gaols of the Maritime Provinces and elsewhere in the Dominion of Canada: "Provincial jails are little more than crime schools". Then he goes on to say: "Saskatchewan leads the provinces in penal reform". And he goes on to praise the work that has been started and developed in this province.

I could quote other reports from authorities. For example, the November issue of the "Canadian Bar Review" – is entirely devoted to comments and articles on penal reform in Canada, and I would recommend this issue to every member in this House. Some of you are inclined to view with levity this very serious national problem, but I assure you that it should be very seriously considered by responsible legislators . . .

Mr. W.C. Woods (Kinistino): – Where you set up the Youths' Guidance Authority, is it the intention to have the delinquent examined before he is tried or after he has been admitted to a home or wherever he is sentenced to?

Hon. Mr. Sturdy: – The Act provides that, in the case of every offence, the case history of the boy shall be gone into, and that will be reviewed by the authority and a report on that will be sent on to the magistrate trying the case so the magistrate will know all the factors in the home life, in the community life and so on, of the boy. Does that answer your question?

We also make provision in this Act for an Adult Guidance Authority which will have the same kind of authority as in the case of the Youths' Guidance Authority. In the adult section there isn't anything that can possibly conflict with present-day practices. Just, however, as we provide for case histories in the case of juvenile delinquents, we may do the same thing for adult delinquents, and this may or may not be used at the trial of the adult delinquent; it will be determined by the delinquent himself, if he wishes it used. Part 4 is general.

I think that I have dealt sufficiently with the Bill to leave it for Committee. I move the Second Reading of this Bill.

Motion for second reading agreed to.

The Assembly adjourned at 11:00 o'clock p.m.