LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
Second Session - Fifteenth Legislature
37th Day

Wednesday, March 30, 1966.

The Assembly met at 2:30 o'clock p.m.
on the Orders of the Day.

WELCOME TO STUDENTS

Mr. W. E. Smishek (Regina East): — Mr. Speaker, I would like to draw your attention and the attention of the Assembly to a fine group of grade eight students who are here with us this afternoon from St. Augustine School. There are sixty-nine of them. They are accompanied by their teachers, Mr. Schaeffer and Mr. McGraff. The St. Augustine School is located in the Regina East constituency. I would like to extend to them on your behalf and on behalf of the Assembly a warm welcome and wish that their stay here today will be both educational and pleasant, Mr. Speaker.

Hon. Members: — Hear, hear!

Mr. J. E. Brockelbank (Saskatoon City): — Mr. Speaker, I would like to take this opportunity to draw your attention to a group of students situated in the east gallery. They are from Saskatoon City, from Mayfair School. They are accompanied by Mr. Hagberg, their teacher, and Mrs. Ferris. I think that all members of the Assembly would agree that young people should have an early acquaintance with the democratic institutions that we value. We welcome them here this afternoon and hope that they appreciate and understand what we are doing.

Hon. Members: — Hear, hear!

LETTERS RE CENTENNIAL AUDITORIUMS

Hon. J. W. Gardiner (Minister of Public Works): — Mr. Speaker, before the Orders of the Day I would like to read to the house a letter which I have today forwarded to the mayors of the cities of Regina and Saskatoon with regard to the construction of the Centennial Auditoriums.

> The government of Saskatchewan does not feel any further payment should be made on the Centennial Auditorium agreements until a final decision has been made with regard to future action. The government also feels that assurances must be provided of ability to raise sufficient funds to complete the construction of the auditoriums. These assurances were initially given by the signing of the agreement by the city. However, recent developments have cast some doubt on the ability of the city to meet their obligations. The government would suggest a reduction on the projects to lower the cost of construction and a genuine attempt to raise funds at the local level.
>
> I, therefore, must inform you that all payments on behalf of the provincial and federal governments will be frozen until satisfactory arrangements have been assured.

Mr. R. A. Walker (Hanley): — Mr. Speaker, the hon. Minister of Public Works (Mr. Gardiner) just read a statement in which he exhorted the cities to raise funds to pay the rest of the cost of the auditoriums. The hon. Premier, speaking last week to the press said that he hoped they would raise more money and he added a phrase that if they did the government would consider giving some additional assistance. But the Minister of Public Works hasn't said anything about additional assistance. Is he prepared to say that if additional funds are provided locally the government is prepared to give some additional assistance?

Mr. Gardiner (Melville): — I will consider it when that time comes.

Mr. Walker: — That's not as far as the Premier went when he spoke last week.

REPORT ON SAVINGS BOND SERIES NO. SIX

Hon. W. Ross Thatcher (Premier): — Mr. Speaker, before the Orders of the Day, I wish to report to the House the results of the Savings Bond Series Number Six. Sales to date total $12,247,700. It is expected that some minor sums will still be sent to the Provincial Treasurer. This figure compares with sales in previous years as follows:

Series Number One, $13,800,000;
Series Number Two, $11,600,000;
Series Number Three, $10,400,000;
Series Number Four, $13,800,000;
Series Number Five, $17,200,000.

While the government had hoped that the sales would be somewhat higher, nevertheless in view of the very tight money situation across Canada we are reasonably pleased with the total. As in previous years the proceeds will be used to finance Power and Telephone borrowings.

QUESTION RE TURNOVER OF STAFF IN THE FIELD OF MENTAL HEALTH

Mr. A. E. Blakeney (Regina West): — Mr. Speaker, I would like to direct a question to the government and particularly to the Minister of Public Health (Mr. Steuart). I think members will have seen the press reports to the effect that another psychiatrist has resigned at Yorkton. The press report indicated that this made a total of some psychiatrists who have been on the staff and left the staff at Yorkton during the last period of time. I wondered whether the Minister of Public Health (Mr. Steuart) would have a comment on this very rapid turnover of staff in the field of mental health.

Hon. D. G. Steuart (Minister of Public Health): — Well, Mr. Speaker, this is, as the hon. member having been the former Minister of Health, should know is nothing uncommon. Many psychiatrists come here to Canada, to Saskatchewan, stay here for a while and then they are lured down to the United States. Actually they put in some time here with higher wages and I have no particular comment. This is nothing unusual. They are a restless group.

Some Hon. Members: Hear, hear!

SECOND READINGS

Hon. L. P. Coderre (Minister of Labour) moved second reading of Bill No. 79 — **An Act to amend The Trade Union Act**.

He said: Mr. Speaker, in moving that this bill be read the second time, I feel that I should say a few words about the principles it involves. As the house is aware, a comprehensive study of provincial labour legislation was made by a tri-partite committee in the last year over a period of seven or eight months. The bill differs from the recommendations of the committee only in technical matters of legislative draftsmanship. In substance the recommendations of the committee have been accepted in total and no additions have been made. Now, there seems to be some fears that have arisen in some quarters and to allay these fears I would like to say that at no time was the intention of the committee to make union legal entities. This, the government agrees with and nowhere in this act is this fact so intended or indicated. This bill is in accord with the principles that collective bargaining is the business of labour and management and that government should only interfere with the process when a clear question of public policy is involved.

Another important principle to be kept in mind in drafting labour legislation is that it should be so designed as to give the maximum protection and freedom to the individual worker. Generally speaking management and trade unions are sufficiently powerful to look after their own interests. However, the same cannot be said of the individual employee. He can and does frequently become caught in a squeeze between these two. It is proposed in this bill to enact some guarantees of the civil rights of the individual employee. I think that all fair-minded men will realize that in drafting these statutory guarantees to individual employees every care must be taken to minimize any unfavourable effects on the rights and abilities of trade unions to organize and bargain collectively.

A section is brought in, in regard to employer's agents. It was felt that the old definition was too broad and that the act should be changed so that the definition of employer's agents would be brought into line with the classic legal definition of agent. Under the present act a person can both be an employee and thus a union member but at the same time an employer's agent. In that capacity he may commit an act that amounts to employer unfair labour practices. Therefore, it was decided it was necessary that this should be in there. The bill affects professional employees. These sections simply grant professional employees the right to decide for themselves whether they will join the plant unit along with the other employees or form a unit of their own or exclude themselves from the plant unit and remain unorganised, leaving the determination to these people. The reason for the inclusion of the definition of trade dispute is entirely technical. Section 25 of the act uses the term "trade dispute" but the present act nowhere defines it. This definition was taken from the present definition of labour dispute in section 44 of the Queen's Bench Act. Under the present act it is made an unfair labour practice for an employer to refuse to bargain collectively. A trade union, by definition, is an organization with bargaining collectively amongst its purposes. It was felt by the committee to be very unfair to make it an offence for an employer to refuse to bargain collectively and not to make the same provisions applicable to the union. In effect, this section says that a union may not simply walk out of a plant over a grievance or some other

matter without making some attempt to bargain a peaceful solution with the employer before striking. Another section is in regard to rescinding or amending certification orders. Under the present Act, employees can only seek to decertify their unions where there is no collective bargaining agreement in existence. This, in effect, makes it extremely difficult, if not impossible, for employees to decertify their unions after a collective bargaining agreement has been entered into. It was felt that it was only fair that employees should be given a set period of time in which they can make application to decertify a union that is not doing what it should to represent their interests. Now, everyone recognizes conscientious objectors. A clause allows a person who because of religious belief is opposed to joining a trade union to make himself excluded. Steps were taken to draft this clause in such a way that the number of persons who could use it to get out of union membership would be very small. The following points should be noted. The individual must take the initiative of applying to the board and proving that he is in fact a conscientious objector. For example, were I to be part of a union and due to my religious belief I could not say I am a conscientious objector because nowhere in my faith does it say that I am not supposed to join any association, but there are some cases where we have to protect these people who have such principles.

The board is given the absolute discretion of deciding whether the person in question is in fact a conscientious objector. This limits the possibility of court appeals. Even if the person is found to be a conscientious objector he still has to pay to some charity, it could be the union welfare fund, an amount equal to the union dues that he would have been assessed had he stayed in the union. In the light of these facts I think that it is fair to say that there will be very few applications under this clause. The question to be asked is what does an employee have to gain by making such application unless he is in fact a genuine conscientious objector. He won't save any money because he has to pay an equal amount of fees over to some charity or to either charity or union welfare fund. Furthermore, the onus is on the employee to go before the board and to prove that he falls within that exception. There is a certification section, Mr. Speaker. The important points to be noted under this section is the fact that the board is given the power at any time to call a vote if it feels that a vote should be called, in other words, if a union can prove only five per cent of the employees support it. But if the board feels that it should still hold a vote, it has complete discretion to do so. Under the present act if a union shows 25 per cent support, the board must hold a vote. The committee felt that was an unreasonable section. Under the present section the union must prove 40 per cent support to demand that a vote be held. It must be noted that if a union has shown more than 40 per cent and less than 60 per cent support, the board has no discretion, it must hold a vote. It can neither certify nor refuse to certify without holding this vote.

It is not fair to say now that a union must show 40 per cent to obtain a vote. I can only re-emphasize that the board can call a vote at any time if it feels that one is necessary. The rule is slightly changed in a case where a union is applying to be certified as a bargaining agent for employees who are at that time represented by another union. In a case such as this, the applicant union can force a vote by showing 25 per cent support.

Now, much can be said about secret votes. A section simply provides that all votes conducted by the Labour Relations Board be

by secret ballot. An important clause here provides that an employee may not give evidence as to how he voted in a certification vote. The reason for this subsection is to guarantee the secrecy of certification ballot and this is as it should be in a democracy.

A clause would allow the employer to express his view on labour matters to his employees. He must not, however, attempt to coerce the employees when he expresses these views. The clause goes further and states that, if the board finds that this simple expression of views because of surrounding circumstances in effect amounted to coercion, this act by the employee is definitely illegal.

In regard to the reverse onus section, the most criticized feature of the present Trade Union Act, in effect it provided that, if an employee was discharged by an employer and then makes an allegation that this discharge was to discriminate against him because of union activity, this is all the evidence that he needs to show to convict the employer of an unfair labour practice. It has been pointed out that since all he needs to do is to make an allegation, whether right, whether false, that the employer has discriminated, the employer cannot during the hearing before the board cross-examine the employee regarding the alleged discrimination. In effect, the employer is not given the opportunity of confronting his accuser. It was recognized that it was very difficult for an employee to prove an intention to discriminate on the part of the employer. Because of this it is necessary to create some sort of reverse onus clause. Therefore, the amendment would require an employee to prove that he was in fact discharged and that he was exercising some right granted him by this act. Once he proves these two things the employer must then prove that he did not discharge the employee in order to discriminate against him or he will be found guilty by the board of an unfair labour practice. I think this is really very well set up.

There is a section in regard to unilateral changes by an employer in working conditions; this is a real concession to the trade union movement. In effect, it states that an employer may not unilaterally change rates of pay, hours of work, and so forth between the time that a union is certified and the time that a collective bargaining agreement is signed. This section is a definite protection to trade unions. Often complaints have come in with regard to strikes and regarding strike votes. I have this to say. In the first place, it is important to note that this is not a government-supervised strike vote. What the section allows is this: where a union calls a strike and a secret strike vote is not held, an individual employee of the employer can come before the board and charge that union for committing an unfair labour practice. It is then incumbent upon the union to prove that it in fact held a secret vote before calling the employees out on strike. And apparently this is done and it just sets out the details more. The penalty section is amended. There is very little change in this section. All that it has done is that the court has been granted more discretion in setting the fines. Now, under the old section the minimum fine for an individual was $25 and the maximum fine was $200. The minimum fine for a corporation was $200 and the maximum fine was $5,000. But it was felt that this was unfair to the very small corner grocery type of corporation of just one or two employees. Therefore, the minimum fine to corporation was lowered to $25 and the maximum left at $5,000. The discretion is left to the courts. There was a section that allowed the cabinet to take over and operate a company where the employer has not complied with a board order. Mr. Speaker, this was one of

the most universally condemned sections of the present Trade Union Act. It has been alleged that many potential investors in Saskatchewan have stayed out of the province because of this section, because the government had taken upon itself the right to take over a company practically at any time. It is only fair, the power was there. You give the power, sometimes it can be exercised wrongly.

An Hon. Member: — Why have it there if you are not going to use it?

Mr. Coderre: — It is only fair to point out that the section was never utilized in the 25 years it was in the Act. I might say also, that there was unanimous support from both labour and management that this section be repealed.

In a section the Labour Relations Board could refuse to hear evidence that has arisen after the date of the application to the board. This has also been a severely criticized section of the Act. Every board or judicial body has a right to exclude irrelevant evidence. Legislation is not necessary to give a board that right. However, this section would allow the board to exclude irrelevant evidence. The question is why should a board ever be given the right to exclude relevant evidence.

Mr. R. A. Walker (Hanley): — . . . the Power Corporation.

Mr. Coderre: — We're changing these things. If evidence can be placed before the board that will help it get at the truth of any matter surely it should have to hear that evidence. Under the right . . .

An Hon. Member: — Mr. Speaker, I . . .

Mr. Coderre: — Now, if you want to say something later on you can get up and say it. But please give me the courtesy to finish what I have to say. I think this is important enough without having any interference from a supposedly know-how.

Under the right of appeal section a judgment of the Labour Relations Board is made final and binding and any right of appeal to the courts is precluded. This is a normal type of section contained in most Labour Relations Acts. However, Mr. Speaker, the present section 20 goes further and it states that even when the Labour Relations Board decides a matter, that is not given authority to decide, the court is still precluded from declaring the order null and void. This type of provision, Mr. Speaker, is completely contrary to any form of parliamentary democracy. Surely the administrative board must be precluded from doing acts that the legislation that created it never gave it authority to do.

Arbitration sections in the act are not compulsory arbitration sections, Mr. Speaker. They provide that where the parties agree during their bargaining process, where they agree to arbitrate their differences, they shall be bound by that agreement.

Another section also provides that where they agree to arbitrate their differences but do not provide in their contract for the machinery of arbitration, the machinery set forth in this section will govern them. Insofar as collective bargaining agreements are concerned this must be said. Under present legislation, any collective bargaining agreement can be opened up at the end

of one year. It was felt that if a union and an employer wanted to bargain for an agreement for a period of one, two or three years, they should be able to do so and the parties should be precluded from unilaterally opening the agreement until the end of the term of their agreement. It was argued, how can there be any stability in labour and management relations when on one hand parties can agree to a three-year agreement and on the other hand one or the other of the parties can demand that the agreement be opened up at the end of ten months or so.

I might say that union members of the committee agreed to these principles in general. Under the new section, agreements would be binding for their term of up to three years. The only exception to this rule would be where employees had changed their union some time during the course of the agreement. In this case the new union would have to live with the agreement for one year and open it up at the end of that period of time.

Power of the board with respect to effective dates of agreement was not altogether desirable. Under the present section 31 of the Act, the Labour Relations Board is given the power where one employer had several bargaining agreements with a different termination dates to make the agreements terminate at the same time. It was felt that where the parties had agreed that an agreement have a certain date that this matter should be left up to collective bargaining. In other words, if the parties agree that one of the agreements with the employer will end on January 1st , and another will end on June 1st, that these matters were arrived at by collective bargaining and if they were to be changed, they should be only changed by collective bargaining. It was felt that this was unreasonable and unfair to give the board power to change those dates.

About union membership, under the present section, a union can demand that a clause be put in its bargaining agreement that all employees shall maintain their union membership as a condition of employment. In other words, if they fail to maintain their membership, or if they lose it for some reason or other, their employment is automatically terminated. The amended section would protect employees from unreasonable actions by their unions. In other words, the situation where a union by excluding an employee from union membership, in effect has been fired, would no longer pay union dues he has satisfied the requirements in order to keep his job. It is provided, however, that this protection would not be granted an employee who engaged in activities instigated by its employer against the union. It was unanimously agreed that a section should be included in the act that would, in effect, state that any information that a board member obtains in the performance of his duties is privileged and may not be given as evidence in court. I noted with some degree of gratification that all members of the committee signed the report and that neither labour, nor management members felt that it was necessary to file a minority opinion. I suggest, Mr. Speaker, that this is conclusive evidence that this legislation represents the best interests of the people of Saskatchewan, of labour and management and of the employee. Therefore, Mr. Speaker, I beg leave of the Assembly to move that bill No. 79, an act to amend the Trade Union act be now read the second time.

Mr. W. S. Lloyd (Leader of the Opposition): — Mr. Speaker, it seems appropriate at this time to make

a brief reference to a document that was widely distributed just a couple of years ago, a document very handsomely produced and very extensively spread around the province. My reference is to the Liberal platform in 1964. My reference within that is to point 12 which said in part:

> Maintain and improve Trade Union rights and security.

Mr. Speaker, the short question to the government is: does this bill do this? The short answer to the question is that it doesn't. Rather it detracts from union rights and union security. It adds to union rights and union security, according to a somewhat devious reasoning procedure which the government has used in trying to persuade us that increasingly the tax on gasoline and putting a new tax on soap is somehow or other decreasing our tax load.

In spite of the minister's honeyed words and very optimistic interpretation of the great good that may be found in this Act, it should be known and should be recognized and should be felt by this Assembly that there are many hundreds and indeed thousands of people in the province who disagree with that interpretation. Those who disagree most strongly are those who are going to be most affected by the legislation, namely the people who work in our plants, factories, our transportation industries and others. These people have fears and have very real concern. Part of their fear and part of their concern arises, of course, from the fact that they haven't had as yet time to discover the real meaning, the hidden meanings perhaps, in the proposed legislation. If this legislation is good, then certainly it seems to me the government would be wise to delay it until they can convince these many thousands of people that it is good. If it's bad then it seems even more wise that the government should delay it in order to give all parts of the province an attempt to explain why it seems to be bad legislation. I would remind the government that acceptance of a law is at least as important as good draftsmanship insofar as the effect which it has in the country generally.

Mr. Speaker, I have received in recent days communications by wire and by letter from some 56 different trade unions in the province. They come from all of the cities and some of the towns in the province. They represent in some cases labour councils and labour coordinating committees. They represent a great variety of different unions, packinghouse workers, public employees, wood workers, fire fighters, railway workers, brewery locals, teamster's locals, transit locals, machinist, cement, lime and gypsum organizations, theatrical stage and movie operators, and indeed some others. Their message, Mr. Speaker, is an entirely consistent one. It is that the government should not, and that we should request the government not to proceed with this bill until there has been time to consider it fully.

Let me take some time to review just a bit of history of the activities of the government that presently sits opposite with respect to labour and labour legislation. It will be remembered that last year also, almost at the end of the session, the government introduced a labour Bill. This, I presume, was to have been the first of its proposed legislative enactments which have effect on the rights of working people to organize, which have effect on the methods by which industrial relations between employer and employees would develop. At that time, the government, and I think very wisely, allowed itself to be prevailed on by the opposition in this legislature, by trade unions throughout the country, and by others to withdraw its proposals and to establish the Review Committee concerning which the present legislation has taken consideration.

I said, Mr. Speaker, that that was the first of the proposed legislative enactments of the government. It was not however, the first action. Earlier action had come in the replacement of the entire Labour Relations Board. Earlier action had come in the replacement of the then deputy who had been there for many years. I submit that the replacement at that time of the Deputy Minister of Labour and of the Labour Relations Board, are more than straws in the wind with respect to the government's intentions regarding labour legislation and labour activity generally.

Before us now, again in the dying moments of the session, we have some new amendments. Presumably these are the first of this year's legislative proposals. Presumably again, the government is proposing to restructure some trade union procedures and to amend the real and the potential representation by trade unions of the experience and the requests of their members. It is true that these appear to be less destructive than last year's proposals appeared to be. But there are a great many people who are afraid that these could be called "iceberg amendments". "Iceberg amendments" because the parts unseen at first glance may well be more troublesome and more destructive than those which are easily visible on the surface.

I submit, Mr. Speaker, that there are at least five possibilities arising out of these amendments which ought to be considered, and which ought to concern us when we are considering them. (1) They make it more difficult to organize a new union, particularly some unions. (2) They make it easier to disestablish an existing union. (3) They may facilitate jurisdictional conflicts between unions. (4) They appear to allow an employer who wishes to use direct influence against the organization of a trade union to do so with impunity. (5) They do nothing, in my opinion, to facilitate the resolving of differences between employees and employers. They do nothing to promote healthy industrial relations between employees and employers.

I want to speak in detail only about item, number four, which I have mentioned, that one which seems to allow an employer, who wishes to do so, to use direct influence against the organization of a trade union, to do so with impunity largely speaking. There has been a lot of experience with this during the history of trade unionism, Mr. Speaker. I thought it appropriate that we should see, because it is somewhat in tune with the times under which the Liberal government seeks, some of that which happened ore than a quarter of a century ago in the United States. I refer to some material which is taken from a book written about the activities of the National Labour Relations Board in that particular country. May I read one statement from that book which I commend to the Minister of Labour (Mr. Coderre) and ask him to consider its implications. The statement is this:

> When an employer addresses himself to his employees on the subject of unionism orally or in writing, directly or through some mouthpiece, then economic compulsion comes through the door and freedom of speech flies out the window.

I'm not using my own words. I'm using the words of the author who was the attorney for the National Labour Relations Board in the United States some 25 years ago. It seems passingly strange that we should be faced with the same kind of threats in this country that had to be fought in other places 25 years ago and it is a fit description, I think, one of importance with respect to the government opposite.

This procedure which the amendments appear to make possible and even to invite, was discussed, as I've said by the National Labour Relations Board in the United States at that time. At that time the findings of that board were emphatically in opposition to the allowance of such procedure by employers. One case quotes a statement, as an example, made by the superintendent acting on behalf of the employer to the employees. In part his statement read this — and it sounds harmless on the surface. he is what he said:

> If the employees of the company desires to affiliate they are free to do so. Such a course will, it is believed, result in differences and controversies which would be avoided if there is a relationship that has in it something of a personal nature.

There is more to the statement but the implied threat is there. It was examined subsequently by a District Court which found the statement to be coercive. The court commented in part, this:

> I hardly think anyone can read with an open mind the statement referred to without fairly concluding that it was printed and circulated to use the authority and power of the railway (the employer in question) to induce action in derogation of self-organization.

It went to a second court and that court commented on the same statement as follows:

> It is in violation of the terms as well as the spirit of the act for the employer to address arguments as to leave the employee to feel that he may suffer if he does not follow the wishes of the employer in making his choice of representatives. Collective bargaining would be a delusion and a snare if the employer were permitted to exercise pressure of any sort upon the employee with respect to a matter of this kind.

I submit that the proposed amendments open the door to just such pressures. I could add, Mr. Speaker, that the Supreme Court, at a later date, affirmed the Lower Court's decision in this matter. It seems regrettable but significant that here in Saskatchewan battles should have to be fought today with respect to procedures which were so clearly denounced by the courts of the United States as violations of freedom of speech and action more than 20 years ago. I urge the government, Mr. Speaker, to carefully consider this matter before pressing this amendment.

With respect to the other items in the Bill, I don't intend to discuss them in detail. This is an analysis which I leave to a number of my colleagues. I would point out that some of these colleagues who speak represent among them a great many years of experience in various capacities, in the field of trade unions. Some other colleagues will also speak. We welcome those who are here with experience in trade unions, Mr. Speaker. They have had experience as rank and file workers in Saskatchewan plants and in our transportation industry. Some of them have moved through the ranks at the wish of their fellow workers to positions of greater responsibility. All of them are citizens who have taken an active part in civic and wider public affairs. As a result, Mr. Speaker, they are in a position to interpret to this legislature and the public, the accumulated experience of tens of thousands of Saskatchewan people when they speak on this subject.

Before they give their analysis, I submit, however, that it is well for all of us to look at the organization and the institution with which we are here proposing to deal, that is, to look at trade unions generally and the trade union movement in Saskatchewan and in Canada. All of us, I hope, will agree that trade unions and the trade union movement have been beneficial, not just to the members of that group but to all of us as well. All of us I hope would agree that the trade union movement is essential. It's essential for the efficient and effective operation of an individual industry. It is also essential if we are going to have an efficient total economy. Since it is of that importance, it's important that our aim should be to facilitate the release of the full potential of the Saskatchewan working force and its organizations, as citizens who are workers and as workers who are citizens.

Let me refer first of all to industrial relations in our society. In an industrial society, industrial relations are, of course, unavoidable. The best industrial relations are highly desirable. A main purpose of legislation with respect to trade unions is to promote good industrial relations, industrial relations with peace and with fairness and with security to both parties. I think the bill here missed an opportunity, Mr. Speaker. The bill is completely silent with regard to one major cause of tension and difficulty in the field of industrial relations. My reference here is to that which has to be done in order that we may share both the benefits and the problems arising out of automation. This is lost sight of by the government. There is an excellent report very recently made available in Canada, the Freedman Report. Had this been read, had this been studied and had some of these suggestions been incorporated, then there would have been a good positive step forward made to improving industrial relations. Such a possibility has been overlooked or else written out of the picture entirely.

Confidence and respect and a reasonable degree of equality are some of the essential ingredients of good industrial relations. Obviously a desirable degree of equality is not necessarily present when the situation is just that of the individual employee and his employer. It's a great many years ago that Chief Justice Taft of the United States Supreme Court included in one of his judgments this opinion:

> The union was necessary to give labour opportunity to deal on the basis of equality with their employer.

That is still true. There is a need for responsible organization of employees. The facts of what they have done for society and for themselves, are among the best-substantiated and most substantial facts of history. Industrial peace and fairness are needed not just for protection of the individual. They are needed also for community development, for the health of the whole economy and for the sensitivity of society.

May I urge the Assembly to remember that not once or twice, but many times the objectives of trade unions have become the conscience of the nation. Trade unions have been, and trade unions are, one of the most effective cutting edges of the democratic process. We need to be concerned then at this point with what is the natural and legitimate scope of trade union energy in order that we do not interfere with that scope in any way whatsoever. Trade unions are obviously concerned with the following at least:

(1) They are concerned with everything that touches industrial conditions of members' employment, wages, hours, safety, convenience, retirement benefits, sick pay, etc. obviously their field of interest over the years has widened. It has widened with the growing strength of the organizations. It has widened also with the realization by employers and by society that such improvements are mutually and inclusively beneficial to employee, employer and community.

(2) Trade unions are naturally concerned with the efficiency of industry. They have an obvious concern here with respect to the area in which they work. They hope to share in production benefits. We know the great promise of automation across the country. I think we need to realize that much of the best thinking and most effective research of how to maximize the opportunities and minimize the difficulties of automation have come from Canadian trade unions.

(3) We all realize that you can't isolate or insulate industrial conditions within the walls of one plant. in determining industrial conditions, you can't exclude any part of the economic realm of the whole nation. The economy of our nation is intricately inter-related one part with the other. What happens with western agriculture affects the factory workers and the transportation workers in the other parts of the country. What happens with respect to transportation has in turn its affects on agriculture. Moreover, living standards are defined not only by wages but also by costs. Employment factors in one segment of the industry, or in one area of the country affect other segments and areas. So that any factors which affect and determine how goods produced become goods consumed and of concern to the trade unions.

(4) Since services such as education and health, such as fireman and police work, such as roads and sewers, help to determine what standards and opportunities are enjoyed, these too have been their concern.

(5) Since foreign policy can affect all of these and more it cannot be excluded from the area of interest.

Now, Mr. Speaker, I have taken some time to outline those areas of interest in such important matters, because I think it is important for us to be reminded of the scope of trade union activities when we are considering this bill which may restrict or which may hinder those activities. I am quite sure that for the most part, whether we be employers or employees or governments or any of us as private citizens, we do not regard these kinds of interests and activities as insolent interference any longer. My point is that the research and the discussions and the policy statements which have come about as a result of such wide interests have served a healthy purpose. It has served a healthy purpose in promoting good industrial relations. They have served a healthy purpose in promoting industrial efficiency. They have served a healthy purpose in promoting improved production in a more appropriate distribution of goods, in adding to our social services. They have served a healthy purpose in promoting the discussion and direction of public affairs.

Trade union organization has made it possible for an increasingly larger segment of our society to be better informed about important matters. It is also meant that we have moved closer to that democratic ideal in which one man can be counted as one man, not one man counted, as many and other men, as fractions of men

only. Trade unions have acted on behalf of their own members naturally and properly. But they have also supported and initiated many activities which are in the best interests of all of us. Since this could not have happened, since it could not continue to happen without that type of organization, this legislature, I hope, will wish to do nothing to weaken the structure or to restrict the purposes of these organizations. Moreover, because of the continuing welfare, and the contribution which the continuing welfare of all of us require from such ors, we will be concerned that our actions do not weaken and do not restrict.

Let me consider just a bit further what that contribution to the welfare of all of us can be. Let me do so by using the words of another person, a non-trade unionist, who was exploring the same possibility. My reference is to Dr. Alec Laidlaw, who is Secretary of the Co-operative Union of Canada. My particular reference is to an address which he gave in November, 1963, entitled "Labour and Co-operatives". At one point he made this statement:

> If I were asked to point out the common platform on which we (labour and co-ops, that is) can work together it is in this.

and these joint objectives are the objectives of all of us. I refer to them now because they indicate something of the cope of laudable trade union objectives which may be interfered with if we proceed Our present Act, Mr. Speaker, has provided the setting for good industrial relations, industrial relations at least as good as any in Canada. It has facilitated for working people the opportunity to with this Bill.

(1) Educational opportunity according to the ability to learn.
(2) The defence of human rights.
(3) A high standard of necessary public services.
(4) A universal system of medical care, supplemented by community and consumer-owned health services.
(5) A strong system of public broadcasting.
(6) The need for public and non-profit housing without profiteering.
(7) Protection of the consumer interest whether buying bread, credit, automobiles or thalidomide.
(8) Recognition of the full implications of the age of plenty.
(9) The sharing of knowledge and productive capacity of our financial resources with people everywhere both at home and abroad.
(10) A full recognition of economic maladjustment at home in Canada, that we are no better off so far as distribution of wealth is concerned than we were fifty years ago.

Mr. Speaker, these are objectives for which Trade Unions, members in this legislature and many people in the country will join hands in order to achieve. Because of the great deal of public interest we must have in such matters, the public initiative and the public energy which must be mobilized if we are to move toward those objectives, they are worthwhile nothing at this time. Of such consequences are our considerations should we do wrong, of such consequences because we cannot move adequately toward these desirable goals unless we have modern trade unions and of course other organizations as well. That is why I urge the most careful consideration of these amendments to the act which could hamper the activity which would support such valuable social and economic objectives.

Our present act, Mr. Speaker, has provided the setting for good industrial relations at least as good as any in Canada. It has facilitated for working people the opportunity to organize and to contribute for broad, desirable, social and economic goals.

There is an even broader goal which I want to refer to for just a moment. All of us are concerned with the freedom and liberty which people enjoy and hope to enjoy. It's a long while ago that J. S. Mill, in his essay on liberty write this:

> He who lets the world, or his own portion of it choose his plan of life for him has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself employs all his facilities.

I submit that choice which we make, Mr. Speaker, is likely to be better if it comes up through the deliberate discussions and research of those who share our work and in the proceeds of work of those who have needs in common, who face similar frustrations and share similar hopes. Judgements taken so derived, are likely to be both more tolerant of other people and comprehensive with respect to the needs of others. I believe the Trade Union Movement can be an important part of the making of such choices. I don't want to see it weakened and our chance of making the best choices interfered with.

These choices, as they are made by various groups, Trade Unions and others, need to be communicated within the group itself, among other groups and to governments. The Trade Union Movement, conscious of its responsibility to its members and to society, can express the intimate experience and the ultimate hopes of its members. It makes communication of this experience and these hopes possible to other segments of the community. Without good organizations, the meaning of this experience of a large segment of people and motivation of those desires can be lost for the rest of us. If so we lose the chance to make best choices. We cannot afford to minimize our chances of making best choices in any way whatsoever.

All of us believe in the validity and the essential goodness of such Canadian commitments as the War on Poverty, as making use of human and natural resources to the full, as sharing to the full our considerable Canadian capacity with the less fortunate millions of the world. To demonstrate that belief we will strengthen, not weaken, the institutions and organizations which the workers of Saskatchewan have built for themselves. We will do this, strengthen rather than weaken, in order that these workers in production or distribution, in public employment or in private employment, may use fully and freely their muscles and their minds, that they may have maximum opportunity to take part in decision-making. We are confident that they will exercise these as a result to the full extent of their responsibility. Whether we be pat of management, government, the consuming public or a group of employees concerned, our interests will be best serviced by adequate Trade Union organization. That and that alone should be the over-riding consideration which we use in making the decisions on these amendments.

Mr. Speaker, the report on which the amendments are based have been made available to the legislature, to the trade unions, to the public only a few days ago. It is a complex report, it deals with a very complicated section of law. There has been inadequate time to fully probe the meaning of the report or the

proposals of the bill. That is one reason why there are so many concerns about it. Our present act is working well, as the report itself states with conviction. The question for the government at this time is then; why the urgency? What pressures are there that push these conclusions at this time? Mr. Speaker, I urge the government to suspend this bill which we have had in our hands for only a few days. Better this than risk the deterioration of industrial relations which the bill provides and in some ways promotes and invites.

Some Hon. Members: — Hear, hear!

Mr. W. G. Davies (Moose Jaw City): — Mr. Speaker, in rising this afternoon to speak on this Bill, I would like to say something briefly and initially about the remarks of the Minister of Labour (Mr. Coderre). I don't want to say anything very exhaustive in this regard because I believe most of my comments with respect to his talk will be given in Committee. I thank him for attempting to dissect the various sections of the Bill. I must say frankly I don't agree with his analysis of many of the sections but I think nevertheless that his attempt to explain to us what is in Bill 79 has been useful. My first comment is, Mr. Speaker, with regard to that objective mentioned by the minister when he rose to his feet, namely that of maximum protection to the individual, he said, was intended in many of the amendments of the Bill.

As these clauses are discussed in detail, it would be seen that they do not guarantee to the individual that protection I feel he has a right to expect in his relations to the employer and in his rights to organize. It seemed to me, - subject to correction, but this is what I caught from what the minister seemed to say, - that employees cannot now decertify a trade union organization if there is a trade union agreement in existence.

If the minister said this, Mr. Speaker, it is just not so. I can personally tell him that I have sat on the Labour Relations Board as a member prior to 1956 and observed occasions during that period when frequent desertification did take place, so his comments are just not true. He made a comment with regard to the so-called Reverse Onus Section of the Act. He said the employer is not now given an opportunity of "confronting his accuser". He said that the changes that are to be made by Bill 79 would give an employer that right. Again I want to say that in dozens of board sessions that I personally participated in where the reverse onus did apply and where the employer was present to justify his reasons for discharging an employee, certainly did "confront his accusers". Employer legal counsel did in fact cross-examine both the employee concerned and other persons pressing the charges. So I say again that this is a statement that is not accurate. He made a point about fines and penalties that he says will be changed in Bill 79. He asserted that the minimum fines for corporations and individuals will now be the same. He justified this by saying that no longer with the "grocery store owner" be placed in an invidious position. Mr. Speaker, I know of no corner grocery store in this province that is organized. If that is the justification advanced by the minister, it is a very weak one indeed. We are here dealing in the main with some fairly considerable and fairly large corporate institutions. To equate the individual employee and the corporation is to me a great weakness in the sections before us.

He also spoke about the arbitration sections, if they can be called that, in Bill 79. He pointed out that where such clauses

are now in effect those that are participants will, in a general sense, be bound by them and bound by the procedures to be set forth in the sections that he spoke about. Now, may I just say this; probably much better than 80 per cent of all of the trade union agreements of the province of Saskatchewan have within them arbitration clauses for the solution of difficulties that rise within the terms of collective bargaining agreements. It seems to me that what we will do here, Mr. Speaker, and Mr. Minister, is simply to regiment accommodations that have been arrived at by mutual consent. This, it seems to me, is contradictory to the very principles that he said this bill intends to set forth.

I want to suggest too that many of the conditions under which arbitration clauses are set forth in this province necessarily differ because of the differing circumstances from business to business and from industry to industry. These clauses in the bill will help very little, if in fact they are not a big hindrance. They impose a straitjacket form of arbitration on parties that have already agreed in a broad sense to these very procedures and who need no pressures, no further pushes in that direction.

Finally I comment with regard to the minister's remarks on the so-called master negotiations clause section in the present act which will, by Bill 79, be deleted. This, of course, is the clause which permits master contract negotiations where there are a number of branches of a firm in the province and a number of trade union locals connected with each of the branches, representing employee of those branches. The minister said that this clause is to be struck out of the act because these matters can and should be left to the parties themselves. With deference, Mr. Speaker, I disagree with the minister.

We are in an age when these matters, matters of negotiations and collective bargaining, the facts of bargaining, cannot be confined to the individual units of the employer where the employer is a large corporate concern. Everybody knows for example, - if you consider only one large retail employer, Safeway Stores Limited, - that their labour policies and their industrial relations are conducted from a central source. As a matter of fact my understanding is that at one time, (and I think this is still the case), they did not even conduct their own collective bargaining but hired a firm of consultants to do the job for them. In a case of this kind it will be seen that collective bargaining for a small unit in Moose Jaw, for another in Regina, and in Saskatoon, and in Prince Albert, for individual store branches makes a mockery of collective bargaining. The obvious and the straight forward way of bargaining is for all the groups to get together in the one region and set a fair pattern of wages and working conditions, generally to agree on sections of a union agreement that will impose and state reasonable conditions for both parties. I say that the very lack of this type of legislation has led to some very serious labour disputes across this country. I, for a number of years, was a member of the Negotiations Committee of the United Packing House Workers of America. There were strikes all across Canada simply because companies like Burns, Canada Packers, Swift Canadian, would not recognize the master bargaining form. They imposed a form on local or branch bargaining, although everyone knew that the powers of management in each one of these bargaining authority resided in the national headquarters of each of these companies. The deletion of the clause in Bill 79 does not reinforce the institution of collective bargaining at all. It may in a very real sense weaken it.

Turning to other points in the Bill, I think it's useful just for a moment to consider why in the end result it is before us. It is fair to say that the Liberal party of Saskatchewan, in opposition and in government, has considered the Trade Union Act as extreme and detrimental to the public interest including the growth of the provincial economy. Over the years there is no question that this view has been echoed by Liberals inside and outside of this Chamber, often I think unhappily, in a very partisan, untrue and sometimes inflammatory fashion.

In 1944, when the Trade Union Act was under debate one senior Liberal member of the House summed up their views by saying, "This is iniquitous legislation". Those expressions have not surprisingly been greeted with a good deal of apprehension on the part of organized labour. It is no news that local unions, labour councils, and annual meetings of labour in Saskatchewan have voiced alarm and indignation over the way in which Liberals have attacked and misrepresented not only the Trade Union Act but other labour institutions and practices, as well as maligning those whom labour has democratically selected to represent it.

Many citizens must have concluded from the sometimes violent and unreasonable nature of Liberal statements on labour that the Liberal party has decided to make unions a political whipping boy to the end that they could stir up fear and hostility among sections of the rural population for their own narrow political advantage. I say, Mr. Speaker, that those who have often unfairly accused members on this side of the House as supporters of "class differences", themselves must stand accused and condemned as instigators of the self-same device. That there is more than speculation in this thesis can be seen by looking at provincial Liberal parties and indeed, the federal party in other parts of Canada, especially in the industrial areas. In surroundings like Ontario and Quebec the Liberals have quite different policies on labour. They woo the working people's vote. In any case criticism of good labour laws in Saskatchewan, especially of the Trade Union Act, has been a continual experience in the provincial scene. It became almost a fixation for Liberal speakers over the last 20 years. Rarely as a matter of fact, did the Premier, as Leader of the Opposition, pass up a change to rap the Act.

The Liberal Convention in 1959 approved the notorious ''right to work' principle. Mr. Sterling King writing in the Leader Post of January 16th, 1965, said that:

> Liberals in opposition contended consistently the act was bad legislation, completely loaded in favour of labour and gave no recognition to management problems.

He added at this time that Liberals would only be satisfied "with a major overhaul of the Act", and he quoted a Liberal spokesman who said the act was responsible for "many companies of national scope not locating in the province".

The Financial Times of January 25th, 1965, in a story entitled "Thatcher Liberals to Rewrite Trade union Act", repeated very much the same kind of comment including the allegation about national companies having been kept out of the province by the trade union legislation.

Mr. Speaker, the Liberals have been asked before to identify the "many companies" who did not come into the province because of the Act. They have never done so and they never will. There is another piece of outrageous political fiction.

It is now, Mr. Speaker, about a year since the government withdrew the ill-advised Bill 86 after its introduction in the very last days of the session of 1965. We have before us now a bill based on the report of the Review Committee which was set up by the government to study the Act. I am going to comment on the principles in this new Bill, but before doing so, Mr. Speaker, it is correct to say that, though I disagree with much of the Committee Report, it has really not supported the long-term repetitious acts and attacks of the Liberal party of this province. You know the Liberal party always suggested that the act promoted labour strikes and unrest. What did the Committee do? Well, Mr. Speaker, the Committee in its letter of transmittal of their Report to the government both by inference and by statement differed with this prime Liberal contention. The letter said and I am going to quote briefly here, Mr. Speaker:

> Members of the Committee found themselves in full agreement with the statement of principle as set forth in the following,

(speaking of the Saskatchewan Trade Union Act) and I continue to quote:

> It is an expression in statutory form of the Liberal view that, given the necessary protection of rights by the law, men should be free to work out their own affairs with government interfering as little as possible. In this respect the Saskatchewan act stands in marked contrast to other Canadian Labour Relations legislation, where the process of collective bargaining is hedged with a multitude of restrictions, and where government presumes the right to interfere in the process and subject the parties to advice and suggestions, whether or not such interference, advice or suggestions are desired by either party.

That is the end of the quotation.

It is interesting, Mr. Speaker, to note that the quotation passed on so favourably by the Committee apparently with no dissent by any member is an excerpt from the Saskatchewan Federation of Labour brief to the Committee of Review. More significantly, perhaps, is that the committee is supporting the principle and main intent of the Saskatchewan Trade union legislation and also tacitly rejects the myths and distortions so sedulously cultivated over the years by the Liberal party of the province. It is, of course, also worthy to note that the Committee did not even refer to the amendments to hamstring unionists in their financial support of political candidates. It will be remembered that the present Minister of Labour (Mr. Coderre) only a few years ago tried unsuccessfully to get a resolution of this kind accepted by the legislature.

I go on to say that not one part of the Committee's Report or indeed of the representations it received have supplied dependable information challenging the fact that the Trade Union Act has since 1944 been the foundation for comparative management-labour peace in this province. Time lost in strikes or walkouts in Saskatchewan from 1945 to 1961, as an example and by percentage, was only approximately one-half of the national average. From 1952-1953, as a fiscal year, to 1962, a decade, there were only 48 out of 891 cases of serious labour disputes that ever came to the strike stage, and of course, in the same period thousands upon thousands of union agreements were settled by the parties themselves-

selves in negotiations, which never got any comment anywhere at all for that reason.

Mr. Speaker, not only do the figures completely reject the basic Liberal position over more than two decades; they must also pose this very serious and prime question: "If on the record the act has succeeded so well why in the name of common sense is this bill before us today?" The government and the Minister of Labour (Mr. Coderre) may answer that they are "acting on the advice and the report of the labour Management Committee, who have made these proposals after due consideration." I say, Mr. Speaker, that this is not by itself a satisfactory answer.

I remind the House that there is little doubt that in respect of a number of the proposals that have been advanced it's highly unlikely that the labour representatives on the Committee did concur, and the covering letter of the Committee in fact suggests this. The chairman, Mr. E. C. Leslie, Q.C., is a well-known and respected lawyer and a person for whom I may say in passing I have a high regard, but it's not unfair to say that Mr. Leslie's chief associations on labour matters with respect to the Trade Union Act have been on management's side in the main, over the years. I am sure that he has tried to be honest and fair in his appraisals, but this does not necessarily mean that his conclusions are those which should be followed by this House. Without in the slightest way wishing to reflect on the chairman, it is also valid to say that one's convictions and beliefs, however honestly and honourably held, are inevitably coloured to some degree to previous associations and environment.

With reference to the Vice-Chairman, Mr. R. L. Pierce, I say similarly that his experience and action on labour matters have mainly sprung from experience in representing employers. Again I want to make it quite clear that this isn't meant in any way to reflect on his personal integrity; but nonetheless with an equality of labour and management representatives on the Committee outside of the chairman and the vice-chairman, it becomes extremely obvious that the opinion of the chairman and the vice-chairman had a very strong weight in the recommendations that were placed before the government and which are now largely incorporated in the legislation in Bill 79.

I don't say, Mr. Speaker, that this discounts all that the Committee has said. They have made some fair proposals but they have erred in my opinion very, very badly in many others. I have taken time to go into these matters, because I believe that in the light of what has taken place, there is no very compelling evidence to indicate that any overall revision of the present act is required, unless it would be to reinforce and to bolster rights to organize and rights to bargain which have to some extent been undermined by shrewd methods and legal manoeuvres used by some employers who have given lip service only to the principle of the freedom to organize and to bargain for employees.

The bill before us, Mr. Speaker, for example, will make it quite proper for employers to "talk union", as the phrase goes, with employees. It is quite true that the same section that we will be dealing with says he mustn't threaten, he mustn't promise, or he mustn't use undue influence. I might say here to the minister, Mr. Speaker, that the bill fails to use the broader language that has been recommended by the Committee. But anyone with the remotest idea of labour relations knows that employers can, without apparent overt coercion, paralyse moves of employees to union organization simply by expressing indirect criticism or

doubt about unions, or by misrepresentation, or by other devious means such as suggestions regarding likely loss of benefits or business or about joining unions in general. These are not figments of the imagination, Mr. Speaker. There are many well-documented cases in this and other Labour Relations Boards, both in Canada and the United States that justify my contention.

An employee, as an example, can be called into his employer's office for a seemingly friendly chat. In this atmosphere, with no witnesses, I think it would be very, very surprising if an employee didn't draw in inference of anti-union pressure. You see the whole point really is that even the employer's implied opinions by themselves are often sufficient to dissuade an employee by whatever degree of fear or foreboding or apprehension from the free and the voluntary choice that the present act plainly wants him to exercise as an absolute and basic right.

The Leader of the Opposition (Mr. Lloyd) has spoken about the Labour Relations Board in the United States. I have noted a statement by the chairman of the Labour Relations Board of the U.S.A., made some time last year, in which he commented that there have been twice as many unfair labour practices brought before that board in the last two or three years than was the case some ten years ago. This argues that methods in every way to assist the employee and prevent unfair labour practices are more cogent now than they were ten years ago; and the contention that the unquestioned acceptance of trade unions, as some have argued, makes labour legislation no longer necessary because employers now accept unions, is by this example, rejected.

While the changes of this character, that I have now tried to describe in some part, would permit a greater employer license to fight unions, limitations in other parts of the bill would make it more difficult for employees to successfully form unions. To show what I mean, the present law permits votes to determine union certification to be held if 25 per cent of the employees concerned have indicated by signed evidence and, or dues payments that they want a union. This on some occasions has been helpful, very helpful indeed, where employees hold back from joining unions out of fear of possible employer retaliation. Now, the figure in the proposed amendment is 40 per cent. Slice it as thin as you want, this is a curtailment of an existing right. Even if the Labour Relations Board is satisfied that there are 60 per cent of the employees in a unit who are members of a union, the new amendments would require that a union could not be certified until a vote of the employees was held.

It is noteworthy that at the same time the new amendments do permit a vote on the 25 per cent basis where there is another union contender. In other words, this right is to be removed in the case of fledgling unions but applied where there are two unions; two contender unions. Mr. Speaker, the effect can only be to open up new areas of jurisdictional disputes between unions, a condition from which Saskatchewan has been on the whole relatively free during the last 20 years. Surely this constitutes a grave weakening of the present legislation.

I want to point out, Mr. Speaker, that back in 1944 one of the fears that was voiced by the opposition, the Liberal opposition, of that day was that there were going to be a great many developing jurisdictional difficulties between unions. It is rather ironical today to see the same party bringing in legislation encouraging the conditions about which they complained in 1944.

Mr. Speaker, another serious area of concern in the amendments is the principle that would make union organizations close to becoming, if not in fact, legal and usable entities. There is not one union organization in North America that would support this proposition. It can be said that this view is also largely supported by many prominent people who are not unionists, including those who are recognized as top-level, top-flight conciliations and labour law experts all across North America. In fact, I think the burden of opinion in this regard would confirm what I have said here.

I know what the minister (Mr. Coderre) has told us here this afternoon. He has said that the amendments do not have this effect. I shall certainly be glad to hear from him further on this but at the moment and from my reading of the Bill, the amendments do certainly not give the impression that I have taken from them.

Mr. Speaker, well-meaning people sometimes wonder why unions abhor, on the bare face of it, this question of legal responsibility. It seems reasonable to them that unions should accept this. It's superficially argued that unions should be "responsible". Mr. Speaker, the fact is that legislative action of this style exposes responsible, honest unions to irresponsible treatment. Ruinous damage suits can be launched against unions because of the unauthorized acts of some individual or even because of a peaceful strike. Even legal harassment in the courts can be a highly expensive business for any union and most unions are not large, and are not wealthy. This last fact is particularly important in a province where the size of the average union is much under 100.

Mr. Speaker, it's more than 60 years now since a British Parliament took action to declare that unions were not legal entities. Generally speaking, I think that this principle has been followed in labour legislation all through English-speaking countries, in the period intervening. There is now even greater justification to maintain this principle because today we have in our midst corporate entities, large corporations and businesses, infinitely larger than they were 50 and 60 years ago, industrial giants with overwhelming power and resources far in excess of the earlier years. Let us not go back. Let's keep the clock moving ahead.

There is an erroneous belief that trade unions in this province enjoy immunity from the processes of civil law and it has been pointed out that this really isn't so. Recent judgements of the Saskatchewan Court of Appeal have established that there are "simple and uncomplicated" procedures for invoking civil remedies against unions without the drastic and punitive step of making unions entities at law.

Mr. Speaker, I feel that the facts of the kind that I have been talking about should be carefully examined by all the members here. If they do so they can't help but feel impelled to refuse any change in the act which would accomplish the damaging consequences that I have suggested.

Mr. Speaker, I have already spoken about the fact that changes in Bill 79 will reduce the minimum fines for corporations and equate the individual with the corporation. I have said that this is not equitable. I draw, however, to your attention that this is a clause in the Bill. This is one that should be carefully examined.

Now, dealing with another aspect, the bill before us revises the union security clauses ostensibly to guarantee the rights of an individual employee. Now, I don't at this point, and I want to make this clear, quarrel with the principle that every person's right must be guaranteed. My objection to the proposed revisions lies with the fact that in the end result they weaken the ability of unions to be effective rather than reinforce individual rights.

First of all, the changes go part way only, into a kind of "Rand-formula" application. This method, as some of the members may know, was established on a report of former Supreme Court Justice I. C. Rand some 20 years ago. His report required that all employees in a bargaining unit, unionists or no, would pay union dues. Now, in this bill the payment of the Rand basis would usually result where the Maintenance of Membership Section in the present act had been applied. This would clearly not involve all employees in the payment of dues as envisaged by Mr. Justice Rand.

Many will ask why does the government discriminate in legislation? Because in the numerous professional Acts that we have in this province, membership in the relevant professional organization in mandatory, before anybody can practice anywhere in the province, let along in one-plant units, as is the case with unions which have to win this right by individual certification in each case.

Over a period of time the turnover in most places of employment changes very considerably. You know, it's not unusual for some firms to have a turnover in employees of 30 to 50 per cent annually. In these circumstances especially, union security is very vital. The changes proposed would definitely damage the present effectiveness of the Act.

The Act, it should be emphasized, presently offers the workers in every bargaining unit in the province, clear and well-defined means of terminating the right to bargain, that is desertification, of local unions; and there is really no valid basis whatsoever for any mistaken ideas that employees cannot change their minds and cancel the union's right to bargain. I want to point out, however, that professional groups offer no procedure for escape from professional membership, either locally, regionally or provincially. While I'm not here today calling upon the government for the institution of a procedure that would do what is done by the amendment in Bill 79, I draw the House's attention to the fact that unions are in this respect singled out in the Bill, for special and one-sided treatment.

The Bill, as the minister has told us, would permit a person on the grounds of religious objection to escape from belonging or paying dues to a trade union; the equivalent of the dues payment under the proposal would go to some charity. I don't want to do more than comment on this proposal at this time. I think there are many difficulties. I will not, because of the rules of the House, comment in detail on these. I will do so in committee. I want to refer the minister to the logical consequences that are indicated by this section of the Bill, because unless the government intends again to discriminate in the case of unions, are not all the professions in this province concerned? If the principle of religious belief to opt out of organizations is accepted as now proposed for unions, it seems to me that every professional group must eventually face the same kind of prospects. And of course the government faces the same responsibility of effecting like treatment for the professions.

Now, Mr. Speaker, these are some of the prime objections I find in the present Bill. There are others perhaps equally important. I haven't attempted to priorize these in any way in terms of importance in my mind and I shan't deal with all of them in the interest of trying to shorten my remarks. I'm sure that there will be other speakers that will deal with them.

I do want to say, Mr. Speaker, however, that we are dealing with legislation which, without reservation, I think, among informed labour and management people, lawyers, jurists, and the public, is intricate and complex. There are innumerable factors that surround employer-employee relations. The multiplicity of firms, of services rendered, of articles manufactured, the fact that these matters very often don't pertain to large groups but varying sized groups, also having regard to the individual personalities and plants surroundings, argue very strongly for the most flexible approaches.

I had the privilege of serving under two Federal-Provincial Boards and one Saskatchewan Labour Relations Board in this province for thirteen, I can assure you, very busy years. I can even cite for the benefit of the government members the letter of commendation I had received from the late Humphrey Mitchell, who was one time federal Minister of Labour. Some of my colleagues may accept that letter with mixed feelings, but anyway over these years I encountered a host of different situations and literally hundreds of cases coming before these bodies. I also had the privilege, apart from the contacts I have talked about, of having participated in some 35 conciliation and arbitration boards in this province and elsewhere and this is a fair number. One major conclusion for me emerging from these experiences is that even well past the middle of the 20th century, no human right is challenged and infringed upon more in this country than the right of many citizens, mistakenly believed to be solidly established, namely the right of joining, belonging and using unions freely without interference or pressure of any kind.

It is correct to say, of course, that some progress has been made, especially during the last decade and a half; but these rights, Mr. Speaker, are still being successfully thwarted and obstructed in ingenious ways that are virtually impossible to expose. I assert that any steps at all to modify or emasculate labour legislation that encourages labour organization and bargaining will serve to disturb existing relatively harmonious relations in this province. And because unions are important institutions in and for a modern democratic society such steps also hurt the general interest.

In Great Britain and North America, the theory of free trade unions as a vital component of society may be accepted, without always being understood. In other large areas of the world the trade union is not the free body that we conceive of it in these jurisdictions. The point is that strong economic consumer and political organizations are essential if a free society is to stay that way and develop further on these desirable lines. The existence of trade unions has been primarily responsible for both the origin and the flowering of important social ideas and programs. These are many, public education, minimum wages, and other conditions, workmen's compensation, the universal voting franchise, old age pensions, paid vacations and public health care. These are just a few measures which were either pioneered or strongly supported by labour on the road to present levels of provisions or benefit.

Trade unions in this province have been aided in their organization and practice by the Trade Union Act; but in spite of very commendable progress, only about 29 per cent, less than one in three, of Saskatchewan employees are organized. Part of the reason is choice; another part has to do with the small employee units in this province. The biggest part, however, Mr. Speaker, is that most employees are still fearful of the consequences of organizing. This is not to say that the majority of employers habitually, by any means, pursue a constant anti-labour policy. There is certainly an active minority who do incline in this direction and have been successful in many instances in thwarting organization.

I have said that the subjects that are dealt with by this bill are intricate. Superficially and especially to those who are not well acquainted with the labour relations field, they may appear to do little to alter or affect labour's rights, but I have tried to explain, they are not innocuous amendments. The net result they will receive is to disturb and upset rather than improve and buttress the area of collective bargaining. The avowed reasons of the government to protect the rights of the individual lack real substance. the rights of many employees, on the other hand, will suffer through gaps that are widened in the wall of this protective legislation.

If the government is really sincere in its approaches and, if it genuinely wants to assist labour relations and the people that are an integral part of the process, why didn't it consider the changes that would require what the Judge Freedman Commission said should be legislated by governments across this country? I am referring here to changes in labour relations law which would require negotiations of the drastic and shattering effects on people with respect to rapidly moving economic changes, roughly known under the heading of automation.

The longest strike that we have ever had in this province has just concluded recently. Over what, Mr. Speaker? It occurred over the refusal of companies to bargain on these kinds of terms. If the Liberal government is truly interested in easing pressures and reducing strokes, why did it not include such needed plain and obvious revisions in this Bill? The absence of these features in this legislation is bound to create further trouble in the future. I note, Mr. Speaker, that the Speech from the Throne not so long ago commented that there would be something done about automation. Certainly nothing is done in this Bill.

Well, in any case, there is an absence of this obviously needed clause in the Bill. This could have had a positive rather then the negative effect posed in a number of the present amendments to the Bill. The fact that these changes are not before us is a very silent but critical commentary of Liberal policies.

Mr. Speaker, the record of Saskatchewan labour relations in the past two decades has not been bettered in Canada. In the face of this the changes we are asked to approve in this House are unwise, unnecessary and ultimately harmful for everybody concerned. For these reasons, Mr. Speaker, I would urge the government respectfully, - I would appeal to the government — not to proceed with the bill which I feel must be opposed if it is not withdrawn.

Some Hon. Members: — Hear, hear!

Mr. E. I. Wood (Swift Current): — Mr. Speaker, I would like at this time to say a few words in this debate on second reading concerning this Bill.

I do believe that the satisfactory working of our society is dependent upon at least comparatively harmonious operation of its components. I think that, if this is agreed, if we are going to have a society that is what we want it to be or what we would all desire it to be, it must go along as smoothly as it is reasonably possible. It seems to be agreed in the preamble to this report coming from the Labour Committee that sat on this bill that this can best be accomplished by men working out their own affairs with as little government interference as possible, given the necessary protection of their rights by law. This sort of think, Mr. Speaker, that we had under our old Trade Union Act and as have been cited here this afternoon, the record in this province of industry and labour under this Trade Union Act is very good indeed, not only in regard to the harmonious operations which have been carried on between labour and unions throughout the years since this act has been brought it, but I also think that the record will prove that fear by anyone that this Trade Union Act would keep industries from coming in has not proven well taken. I think that the record shows that while we are not a Pittsburgh here and quite probably never will be, industry has come to the province and come to the province in a large and satisfactory way. It is still coming in, I may say, possibly at a reduced rate under the present government, but it is still coming in under the present Act. I do echo the words that have been said this afternoon in regard to the lack of necessity for the revision of this bill at this time. I think that it has proved that the act has proven itself to be a good one and I think that the necessity for revision is remote indeed. I do not see where the government feels the necessity and the urgency of bringing in these amendments that are contained in this bill which is before us this afternoon.

Mr. Speaker, there does appear to be in our midst, in our province, a good deal of argument and criticism in regard to labour movements and the action of labour unions as compared with those of the rest of our community. There are those, it is quite apparent, who would like for their own ends to put labour back where it was in the last century. These people have carried on an insidious and widespread and intensive campaign to publish what they want to put forth in this regard. This has created and fed distrust between labour unions and the other members of our society.

Now, I'm not going to stand here in my place, Mr. Speaker, and say that labour unions have done no wrong. But I am going to say they have done what they could be expected to do in a dog-eat-dog private enterprise society. They have endeavoured to stand up for their own rights and to obtain for their members a better share of the good things of life. If they had not, who would have done these things for their members? Would the private organizations, the industrialists and employers voluntarily have dug down into their pockets and seen that these things were provided? I think if we did have a truly socialist society, of course, some of these things could probably be accomplished, but where you have a dog-eat-dog private enterprise and capitalistic society it is everyone for himself and labour has only done what they could be expected to do.

By and large in this they have not been irresponsible. There have been times, I suppose, through the years, where the charges of irresponsibility might have been entertained but on the whole, Mr. Speaker, I think the record speaks for itself and it is very

good. Over the years, the fact that we have had labour unions has benefits our society. They have been good for us. All you have to do is look at other countries where we have little or no labour organization and you will note the difference. In some of these backward countries where they do not have the type of labour organization we have here, their civilization and their society is much more backward as well.

I maintain that by helping their own members labour unions have automatically helped unorganised labour. I think this is axiomatic, and labour unions have, by their efforts and sometimes very strenuous efforts, at great cost of themselves, have bettered the well being of their members. The same action tends to better that of those who are working alongside them in like shops and like conditions and who are not organized. I do say, also, Mr. Speaker, that by giving dignity and a fair standard of living to the workingman, they have added stature to our whole society.

I want to say that their interests and their objectives as have been outlined this afternoon by both the previous speakers on this side and as indicated in various ways in their actions and by the resolutions they have passed at their conventions extend beyond the narrow confines of their own affairs. Labour unions are prepared to take their place as responsible citizens in our society and to work with the rest of us toward its betterment. This bill that you have before you, as near as I can ascertain, will make it more difficult for them to do these things and perform the tasks that they have set themselves to do.

I fear, Mr. Speaker, that in spite of the fair position taken by labour, there is widespread distrust and misunderstanding among other sectors of our society concerning labour and labour unions. This, as I said earlier, is largely the result of the industrious work of those who for their own interests would like to discredit labour unions, to drag in the bogey of international unions while saying nothing about international industrialists and cartels with which these unions have to cope. They talk about Jimmy Hoffa but fail to point out that he is not accepted by the AFL-CIO, the main voice of organized American labour. They point to Hal Banks but do not admit that he was a stooge of the Liberal Party brought into Canada and protected for the express purpose of discrediting organized labour.

I spoke a few minutes ago of distrust and misunderstanding. I think that the distrust is largely caused by the misunderstanding. We have urban people who look upon farmers as a bunch of grafters who are out to mulct the public for all they can get. They are painted, - don’t take the words out of my mouth, - as connivers who sit on their fannies at least ten months of the year and spend the most of that time in Florida, and then squawk about how hard up they are. We have farmers, on the other hand, who look upon labour unions as racketeer-led organizations of bullies who force their unconscionable demands union-upon the general public. What we need, Mr. Speaker, is more understanding and, as I said earlier, I believe that this bill we have before us will only in the end result in less understanding and will reduce the possibility of good understanding between the various sectors of our society.

What we have to do is realize that we are all one people. As mechanization and other economic factors force still more people, and especially our young people, off the farm, we farmers have to recognize that our sons and daughters are the labour

unionists of tomorrow. We are all one labour force, I am a farmer, Mr. Speaker, and I represent a constituency that is both urban and rural. I live with, as many here do also, people who are farmers, people who are unionised workers and unorganised workers, tradesmen and professional people. I want to say that the stereotyped picture of a farmer or a labour man just doesn't exist. I have found that farmers, though they have a good deal more labour-saving machinery, lead a more complex life and are subject to a good many more pressures than their fathers were. I have worked with government employees who, in their respect, I think, are some of the most maligned of labour people. People seem to think that because they work for the government, it is taken for granted that they don't work. I have found these people to be hardworking and industrious. I have come back to the office at night at times, Mr. Speaker, when I was minister, and the ministers and the government opposite will back me up in this, I have come back at many times and found members of our staff, sometimes not only those who were in responsible positions, working and endeavouring to catch up with work that they have not been able to accomplish during the day. I am proud to say that the staff of our public service, I believe, in the main, is hardworking and industrious. I think that the more true understanding we have, the better we will be off.

This bill, Mr. Speaker, insidiously weakens labour's position in a dozen little ways; thus a feeling that injustice is being done is bound to creep into the union ranks. Strikes will be their recourse and we will be away upon a round of division-creating incidents. Rather than more understanding, we are bound to have more discord.

I think that farmers themselves need more understanding and more interest in unionism. They need to be interested, for one thing, in their own union, a good deal more than what they are. When the Liberal party can blandly renege on their own election promises with regard to two-dollar wheat for farmers, things have come to a pretty pass. They know they can get away with it because farmers are not sufficiently organized to make any effective remonstration.

Now, Mr. Speaker, I am not an authority on the complex field of labour legislation. In the second place, this debate this afternoon is not the place to go into a detailed discussion of the clauses of this bill but I am not happy with the over-all trend. Saskatchewan laws have been a model of labour legislation to which other provinces throughout Canada are moving, and this legislation, instead of maintaining that position, is a backward step. It weakens union security by having a right-to-work-as-long-as-you-pay-dues section. It splits and weakens bargaining units. It limits the union's ability to be responsible by prohibiting union discipline. It interferes in union organization and administration.

Mr. Speaker, this act will undermine the base for effective union activity. As such, it will most certainly create a climate of distrust that will tend to foster industrial discord. It will lead to more misunderstanding between the different sectors of our society. This, as I have endeavoured to set out, would be very detrimental, not only to industry but to all the citizens of our province. Mr. Speaker, I cannot support this bill. I think that this bill should have more time for further examination. I think the government should not be pushing this thing at this time, but we should be allowed to have further opportunity, and the people of this province should have further opportunity to discuss these matters before we are rushed into a decision on it.

Mr. W. E. Smishek (Regina East): — Mr. Speaker, I would like to consider the remarks of the Minister of Labour (Mr. Coderre) in more detail. I think that his remarks are worthy of careful consideration and assessment and for that reason, Mr. Speaker, I beg leave of the Assembly to adjourn the debate.

Debate adjourned.

On the motion of the Hon. Mr. Steuart, the Assembly adjourned at 10:00 o'clock p.m.