**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**
**Third Session – Fifteenth Legislature**

**Thursday, September 8, 1966**

The Assembly met at 10:00 o'clock a.m.
On the Orders of the Day.

## CORRECTION RE PRESS REPORT

**Mr. A. Thibault (Kinistino)**: — Mr. Speaker, before the Orders of the Day I would like to bring to the attention of the press and the House that I was misquoted yesterday in saying that the MLAs got an increase of 25 per cent. Now, what I said was that the Liberal backbenchers got an increase of 25 per cent by a rotation of the legislative secretaries. That was my statement and I would like to make that correction.

## QUESTION RE PAY FOR EMPLOYEES OF SASKATCHEWAN POWER CORPORATION

**Mr. J.H. Brockelbank (Kelsey)**: — Mr. Speaker, yesterday I asked if the Government had any information regarding the management telling some employees last Friday that they could go home at noon and get a full day's pay and the Premier said he would investigate this. I would like to know if the Premier has now got an answer.

**Hon. W. Ross Thatcher (Premier)**: — No.

**Mr. Brockelbank (Kelsey)**: — Mr. Speaker, would the Premier not check on this. This is really a very important matter because this is coming awfully close to unfair labor practice. It's coming close to management, if it happened, bribing employees and I think he should not brush this off so lightly.

## TELEGRAM FROM CANADIAN BROTHERHOOD OF RAILWAY TRAINMEN

**Mr. J.H. Brockelbank (Kelsey)**: — While I'm on my feet I want to mention that I have a telegram which includes a copy of one the Premier got asking not to proceed with compulsory arbitration. It comes from the Canadian Brotherhood of Railway Trainmen and general workers at Hudson Bay, Saskatchewan, a little town in my constituency away out on the edge of the bush. People there are interested and certainly are opposed to this.

## QUESTION RE RECORDING AND TRANSCRIBING COMMITTEE OF THE WHOLE PROCEEDINGS

**Mr. F.A. Dewhurst (Wadena)**: — Mr. Speaker, before the Orders of the Day are proceeded with I would like to ask the Government if they would consider recording and transcribing the debate during Committee of the Whole on this Bill. There are a number of us that haven't spoken on this Bill and we don't wish to prolong the proceedings by each of us getting into the debate. I wonder if the Government would consider recording and transcribing the Committee of the Whole proceedings.

**Mr. Thatcher**: — I cannot give that assurance at this time but I would be

pleased to look into it as soon I can. If it's feasible I see no objection.

## QUESTION RE AMOUNT OF MONEY INVOLVED IN THE DISPUTE

**Mr. W.S. Lloyd (Leader of the Opposition)**: — Mr. Speaker, before the Orders of the Day, I asked the Premier yesterday a question about the amount of money involved in the dispute. I hoped he would have and an answer. I wonder if he has overlooked giving the answer.

**Mr. Thatcher**: — Well, as I indicated I think this is information that should be given in the Committee of the Whole. However, since the Leader of the Opposition (Mr. Lloyd) wishes to pursue the matter I may tell him that $70,000 is involved without any fringe benefits for each one per cent increase that is given. If the fringe benefits are given it might add from $30,000 to $40,000 on top of that $70,000, for each one per cent.

## ANNOUNCEMENT RE LUNCHEON FOR COMMONWEALTH PARLIAMENTARY ASSOCIATION DELEGATES VISITING SASKATCHEWAN

**Mr. Speaker**: — Before the Orders of the Day I want to draw the attention of the Members of the House to the fact that on the 19th day of September we will have in the province of Saskatchewan a group of delegates to the Commonwealth Parliamentary Association Conference which is being held in Ottawa this year. Prior to that conference these delegates are going to visit Canada and they will be in our province on the 19th of September. They will be guests at a luncheon of the Commonwealth Parliamentary Association Saskatchewan Branch at 12 noon on the day of the 19th of September, after which they will proceed to a tour of Kalium Chemicals and wheat fields. All Members of the Legislature will be invited to the luncheon to meet the delegates on the tour. The notices will be on your desks prior to 12 noon and I would sincerely hope that all those who wish to attend would notify the Legislative Assembly office in order to facilitate the catering and the smooth procedures of this arrangement. I would appreciate it very much if you would fill out the little slips and have them in the Legislative Assembly office as soon as possible.

## QUESTION RE HOME-OWNER GRANTS FOR MEMBERS OF THE LEGISLATURE

**Mr. W.J. Berezowsky (Cumberland)**: — Before the Orders of the Day, could I ask the Attorney General a question? Would he be able to advise the members of this Legislature whether MLAs are legally entitled and can apply for Home-Owner Grants?

**Hon. D.V. Heald (Attorney General)**: — Yes, the answer is yes. I might say that the member for Regina West (Mr. Blakeney) wrote me a letter perhaps a month ago and I had my law officers prepare an opinion. A copy was sent to him. If the hon. Member for Cumberland (Mr. Berezowsky) would like a copy of this opinion I would be glad to give it to him. But the short answer is Yes.

**Mr. I.C. Nollet (Cutknife)**: — Mr. Speaker, at any rate I'll

not be affected.

**Some Hon. Members**: — Hear, hear!

**Mr. Thatcher**: — · · · in Lloydminster for a long time.

**Mr. Nollet**: — You can keep it. As long as you keep them away from the other constituencies.

**An Hon. Member**: — You want to turn your back to the party.

## ADJOURNED DEBATES

### Bill No. 2 – An Act Representing the Continuation of Services Essential to the Public

The Assembly resumed the adjourned debate on the proposed motion of Mr. Thatcher for second reading of Bill No. 2 and the proposed amendment by Mr. Lloyd.

**Hon. D. McFarlane (Minister of Agriculture)**: — Mr. Speaker, I rise today at a critical time in Saskatchewan's history, indeed a critical time for the entire nation.

Grainhandlers, steelworkers, longshoremen and railroads all perform a function basic to the well-being of our economy. They perform essential services which are paramount to the interests of the general public. A breakdown of these services, whether it be caused by labor or by management, causes untold losses of dollars and inevitably adds to the threat of inflation.

We are now confronted, Mr. Speaker, with a strike in a Saskatchewan utility which is of major importance to all the people of this province. There was general regret that the dispute between the Oil, Chemical and Atomic Workers Union and the Saskatchewan Power Corporation management reached a point where the union resorted to a strike which is both costly and destructive.

To date, the Government has enjoyed amicable relations with the employees of the crown corporations and the civil service employees. It was because of these favorable relations, Mr. Speaker, that we did not previously introduce legislation such as we have before us today. Several other provinces in Canada have passed such legislation. The legislation before us is designed to prevent a disruption by reason of a labor dispute of those services so fundamental to the well-being of our people in the province of Saskatchewan. These services are the supplying of water, heat, electricity or gas and the provision of hospital services.

Last year, Mr. Speaker, it is interesting to note that Canada lost over 2,250,000 man-working days through strikes. In Great Britain the stability of the pound sterling was badly shaken. In such South American countries as Bolivia and Peru, inflation is progressing at a rate of close to 70 per cent per year. Germany experienced hyper-inflation twice since World War I. In Communist China and Hungary inflation has caused the breakdown

of the currency in those nations. In the United Sates the transit strike in New York all but crippled that great city. Strikes caused the death of the huge and famous New York Tribune in the city of New York with the resulting loss of jobs to all concerned. The recent air line strike caused losses of millions of dollars to the workers, millions to the companies, and brought untold damage to our economy. And I would point out, Mr. Speaker, in spite of all the pious pleas by Members on the other side of the House in regard to vacation times and fringe benefits, this strike was held at a time when all the people of the United States were trying to enjoy vacation time, as was the recent railroad strike in our country at a time when it was designed to tie-up the movement of grain, timed to tie-up the movement of primary products and also during the period of vacation.

Again, Mr. Speaker, I do not speak against the labourer, nor do I speak against unions as such. But I do speak, however, against those union bosses who use their large numbers and the threat of strike to back up unjust wage demands.

Some unions appear to demand increases for the sake of increases. No consideration is given to the relationship between wages and productivity. And, Mr. Speaker, when this relationship is ignored the demand begins to exceed the supply and inflation is upon us. It is this inflation which we must hold in check.

The burden of a higher cost of living falls most severely on the shoulders of those with a fixed income. Our old age pensioners find their savings dwindling at an unprecedented and dangerous rate. Our primary producers in agriculture, forestry, fishing, and the mining industries stand helplessly caught in the cost-price squeeze; and many who struggled for so long and survived only by improving their efficiency are now forced off their farms. We have experienced the timing of the grainhandlers' strike designed to tie up the deliveries of grain at the beginning of each crop year. We have experienced the strike of the longshoremen, again designed to tie up the delivery of farm grain; we have experienced the strike now going on against some of those engaged in the packing industry. All these are strikes against the farmers and the position of the farmers in the province certainly will suffer.

I would refresh the memories of the member for Cutknife (Mr. Nollet) and the member for Cumberland (Mr. Berezowksy) who last night tried to indicate that 20 per cent of the people of the province are living in poverty. Certainly there are some of the farmers in this province who are not in a favourable position. Certainly up in the north west part of the province we have farmers who have had crop failures now for three years in a row. Certainly some of those farmers have had to plough down some 7,700 acres of crop. Certainly up in the area represented by the Member for Kelsey (Mr. Brockelbank) farmers again in that area having lost three successive crops. They won't be too happy when they hear the plea made by him this morning in regard to some other segments of the economy. Certainly their interests come first and certainly the farmers of our province are the ones who have had to bear the brunt of all the strikes that have taken place.

**Mr. I.C. Nollet (Cutknife)**: — That's the unions' fault too.

**An Hon. Member**: — Do something to keep the price of bread down.

**An Hon. Member**: — The New York strike affected the farmers.

**Mr. Nollet**: — In Bolivia too.

**Mr. McFarlane**: — Mr. Speaker, these strikes cannot be allowed to continue.

The recent steelworkers' strike in Eastern Canada has made these men the highest paid steelworkers in the world. Certainly they didn't go on strike when their cost of living was at the highest. Who pays these wages, Mr. Speaker? The higher cost of wages is met by raising the price of steel. The manufacturers then are forced to pay higher prices for their raw material and they too are faced with higher wage demands. Who then pays these higher costs? The purchaser. And the purchaser for much of the steel manufactured goods, of course, is the farmer. In today's mechanized era practically all the machinery and mechanized equipment on the farm is made of steel. And who pays the farmer? Nobody. Certainly not the union. He absorbs his own increased costs. The farmer is completely at the mercy of the many services provided by the other sectors of the economy. And the ironic part, Mr. Speaker, is that at the same time the rest of the economy is completely dependent on the farmer for their food. But only the farmer is victimized. Only the farmer has no recourse. He cannot dictate the price of this product, nor can he control the cost of his input. It is the duty then, Mr. Speaker, of the Government and indeed the whole of society, to protect the farmer, the primary producer from these inflationary trends.

The Provincial Government had no jurisdiction over the steelworkers, the railroad, the longshoremen or the grainhandlers. All of these strikes affected the economy and the income of our farmers. The grainhandlers' strike, as I said, resulted in a tie-up of our grain, with the cost of living at its highest point just when the new crop opened, with the cost of living at its highest point just when the farmers want to get their grain through to market, with the cost of living at its highest point just when some of these world agreements were being signed by the Canadian Wheat Board. This delayed the income to our farmers, caused our country to loose some of its markets, and damaged to some extent our image as a reliable supplier of grain. The rail strike, if it had been allowed to continue, would have caused the loss of considerably more markets. It would have jeopardized our position in international trade.

In the issue before us, Mr. Speaker, we do have jurisdiction. Certainly, in this Bill we can protect the life savings of our people from further erosion. We can protect their health when they are hospitalized. And we can protect the comfort of their homes through the assurance of water, heat, light and power.

It is disheartening when strikes occur. It is a sad commentary that our intellectual development and sophistication are inadequate to solve the problems that confront us. In recent history strikes have again and again proven that they cause hardship to the worker, to the company, and to the whole economy. In this age when automation is an intricate part of our life we must overcome our fear of it. We must realize that displacement

of labor may occur; but the fruits of automation are so abundant, the benefits so great, that any displaced labor can be retrained and relocated for the ultimate good of the individual and the society that he is part of.

In Canada, we must come to grips with our balance of payments problem. We cannot risk inflation. Inflation would damage Canada's competitive position in the world markets, and because we are an exporting nation all of those engaged in production and manufacturing will suffer if this is allowed to continue.

Inflation would affect the lives of all of us and place our future development in jeopardy. We must realize that in our years of development in Canada the strike served a useful purpose. The strike was a physical manifestation of the power of numbers. It was utilized to balance the power of capital so that the worker could obtain a just wage and good working conditions. Mr. Speaker, the scales are now tipped. There is no longer a balance. The pendulum has swung the other way. The power of capital and management is no longer equal to the might of the great union. The various governments have found it necessary to intervene frequently to protect the welfare of all the citizens.

Mr. Speaker, we must seek a more rational approach to settling disputes. We must ask the unions to consider the related industries, the national economy, and the level of production we are able to attain when they are making these demands. If our democracy is to survive, labor-management relations must be put on a higher level. We must seek means to achieve a more equitable settlement of these disputes.

Strikes, particularly those in our primary industries such as public utilities, hospitals, communications and transportation, cannot be permitted for they affect the welfare of the community as a whole. Our primary producers, as I mentioned before, Mr. Speaker, must be freed from the constant threat of price increases. And it was quite significant, Mr. Speaker, to listen to Members from the opposite side of the House yesterday, who time after time and in their turn, got up and not one brought to the attention of this House, to the attention of the public, to the attention of the people of the province, the suffering that could be entailed or envisaged if the hospital workers went on strike. Not one was interested in the welfare of the people on pensions, not one was interested in the welfare of those people who must be hospitalized.

**Mr. Nollet**: — How?

**Mr. McFarlane**: — The strike which confronts us, if allowed to continue, would force our industries to close; our schools and homes would be without heat; and the elderly people and soon our economy would be in a serious condition. And all this, Mr. Speaker, because somebody refuses to work so that they can support demands, whether just or unjust. A greater tragedy is that those who want to work are prevented from doing so.

This Bill before the House provides for equal representation of labor and management at the bargaining table. It provided the map and the compass to enable the negotiating parties to arrive at a just settlement. Further, it protects the people of our province, the sick and the aged, the farmer and businessman, the housewife and the children, yes, even the working people

from the fear of disruption of the services so consistent and constant to their welfare.

Mr. Speaker, next year we will be celebrating our Centennial Year, the 100th anniversary of Confederation in Canada. Never in the history of our nation have we had so much labor unrest. Never in the history of our nation have we had so many people fed up with strikes. You'll go down the street of every hamlet, every village, every town, every city in Saskatchewan, yes, in Canada, and the major topic of conversation is strikes, strikes, strikes, people being prevented from working and, of course, the brunt being placed on the small taxpayer and the citizens on fixed incomes.

Mr. Speaker, it therefore gives me a great deal of pleasure to support this Bill. I will not support the amendment.

**Some Hon. Members**: — Hear, hear!

**Mr. H.H.P. Baker (Regina East)**: — Mr. Speaker, I did not intend to get into this debate but after listening to some of the remarks made, particularly from the Member from Athabasca (Mr. Guy), people like that, and some of the other remarks just made by the Minister of Agriculture (Mr. McFarlane), some of us have to say something because this is so important to the democratic way of life of this province and this country. By passing a Bill like this we are striking at the very roots. I am one who always believes that things can be settled around a table. I have the privilege of being on city council for eleven years in this city. We have never had a strike, hardly a murmur of one, even though I have had to sit on that council with seven or eight Liberals most of the time. We were able to always work out the contracts. I will get into the relationships of salaries a little later on in my few remarks.

The Minister of Agriculture (Mr. McFarlane) mentioned about relationships. I will prove to him how far he is out in comparison with the City of Regina and the City of Saskatoon. But it isn't wages that create inflation. It may have a nominal effect. What happened after the war when our men came back and most of us got back into civilian life? More purchasing power was put in the hands of the people. The result was a better economic climate. The moment you put more purchasing power into the hands of the worker, the farmer, or what have you, your economy begins to become most buoyant, the only key to inflation, what we have witnessed in the past four or five years is the high cost of money. The high cost of money is the key to inflation, gentlemen. When your builders in the community, you have noticed Regina, some of them have been held up because of high cost of money when these people have to go and pay 10 to 12 per cent for mortgage money it is not economic any more. Eight per cent is plenty. This is what is killing the country. Our inflation did not take place after they gave the 18 percent or the 30 per cent to the longshoremen. That inflation came before these wages were given and it was caused by high cost of money. I am sure every Member on the other side agrees with me that it is the high cost of money that has caused inflation in the main. Yes, wages can have a nominal effect but world conditions sometimes promote that.

I think we should sit around the table sensibly and start to negotiate in earnest, yes, from both sides, negotiation is a two-

way street. Now, what the union said or did I don't know. The Government has said what they have done and how they have made these offers. You and I don't know in this House. But we should know and I think we should make every effort to settle this contract and I think it could be done in a couple of days. I understand that there will be a session later on in the fall, I would strongly recommend that this whole debate be adjourned and that we sleep on it for the next two months, and see just what could transpire, see if this cannot be settled because I know the gentlemen across the way are going to find that this is not going to work in their favor. They think they have got the farmer on their side. They are wrong this time. They are wrong because the farmer is already taking action in organizing to go on strike and this will grow. I would have thought that the Government Members on the other side who claim to be such a friend of farmers would lead a strike for them to Ottawa to get more for their produce. I would be the first to support them and go with them.

This is what the farmer is going to have to do because he is caught in this cost-price squeeze. He is going to have to organize and do something drastic because you and I know the price he is getting for wheat. I agree with the Minister of Agriculture (Mr. McFarlane): It is not enough. I have advocated in this Legislature for two sessions but I didn't get any support from across the way that the present price of wheat according to what they have to pay today should be at least $2.75 clear. So they are over a dollar a bushel out in order to make ends meet. This is the thing that you and I in this Legislature should be doing. We should be carrying the ball for the farmer to see that he gets this extra money that is needed. Think of what it would do for the province of Saskatchewan and the West in terms of purchasing power, in terms of the economy because we in the West have always been shortchanged from the standpoint of the national income. I would suggest to the Members of this House that we encourage the farmer to take strong action and support them and lead the way to see that he has a fair income too. And don't ever think that this will not happen. It has happened in Ontario and Quebec and it will happen in Saskatchewan perhaps sooner than you gentlemen think. I can tell you this, I will be the first to help lead them if they want me to and to support them, to carry the ball to Ottawa.

**Some Hon. Members**: — Hear, hear!

**Mr. Baker**: — Well, I was born and raised on a farm. I am sure I know more than the Member from Athabasca (Mr. Guy) about it and could probably tell him a thing or two about farming and many more members across the way. But I am not trying here to toot my own horn but anyway I am trying to convince these people to show how wrong they are. You know, when we first came here, two or three days ago there were rumors and rumors of election, more rumors of election, but boy, they have sure subsided in the last 24 hours. You don't hear a murmur any more. I challenge them to go to the people for an election with this issue. I challenge them to go. And you would see what would happen to the group across the way. They wouldn't be coming back here with the numbers they have. I doubt if they would have four or five left because this is not legislation that is suited to this province at this time when you have a buoyant economy, where we have a thriving community. Yes, costs are up but these workers and the farmers must keep abreast of the growing inflation, the causes for which I have mentioned.

And do you know what this Bill is doing? It is not only taking away the right of strike from all government employees, as I read section 15, it applies to telephones, to the civil service and everybody, because it says departments of government. Now this is pretty broad and I think that they had better have a look at that again. This is broader than it looks. Then it talks about health and water and so forth.

In the city of Regina the people in the Engineer's Department are in Local 21. At no time have these people ever gone on strike and now you are going to take the rights away from a union of something like 800 or 900 people. This is what you are doing; it is so far reaching that you are destroying the very roots of unionism and organized labor. What will it do for the farmer if he wants to go on strike? You are going to shackle him too because this is a necessity of life, it is wheat, bread, and so eventually you are going to have it so all-embracing that even the farmer won't be able to move when the wants to and it will come sooner, as I have mentioned, than you think.

**Mr. Pederson**: — He can't now.

**Mr. Baker**: — Yes, he can. He has an organization and he can certainly go on strike now if he wants to. I am surprised that the member for Arm River (Mr. Pederson) says that he can't go on strike. He certainly can, he has every right to, just as the Quebec people did and the Ontario people. And I am somewhat surprised at the member from Arm River and the speech he made because that is not conservatism as I have read it all my life time. I don't know what party he has joined. I asked him yesterday whether he had a card of the members across the way. And I think if you follow through, where is the progressiveness of the great Liberal party some five or six decades ago, when they did believe in progress. This Bill today is not true liberalism as we studied and were taught in school. This is the policy of no party and therefore it is going to work to the detriment of the Government side while they say we were going to become extinct. I would hope they would call an election on this issue and I am afraid there wouldn't be too many left on the other side.

Anyway, this is all-embracing and it is detrimental. When you start taking away strike action from a union, you may as well say that you have destroyed unionism. You have taken out the heart of unionism, and when you take out the heart you haven't anything left. And may I say to you, Mr. Speaker, that had it not been for organized labor in this country and in the world — the countries that have organized labor — you wouldn't have the standard of living you have today. Our standard wouldn't even be half what it is today. So these people have done a great service to the people of this country. They have done a great service to you and me and even the Members across the way wouldn't be enjoying the prosperity and the standard they have. So here today we are trying to go to the extreme to destroy the very roots and the heart of organized labor and destroy the economy and the standard of living of our people. I am sure, Mr. Speaker, in this day and age living in a city when the railroaders went on strike, you read that some of them were receiving $60 a week with three and four in a family. I ask you how can you support a family of three or four with $60 a week when you are paying $100 a month rent and so forth, which is pretty well the same across the country. Then you condemn these people for going on

strike with this high cost of living in this day and age in Canada. These people deserve a fair standard and I am sure that the Premier even with this tremendous rating and financial wealth would have to agree that the others want a little too.

Now I mentioned earlier the relationships of salaries, and I think the Minister of Public Works (Mr. Gardiner) brought forth two or three classifications. Now the union has asked for 8 per cent across the board and certain fringe benefits. I believe the Government offer, as I understand it, is 4 1/2 per cent on the fringe benefit. One Minister mentioned about the agreements that were signed with the other Crown Corporations in the civil service. I would have been ashamed to mention those rates that he settled with them. I would have been ashamed, because they didn't even cover the cost of living over the past two years. I don't know whether he held a gun at their heads or not but I want to tell you and I will show you that according to the rising costs that this was many percentages too low. And because of the attitude that the Government has taken toward labor I can see that some of these unions, it appears to me, were coerced into signing these documents.

He mentions high taxes. Yes, high taxes created by this Government in the schools.

**Mr. MacDougall (Souris-Estevan)**: — High taxes began . . .

**Mr. Baker**: — The school taxes went way up and I can tell . . .

**An Hon. Member**: — From poor administration.

**Mr. Baker**: — . . . and I can tell the Member for Athabasca (Mr. Guy) in the eight years since I have been there, our taxes have gone up slightly over three mills.

**Mr. Guy (Athabasca)**: — I never mentioned it.

**Mr. Baker**: — But the school taxes have gone up 18 mills. Do something about that because we did take care of our taxes from the municipal standpoint.

As the wages that have been paid, even the good city of Saskatoon has come along and we have compared rates and we pay decent wages. And I will show you how far out this agreement is in wages in just a moment or two. I would hope that the Government would take another look at this because you are taking away the security of organized labor and indirectly you are taking away our security as well. This is the thin edge of the wedge to take strike action out of every agreement. I am sure the teachers are going to be most concerned abut this. Having had the privilege of teaching for eight years myself, I remember in the thirties when we tried to organize a teachers' union. We weren't successful, but thank goodness the teachers today have organized to the extent where they get their fair share of the economy. You and I know that many of us who taught in those days at $400 a year got paid in notes that the Liberal Government of the day would not recognize. So here we are back to the old game to try and destroy the heart of democracy, the heart of unionism, the heart of organized labor. It is the thin edge of

the wedge to destroy labor and that is the trend across the world. Then you wonder why we are getting dictatorships. This is the reason for it. This is what will bring it on much faster and we are starting it in Saskatchewan again.

Then, there is another thing that I see in this whole thing. I think the Government across the way is trying to create a climate for these public utilities to a point where they will have every reason in the world to sell it. This is the key to it all. First they will destroy the union organized groups there; they will try and make it look to the public as if it is a costly giant. Then someone will come along from New York and give them an offer, give them a little down payment and it will look good to the public and it will be sold. And I hope, Mr. Speaker, that if they do take that step that they will give Regina the opportunity of taking theirs back.

When you talk about swelling profits in the corporation, these profits have come from the great utility of the city of Regina. They have really swelled them and I would suggest that you take part of them and give it to the employees who deserve it. It's the Power Corporation and the gas system in the province that have created our economic climate in the field of industry. Thanks to the former government for bringing and distributing this needed ingredient to create a climate for industrial growth which we have today supplementary to our great agricultural wealth. And so these people that are creating this great climate, who make the economy something worthwhile to be proud of, surely they deserve a fair share equivalent to prevailing rates in other industries and other jurisdictions.

At this time I want to present to you some 24 classifications in comparison with the city of Regina and Saskatoon of the rates that are being paid in the SPC. I think you will be astounded to find how low they are. They have a just reason to ask for this increase. And I would say that this same situation which I am going to present would prevail in 75 per cent of the classifications. Here they are: Regina, I am not going read Saskatoon because they are comparative, clerk 1 - $281, this is the maximum rate, SPC union clerk - $214; clerk typist 1 - $294, junior clerk typist in SPC - $253; switchboard operator - $294, this is one where the SPC is slightly up, telephone operator $319; clerk typist 2, Regina $338, clerk typist 2 in SPC $286; you can see the difference, well over $50 a month - clerk 2, Regina and Saskatoon $338, clerk 2, SPC - $319, $19 a month difference; caretaker 1 - $356 in Regina and Saskatoon, caretaker 1, SPC - $320, $36 a month difference; draftsman 1 - $356, the same classification SPC - $322, $34 difference; caretaker 2 $372, caretaker 2 SPC $336, $36 lower in SPC; caretaker 4 - $409, senior caretaker SPC - $357; clerk 3 - $409, senior payroll clerk SPC - $385, $24 less; draftsman 3 - $449, draftsman SPC $422; clerk 4 - $472, same classification SPC - $457, some $15 difference; draftsman 3 - $519, senior draftsman $493 in the SPC; chief clerk - $545, in the SPC $529; labor Regina and Saskatoon $1.92 or $334 a month, SPC - $1.83, 9 cents difference an hour, $318 per month, some $16 a month less; storekeeper - $416 Regina and Saskatoon, storekeeper in the SPC $407, $9 difference; equipment operator 4 - $412 with us, packhole operator which we call equipment operator - $390, $22 less in the SPC; meter reader $412 Regina and Saskatoon, meter reader in the SPC $395; chief meter reader $450, senior meter reader $412 in SPC, $38 difference; instrument man $564 Regina and Saskatoon, instrument man in SPC

$470, $90 less; equipment operator 2, $370 in Regina and Saskatoon, vehicle operator in SPC, a similar classification $336.

And so, Mr. Speaker, I have tried to show that this is unfair that we have met here today and that is why I have asked for adjournment. When you look at these comparative rights and when we in Regina and Saskatoon look for relationships, we look to other cities, we look to the provinces and we have to keep up-to-date rather than have these strike us at once. And this is what has happened with the railroad. These increases weren't given over a period of time. The result was the whole increase came at once, which could have a tremendous impact on the economy, it is quite true. You can't help it when you get that much but if you do, it gradually it fits into the economy and the effects of it are never felt. And so when you take an average and take these altogether you will find that the Saskatchewan Power Corporation is lower on these classifications by $30.08 a month or 8.15 per cent.

He also mentioned that the Minister in charge of Telephones will be getting an increase next year and on to this a 5 per cent would be added in 1967 to our rates. So you see how far behind these rates are. I am not trying to make the Government look black on this. I am trying to show them that negotiations should be carried on and a fair offer made and I think it can be resolved, and that therefore we don't pursue or go ahead with this sort of legislation. I know the Minister of Public Works (Mr. Gardiner) doesn't like it because he brought one or two relationships here and he tried to make them look so good but he didn't look to Saskatoon.

**Mr. Gardiner (Minister of Public Works)**: — Would the hon. Member permit one question?

**Mr. Baker**: — Yes, I would be glad to.

**Mr. Gardiner**: — I would ask if the rates that you are quoting are the salary rates in the cities for 1966?

**Mr. Baker**: — Yes, these are our rates.

**Mr. Gardiner**: — Yes, well the rates for the Power Corporation were 1965, and 1966 rates haven't been approved.

**Mr. Baker**: — But we are giving another five per cent on to this which you are settling. I said this, I gave this.

**Mr. Gardiner**: — No, those aren't the right figures.

**Mr. Baker**: — Pardon me, just a moment. Yes these are December 31st, 1966, at the end of the year, and I have read to you that these are the SPC rates from May 31st, 1966, this year.

**Mr. Gardiner**: — That doesn't include the settlement that will be concluded.

**Mr. Baker**: — Well, I just finished quoting that we added 5 per cent for 1967. This is the contract you are settling for 66-67. So the rates are still the same, the relationships are still the same. Absolutely. I'll give you this, there is nothing to hide here, this is what it is, to the end of December, 1966. Our contract follows the calendar year and we are adding another 5 per cent as from January, 1967, so that what I am giving is the exact figure. I am not hiding anything at all. This is why I am trying to convince the Government that they should sit down and negotiate because you are 8.15 per cent behind and they asked for 8. I am sure these people might have settled for 6 per cent, I heard they would have settled for 5 1/2 across the board. I don't know, we hear a lot of rumors. I would suggest, Mr. Premier, to you and to the Government that you adjourn the debate on this until next November and see what will happen in the next two days. I am sure that you don't like this legislation any more than anybody else, I am sure you don't. When an emergency came up and it was reported the former Government was going to take steps, I understood it explored every possibility it could through mediation, arbitration and conciliation. We have done nothing of this, and this is not to discredit anybody. I think it's fair to see that our workers, and I think you want to see them, have a fair wage and comparative rates. What I am trying to prove is that we are not comparative.

Let me turn to fringe benefits, another picture. I imagine the consumer index was read out in the House the other day but I should like to just mention the 1964 to 1965 index went up 4 per cent, and in the first six months this year from January 1st to July 1st, 3.5 per cent. There is 7.5 per cent in the consumer index along in the past year and a half, and the 4 1/2 per cent isn't even touching the amount that has been offered. Now let's take a look at fringe benefits, the city of Regina and SPC sick leave. In Regina accumulated sick leave at one day per month for service to a maximum of 156 days. On severance of employment with at least ten years' service an employee is entitle to payment of 50 per cent of his unused sick leave in excess of 29 days. SPC accumulated sick leave at 1 1/2 days per month of service over the full period of employment, no gratuity value. Annual vacation, cities of Regina and Saskatoon, three weeks per year after one year's service, four weeks per year provided an employee's years of service meets with the following requirements. Here is what we just find: 1966 they get four weeks after 19 years' service, and it graduates to 1970 where they will get it after 15 years; SPC, three weeks per year with four weeks' vacation after 25 years' service. In Regina we allow them to accumulate up to eight weeks; no accumulation in SPC. Statutory and special holidays, city of Regina, 10 1/2 days; SPC, 10 days. Call-out pay; here is what we do and it ties in, I believe, with your shift ditch differential in that negotiating category. This is what we do, double the regular rate for each hour or portion of an hour the employee is required to work with a minimum of three hours of straight time. SPC, call-out pay at a minimum of two hours or 1 1/2 time the regular rate whichever is the greater. And so, Mr. Speaker, in these few remarks I have tried to point out that what the union is asking for it not outrageous, it is comparative. In fact they deserve the full eight per cent but I am sure they would have settled for five or six. And here we are, called into session for two or three days to come here and bring

many of the farmer members here who should be back home doing their crops who could have a tremendous loss if rain came along, and who are going to get $50 a day which is a mere pittance to leave the wealth they have back home to come here and discuss these matters and a Bill which I think is distasteful to that side and to every person in this House.

So I would say, well let's have a look at this again and let's see if we can make a concerted effort to try and resolve this agreement and try to continue our orderly society, to keep our community thriving as it is. Why ruin something that is good? And as I mentioned organized labor has given us much. Yes, they have created problems too, it's a fact, and it's perhaps not all their fault, perhaps it's management's fault tool. But we have got a good society. Why destroy one of the very roots of democracy? I would appeal to this House that we delay this, that we adjourn debate on this. We are going to meet in November as was mentioned earlier by some to deal with the matter that the Premier has with Ottawa where they indicated they wanted to cut away some $35,000,000 from this province. And I want to tell you, Mr. Speaker, had they tried to do that I would have been the first to rally around the Government or anyone else to stop them from doing it because it is unfair to do that to the province of Saskatchewan. If the Premier had wanted to lead a strike to Ottawa I would have gone along with him. I think that this is a cause that you should stand by and stand by the rights of the working man. By doing this we are protecting our own standard and protecting this great Canadian nation.

So, Mr. Speaker, I am going to support the amendment.

**Some Hon. Members**: — Hear, hear!

**Hon. C.P. MacDonald (Minister of Industry and Commerce)**: — Mr. Speaker, like my friend from Regina (Mr. Baker), I too was not intending to participate in this debate but after listening to the discussion on both sides of the House, I felt that there were a few comments that I wanted to make.

First of all I think, Mr. Speaker, there is one fact that all of us must face. We are gathered here I think in a performance of our responsibilities as provincial legislators. We are called here to consider a Bill establishing compulsory arbitration for essential services in Saskatchewan. The Members of the Opposition I think to date have failed first to admit what is the real problem facing Canada and Saskatchewan, and second of all, they have failed to grapple with this problem.

First of all they have failed to recognize that this problem is so important that it goes beyond the boundaries of Saskatchewan. It goes beyond the boundaries of the Saskatchewan Power Corporation. What is the problem that brings us to this House at this time? First, I believe it is the general question of whether labor has the right to withdraw its services when the collective bargaining process breaks down regardless of the effect it has on the province or a nation, whether a trade union with the objective intending to increase and expand its own wages, its own benefits, has the right to destroy the benefits of

others and the wages of others; second, whether here in Saskatchewan at this time, this state of emergency existing demands compulsory arbitration to end this SPC strike and get the men back to work. To me the arguments of the Opposition have been confused, ambiguous, contradictory and hesitant. They have reminded me a little of a ship without a rudder, a boat without a captain, tossed on the violent storm of public opinion, fearful on the one hand lest they destroy the confidence of their bed partners, the labor leaders, fearful on the other hand of whether or not they would lose the confidence of the farmer and the small businessman. They have approached this whole session on tiptoes, sensing public opinion and recognizing the overall support for this legislation. Let's take a few moments to examine some of their comments.

First of all I think the most outstanding illustration has been the remarks of the Leader of the Opposition (Mr. Lloyd) and his first lieutenant, the member for Regina West (Mr. Blakeney). First of all the member for Biggar (Mr. Lloyd) made the main premise of his speech a tirade against the principle of compulsory arbitration. He termed this Bill and the concept it represents as 'vicious' and 'evil', yet not 20 minutes later the member for Regina West (Mr. Blakeney) stood on his feet and accepted the principle of compulsory arbitration in essential services in time of emergency. His case was that his Bill could well have been avoided had the Government exhausted normal channels.

Mr. Speaker, we have heard much in this debate also about the right to strike from every speaker across the way. Mr. Speaker, every right by its very nature imposes an obligation to respect the rights of others. Strikes have become a disease in Canada, the issue facing Canada at this time is the responsibility of unions regarding the welfare of their fellow citizens. Are strikes the answer when by their action they jeopardize the economics and social health of the entire province or the entire nation?

Let's take two examples. Let's consider the shipping strike in the Unite Kingdom where all of us on this side of the ocean watched while an organization went on strike that cost the United Kingdom millions and millions and millions of dollars. It caused thousands and thousands of workers to be unemployed, it has contributed to the critical crisis in the economic condition of the United Kingdom. It may take it 50 years to recover. Let's take a second example, the longshoremen's strike in Canada. I think all of us are aware that had this strike continued for another two or three weeks it well could have cost Canada not only new markets but it could have cost us existing sales because we would have failed to live up to our commitments overseas. It could have cost the farmers in Western Canada and in the province of Saskatchewan thousands of dollars. It could have meant a real hardship to the little farmer and to the individual in this province as well as damaging the economic health of the whole nation. This is the issue that unions will have to face in the years ahead. Our economic structure is becoming so complex that what affects one industry affects all related industries; what affects one part of the country affects all the country. Not only does a strike that takes place in Montreal affect Saskatchewan, Manitoba, and Alberta but also any unrealistic settlement is translated or reflected in our economy. All of us have heard of the dangers of inflation, all of us have heard of the problems facing

the men on a fixed income, all of us have heard of the problems facing the consumer in the rising costs of living. Let us not point at labor or management specifically as being responsible for this, but any unrealistic settlement certainly contributes to the danger of inflation which all of us must be concerned with and must be aware of. If unions don't come up with some answer and I hold management equally responsible then governments will have to assume that responsibility and this is exactly what is happening today in the province of Saskatchewan.

Let me give you another example of the confusion. My friend, the mayor (Mr. Baker) in the city of Regina, expressed a new economic theory. The first I have ever heard of. He laid the cause of inflation on tight money. Now this is the first time I have ever heard this economic theory expressed. Most economists project the fact that tight money is used to stop inflation. In fact I would hope that if he can project this theory, give it some value, I wish he would write it so that I could have an opportunity to see his arguments. I would also like to say that I am glad that he appreciates the help of those seven Liberals on his council because there is no doubt that they must have contributed to preventing the strikes he referred to. Also as a fellow teacher, Mr. Mayor, I would like to point out that the Saskatchewan Teachers' Federation was organized in 1935 under a Liberal Government, not under any other form of Government.

I would like to make a couple of other comments on some of the remarks of my friends opposite. First of all Members of the Opposition have charged that the penalty clauses in this Bill are sweeping and are aimed particularly at the OCAW. This, Mr. Speaker, is not true. First these penalty clauses will have no impact on any union if they obey the law of the land. This clause says in no uncertain terms that any union that is not responsible enough to obey the law is not responsible enough to represent the employees. The people of Canada today are demanding respect for the law. Every time you pick up the paper you read of vandalism, you read of protest marches, you read of riots, you read of wildcat strikes and so forth, and I think that this law and this prospect for law should include not only individuals and corporations but trade unions as well.

I think another thing the Leader of the Opposition (Mr. Lloyd) stated was that the Power Corporation made no offer until August 16th, five months after they had begun negotiations, and held out that this was a deliberate tactic of the company to stall legitimate negotiations. What he failed to mention was the fact that no meetings were held in the period from April 26, 1966 to June 22, 1966, because the OCAW was fighting for its life against a rival union, the IBEW. They were not interested in negotiations at that time, only in self-preservation. In reality there were little more than three months of negotiations. Compare this to what the Minster of Mineral Resources (Mr. Cameron) told us yesterday, that in 1955 the former Government negotiated for well over a year. He said that the Saskatchewan Government Telephones had solved their negotiations and come to a mutual agreement after only 26 meetings, the shortest period in the history of the corporation. Yet in the negotiations between the union and the Saskatchewan Power Corporation there were only 27 meetings in a three month period. The Leader of the Opposition also charged that the Government and the Power Corporation had failed to exhaust all the normal channels of

bargaining. What he failed to remember and what he failed to say is that it was the union that went on strike, not the Power Corporation. It was the union which left the bargaining table. Why did the union not apply to the Department of Labour for conciliation or mediation? They have the same rights as the Power Corporation. When they went on strike, when they left the bargaining table, it was too late for conciliation, the emergency was here. Also it has been interesting, Mr. Speaker, to hear the charges of the Opposition against this Government of being anti-labor. They have left the impression that they are the only friends of labor.

Let's examine this proposition. What does the working man want? First, job security; second, better wages; third, a higher standard of living. Never before in the history of Saskatchewan have wages been higher; competition is keen for labor services, so never before has their standard of living been as high. Why? I think because it is of the actions of the Government in bringing industry to this province. It is industry that creates jobs. Jobs create unions, not pious words. For example, let's take the P.A. Pulp Mill. In the Prince Albert area there were local agreements with six labor unions. At a pre-job meeting, called by the general contractor of the P.A. Pulp and Paper Mill, 12 unions were represented and within a six months' period, 12 unions will have local agreements in the P.A. area, an increase of 100 percent in union activity. This is what creates unions. It is alternative job opportunity which is the real friend of labor and any government or any organization or any corporation that comes in and makes realistic competition for the services of labor is the real friend of labor.

Mr. Speaker, I would like to very clearly put the position of this Government. We believe that government interference in the process of collective bargaining should be kept at a minimum. We have acted in accordance with this principle. We left no doubt that this conviction when we passed the amendments to the Trade Union Act. The process of collective bargaining represents the principle of free enterprise in its purist application. The right to strike is an integral part of this process. However, it cannot be denied that when strikes threaten certain enterprises such as hospitals and certain public utilities, the welfare of the community as a whole is also threatened with irreparable harm. The irresponsible exercise of the right to strike by a few people can result in serious damage to the health and welfare of many people. The Government has a double function in the industrial relations of this province; first, to protect the rights of the individual and their right to strike; and second, to promote and to protect the public interest. The common good of every person in Saskatchewan is the responsibility of this Government and it must deal firmly and quickly in any emergency that threatens this public interest. The present labor dispute effecting the Saskatchewan Power Corporation is just such a circumstance. We have a clear duty to take action. The legislation in question places restriction on some of our people to protect the interests of the whole population. The strike issue raised by the OCAW has a fundamental implication that we cannot ignore. While the interference with the corporation's activities and the inconvenience to the public as to this date have been kept at a minimum we cannot ignore the fact that this could be raised again at any time, at any place, in any weather, and we could not be assured that adequate service would be guaranteed. The seriousness of this strike cannot be

underestimated by my friends opposite. We have been fortunate. What if Saskatchewan were experiencing the same weather we had last fall, snow, rain, cold temperatures, this strike could have been a catastrophe. Today gas is available only because management stepped into the breach. Some 200 people without overtime pay are working 12 hours a day and some around the clock. Only by dedication and loyalty have they fulfilled the roll of some 1,300 strikers. How long they can last is questionable. Therefore, Mr. Speaker, I think that this strike places an emergency on the people of Saskatchewan; it demands action that is immediate. We can no longer hesitate, we must be prepared for any eventualities that might come in weather conditions or a breakdown of service. I would hope that when this Bill is passed it may never be proclaimed. I would hope, and I am sure I speak for every Member on this side of the House, that both parties will get back to the negotiation table, that they will solve their difference and come up with a compromise that his acceptable to both sides. I think, Mr. Speaker, that this Bill is a good bill insofar as it protects the public interest not only at this time but in the future.

As you can see, Mr. Speaker, I will support the Bill and not the amendment.

**Some Hon. Members**: — Hear, hear!

**Mr. W.J. Berezowsky (Cumberland)**: — Will the member answer a question? Did he suggest in his speech that if utilities were shut down that strikers wouldn't also be suffering?

**Mr. MacDonald**: — No, everyone would suffer.

## ANNOUNCEMENT RE RECORDING THE PROCEEDINGS OF THE COMMITTEE OF THE WHOLE

**Mr. Speaker**: — On the Orders of the Day an Opposition Member asked if it would be possible to record the proceedings of the Committee of the Whole, the Government Members have also indicated support for the request. If it is the wish of the House we would be happy to make the necessary arrangements.

**Mr. J.H. Brockelbank (Kelsey)**: — I want to make one point, Mr. Speaker, in regard to that. If, in Committee of the Whole, the recording is being made I think it would be pretty important that the Members speak from their own seats.

**Mr. Speaker**: — Well, I think this is taken for granted that the Members will have to understand this because the arrangements up here are such that they have to do this to be recorded. I think this should be understood.

**Mr. Brockelbank (Kelsey)**: — In Committee, as a rule as an ordinary thing, we can sit any place and speak from any place.

**Mr. Speaker**: — Well I think that it is pretty well understood by all the Members.

## ADJOURNED DEBATES

### Bill No. 2 – An Act Respecting the Continuation of Services Essential to the Public

The Assembly resumed the adjourned debate on the proposed motion of Mr. Thatcher for second reading of Bill No. 2 and the proposed amendment by Mr. Lloyd.

**Mr. W.G. Davies (Moose Jaw City)**: — Mr. Speaker, since debate began on this legislation some 20 or 21 speakers ago, I have steadily been dispensing with the notes that I have made at the start of the debate and I sat down this morning to make a few new notes on the basis of what I had heard yesterday and some new thoughts that had occurred to me in that time.

I think, Mr. Speaker, that one thing is very, very clear to me indeed in the discussion that we have heard from the Government benches and that is that there has been a consistent attempt on their part to represent this legislation to the farmers of this province particularly as a cure-all for all of the strikes which concern farmers across the length and the breadth of Canada. The Premier set the stage by talking about national strikes feeding the fires of inflation and few other cliches which I do not now recall. Ever since that time there has been a stream of MLAs and Cabinet Ministers from the Government side of this House talking about strikes in auto factories and implement factories and everywhere else across Canada other than the particular area that the legislation is concerned about. It is apparent that they are attempting to convey the impression that somehow they are the champions of the farmer with respect to strikes that concern farmers, that they have the answers and that this legislation provides them.

I would only say to them this, Mr. Speaker, that they have a very practical and ready answer. Their political party is the party in power at Ottawa. Why do they not ask the Liberal party at Ottawa to provide basic and positive answers to the unrest among labor people in this country and in a positive way, not by compulsory arbitration. They well know that was the Federal Government of this country to follow this kind of advice that we have heard from at least some speakers on the Government side of the House, that that party would not be in power 24 hours and would be thereafter decisively rejected by the people in this country. The fact is, Mr. Speaker, that speaking about the legislation that we have before us there is nothing of course here involved that could stem high living costs unless of course the Government wants to hoe the hospital workers of the province down to substandard levels. I think it would be generally agreed in this House that the hospital workers are some of the lowest paid workers and that their earning levels need to be brought up as soon as possible.

I think it was the Member for Cannington (Mr. Weatherald) who talked about the need to consider productivity in wage gains. He talked about the labor slogan being ‘How much can we get’. Well I don’t think that this argument can be applied with respect to the power workers of this province. After all it is quite well recognized that power production is doubling every five

years in Saskatchewan, as well as that the number of power workers, if anything, is declining. If there has ever been a good case for productivity it is in respect to the workers of the Saskatchewan Power Corporation. So that as far as labor unit costs are concerned in the corporation they cannot be said to be inflationary so far as the SPC is concerned. I also remind the House that the profits of the Power Corporation have been at an all-time high. I am cognizant of the remarks of the Premier about high capital costs but there was never a surer proposition for repayment of bonded indebtedness than the Power Corporation of this province.

The Premier — I have mentioned the member from Cannington (Mr. Weatherald) — and the member from Notukeu-Willowbunch (Mr. Hooker), have given us talks indicative of their thinking. I say that this indication is that they would be prepared to take compulsory arbitration far beyond the bounds that are indicated in this Bill. After all, hospital workers, Mr. Speaker, are now covered by this legislation. Have the hospital authorities asked for legislation of this type? Has the Saskatchewan Hospital Association petitioned the Government of this province for this legislation? I think the answer to that must be 'No'. And if the Hospital Association as the management authority has to accept this legislation, what will happen with respect to areas where it has been requested? I refer to the fact that the Saskatchewan School Trustees' Association has requested compulsory arbitration. Are the 12,000 school teachers of this province to be the next victims to be included in the scope of this legislation? I would say that there is every indication that they would be included. And I say to the Minister of Industry (Mr. MacDonald) and the Minister of Education (Mr. Trapp) that as members of the Teachers' Trade Union, the teachers' professional organization that also bargains for them, that they should stand up in this House and vote against the legislation proposed by this Government, if only for that reason.

Then, of course, there are other areas and let us not only consider the areas that affect working people. What abut the nursing profession which earlier this year suggested that it would be following the path of collective bargaining. I wonder whether the intentions of the Government in this legislation were to some extent patterned on the fact that the nurses had declared that they shortly would be entering the ranks of those that bargained collectively. In any case they are hospital workers. I say that they are logical candidates to be included in legislation of this type. Of course yesterday someone mentioned the medical profession. Certainly no one is more essential to health services than the physicians of this province. It is also a logical step for this Government to extend this kind of legislation to professionals like the doctors.

I think the Minister of Mineral Resources (Mr. Cameron) said yesterday that there had been a number of acute differences between the CCF Government of the day and the power union in negotiations and I believe that at the time he was giving his talk he did read some newspaper quotations. I think, fairly, Mr. Speaker, that there were certainly strong differences of opinion at that time. There might have been tempers raised at that time. But the fact is, Mr. Speaker, that the differences were peacefully resolved and that there was no legislation passed simply because there were differences of opinion. I want to say to the Government that there is nothing whatsoever unusual

about blunt talk and tempers being raised during the conduct of collective bargaining negotiations. That is of the very essence of collective bargaining. If the Government is sensitive about that it is high time that it learned a little about the process. As well, I believe, there was some mention about the criticism of the Saskatchewan Federation of Labour by the Minister of Mineral Resources. He pointed out that at the Federation of Labour convention in the year 1955 there had been some very strongly worded resolutions against the policy of the Government at that time. I thought when I heard him speak that this only illustrated how consistent had been the conduct of the Federation of Labour over the years, Mr. Speaker. They were critical when necessary of the Government in 1955 just as they are critical when necessary in the year 1966. Nothing to my mind could be greater evidence of their sincerity and acting for the benefit of the working people of this province. I want also to remind the Hose that in the year 1955 the finances of the province were not quite as bountiful as we see them in the year 1966, when the whole of Canada is enjoying unprecedented prosperity. There is little reason now in the buoyant times that we enjoy to talk about ability to pay because if for no other reason does not now exist in the province of Saskatchewan.

I would like to say a word about the remarks of the member for Athabasca (Mr. Guy). When he started to speak, Mr. Speaker, I was convinced that he would make no positive contribution to the debate and as it proceeded my conviction was amply confirmed. He returned again to this ancient hoary theme about labor bosses from outside of Canada. The Minister for Agriculture (Mr. McFarlane) and others on the opposite side of the House echoed this theme today that there was too much control from the labor bosses from outside of Canada, and that this was responsible for the strikes and the unrest that is taking place across this country today. Well this is utter nonsense, Mr. Speaker, and I think is shown by the facts themselves. For one thing the principal hospital organization that will be affected by the legislation before us is a Canadian union. It does not have its headquarters in the United States of American. The OCAWIU officials in this province are all Canadians and in fact the Canadian members elect their own director. But apart from that, what has been consistent throughout all the stories about labor difficulties during the last ten months if it has not been the fact that members have taken things into their own hands, they haven't been listening to their labor leaders so much as they have been engaged in the type of activity where they have done what they wanted at the time and they have not listened to their leadership. Let's look for example to one of the largest strikes during the last three or four months in the province of Quebec, 32,000 hospital workers who walked off the job. Of what organization are these people members? Of the CNTU – a national union organization with the leadership of course entirely in this country. Now this is the thing that seems to be impossible to get across to the Minister of Labour (Mr. Coderre), and other members of authority and to the members of this Government that there are many reasons for strikes, many reasons for labor difficulties and that these can't be solved by the kind of repressive means that they have proposed in this Bill today.

Let's look at this instant dispute itself. We have heard that it was five months before there was an offer made by Saskatchewan Power Corporation to the union. I want to remind

the House that it was also five months before the Minister in charge of Power (Mr. Steuart) and the General Manager of the corporation came to the bargaining table. I say, what kind of stewardship is this? When serious matters threaten, where negotiations have been going on for this length of time, the head of the corporation and more important, the Minister in charge have not placed themselves face to face with the problem at the bargaining table. I am not here suggesting that negotiations should be carried out every day and when they are going reasonably well with the Minister in attendance, but I certainly think that it is his prime responsibility when there is a serious matter such as the dispute which we have spoken about during the last couple of days.

There has been, Mr. Speaker, a complete lack of leadership not only from the Saskatchewan Power Corporation and the Minister in charge but on the part of the Government itself. In any dispute that affects private industry across this province the conciliation officers of the Government are immediately in contact with management and with union leaders to see if something can be done and to see if they can be useful in effecting a settlement. There is absolutely no evidence, not a shred of evidence before us that at anytime the Department of Labour, or any anytime the Cabinet, has proposed some means of settlement that would have avoided the impasse that resulted in the strike a few days ago. I say this to the Government that they have no reason to believe that if they were to choose, with the union, tomorrow an impartial mediator that the members that are now on strike would not go back on the job. They never bothered to discover whether this could be done, whether this means of resolution could be achieved. They rushed during the harvest season to the Legislature to put this legislation before the House, to my mind, no only because of the strike situation itself but in order to provide for the Premier a sort of a Bismarckian image, one that was going to control economic matters in this province with a firm and an iron hand. And as I have suggested, of course, this is not possible with this legislation, nor indeed with this legislation intended.

The chief matter really before us, Mr. Speaker, today is not the merits of the Bill, important though these matters are, as much as it is the blind attitude and the incapacity of the Government in its labor policy over the past few years. It is evident that the Government does not believe in better farm-labor understanding but that it seeks to inflame the situation that now exists and the difficulties that have resulted for various reasons. Really it is in the long-term interest of the farming people of this province that there be joint understanding on all matters with labor, and here I speak about all people that earn wages and salaries, and not joint hostility. I say that it is joint hostility that the Minister of Agriculture (Mr. McFarlane) and other members of this House have sought to create in the remarks that they have made in this debate. There are, Mr. Speaker, some 500,000 farmers in Canada today out of a labor force of about 7,400,000, and as everyone knows for various reasons that farm force is getting smaller and the labor force is getting larger. We know that the solution to the things that we are complaining about that farmers need lies in an effective farm policy in Canada for farm prices and for something that controls the prices of the things they have to buy for means of production. But support for a good farm policy among the majority of the people of Canada is not going to be found in whipping up and inflaming the Canadian people, farmers against workers

and workers against farmers. It will rather lie in finding a policy that will get support among the majority of the Canadian people who at this moment are wage and salary earners.

I want to remind this House that the Canadian Labour Congress as the parliament of labor in this country has consistently passed resolutions, which have called for the identical things which farm organizations themselves believed are in their interest. As the member for Regina East (Mr. Baker) has pointed out, a good wage policy aids rather than hurts farmers. Where would we be if we were in one of the countries of the world where there are larger populations and poor purchasing power. One has only to look at what has happened as a result of urbanization in this country over the past few years. In this province we have one million more cattle on our farms than we had in 1957. Why? Because first of all working people eat more meat because they have more money to buy it and secondly, because there are more people in the cities. It is not going to help, to reduce purchasing power. It will help to maintain it and to increase it, so that we can diversify our agriculture and increase the possibilities for the farming people who are engaged in it.

I noticed a figure the other day — perhaps dairy production doesn't affect this province. It certainly affects agriculture to a great extent that we are now consuming in this country 100,000,000 pounds more cheddar cheese than about seven years ago. Why? Because of better purchasing power, because we have working people in this country that have a few wages to buy food with. No, Mr. Speaker, I say that the negative policy which tries to make labor the enemy instead of substituting wise planning and good policy is empty, meaningless, and vindictive and will do no one in this province any good whatsoever.

You know, no one denies that strikes are sometimes disrupting but I listened patiently during the last day and a half. I hear all kinds of examples about the evils of strikes from the members in the Government. Not once have I heard any reasons of extenuations for the working people concerned. I don't know whether the members of the Government are aware that for every strike that occurs there are 99 agreements concluded. This is less in the long-time average than one per cent of the agreements of this country that are affected by strike. There are 35 days lost by accident and sickness for every day that is lost in strikes. And another 40 days over the last 20 years lost by unemployment for every one lost in strikes. But strangely these more positive statistics never appear in the speeches of my hon. friends opposite. Their whole policy and attitude seems predicated on a criticism of organized labor and I say this is again based on a policy which seeks to criticize organized labor in order to get support from the farming people of this province.

I want to say a word, Mr. Speaker, about the question of arbitration. My first comment is that the paramount defect about arbitration, compulsory arbitration, is that it doesn't work. I want to digress here to say that arbitration has its place in industrial relations. It has its place where it is an agreed-on form and there are literally thousands of disputes every year in this country that are resolved by arbitration of matters occurring within the terms or the period of a collective bargaining agreement. But compulsory arbitration has never been a means to prevent strikes here or anywhere else. Some one has talked about Australia and I think Australia admittedly is a

fine example of the application of compulsory arbitration. I think one figure was given here to illustrate the lack of success in the year 1960 or a year around that time. I want to say that in the six post-war years from 1945 to 1951 Australia with compulsory arbitration had 6,062 stoppages of work. During the same period, Canada with no legislation for compulsory arbitration had 1,113. Now, considering that Australia's labor force is about two-thirds that of Canada the difference will be striking as well as apparent. It's my submission, Mr. Speaker, that the majority of people who are actively engaged and best understand labor-management relations in Canada are opposed to compulsory arbitration. It is generally agreed that more positive, more meaningful, more thoughtful considerations have to be employed to solve the very intricate questions that confront us today. It's no secret, may I say, that there are many management people right in this province who have been exposed to the enforced arbitration principle that are profoundly distrustful of it and who wish they would no longer have to deal with it.

It is said by the Government that in the case of bargaining units like hospitals there is no alternative to compulsory arbitration. I want to suggest that this position is quite fallacious and quite deficient. Mr. Speaker, thinking people in both management and labor are fast realizing that what is really needed in this country is a strengthening and supplementing of existing labor law of all coordinating machinery that is likely to meet the problems that give rise to labor disputes. The enormous degree of unrest that is particularly noticeable this year, I think, can be blamed on a variety of factors and of course, particularly the high cost of living which has been going on for more than two years and which is not being coped with in any real way by the Federal Government of this country which is of course the same party as the ruling party of this House. I have already suggested that people who blame the labor boss for alleged intemperate appetites have really missed the mark and that there has been a genuine and a pervasive and a spontaneous movement among the working people of this country to overcome the troubles that have resulted in inflation and have done it in the only way that they know how. There is no doubt that they are demonstrating in effect against the mounting cost of living in the midst of high profits.

I heard members from the other side of the House, Mr. Speaker, talk a good deal about strikes. I heard no figures whatsoever about the exorbitant profits which are taking place in this country and which, I think, are in large part responsible for the difficulties that have arisen. Let's take for example, an item from the Financial Post of February 1, 1966, which talks about the profit of General Motors at $2,126,000,000. It goes on to say that this represents 40 cents profits, net profit incidentally, for every one dollar paid out in wages and that this was a 23 per cent increase over the company's record in 1964. The same is true with respect to other auto companies, farm machine companies, and other corporations.

Now, Mr. Speaker, I say that the atmosphere that we know of in Canada today is not going to be dissipated by measures like compulsory arbitration. A prices investigation board as proposed by my party would be, I think, of some assistance. We need an overhauling. We need an overhauling of labor legislation and its machinery to provide for more extensive and more skilled voluntary mediation an conciliation. I think that his would do much

to prevent troubles before these troubles develop. We need tripartite consultation between government and labor and management. This has to be nurtured to a far greater extent than has been the case and I don't say this as personal opinion. This is offered also by the Economic Council of Canada. I say the record of the Government is hardly commendable in this regard. What has the province done, for example, to encourage and assist the Saskatchewan Economic Council in promoting these contacts? As I understand it, the grants that were formerly given to this Council have been cut off. Now, this is one place where these approaches, where these ideas and thoughts could be developed. It's one meeting place for labor and management that is withering on the vine because of lack of encouragement. I say that the record has rather been that the Government has been more concerned with efforts to hurt and hamper labor organization than to permit to expand and to flourish.

The Bill before us now, Mr. Speaker, is of a piece with those who talk about restricting labor's rights rather than tackling the causes that labor legitimately reacts against. It would be bad policy for a private company, for a government that should have its eyes on up-to-date modern approaches to labor relations. I say that it's sour and ineffectual labor law but not too late for the Government to turn back on the adamant stand that it has taken. I said a few moments ago that there is no one in this House who can say that if mediation was offered by the Government at this moment that the union would not be prepared to return to work and take the results of that mediation. And Mr. Speaker, I talk about the impartial mediation, not the kind of conciliation that was offered in the Government appointment to the Basken board a year or so ago.

**Some Hon. Members**: — Hear, hear!

**Mr. Speaker**: — Order, order, order! Now, I am going to have to ask the visitors in the gallery to please maintain order because otherwise the Members in the House cannot hear what is being said. Applause, interjections from the gallery are not permitted in the House.

**Mr. Davies**: — Mr. Speaker, I was the unwitting reason perhaps for that display and I apologize to you, Sir. But I suggest that the appointment of an agreed-on mediator, Mr. Speaker, would have a very positive object and it would present us with the opportunity of seeing a successful mediation. I feel that with that kind of a mediator it could be successful. If this were done there would be no reason why the Legislature could not recess.

Mr. Speaker, in the absence of this action I must oppose the Bill and support the amendment because first of all the Bill calls for permanent, continuous arbitration in the areas designated rather than that which deals with a single dispute, because the record of the Government has apparently led to the dispute we are asked to solve by restrictive means, because in any case this law is bad law and has no real solutions, it seeks to embrace not only the workers in the SPC dispute but many others, and because it is not in keeping with sound labor relations. I appeal to this Government, Mr. Speaker to withdraw this Bill and to substitute for it the kind of positive action that I have tried to suggest.

**Hon. W. Ross Thatcher (Premier)**: — Mr. Speaker, my remarks this morning will be extremely brief. I believe that this debate has been a useful one. Many suggestions have been made. Many alternatives to the proposals have been put forward.

One point I must make this morning. This Bill is being brought in by the Government, not because we want to bring it in but because there is no reasonable, sensible alternative to solve this Power Corporation strike at this moment.

**Mr. Speaker**: — We have a procedural technicality here at the present time. We are debating concurrently a motion and an amendment. Now the mover of the motion has not spoken to the amendment and he is entitled to do so. But I ask, is he speaking to the amendment or closing the debate?

**Mr. Thatcher**: — I was closing the debate, Mr. Speaker.

**Mr. Speaker**: — Well, in that case I have to warn the Members of the House that the mover of the motion is about to close the debate. If anybody wishes to speak he must do so now.

**Mr. Thatcher**: — Well, as I indicated a moment ago, Mr. Speaker, we believe that so far in this debate no realistic alternative has yet been proposed to end this power strike. The amendment moved, in our opinion, is not realistic. It is not practical. Now, as we sit here this morning I think we should realize the hard facts of life. As has been indicated, there are thousands and thousands of people who depend on gas for heating their homes. There are hospitals, old age institutions, and so on, which depend upon gas.

**Mr. Speaker**: — Order, order, order! I have to once more warn the members in the gallery that this debate has to be conducted with order for both sides. If there are any further interjections from the gallery I will have no other alternative but to have them cleared. I hope that is the last time that we will have an interjection of that nature. If there is a further interjection, Sergeant at Arms, you will clear whichever gallery the interjection comes from.

**Mr. Thatcher**: — I appreciate your remarks, Mr. Speaker, and I want my hon. friends in the gallery to realize that their presence here in no way pressures the Government. Indeed the opposite might be the case.

Now, Mr. Speaker, if this strike should continue a few more days there could be major industries in this province which would have to cease operations and it could be that many of our people would be out of work. I have been informed by management of the corporation that in the city of Estevan there was a real danger yesterday morning that the Estevan plant would be closed down, Boundary Dam. The workers finally went back in the afternoon.

Now, there is a crisis in the province of Saskatchewan. We believe that this legislation is designed to end that crisis. I met this morning with a number of the officials of unions throughout this province and they asked us to withdraw the legislation. They said even if you have to go ahead with the legislation as far as the power union is concerned, at least withdraw it where the hospitals are concerned. Now, why are we including the hospitals at this time? We know that a few weeks ago in the province of Quebec there was a major hospital strike. Lives were in danger . . .

**An Hon. Member**: — Liberal government.

**Mr. Thatcher**: — As a matter of fact, it was another Conservative government, as a matter of fact.

We think it does not make sense to call the Legislature in to a session every time there is a strike. We are going to have that legislation if an emergency should arise. I hope we will not have to use this legislation. It will be on the shelf but make no mistake if emergencies arise where the public interest is at stake it will be used.

**Some Hon. Members**: — Hear, hear!

**Mr. Thatcher**: — The Government has not changed its mind one iota since this debate began. When this Bill is passed we will call the union in, the Government will call the union and the management in, if they are agreeable and we will make one final proposal to try and settle this power strike. If our suggestions are not accepted the Act will be proclaimed and the union will have ten days to get its workers back to work. Otherwise they will face decertification.

Mr. Speaker, if there is one thing I am convinced of these last few days from the phone calls and the telegrams that I have received, it is that universally throughout Saskatchewan there is support for the Government's position at this time.

**Some Hon. Members**: — Hear, hear!

**Mr. Thatcher**: — The consumers want action.

**Mr. Smishek (Regina East)**: — Produce the telegrams.

**Mr. Thatcher**: — The farmers want action. Even many members of my hon. friends in the power union want action and as we finish this debate I would remind you, Mr. Speaker, that this Government hasn't just talked about helping labor. We have acted. We've got dozens and dozens of new industries and mines into this province, once the dead hand of Socialism was removed, that have given our labor unions new unions, new jobs, at better wages than at any time in their history.

**Some Hon. Members**: — Hear, hear!

**Mr. Thatcher**: — And I think many union members appreciate the fact that there is a labor shortage in this province at the moment

of about 15,000 people.

Now, I just want to refer to one other matter this morning. The hon. member for Regina East (Mr. Baker) suggested that perhaps the government should call an election on this issue. Now, I think the people of Saskatchewan and people of Canada have had enough of elections at this time but if an election should be necessary to finalize this issue this Government will not shirk from calling it.

**Some Hon. Members**: — Hear, hear!

**Mr. Thatcher**: — We say that union members in this province should be treated as fairly as any other member of our community. No better. No worse. We believe in special privileges for no group and equal treatment for others. And if my Socialist friends want an election on this issue just keep pushing us.

**Some Hon. Members**: — Hear, hear!

**An Hon. Member**: — Some twisting, that is.

The amendment was negatived on the following recorded division:

**Yeas — 24**

**Messieurs**

| | | |
|---|---|---|
| Lloyd | Whelan | Snyder |
| Hunt (Mrs.) | Nicholson | Broten |
| Wood | Dewhurst | Larson |
| Nollet | Berezowsky | Robbins |
| Walker | Michayluk | Pepper |
| Blakeney | Smishek | Brockelbank (Sktn. City) |
| Davies | Link | Thibault |
| Baker | Willis | Wooff |

**Nays — 30**

**Messieurs**

| | | |
|---|---|---|
| Thatcher | MacDougall | Radloff |
| Howes | Grant | Romuld |
| McFarlane | Coderre | Weatherald |
| Boldt | Bjarnason | MacLennan |
| Cameron | Trapp | Larochelle |
| Gardiner (Melville) | McIsaac | Hooker |
| Heald | MacDonald | Coupland |
| Guy | Gallagher | Gardner (Moosomin) |
| Merchant (Mrs.) | Breker | Mitchell |
| Loken | Leith | Pederson |

The motion was agreed to on the following recorded division:

**Yeas – 30**

**Messieurs**

| | | |
|---|---|---|
| Thatcher | MacDougall | Radloff |
| Howes | Grant | Romuld |
| McFarlane | Coderre | Weatherald |
| Boldt | Bjarnason | MacLennan |
| Cameron | Trapp | Larochelle |
| Gardiner (Melville) | McIsaac | Hooker |
| Heald | MacDonald | Coupland |
| Guy | Gallagher | Gardner (Moosomin) |
| Merchant (Mrs.) | Breker | Mitchell |
| Loken | Leith | Pederson |

**Nays – 24**

**Messieurs**

| | | |
|---|---|---|
| Lloyd | Whelan | Snyder |
| Hunt (Mrs.) | Nicholson | Broten |
| Wood | Dewhurst | Larson |
| Nollet | Berezowsky | Robbins |
| Walker | Michayluk | Pepper |
| Blakeney | Smishek | Brockelbank (Saskatoon City) |
| Thibault | Baker | Willis |
| Wooff | | |

**Mr. J.H. Brockelbank (Kelsey)**: — Mr. Speaker, I would like to say that I was paired with the hon. member for Shellbrook (Mr. Cuelenaere) who is ill. If I had voted I would have voted against the motion.

## ASSEMBLY IN COMMITTEE OF THE WHOLE ON BILL NO. 1:
## An Act to Provide for the Postponement of The Tabling of Certain Documents

The question being put on Bill No. 1 it was agreed to.

## ASSEMBLY IN COMMITTEE OF THE WHOLE ON BILL NO. 2:
## An Act Respecting the Continuation of Services Essential to the Public

### Section 2

**Mr. W.E. Smishek (Regina East)**: — I would like to make several observations in respect of this section and make a few suggestions.

First, Mr. Chairman, in respect of item (c) of Section 2 of the Bill, I note that the meaning of the "employee" is entirely different to that described in the Trade Union Act. In the Trade Union Act the meaning of "employee" reads this way:

> Employee means any person in the employment of an employer, except a person having and regularly exercising authority to employ or discharge employees or regularly acting on behalf of management in a confidential capacity, and includes a person on strike or lock-out in a current labor dispute who has not secured permanent employment elsewhere.

Mr. Chairman, the definition of an "employee" here is well understood. Over the last 20 years there have been all kinds of interpretations both in court and by the Labor Relations Board and I think the meaning of an employee is well defined in the Trade Union Act. I am at a loss to understand why the Government here would try to have new wording and in this particular section I am amazed that its wording could mean, as I see it, persons who are in a management capacity. In other words, a manager of a particular plant or shop could be defined as an employee and therefore all the relevant other sections of the Act could be made to apply to a person in a management category. Mr. Chairman, I would like to have an explanation from the Members on the Government side of the House as to why they did not see fit in this Bill, to provide for exactly the same meaning and definition of an employee as defined in the Trade Union Act which I think would be much more appropriate, much more understood, much more defined. I would suggest, Mr. Chairman, to the Government side that it really withdraw this present provision and substitute it with a provision that is in the Trade Union Act. Mr. Chairman, I am wondering in order to expedite things whether we can get an answer on that one. I do have further observations on item (g) and (h) and I think it would save time if we handled them on an individual basis.

**Hon. D.V. Heald (Attorney General)**: — Mr. Chairman, it is our view that the definition of "employer" is clear indeed. "Employer" means the person engaged in the supply of the service or services mentioned in a proclamation. That identifies the employer. (c) says that "employee" means any person in the employ of an employer. We think this is clear. We don't think you need to have a lengthy definition as the one that is in the Trade Union Act. This is an emergency

Bill. It's made to apply to certain employers and those are the employers which are mentioned in the proclamation and the employees are the employees of that employer. We think it's clear.

**Mr. W.G. Davies (Moose Jaw City)**: — Mr. Chairman, does not the Attorney General (Mr. Heald) feel that it is better to have consistent definitions. This Bill also refers to decertification. There are some of the procedures that refer to the Labor Relations Board. Surely there is some desirability in having consistent definitions.

**Mr. Heald**: — Well, with respect, Mr. Chairman, I believe it is my opinion that these definitions are consistent. I know my friend from Moose Jaw (Mr. Davies) may not agree but I think that the purpose in drafting legislation is to make it clear. I submit, with every deference, that these definitions are clear.

**Mr. Davies**: — My only question then, Mr. General (Mr. Heald) is, what objection is there to including a definition that already exists in the basic Labour Act on labor relations?

**Mr. Heald**: — Well, we think that this definition does the job that has to be done in this statute and we think that this is a desirable way of drafting the definition. You may not agree but we think it's clear. I would agree with you that it's desirable to have definitions in a statute which are clear and unambiguous. It is our view that these are unambiguous and will not give any difficulty at a later date.

**Mr. Smishek**: — Mr. Chairman, I do not agree with what the hon. Attorney General (Mr. Heald) had to say but I will leave that item without further discussion.

Under item (g), Mr. Chairman, on page 2, same section, in the draft that was given to us, I note that reference was made that this section, of this clause is taken from the revised Statutes of Canada of 1952 with some amendment. I checked the federal statute and find that there is a very significant change, very important amendment, and that is in the last two lines, the words "but does not include the dismissal by an employer of employees who have failed to return to work". Mr. Chairman, I am wondering whether the Government has considered the possible situation that in a lock-out an employee who might have been locked-out and then when the lock-out ceases does fall sick during this period and is unable to return to work, or during that period he might be visiting not knowing what the situation is like, he might be taking a vacation. There are any number of circumstances in which people might be called away, there might be deaths in the family, as after all when a lock-out would occur by the employer, people would still continue living as normally as is possible. Now in this situation, really what the Government is proposing in here is that once the lock-out is over and an employee does not return to work he is subject to dismissal. Mr. Chairman, I would ask, there is another part of the word, the word lock-out means, I notice in the federal bill it reads "lock-out includes" and all the words follow up to the word "employment"

in the last section. I would again beg the Minister in charge to delete those last two lines that I have described. I think in the case of the federal legislation there has been some experience with this provision. There have been some interpretations and definitions and I think that there is reason for having some conformity and I think those last words are unnecessary.

**Mr. Heald**: — Mr. Chairman, the last two lines that the Member for Regina East (Mr. Smishek) refers to were put in specifically because it was felt that with the definition as it was without those last two lines after the word "but" it could be argued that an employer who dismissed employees would still be included in the definition of "lock-out". Now, as I understand the position, the proclamation is issued under Section 3 of this Bill and the other operative provisions of the Act come into play, then a strike would be illegal and the employees would be required by the law to come back to work. As I understand the position, the agreement between the SPC and the union provides that in these circumstances if they do not come back to work management is entitled to dismiss them, so that is what is covered. This eventuality is that if they do not come back to work this could not be interpreted as a lock-out. Now, my friend from Regina East (Mr. Smishek) posed the case of someone who by reason of bereavement in the family or by reason of sickness and so on did not come to work. I am advised that that is included in the collective bargaining agreement and the management would not be able to dismiss an employee in those circumstances.

**Mr. Smishek**: — The Minister is referring to the SPC situation remembering that the Act does not apply just to the SPC. It applies to hospitals, it applies to all kinds of other people who might not have that kind of provisions, as there are in the case of the SPC. We would be happy, as we did suggest, to make an Act to apply to the one situation but you did not do that, Sir.

**Mr. Heald**: — Well, my friend from Regina East (Mr. Smishek) knows a lot more about union agreements than I do and perhaps he could answer a question for me. Do you know of any agreements in any of these unions that are covered here where there isn't that type of clause dealing with the right to dismiss in the event that they don't return to work when it's illegal, as would be the situation here after the proclamation?

**Mr. Smishek**: — I would say, Sir, that most of the contracts do not have those kind of provisions.

**Mr. Davies**: — Come on. Surely here we are not dealing with union agreements. We are dealing with the law. We are trying to find in the law the kind of protection that will be reasonable under the circumstance and here we have sentences that talk about dismissal of employees who fail to return to work. That is a very, very general proposition. Someone might have failed to return to work from a distance of a few hundred miles because of the failure of his automobile to function and as the member for Regina East (Mr. Smishek) has said there may be other good and sufficient reasons why there would be a temporary failure. I want to point out too that in disputes of this kind it may very well be

that a delay to return to work might be temporary, as occasioned by the feelings of people in the dispute. The recent railway dispute is a case in point but everyone knows here that realistically within a few weeks, when there has been a chance for everything to cool down, that this will be a thing of the past. Now, are we suggesting here that because of some temporary thing, people with seniority will lose all their rights or that people will be discharged simply because they had not come back within a day or two of the proclamation. It seems to me here again there has to be some reasonable treatment of the legislation. If it is placed so rigidly that it will cause difficulty, it seems to me the Government should look to making a change here.

**Mr. Heald**: — I don't know that I can add anything to what I said before except that we feel that in all circumstances within our knowledge there is protection to the employee in the type of situation that you describe.

**Mr. Smishek**: — This applies in the lock-out section, a situation which the employer might create. I am not saying that there might be reasons that you might not want to do it, but surely, Mr. Minister, in those kinds of situations that I have described, there should be no reason to penalize the employee. I would ask you to reserve this particular section and over the lunch hour give it some further consideration with a view to deleting those last two lines.

**Mr. Heald**: — I want to make it clear that that subsection that we are talking about doesn't give a right of dismissal. It doesn't confer a right upon the employer that he would not otherwise have under a collective bargaining agreement. It simply provides in the definition of a lock-out that a lock-out would not include a dismissal in the circumstances. We are not interfering in any way with this definition with the rights between the management and union as contained in the collective bargaining agreement. We are not conferring a right that they don't otherwise have.

**Mr. Davies**: — I just wanted to add this, that there may be no agreement apropos of this reason that an agreement may govern and may protect. In a lock-out it may result after the expiry of a collective bargaining agreement or the employer may terminate it for one reason or another quite lawfully so that there is no protection in a case like that at all, so that it seems to me that the argument about agreements is not necessarily applicable.

**Mr. Smishek**: — In respect to clause (h) of the same section, I move, seconded by the hon. member from Saskatoon (Mr. Link), my seatmate, that clause (h) of Section 2 is amended by deleting this words: "an understanding" in line three thereof and substituting therefore the words "a common understanding".

**Mr. Heald**: — Mr. Chairman, I was only going to observe · ·· I am going to agree with it.

**Mr. Chairman**: — Then let me read this. I think this amendment is in

order. It has been moved by the hon. member for Regina East (Mr. Smishek), seconded by the member for Saskatoon (Mr. Link) that clause (h) of Section 2 is amended by deleting the words "an understanding" in line three thereof and substituting the words "a common understanding". The debate continues on the amendment.

**Mr. Heald**: — Mr. Chairman, I was only going to observe that the member for Regina East (Mr. Smishek) was kind enough to discuss this with me a little while ago. We looked at this and we can't see any objection to this wording being put in. It was perhaps an error in draftsmanship that it wasn't repeated and we don't object to the amendment.

**Mr. F.A. Dewhurst (Wadena)**: — Mr. Chairman, on this motion you have a mover and a seconder. I believe the rules in committee are if a seconder doesn't make it null and void, it doesn't need a seconder. I thought I would raise that point so that you wouldn't get in that tangle later on.

The question being put on the amendment it was agreed.

The question being put on Section 2 as amended it was agreed.

**Section 3**

**Mr. G.T. Snyder (Moose Jaw City)**: — Mr. Chairman, this particular section paints with a pretty wide brush. It includes the employees "in the operation of any system, plant, or equipment for furnishing or supplying water, heat, electricity or gas service to the public or any part of the public; or (b) employees engaged in the provision of hospital services anywhere in the Province". I think it is extremely clear, Mr. Chairman, that a simple amendment to this Clause could very well include any group of organized workers on the whim of the Government and this could be done, of course, by virtue of their superior numbers. I don't expect that we need very much imagination to know what the decision of the Government would be if within a few days' time the telephone workers or perhaps the teachers of the province of Saskatchewan decided to withdraw their services for any reason whatsoever.

I am particularly concerned, Mr. Chairman, that without provocation the hospital workers in the province of Saskatchewan have been included in this grouping. I understand that this classification, this broad classification of hospital workers, includes the workers in geriatric centres, in mental institutions, in nursing homes, and I think once again it's fitting to point out that the record of these people has been a record of dedication and of responsibility. There has never been a strike to my knowledge of these workers. There has never even been a strike vote taken among these groups. I mentioned yesterday, Mr. Chairman, during second reading that the income tax survey which is put out by the Income Tax Department on classification by employment shows that these hospital workers are at the bottom of the wage scale, with the exception of farm laborers. Well, Mr. Chairman, I think this is something that is extremely important to us at this time when we recognize that the Department of Health has the authority to hold a tight rein on hospital expenditures. I suggest to you that the passage of legislation

including hospital workers is going to be a signal for hospital boards to be frugal at the expense of a group of people who are at the bottom or next to the bottom of the Canadian wage scale. This strike weapon being removed, Mr. Chairman, in spite of the fact that I doubt that it would ever be used, has the effect of rendering their organization impotent, and as I said yesterday the organization is relegated to the position little better than that of a debating society.

I think, Mr. Chairman, that it's extremely appropriate to take note at this time of a submission which was made by the organized hospital employees of Saskatchewan to the Minister of Health on July 26, 1965. In their submission, in the latter pages of the submission they say this:

> We think we are on sound ground in insisting that our representatives be permitted to engage in free collective bargaining with management, with management spokesmen who have conferred upon the actual authority to arrive at agreements with us on all labor-management questions.

At that time within earshot of some 50 or more people, Mr. Chairman, the Minister of Health said he agreed with the hospital workers and he agreed that compulsory arbitration was not the answer to settling these disputes.

I think in view of the expression of good faith and good judgement of the Minister, at least at that time, that some consideration should be given to this section with the thought at least, Mr. Chairman, of deleting from the group mentioned here, the hospital workers of Saskatchewan.

I would hope that the Government would give consideration to the motion which I intend to move, Mr. Chairman. I move that Section 3 be amended by deleting therefrom the words "or (b) employees engaged in the provision of hospital services anywhere in the Province". I move, Mr. Chairman, seconded by Mr. J. A. Pepper (Weyburn).

The Committee recessed at 12:30 o'clock p.m. until 2:30 o'clock p.m.

**Mr. Chairman**: — The amendment is in order and the debate continues on the amendment.

**Mr. E. Whelan (Regina North)**: — Mr. Chairman, I am in favour of the amendment for a number of reasons. First, the Hospital Association has not asked for this legislation. Secondly, this is a stinging, underserved rebuke to hospital employees who carried on their duties conscientiously and loyally without conflict with their employers. Three, the proposed legislation places hospital workers, by legislation, in an economic straight jacket. Four, it will be difficult to obtain hospital employees and the standard of medicine in Saskatchewan will suffer as a result. Five, it removes a basic freedom hospital workers enjoy to withhold their labor from the market.

Why was this legislation introduced? Well, perhaps we can guess. Perhaps the author of this section is a Government which plans to cut back payments to hospitals and therefore bring about

a situation that will prevent hospitals from giving their employees any increases. The Government will be responsible for the hospitals' shortage of funds. The Government realizes there is bound to be a problem and perhaps the legislation is intended to head it off.

In Saskatchewan hospital employees have considered themselves a necessary part of the overall medical services. They are conscientious. They are dedicated people. To slap this sort of legislation on them like handcuffs for no proven reason is undeserved, unfair, and a rebuke.

A hospital worker in my riding with at least 15 years seniority receives less than $350 per month. This man with five children pays a very high rent. This legislation will force him to lower his standard of living in order to survive.

One look at this proposed legislation will prevent our young people from taking up employment in the hospitals. In order to obtain employees we will go to the Philippines or some far-off land and persuade them to come here to work for us. They will have no knowledge of the type of government here and in their innocence they may come to this province temporarily. The long years of experience our present hospital workers have will be available to hospitals in British Columbia and Quebec where there is no compulsory arbitration. Or their experience will be lost because our hospital workers will seek employment that is remunerative in other fields. For years Members opposite have screamed compulsion. Now it is evident that compulsion when applied to hospital workers as a coercive method is fine, it is helpful, it is wonderful. The only time the Government is opposed to compulsion is when it harms insurance companies, corporations, or giant financial institutions, friends of theirs. Hospital workers who have never left their jobs, who have never left a patient unattended, who are being found guilty without evidence, should not be included in this legislation.

I support the amendment.

**Mr. W.E. Smishek (Regina East)**: — Mr. Chairman, I too want to add my support to the amendment proposed. At the same time I would like to pose some questions to the hon. Attorney General (Mr. Heald) as to how broad and sweeping this particular provision could be made — at least it seems to me it could be — particularly when the first reference is in the opinion of the Lieutenant Governor in Council, in other words in the opinion of our Premier, I would not like to have this kind of power granted to any government but particularly to this Government and to the Premier in the light of his attitude. In clause (b) it seems to me, Mr. Chairman, that any number of people could be included in it. Employees engaged in the provision of hospital services anywhere in the province. It doesn't say directly, it could mean that those people who indirectly supply the hospitals as well. I could mean the dairy workers possibly. It could mean the food wholesale people. It could mean the packing-house workers. It could mean the bakery people and so on. Remember it is in the opinion of the Lieutenant Governor in Council. Mr. Chairman, this provision really frightens me that, while on the one hand we say there is a limited group, these kinds of extensive powers are given to the Government without the right of appeal to anyone. It is merely their opinion an no one can appeal their opinion

to anyone and, Mr. Chairman, I do not agree or support many of the opinions of this Premier and his Cabinet Ministers.

**Hon. D.V. Heald**: — Mr. Chairman, perhaps it might be useful if I were to briefly review for the members of the Committee this clause and perhaps mention one or two of the clauses in other Bills in other provinces in Canada.

This Section is very similar to a section in the Alberta Act, the Labour Act of Alberta passed in 1960. Section 99 of that Act provides that where at any time in the opinion of the Lieutenant Governor in Council a state of emergency exists in the province in such circumstances that life or property would be in serious jeopardy by reason of — and then it goes to detail the same things that we have detailed here in (a). The wording is a little different. (b), the stoppage or impending stoppage of hospital services in any area of the province. Now we have substantially adopted that wording but so that there would not be confusion as to what was included in hospital services we have gone further than the Alberta Act and we have provided a definition in Section 2 of hospital services. Now dealing directly with the question raised by the member for Regina East (Mr. Smishek), he said hospital services, what does it mean? This Section says "employees engaged in the provision of hospital services". "Hospital services" are defined as "including services provided in any hospital" not to any hospital, not the milkman or the grocery man or the green grocer, "hospital services provided in any hospital, geriatric centre, nursing home or any similar institution". So I submit that that is quite clear as to what is meant.

So we have the Alberta precedent, Mr. Chairman, where this procedure is adopted and it is in the opinion of the Lieutenant Governor in Council and this is what we are doing here.

Now in the Manitoba Labour Relations Act, passed in 1959, the application of the Act incidentally in Manitoba is much wider than the application of this Act. I would just like to read to the House the application of the Manitoba Act: employees of the Manitoba Power Commission, employees of the Manitoba Telephone Company, the Manitoba Hydro-Electric Board, the Winnipeg Electric Company, and this one is interesting — employees appointed by the Liquor Control Commission. They are all included. And then there is a section similar to our section, Section 78 of the Manitoba Act: "the Lieutenant Governor in Council may declare that the uninterrupted work of the employees or certain of the employees · ·· is essential to the health and wellbeing of the people of the province or of some of them".

Then, of course, we have similar wording in the Quebec Act; we have similar wording in the Ontario Hydro Electric Act which was passed in 1961. This seems to establish, Mr. Chairman, I suggest, a certain basic principle which has been adopted by many of the provinces in this country, that in certain essential industries the public interest and the life and health of our people and the preservation of property dictate that there be no strikes and this emergency procedure be allowed to continue. On this basis, and not because I can't agree with what one of the Members opposite just said, that the hospital employees are being put on trial, they are not being put on trial at all. This is an Act which is there to take care of eventuality which we

hope never happens and I think it is significant that in Alberta, this Act was passed in 1960 and within my knowledge it has never been used by the Lieutenant Governor in Alberta. We hope that this is the situation here.

One of my friends said that he was not prepared to trust the discretion of the Lieutenant Governor in Council. Well this is strange I think coming from the Members opposite because I can remember sitting in the gallery a number of years ago when I wasn't in the Legislature and hearing Tommy Douglas and Clarence Fines saying that the Legislature and the members of the Executive Council were the highest court in the land. They were duly elected representatives of the people. We take our responsibilities just as seriously as you did when you were on this side of the House and, believe me, we realize that this is a power which is not to be exercised lightly and we will exercise it in the interest of the people of this province.

I cannot support the amendment.

**Mr. A.E. Blakeney (Regina West)**: — Mr. Chairman, I think that many of us would share the wish of the Member for Lumsden (Mr. Heald) that the Lieutenant Governor in Council and the members of the Council would discharge their duties properly. If all of the members were as temperate in their outlook as the Member for Lumsden there might be more assurance on this side and less reason for misgiving.

**Some Hon. Members**: — Hear, hear!

**Mr. Blakeney**: — I do want to point out that the Alberta Act is narrower in its application than the Saskatchewan Act. This is another illustration of the manner in which this Act was complied. Various precedents were followed, in every case the most rigorous precedent was adopted, or very nearly. In every case, as least for some strange reason the Alberta wording was not followed. In Alberta the Act only comes into effect if there is serious jeopardy by reason of an interruption in the supplying of water, heat or electricity. This Act purports to bring it into force only by reason of a dispute involving a system.

**Mr. Heald**: — Impending stoppage too.

**Mr. Blakeney**: — Well, where in the opinion of the Lieutenant Governor in Council there exists a state of emergency arising from a labor dispute in such circumstances that life or property might be in serious jeopardy by reason of an interruption of a system for supplying water, heat, electricity or gas.

**Mr. Heald**: — Impending breakdown.

**Mr. Blakeney**: — Well, this may be so except that the point is that a dispute as such does not give rise to the application of the Act, but only a dispute that is going to lead to a breakdown in service.

**Mr. Heald**: — Or impending.

**Mr. Blakeney**: — Or an impending breakdown.

Now this Act comes into operation when in the opinion of the Lieutenant Governor in Council there is a dispute that could endanger life, limb and property in their opinion. It doesn't need to be any threatened or impending breakdown in service at all. May I point out that the Manitoba Act which he quoted from does not apply to hospitals or I misread it. I think there is no general legislation in Manitoba of this nature dealing with hospitals. May I just refer him again to the Ontario Act which he quoted with respect to Hydro employees and point out to him that that was a one-shot effort and that Act does what we think in this case ought to have been done. That Act comes into force on the day of assent and is repealed on the day on which a new collective agreement between the Hydro-Electric Commission and the union commences to operate. A one-shot Act. Now it is quite possible that things could be in a one-shot Act which is no longer the law of Ontario, which ought not to find themselves in an Act which is going to be of continuing application. I think as I say, one clause has been plucked from Alberta and it has been made more rigorous. Then further clauses have been plucked from Manitoba where the Act is not applicable to hospitals. Further clauses have been plucked from the law of Ontario which were one-shot provisions which are no longer the law of Ontario. The whole has been made a compendium and as I say it is the widest Act of this sort covering — at least it is the most difficult to define the limits of any Act in Canada. It is all very well to say that it doesn't apply to people who are in the provision of let us say gas service. If the Lieutenant Governor in Council thinks that it ought to apply to suppliers of propane, it applies to suppliers of propane and that's that. And so it goes. It's this sort of wording that is the prime basis of the objection which we have.

I certainly want to support the amendment I believe that it more nearly makes the Act applicable to the dispute in hand and removes from the ambit of the Act some tens of thousands of employees who have done nothing to participate in this sort of an Act being applied to them.

**Mr. Heald**: — Mr. Chairman, I don't want to reply at a great length to my friend from Regina West (Mr. Blakeney). I suppose if lawyers agreed all the time we wouldn't have many lawsuits in this province or anyplace else, and with the very greatest of deference I can't agree with him that we have changed the sense of the Alberta legislation. It is quite true that we have changed some words but we felt, and the draftsmen of the Bill felt, and I agreed with them, that the wording used in clause (a) of the Alberta Bill was not as clear as it could have been. We attempted to make clearer the wording; I don't think we changed the sense. The words breakdown or stoppage or impending breakdown or stoppage, meaning impending breakdown or impending stoppage, could be applied to the particular SPC situation, but we felt in the interest of clarity and in the interests of good draftsmanship that the words as they appear in the Bill were more desirable. As I say I can't agree, with deference, with my friend that we have changed the sense of it.

**Hon. W. Ross Thatcher (Premier)**: — I rise of course to oppose the amendment and in so doing I would say that the Government feels that the hospital unions in this province are good unions, they are responsible unions and I am sure they will carry out their duty to the people

and the province of Saskatchewan. We think at the same time it is unthinkable that the people dying in hospitals and very sick that there could be a strike of hospital services. I want to give this assurance to the workers in our various hospitals. We recognize that as a result of 20 years of Socialism that their pay is grossly inadequate in many cases. We have done a little about it since that time and we hope to do more in the future.

Now this province has two major conferences coming up in the next few months, the first to do with national medicare. If the Federal Government begins making payments on a national medicare scheme this province could gain from 12 to 14 million dollars. And I give this unequivocal assurance that should we get that money at least a portion of it will go to paying better wages in the hospitals throughout this province. Now the second conference has to do with equalization payments. I know some of my Socialist friends say that there has been a sham battle going on between our government and the Federal Government, I wish it were a sham battle, I hope it may prove to be a sham battle, but we still have had no assurance whatever that equalization may not be discontinued in this province or at least a portion of it. Now if we continue to get equalization payments of course this will certainly mean a difference to our financial position. This Government doesn't talk as much as the Socialists do perhaps about the little man and his difficulties but we act.

**Mr. I.C. Nollet (Cutknife)**: — Much louder though.

**Mr. Thatcher**: — I may say that the relations which this Government has had with the various unions have been excellent. I don't think in my lifetime I have met a much finer negotiator or union man than Bill Leonard of the Civil Service.

**Mr. R.A. Walker (Hanley)**: — Are you afraid of getting fired?

**Mr. Thatcher**: — The same is true of a number of other companies. Now as I said earlier in this debate, these unions in good faith signed two years' agreement and they have another year to go. Now if we find that inflation becomes so severe, if we find that working conditions become so impossible, this Government will be prepared to open all those contracts up again for the second year and take a look at giving further increases. Now, as I say, much of this will depend on our financial position on these two conferences, but we are not unaware of the difficulties which some of our civil servants and the members of the other unions are having. As far as the hospital people are concerned I don't suppose they are enthused about this Bill, but I think they can be assured that even though this Bill is passed the treatment they will receive as far as wages are concerned will be much better in the year ahead than they ever got from a Socialist Government.

**Mr. W.S. Lloyd (Leader of the Opposition)**: — The Premier has just assured us that if Ottawa is good enough then some of the workers in the province may be able to look forward to some of this trickling down to them. This is a

pretty thin kind of assurance I must say. He suggested that some of his Socialist friends have said there is a sham battle going on between him and Ottawa. May I remind him it wasn't his Socialist friends that said this, it was his friend Mr. Sharpe who said it. Mr. Sharpe very recently pointed out that the strawman which the Primer had set up to battle in this taxsharing agreement was a strawman that had never been started by the Federal Government whatsoever. The Premier really out-Don Quixoted Don Quixote in going out and looking for windmills and trying to topple them over and in making great stories about his exploits of conquering these windmills after the battle is over.

Now I am happy that the Premier (Mr. Thatcher) paid the compliment to Mr. Leonard which he has just paid to him. Mr. Leonard, as you know, is the Executive Secretary of the Saskatchewan Government Employees Association and this association has as its members some people who are going to be affected by this particular section. Many of us have had these kind of pleasant associations with the Saskatchewan Government Employees group and others over the years. Since the Minister has injected Mr. Leonard's name into it I thought, Mr. Chairman, it might be worthwhile reading a copy of a letter which the Premier received this morning, of which my friend from Arm River (Mr. Pederson) and I received copies. It is from Mr. Leonard. He says:

> Dear Mr. Thatcher:
>
> It is our conviction that the Essential Services Emergency Act, 1966 goes well beyond any measurers necessary to effect a solution to the dispute between the Saskatchewan Power Corporation and the union representing gas and clerical employees. We urge the Government to withdraw the Bill pending the outcome of as yet untried mediation and conciliation procedures which could conceivably lead to a negotiated settlement. If this course of action is not acceptable we urge the Government to amend the Bill so that it will apply only to the dispute which provoked it.

And this amendment which is now before us is in line with that particular suggestion.

**Some Hon. Members**: — Hear, hear!

**Mr. Lloyd**: — With regard, Mr. Chairman to the argument that because it is done in a number of other provinces it ought to be all right here, may I say, Mr. Chairman, that a rose in any other province would smell just the same and so there is a compost heap, and this Bill, as I said earlier, is a compost heap.

I appreciate the argument the Attorney General used saying that it is in the hands of the Lieutenant Governor in Council and that is the highest court in the land and so on. I would remind this House that it was the members of this same Council that drew up and recommended this same iniquitous Bill to us and we are asked now to continue to leave it in their tender and supposedly judicious hands. I think the amendment ought to be supported. It would improve the Government's position whether the Act is kept in the closet or the shelf or the woodshed, wherever it is it remains as a club over the heads of many people; it remains as an effective deterrent to good, steady, successful compulsory bargaining. It does stand a deterrent to the whole

principle of free collective bargaining and for that reason it ought to be changed.

**Some Hon. Members**: — Hear, hear!

**Mr. Thatcher**: — I want to say just a word about Dominion-Provincial Agreements again. The hon. Leader of the Opposition (Mr. Lloyd) wasn't there and I was. And I found it rather surprising that when the Saskatchewan delegation began to negotiate on the new agreements the man we were negotiating with was the ex number one CCF Socialist civil servant. Let me tell you that our Socialist friend had it down there so that Saskatchewan wouldn't get one copper. I found from long experience in negotiating that usually you might as well complain well ahead of time and that is precisely what we did. I am hopeful that in view of the representations which we made to the Federal Government that they will overrule their former Socialist civil servant and that perhaps Saskatchewan will get a better deal.

As for what the hon. Leader of the Opposition (Mr. Lloyd) had to say about Mr. Leonard, my views about him still remain the same. Of course he is head of the union and I don't blame him for writing us that letter but we still can't give in on this particular point and we intend to proceed with it. But I say again I think the Civil Service and most union groups will be much happier with the wage settlements we will be giving them this year than they ever got under the Socialists.

**Mr. Lloyd**: — What the Premier has just said of course is that Mr. Sharpe was telling a lie recently when he said there was never any danger of Saskatchewan losing the way the Premier has made it seem to be.

**Mr. F.A. Dewhurst (Wadena)**: — Mr. Chairman, I think this amendment should be supported. I think that if we had a Premier who was going to be reasonable, calm, use good judgement and implement this Act without prejudice it would be a different thing, but how can we expect a Premier to use virtues which he don't posses. I think that we should support this amendment.

The question being put the amendment was negatived.

**Mr. W.G. Davies (Moose Jaw City)**: — Mr. Chairman, just to ask a question or two about this general Section, I wonder if the Attorney General (Mr. Heald) could tell us how many people it is estimated Section 3 will apply to? How many people are potentially to be embraced by the compulsory arbitration principle? When he is answering that I wonder if he would enlighten me on this as I read 3(a), employees engaged in and so on, I wonder what about the position of employees in Oil Refineries? What about janitors in apartment blocks who are of course providing heat services, or what about electrical or gas contractors and the employees thereof? They, of course, are giving services of electricity or gas. What about the people who deliver propane gas or give propane gas services? What about the maintenance men in any schools and universities who are providing heat? This sort of thing. Now my initial question, of course, is as to the coverage of Section 3.

**Mr. Heald**: — Well, Mr. Chairman in answer to the first, I don't have the figures as to the amount that would be involved. The correct technical answer of course, and I don't want to be facetious, would be: until the proclamation, nobody. But what you want to know is everybody who could be if the proclamation included everybody in (a) and everybody in (b). I will try to get you that information. I don't know at the moment.

The other question had to do with the interpretation of the Section and you went to the people like janitors and the people stoking furnaces. My answer would be: no. They are not included because you have to read the first part of Section 3 with the other part, "life, health or property could be in serious jeopardy by reason of a labor dispute involving employees engaged in the operation of any system". These people in an apartment block would not be involved in a labor dispute not in these circumstances, not in the circumstances of the SPC. The dispute is between the gas and clerical employees of the SPC and the corporation. My answer to you would be: no.

**Mr. Davies**: — The difficulty that I see in this Section is in the opinion of the Lieutenant Governor in Council, which is why I asked the Attorney General, because no doubt he will be the one who recommends the designation of who this applies to. As I now see it the Attorney General doesn't know and this is solely in the opinion of the Cabinet at the particular time. One of the difficulties with Section 3 is that it can be made very all-embracing if the Cabinet chooses so to do.

**Mr. Heald**: — I didn't say that I didn't know. I said that my opinion was that it wouldn't include those hypothetical employees that you referred to, and the Order in Council designating the emergency would be specific. There would be no problem; these people would be specifically excluded by the terms of the Order in Council. The Order in Council would leave no doubt as to who was included in the emergency order.

**Mr. Dewhurst**: — In my constituency of one union, like in a co-op, there are some 20 odd employees in that co-op. There may be a labor dispute between them and the management of that co-op. One of the employee's responsibility is to drive the fuel truck to deliver heating fuel in the winter time to the rural members. Now there could well be a labor dispute between the employees and that co-op and he would be on strike then along with the other employees. This would be withholding heat from the customers and this Act could be made to apply in those cases.

**Mr. Heald**: — He wouldn't be engaged in the operation of any system, plant or equipment.

I want to point out, Mr. Chairman, that this doesn't have to be a trade union. A labor dispute is defined as a dispute or difference between an employer and one or more of his employees or trade union.

The question being put on Section 3 it was agreed to.

## Section 4

**Mr. Chairman**: — I have a House amendment for Section 4 which I will read after I read the Section.

Hon. W. Ross Thatcher moved an amendment that in Section 4 in subsection 9 strike out the words "by both parties" in the third line.

**Mr. Heald**: — Mr. Chairman, that House amendment is necessary because the words "by both parties" in subsection 9 is redundant. We have already said that "the employer and the trade unions shall put the decision into effect within thirty days" and "by both parties" is a drafting error.

The question being put on the amendment it was agreed to.

**Mr. A.E. Blakeney (Regina West)**: — Mr. Chairman, I think there are a number of comments that one might make on this Section. By way of background, I think I have to remember that this Act is likely to be used in cases of disputes where the effective employer, the paymaster as such, is the Provincial Government. It is likely to be used, if at all, in the cases of disputes in power, in gas, or in hospitals. Now, with respect to power and gas there is no difficulty whatever in discerning the relationship between the Provincial Government and the paying employer. With respect to hospitals, any doubts there may have been were resolved a moment ago when the Premier made very clear that he felt that the Provincial Government was responsible for the level of wages in hospitals, and that when the Province had more money the hospital workers would get more money. The relationship then is pretty clear, that of an employing provincial government and a group of employees. Under those circumstance, I think it is desirable that the chairman of the Arbitration Board who is going effectively to make the decision be someone chosen by an impartial party. Here the persons selecting the arbitrator is the Lieutenant Governor in Council. I think that is rather unfortunate. I would have preferred to see the arbitrator selected by the Chief Justice of Saskatchewan as occurred in our amendment, or the Chief Justice of the Court of Queen's Bench or as the case may be.

Then, it can be pointed out that while it is true that the Lieutenant Governor in Council makes the choice, the group from which he may choose is restricted and it is a judge of one of the courts of the province. I would point out that his makes it entirely possible for the Lieutenant Governor in Council to select a judge of the Magistrates' Court. I don't want to suggest that any of the present judges of the Magistrates' Court could be anything but entirely impartial. I simply want to point out that the judges of the Magistrates' Court are selected by the Provincial Government, paid by the Provincial Government, and their terms of employment, while it is true are included in a statute, are essentially in the control of the Provincial Government and it is entirely possible to suppose a situation where the Provincial Government would appoint a particular judge of the Magistrates' Court whose sole function, whose major function at least, would be to act in these cases and whose impartiality might therefore be brought into very substantial question.

Now, it's quite possible, there are a good number of judges of the Magistrates' Court who may not necessarily be full time magistrates, who may be performing services in the family court or who may have been the · ··

**Mr. Heald**: — Mary Carter would make a good one.

**Mr. Blakeney**: — Yes, Mary Carter or Mrs. Tillie Taylor. I hope it is perfectly clear from the mention of these names that the present judge of the Magistrates' Court probably can be completely relied upon. I am saying it is open to the Provincial Government to appoint somebody else who may not have the same measure of impartiality as Mrs. Taylor or Mrs. Carter. With that in mind, Mr. Chairman, I propose to move an amendment to subsection 4 and it is as follows:

> That subsection (4) of Section 4 is amended by deleting therefrom the words "of one of the courts" in line three and substituting therefore the words "of the Superior or District Courts".

Mr. Chairman, in speaking to this, if we passed this amendment it would be necessary to make a consequent amendment late on. I don't think we need to deal with that now. I so move, Mr. Chairman.

**Mr. Heald**: — Mr. Chairman, when drafting this Bill, we did consider the point which was raised by the hon. Member from Regina West (Mr. Blakeney} and which is contained in his amendment. However, there is a problem or there could be a problem in obtaining one of the judges of the Superior Court of the province to act as chairman of this Arbitration Board. There is a reluctance on the part of a Minister of Justice — this isn't new, this has been for sometime — to appoint or consent to the appointment of a judge of the Superior court. You see, the judges of the District Court, the Queen's Bench and the Court of Appeal are federal judges and the magistrates are provincial judges. That's right, they have other things to do. Anyway, there is this reluctance and we are not at all sure that the Minister of Justice would consent to one of the federal judges acting as chairman of this Board of Arbitration or the Board of Arbitration contemplated under this Bill. This is one of the reasons why we included the provincial judges in this section.

Now, I don't share the nervousness or the misgivings of the Member for Regina West (Mr. Blakeney) about the impartiality for the objectivity or the independence of the judges of the Magistrates' Courts of this province. I think that you should remember, you should be reminded, members of the Committee should be reminded that some of them were appointed by my predecessor, the Member for Hanley (Mr. Walker) and he made some good appointments. I have made some appointments during my term of office and I think that my appointments have been good. You should also remember — that when he set up the judges of the Magistrates' Courts Act he provided independence for these judges. They cannot be dismissed by the government of the day. They have

a built-in protection which I think is a good thing and I have had meetings with the judges of the Magistrates' Court since I took office. They have expressed satisfaction to me with the security of tenure provisions in that Act. So they have independence. They have objectivity. They are not subject to pressure by the government of the day and I have every confidence and the Government has every confidence that if, by any chance, a member of the Magistrates' Court of the province were appointed by the Lieutenant Governor in Council then he or she would discharge these duties with objectivity and impartiality. And this is why we have included, as a possible chairman of the Board of Arbitration, the judges of the Magistrates' Court.

I should point out that in other provinces they haven't made it mandatory to have a judge. We thought that it was in the interests of fair play and in the interests of the image of administration of this Board that we do make it mandatory for a judge to be appointed. You will note that this section provides that the parties can agree on a judge, but if they don't agree on a judge — quite possibly they will agree on a judge — if they don't then of course the Lieutenant Governor appoints that judge.

Now, in this province, in the Fire Department's Platoon Act and in the section of the City Act dealing with policemen's arbitrations, of course, there is provision for the Lieutenant Governor in Council to appoint the chairman. In Manitoba, actually the Lieutenant Governor in Council appoints all three members of the Arbitration Board. It's a little different technique there. The management provides a list of suitable persons and the unions provide a list of suitable person and the Lieutenant Governor in Council provides a list of suitable person for chairman. Then when a Board of Arbitration is requested the Lieutenant Governor in Council can or must choose one out of the employees' list, one out of the employer's list and one out his own list for chairman. But in that case the Lieutenant Governor in Council appoints all three. Here we felt that this was a fair way to do it. Each union and management appoints one; provision is made in the Section for them then to get together. If they can agree on a judge, fine, that's the judge. If they can't agree then the Lieutenant Governor in Council appoints a judge.

So for the reasons that I have indicated, I would have to indicate that I will vote against the amendment by the Member for Regina West (Mr. Blakeney).

**Mr. W.E. Smishek (Regina East)**: — I would like to direct the question of why it must be a judge in either case. Certainly in the field of labor relations it cannot be argued that judges have any special knowledge. In fact, I think if you go to the records of industrial relations and arbitrations and conciliation that it is people other than judges that have had more success than have judges. We find that, in the first place, they are legally trained people and become too rigid in the problems of legality rather than in many cases facing the facts of the situation. There are many people, I submit, who are more competent, more able to act as chairmen of boards than are judges and who can be trusted with as much, in fact, more impartiality in many instances. Mr. Chairman, I am opposed to the idea. I am not saying that a judge should not be able to act but it seems to me that there is no

reason at all to limit this to the judges. In fact, it would be I think, in the interest to delete that provision, to be able to appoint people other than judges but to also make provision that it will not be employees who are within the orbit of the government employment directly or indirectly, since they may be subject to a great deal of pressure.

**Mr. Heald**: — With deference, I can't agree with the remarks of the member for Regina East (Mr. Smishek). I can think of one or two or perhaps more judges who have been appointed during the last fifteen or twenty years in this province on Boards of Conciliation and Boards of Arbitration and I am sure my friend from Regina East (Mr. Smishek) would agree, as a representative of the Trade Union Movement, that they have made excellent chairmen. I think of Mr. Justice Harold Thompson, who was retired from the Court of queen's Bench, who was mutually acceptable to management and labor in a number of cases. I think of the late Mr. Bagshaw who was one of the judges of the Magistrates' Court who I know from personal experience was agreed to by both management and labor.

I don't think it's so important that the chairman of the Arbitration Board have a technical knowledge of trade union matters or management matters. What he needs is the objectivity, impartiality, and training and the experience to assess the representations that are made to him when he is chairman of this board and this a judge or a magistrate has, I submit.

The technical matters, the submissions will be made, of course, by the union. They will have counsel before the board. They will have a representative on the board. The same is true of management. The Member for Regina East (Mr. Smishek) I am sure has sat on conciliation boards and arbitration boards, as have I, and this is the way it works. Many Members opposite have sat on these boards. This the way it works. The technical matters, the training or understanding or knowledge of trade union matters, is something which can be presented in the submissions to him and of course, can be presented when the board goes into its deliberations after the public hearing and this is what happens. Now, if you took your argument and if you were to take your argument to its logical conclusion, you might be able to argue that a judge shouldn't hear damage accidents because he doesn't now much about traffic, or that he shouldn't be able to take mechanics liens actions because he is not a contractor or labourer. But for technical matters, the same is true of expropriations, we have judges. Judge Friesen is an excellent arbitrator under the expropriation provisions in the Highway Act and I think everybody recognizes this.

He gets the benefit of the submissions made to him and on this basis, because of his training and his experience and by his very nature, he does an impartial an effective job.

**Mr. W.G. Davies (Moose Jaw City)**: — Mr. Chairman, I would agree with the Attorney General (Mr. Heald) that a number of excellent boards have been conducted by judges. I have sat on one or two myself. I may say without naming names that I have sat on one or two where the results have not been quite so happy and not because they have gone for or against me. But the point is that subsection 4 excludes many person who have done a very capable job in this province as

chairman of Boards of Conciliation or Arbitration. I can think for example of the former dean of law, S.E. Cronkite, who sat on many boards connected with government as well as connected with private industry and who has had perhaps the longest history of experience in this regard. I am sure any member here could think of other chairmen besides. I think that my point would be that by the subsection here we are excluding everyone except the judges of the courts of the province. While I admit that their training does give them a certain orderly habit of assessing a situation, it by no means indicates that this is an exclusive process because the same process after all is familiar to many other people in many other walks of life, including of course, other professions. While I would be the first to admit that some judges, and you correctly named, Mr. Attorney General, Harold Thompson who had done an excellent job, this isn't by any means a universal trait.

The question being put on the amendment it was negatived.

**Mr. Blakeney**: — Mr. Chairman, I wonder for the record, may I move the same amendment in subsection 5, clause (f). I think the debates will be the same but I think it's more urgent in my view there that the words "one of the courts" be deleted and substituted with the words "the Superior or District Courts", in line two of clause (f).

**Mr. Davies**: — Mr. Chairman, this is one of the places, also, if I may say, where some of the remarks that have been made can be taken on a slightly different angle.

Here is where the Cabinet does the appointment of a chairman in the absence of agreement of the representatives of the two parties. I believe that is correct, Mr. Attorney General, and here is therefore the place in my opinion where the absolute requirement of getting as unbiased a person as possible comes into play. I would personally, although this is not in the amendment, like to see here that the Chief Justice of the Province of Saskatchewan made the selection of the court member who was to act as arbitrator. Whether you like it or not, the Cabinet is here directly involved as an employer and that employer, I suggest, has his preferences even in the courts of law; and having in mind all the objectivity in the world some, I think are perhaps less subjective than others when it comes down to the preference of the Government. And since the Government is the employer, is the paymaster, it seems to me there is a reason why the Government should consider here that the judge named should be named by the Chief Justice of the Province of Saskatchewan. This would ensure that the person was an impartial and unbiased person and that there is no reflection indeed on the Government in that appointment.

**Mr. Heald**: — Mr. Chairman, the Member for Moose Jaw (Mr. Davies) isn't, strictly speaking, speaking to the amendment, but in any event I will endeavour to give the members of the Committee my views on his observations.

So far as the Government is concerned, and I think so far as most of the people in the province of Saskatchewan are concerned, they are prepared to accept the principle of the

impartiality and the fairness of the bench in this province. And in appointing the third member, the Lieutenant Governor in Council is not going to or cannot, as a matter of fact, dictate or influence or pressure in any way, the Chairman of this Arbitration Board. He will be appointed from a select company who have all the protection of the statues, the federal statues and the statutes of this province, and it is our view that this gives adequate protection to the parties to this arbitration. He will be a judge of the Province of Saskatchewan. He will be either a magistrate, a District Court judge, a Queen's Bench judge or a judge of the Court of Appeal. Surely this is adequate protection.

The question being put on the amendment it was negatived.

**Mr. Blakeney**: — Mr. Chairman, would the Attorney General (Mr. Heald) be prepared to make a brief comment or someone a brief comment on subsection 5, clause (g) which baffles me.

**Mr. Heald**: — Well, it's a little difficult and we did a lot of thinking about what it covers. You have to start at the Lieutenant Governor in Council above (d). Well, you have got to start at the beginning of subsection 5 really, as (a), (b) and (c) provide the eventualities. (a) is where a party, one of the parties, the union or management, fails to appoint a member of the board or the person appointed by one of the parties is unable or unwilling to act; or they don't agree, which is (c). Then the Lieutenant Governor in Council, upon the request of a party, which is either party, shall (d) appoint a member on behalf of the party failing to make an appointment. That goes back, (d) couples with (a). (e) Appoint a member on behalf of the member who is unable or unwilling to act. (e) goes back to (b). (f) goes back to (c) and (g) means or says, "appoint the members mentioned in clauses (d), (e) and (f) or any of them". I suppose you could get a situation where the Lieutenant Governor in council would have to appoint all three. But you have to have that in, I suggest, to the Member from Regina West (Mr. Blakeney), because you said earlier that the Arbitration Board shall consist of three. So that unless you have that in, (d), (e) or (f) or any of them, you would be in a position where you would not have a full board. So this is why we found it necessary or thought it necessary to put in that subclause (g).

**Mr. Blakeney**: — Could we have the expression "and/or".

**Mr. Heald**: — Well, I suppose it could have been done "and/or". As a matter of fact I suggested that to the draftsmen and they thought this was better.

**Mr. Blakeney**: — I'll accept that.

The question being put on Section 4 as amended it was agreed to.

**Section 5**

**Mr. A.E. Blakeney (Regina West)**: — Mr. Chairman, I wonder if the Minister would advise why it was felt necessary to put this provision in calling for

the filing of the decision immediately. It looks like it's taken from the Ontario Act, Section 3, subsection 3, which says that if either of the parties doesn't comply within fourteen days then this can be done. What was the reason for deciding that you had to give this the force of judgement immediately and not give the parties a chance to comply.

**Mr. Heald**: — You use the word "immediately". I don't see the word "immediately" in Section 5. "Upon the filing in the office of the registrar" . . .

**Mr. Blakeney**: — Once the decision is made it can be filed the next day whereas the Ontario Act gives the parties 14 days to comply and then allows for filing. I was just curious to now why the change.

**Mr. Heald**: — I don't think ay particular reason. The section is substantially the same as the Ontario section in the 1961 statute, Section 3, subsection 3.

**Mr. Blakeney**: — Just that much rougher.

The question being put on Section 5 it was agreed to.

**Section 8**

**Mr. R.A. Walker (Hanley)**: — Mr. Chairman, I would like to move an amendment to Section 8, and before doing so I would like to point out that Section 8 refers to the date fixed in the proclamation. Now there are two dates connected with the proclamation. There is the date on which it is issued pursuant to Section 3, and then there is the date specified when the parties must commence to follow the procedures laid down in this Act. I note that Section 7 which restricts the rights of trade unionist says, 7 (b) "the trade union shall not call or authorize a strike or the continuation of a strike" and so on, after the date of the proclamation. Now the date of the proclamation I presume is the date when the Lieutenant Governor issues it. The date fixed in it will be some date in the future, perhaps a week or a month or perhaps even three months after it is issued. So you have the union bound not to authorize a strike, not the "counsel, procure, or support or encourage" any of these things from the date that the proclamation is issued. But then Section 8 dealing with the rights of the employer takes a different date. It says, "The employer shall not during the period commencing with the day fixed by the proclamation and ending on the day of the decision of the board of arbitration . . ." adversely affect wages and so on, so that the employer is free between those two dates to do all these things that are prohibited. The employee is not, and so Mr. Chairman, I would like to move that the words in the second line, "day fixed by" be deleted and in place of them use two words "date of", that would make the same date applicable to the employer that applies to the employee.

**Mr. Chairman**: — It has been moved by the hon. Member from Hanley (Mr. Walker) that Section 8 be amended by deleting the words "day fixed by" in the second line and substituting the words

"date of" in their place. The amendment is in order and the debate continues on the amendment.

**Mr. Heald**: — Mr. Chairman, I don't object to this amendment by the Member for Hanley (Mr. Walker) but I want to just make one or two comments. If after hearing what I have said he still wants to proceed with the amendment I am not going to object to it. And I put this to you. The reason why words were put in Section 8 "the day fixed by the proclamation" was to provide two dates. This was a conscious decision, it was the thought that it might provide or could provide two cooling-off periods. That is to say you have to proclaim the emergency in Section 3 and that's a date. Let's take for example that that date was the 15th of October or the 30th of October, so there are two periods there. Now the effect of your amendment will be to wipe out those two cooling-off periods and I don't object if you think it is essential to the House or the Committee that it should be the same in Section 7 and in Section 8. We don't object to that. We are prepared to accept your amendment so that it would read with the date of the proclamation, but I wonder whether it wasn't better the other way. I am of two minds on it. If the hon. Member wants to proceed with the amendment we are not going to object.

**Mr. Walker**: — Well, I think so because the whole purpose of issuing the proclamation is to prevent either party from taking action which might injure the other side until the arbitration can look at it. With this date here the employer has got that interval to do all the things that are prohibited by the Section. There are cooling-off periods — that's true — but one applies to the employer and the other applies to the employee and they should be the same.

**Mr. Heald**: — Very well, we are prepared to accept that amendment.

Amendment agreed to.

**Mr. Walker**: — Mr. Chairman, before this Section is passed there is another word that I would like to draw your attention to. The Section says "the employer shall not during this period · ·· alter adversely the rate of wages". Now this Section we were told in the typewritten draft of the Bill came from the Province of Ontario. The Ontario section covering the same aspect of the problem says, "alter the rates of wages · ·· or any condition of employment", nothing about adversely. Now, you might say well, why do I object to this? What is an adverse change in wages? It could be that an increase in wages to one or two of the employees distributed judiciously, an increase in their wages might be adverse to the interest of all the other employees and yet I doubt if this would be construed as coming within the prohibition. First of all I say it is very difficult to say what is "adversely affect the rate of wages" because I submit that an increase in wages could be adverse to the interest of the employee. Secondly, I don't think that the employer should be permitted to make any change in the rate of wages. He shouldn't be able to reduce them nor should he be able to increase them. Anybody who has any knowledge of the preliminaries leading up to these negotiations that take place knows that there are all

kinds of politicing going on and all kinds of fooling around with the agreement and with the conditions of employment in order to try and influence the outcome. I say that, if we are going to adopt the wording of the Ontario Act, we should adopt the wording of the Ontario Act and not put in this word "adversely", which gives the employer the right to, I believe, raise wages while the matter is still pending arbitration. And I suggest too that my fears are not altogether unsupported by the experience of the present Government in, I note, the Trade Union Act, enacted in 1965 by this Government. It makes it an unfair labor practice to make or threaten any change in wages, not just a reduction in wages but any change in wages is an unfair labor practice. It seems to me that we are not justified in going this extra little bit in this Act, giving the employers this extra little bit of privilege to interfere with the matter. And so, Mr. Chairman, I would like to move that Section 8, be amended by deleting the word "adversely" in the fourth line. If you do that, if you accept the amendment, then you are adopting the very wording of our Trade Union Act and the wording of the Ontario Act which we were told this Section was patterned after.

**Mr. Chairman**: — It has been moved by the hon. member from Hanley (Mr. Walker) that Section 8 be amended by deleting the word "adversely" in the fourth line. The amendment is in order and the debate continues on it.

**Mr. Heald**: — We considered this when looking at the Ontario section incorporating it into this Act. The reason why we put the word "adversely" in was because we didn't want to put the employees in a position — this Section 8 is for the protection of the employees — that they can't be damaged or nothing can be changed, none of their working conditions can be changed during this period that is referred to in Section 8. Now we felt that in putting the word "adversely" in this wouldn't preclude an increase in wages or an improvement in the working conditions of the employees, the bargaining unit. In other words you might get a situation — we hope this wouldn't happen — but we might get a situation where the Arbitration Board took some time to make their determination. It might have a number of hearings, it might take a month or two months — we hope not — but if it did we might have a situation where other employees of the Government might have had an increase and there might be great cause for dissatisfaction and I feel rightly so on the part of the employees affected by this Bill, because they didn't get any raise. What we were trying to do here in adding the word "adversely" was to say that management couldn't take anything away from the employees, but they could give them something more, they could give them wage increases or they could give them other fringe benefits. So this is why we put the word "adversely" in. Now I don't have a strong feeling about it but I suggest to you again I wonder whether the Members opposite really want to take this word out. We don't want to be accused at a later date of putting the employees in a position where they have been frozen for a period of four or five or six months, and other employees of the Government in other unions have had pay increases and improved conditions.

**Mr. Walker**: — The problem of course is to make the finding of the Arbitration Board retroactive to the date of the breach of the agreement.

**Mr. W.E. Smishek (Regina East)**: — Mr. Chairman, on this particular point I wonder what kind of a position would be in this Act with the Trade Union Act where under Section 9, subsection (1), clause (n), no collective bargaining agreement is in force. You can have that situation when the agreement was terminated to a unilaterated change in rates of pay, hours of work and so on. You can then have the one Act saying what the employer can do and the other Act saying that he can't do this and be faced with unfair labor practice charges. Now it seems to me, Mr. Chairman, that if there was an interim increase granted while things were pending I don't think that in Section 8 by deleting that word that the parties cannot agree to an interim collective bargaining agreement.

The question being put on the amendment it was agreed to.

The question being put on Section 8 as amended it was agreed to.

**Section 9**

**Mr. Chairman**: — In this Section there are amendments to two parts. If it is agreeable to the Committee I will take them part by part. The first amendment moved by the hon. the Premier (Mr. Thatcher). Strike out clause (c) of subsection 2 and substitute the following:

> (c) is an officer of the trade union or a person employed by the trade union other than an employee employed to perform duties of a clerical, accounting or stenographic nature only.

Is the amendment agreed?

**Mr. Smishek**: — Can he move the motion when he is not here?

**Mr. Chairman**: — No.

**Mr. Heald**: — I will be pleased to move the amendment.

**Mr. Chairman**: — This has been moved by the hon. the Attorney General (Mr. Heald). Is the amendment agreed?

The question being put on the first House amendment, it was agreed.

**Mr. Chairman**: — The second House amendment moved by the hon. Attorney General (Mr. Heald), in subsection (3), insert after the word "given" in the second line the following:

> or that an employee of the trade union is employed to perform duties of a clerical, accounting or stenographic nature only.

Is the amendment agreed?

The question being put on the second House amendment, it was agreed.

**Mr. Chairman**: — The debate is on the Section as amended.

**Mr. W.G. Davies (Moose Jaw City)**: — Mr. Chairman, I think that the Section as amended is a slight improvement in that clause (c), to take one example, in so to speak, without any particular duties in an official way that he won't be covered or dragged in by the net. However, considering that this Section will apply to people in a manner that could effect them by $1,000 a day fine — I believe that's the figure Mr. Attorney General — I think we must be very, very careful of the rates of people under this Section because here we have "the trade union shall forthwith give notice to its members". Now, Mr. Chairman and Mr. Attorney General, what kind of notice are we here speaking about? Are we talking about the kind of notice that the union gets when they go on strike? Are we talking about the way in which a decision is made to call out the members in the language I think of this Section? If that is what it is, that's not what it says. In fact notice is not defined here at all. Now see what can happen if you take that phrasing and the rest of the Section:

> Every person who on the date of the proclamation was authorized on behalf of the trade union to call or authorize a strike of any of the employees of an employer.

Well, I have little experience here, Mr. Chairman, and I don't know what is meant by "was authorized on behalf of the trade union". These decisions are usually made by the trade union body. They may be executed by one or more persons but it is not clear to me at this point what that means here. And (b) "who has called a strike thereof". Well one person, so far as I know a trade union, never does a calling of a strike. And (c) "is an officer or person employed by the trade union", with of course the amendment which we have now approved, is responsible to see that the notice provided is given. Mr. Chairman, how is this notice supposed to be given? To all of the members, all of the employees? I take it, it is all of the employees, if you take other Sections of the Act and relate them to this. Now the union organization will not have that information for one thing. There could very well have been employees that came in the week before, but the Trade Union Agreement are required to be members. But the information on where they live may not be in the possession of the union and the whole business of notification here becomes a bit obscure. Now if there is one place where it shouldn't be obscure it is with respect to what this clause requires with the penalties that are imposed if the requirements are not met. For those reasons I am going to move, Mr. Chairman, that Section 9 be amended by deleting subsection 2 thereof.

**Mr. Chairman**: — It has been moved by the hon. member from Moose Jaw (Mr. Davies) that Section 9 be amended by deleting subsection 2 thereof. The amendment is in order and the debate continues on the amendment.

**Mr. Heald**: — Mr. Chairman, subsection 2

which is the subject matter of the amendment is taken from the Ontario Hydro-Employees' Union Dispute Act, subsection (3) of Section 5 which says:

> Every person who at the commencement of this Act was authorized on behalf of the union to call or authorize a strike of any of the employees of the Commission shall forthwith give notice to such employees at any call, authorization or direction to go on strike given to them before the commencement of this Act has been suspended by reason of the coming into force of this Act.

So it is a similar sort of thing. I listened with interest to the comments of the member from Moose Jaw (Mr. Davies). I think that he would have made or will still make perhaps a very good defence counsel, and some of the problems that he posed might be used as defences to any prosecution under this Act. Now he was very concerned, and so am I very concerned, with this Section because the penalties are fairly stiff, as he said. I would remind him, we haven't come to it yet, but I would remind him under Section 12, "No prosecution shall be instituted under this Act without the consent of the Attorney General", and that is a safeguard.

**Mr. Walker**: — He is liable to take on your job too.

**Mr. Heald**: — I think that is a safeguard in the Act and I also think that the wording of Section 9, subsections (1) and (2) is reasonably clear. I think that 2 (a) "every person who on the date of the proclamation was authorized on behalf of the trade union to call or authorize a strike · · ·", and (c) "is an officer or person · · ·" and that has been amended. We put the amendment in because of some of the observations made yesterday by the member for Regina West (Mr. Blakeney). Clearly we don't want to impose this duty or onus on clerical employees and that was the purpose of the amendment. I submit that the amendment does cover the objections which were raised and I would not be agreeable to the deletion proposed by the amendment.

**Mr. Davies**: — I just want to make one final appeal to the Attorney General (Mr. Heald). First of all may I comment on what he said about the fact this wouldn't be brought into effect unless the Attorney General said so. I don't want to make a personal reference here because I am sure the Attorney General invariably tries to be fair but one never knows what one is going to feel about certain situations. The fact is, seriously, Mr. Chairman, that the Government is involved in these disputes, directly in some cases, as a paymaster in others, and here it is making decisions on interpretation. This is a fault which I think we will see in other Sections of the Bill. The point is that we have 160 hospitals, I believe, here in the province. I don't know how many of them have union organizations but a good many of them have. And a good many of the union bylaws are local bylaws so that notices and practices and customs are all of the kind that that particular union or organization may set for itself. One union may have notices on hospital bulletin boards, have permission to do so — that's the customary way of giving notices to the members. Another may advise its members of a

meeting by some other kind of notification, say through the shop steward. Every one of these organizations has its own little practices. Now when people are given notification of a strike it might very well be that this was done through a trade union meeting, regularly called and held. That would be the manner in which this union customarily gave its notice. I submit that, if that is the way that the strike was called, this is the way that they should be called back to work, but this isn't what this says. It says "give notice to its members" and this could very well mean that registered letters would have to be sent to every single one of the employees of the company. Now you can shake your head if you like Mr. Attorney General but it certainly doesn't' indicate otherwise. If you look at subsection (3) where it says that "the burden of proving that the notice mentioned · ··was given shall be on the person charged", which, as you said, surprisingly enough comes out of the Liquor Act, then the iniquity of this Section becomes more obvious.

**Mr. Heald**: — The only comment I would like to make in response to the hon. Member from Moose Jaw (Mr. Davies) is that this Section in subsection (2) that he is complaining of recognizes the principle, the unions call the strike and we assume and I think properly so that they don't have any problem getting in touch with their members to get them out on strike. Then equally so if they don't have trouble getting them out then they shouldn't have any trouble meeting the onus established by this Section in getting them back, of giving them notice to get back. They don't seem to have any trouble giving them notice to go on strike.

**Mr. Davies**: — There isn't a $1,000 fine for not going out on strike; there is for not getting back to work.

**Mr. Heald**: — Well, I think the matter of notice is open and I think if the union establishes to the satisfaction of everyone concerned, if it has acted reasonably in giving notice that the strike is off, calling off the strike and advising employees to go back to work, then it has met the onus in the Section.

**Mr. Davies**: — I suppose, Mr. Attorney General, what I am saying in essence is that, when you are talking about giving notice to its members, it should be giving notice in the customary manner that notices are given in that union or organization.

**Mr. Heald**: — We didn't want to restrict it and say that it has to give notice by registered mail or A.R. Card, we left the matter open. I would think that the argument you have made is a reasonable one that, if they give the strike notice by a general meeting, then the same thing would apply if the union established that by their procedure — this is the way they do things — then surely this is the way that they are asked to give notice that they go back to work.

**Mr. Chairman**: — The question before the Committee is on the amendment moved by the hon. Member from Moose Jaw (Mr. Davies), Section 9 is amended by deleting subsection 2 thereof.

The question being put on the amendment it was negatived.

**Mr. Davies**: — I have another amendment here. Section 9 again in subsection (3), I have already referred to:

> The burden of proving that the notice mentioned in this section was given shall be on the person charged.

And without repeating myself I suggest that this is a very bad sentence. It should be deleted in its entirety. I don't know why the Liquor Act should have been chosen as a source in the first instance but in any case what is suggested here is wrong in every respect. I shall, therefore, move that Section 9 be amended by deleting subsection (3) thereof.

**Mr. Chairman**: — It has been moved by the hon. Member from Moose Jaw (Mr. Davies) that Section 9 be amended by deleting subsection (3) thereof. The debate is on the amendment since it is in order.

**Mr. A.E. Blakeney (Regina West)**: — Mr. Chairman and Members of the Committee, may I just point out that this Section in general is copied from the Ontario section, a portion of Section 5 of the Ontario Act. There is no reverse onus in the Ontario Act. If it was felt that a reverse onus was not necessary in Ontario in this Hydro dispute it is a little difficult to see why it is necessary in this Act. Reverse onus clauses are the sort of thing which generally ought to be avoided unless they are absolutely necessary. By and large they are only used where the knowledge is within the knowledge of the person charged and cannot be obtained by the prosecuting authority. Here whether or not the prosecuting authority can't show that some employees didn't get notice or that there wasn't notice given, if they can't show that by affirmative evidence, it is a little bit difficult to see how this lack of notice could have done any harm. It will be absolutely notorious that no notice was given otherwise the lack of notice won't have hurt anybody. If it isn't notorious that the union didn't call people back to work, then the failure to call back to work didn't do any harm; and if it's notorious there is no need of a reverse onus clause.

The question being put on the amendment it was negatived.

The question being put on Section 9 as amended it was agreed to.

**Section 10**

**Mr. Chairman**: — Hon. W. Ross Thatcher moved a house amendment to Section 10. In clause (c) of subsection (2) strike out the words "no officer or employee of the trade union" in the first line and substitute therefore the following: "No officer of the trade union or person employed by the trade union other than an employee employed in duties of a clerical, accounting or stenographical nature only".

**Mr. Heald**: — That amendment is consequential on the amendment which was made in one of the preceding paragraphs having to do with clerical employees.

The question being put on the amendment it was agreed to.

**Mr. J.H. Brockelbank (Kelsey)**: — Mr. Chairman, this is probably one of the most vicious clauses of this whole Bill. In the subsection (1) we find this phrase "everything reasonably possible". I think that is a very bad phrase and it is made worse because the sole judge as to whether or not everything reasonable possible was done is the Government an in probably 90 per cent of the cases that come up for discussion under the provisions of this Bill the Government will be on one side of the question. The Government will be an interceded party and here this makes them the persons to decide what is reasonably possible. We might as well admit that all of us when we are on one side can sometimes be unreasonable and the Government is not exempt from that situation either.

Then in the same subsection, not only does it put the Government in the position of being able to decide what is reasonably possible but then it makes the Government judge and jury and prosecutor and defence in what is absolutely a kangaroo court, to decertify a union without being heard in defence or anything at all. This so obviously should go to the Labor Relations Board and not go to one of the parties.

Now, it would be just as fair to give the union the right to decide whether the Government should stay in office or not, because this is just the reverse of it. So this is, in my opinion, a very vicious clause and I am going to move some amendments. As a matter of fact, there is going to be trouble. God is going to be jealous of the Government and its power.

Subsection (1) of Section 10 is amended as follows: Clause (a) is amended by deleting all the words after the word "and" in line 4 thereof and substituting therefore the words "the trade union has not given the notice referred to in Section 9 hereof".

So this will mean that, instead of the Lieutenant Governor in Council deciding whether everything reasonably possible has been done, there is a factual thing to determine, whether or not the trade union has given notice. If there is an argument, it should not be decided by one side or the other; but if there has to be an argument on it they can go to court to decide whether it has given notice.

Clause (b) is amended by deleting all the words after the word "and" in line 4 and substituting therefore the words "the trade union has not given the notice referred to in Section 9 thereof".

Which has exactly the same effect as it has in clause (a).

Clause (a) of the amendment is that clause (c) is amended by deleting all the words after the word "and" in line 4 thereof and substituting therefore the words "the trade union has not given the notice referred to in Section 9 hereof".

Clause (b) of the amendment is all the words after the word "may" in line 26 are deleted thereof and substituting therefore the words "apply to the Labor Relations Board for an order rescinding the order made by the Labor Relations Board pursuant to the Trade Union Act determining that the Trade Union represents a majority of the employees in the appropriate unit of employees of that employer and if the Labour Relations Board makes such an order of decertification any arbitration proceedings

commenced or concluded pursuant to subsection 4 shall thereupon cease and be null and void and of no effect and any decision of the Arbitration Board be null and void and of no effect.

Now, this amendment will, of course, take away from the Government the right to decide what is reasonably possible and put it in the hands of a court if there is an argument about it, and will put the Labor Relations Board back in the position of dealing with the certification or decertification of unions.

I move this amendment.

**Mr. W.G. Davies (Moose Jaw City)**: — Mr. Chairman, I would like to appeal to the Government to do something about what I think is the most disreputable section in the whole Bill because if the Government wants to implement compulsory arbitration in certain services and if it wishes to do that in a manner that its only involvement will be where it is absolutely necessary, and I can see that there may be such involvement and that in instances it is necessary, it should not proceed as it is intended to be proceeded with under Section 10 because here, not only is the decision on the offence made by the Cabinet, but the Cabinet after having made that decision can proceed with penalty. This applies where there has not been an ending of the strike in the opinion of the Cabinet, where enough hasn't been done to prevent a strike in the opinion of the Cabinet; and thereafter in other clauses there are certain savage penalties visited upon employees that are union officials that have to do with these offences because even after the decertification they continue to be liable to any penalties that have been or may be imposed under this Act with the fines of up to $1,000 per day.

**An Hon. Member**: — Or Acts prior to decertification.

**Mr. Davies**: — Or Acts prior, if you will. But it certainly applies to the things that I have mentioned as well.

Now, what are matters? What can a person do to prove that he has not done "everything reasonably possible" to prevent a strike? A trade union official rises in his place on the floor of a trade union meeting and makes a short speech and this speech is ineffective in the opinion of the Cabinet and there may result decertification of the union in consequence. In other words, the Cabinet may decide whether the appeal made by a trade union official has been good enough to his fellow members. If he happens to be a poor speaker, poor orator, if his rationale is not good enough, he will not have done the job in the opinion of the Cabinet and this will result in the decertification of the union organization by the Cabinet. It will result in a series of offences being visited with penalties that are very real penalties thereafter.

Now, I haven't, I don't think, mentioned all of the evils that are apparent in this Section but I have mentioned enough of them. Now, if the Cabinet wishes to do all those things that it said it only intended to do and nor more, why on earth has it taken unto itself all of the decisions of all of the penalties, because that is really what this amounts to, that are covered in this Section? I think that the Committee, Mr. Chairman, is

entitled to a thorough explanation and I believe the Committee is entitled to see brought in by the Government a replacement to this Section that would undo the damage that appears to be done by these sentences.

**Mr. W.J. Berezowsky (Cumberland)**: — I'm not a legal man. I'm just an ordinary layman. I don't make good speeches. I haven't been trained to make good speeches but I think I know the difference between a good law and a bad law and this makes what in my opinion is bad law.

I have always thought of British laws containing a spirit of justice and fair play and when you go into court you have the right to defend yourself and the prosecution must prove its case. In this particular Section when you read it right through it's the reverse. A Government sets itself up, as was pointed out, as a prosecutor, a judge, and jury and everything else. The decisions are based on opinion of the Executive Council, on the opinions, not on facts, not on truth, but on the opinion and this is where it is possible to carry out a vendetta against a union. As a matter of fact it is possible to destroy all unions if the Government of the day so desires to do so, on any flimsy excuse at all.

**Mr. Thatcher**: — Mr. Chairman, if this Bill passes the Legislature today it is the law of the province and we will expect the union which is affected to listen to the law of the province and abide by it. As long as they do that none of these penalties will come into effect.

**Mr. Blakeney (Regina West)**: — Says who?

**Mr. Thatcher**: — Well, why would they come into effect as long as they live up to the law? But surely if you pass an Act there must be some provisions to see that the law is lived up to and if certain people choose to break the law when this is passed, these are the penalties that will come into effect. We think they are fair and reasonable and if the people of Saskatchewan don't think they are fair and reasonable they will have the opportunity at the right time to vote otherwise. We think most of them will approve these provisions.

**Mr. Berezowsky**: — Mr. Chairman, the hon. Member has been talking about penalty sections. We haven't come to them. We are talking about that law that is being brought into this Bill.

**Mr. Thatcher**: — Well, you wouldn't know. You can't read it hardly.

**Mr. Blakeney**: — Let me put a perfectly ridiculous situation which is still permitted by this. Suppose the employees go out on strike and suppose one employee who is not a union member but is still an employee under this Act doesn't come back, then the strike is continuing. And by this Bill the Cabinet can decide that the trade union didn't do everything necessary to get this out-of-scope man back and it can be decertified.

**Mr. Thatcher**: — Well, that's ridiculous.

**Mr. Blakeney**: — It is indeed ridiculous and it ought not to be part of the law, and it is part of the law.

Now, let me say once more that under this Bill every single railway union which is now in Canada could be decertified.

**Mr. Thatcher**: — Railroads are not in this.

**Mr. Blakeney**: — No, that is right.

**Mr. Thatcher**: — Let's not be silly at this stage.

**Mr. Blakeney**: — Mr. Chairman, do I have the floor or is the member for Morse . . .

**Mr. Chairman**: — Yes, one Member at a time, please.

**Mr. Blakeney**: — Right. My point is this, if the trade union members who are covered by this Bill came back to work in the same manner as the railway workers, in a irregular fashion, it would be entirely possible for the Government to say that they had not come back to work, that the trade unions had not done everything possible to get them back. Nobody can tell what that test is and, in answer to nobody, giving what evidence they like or no evidence to the public, they can decertify and that is the end of the issue. And that is the law which the Premier asks everybody to follow. Let me point out that this decision is made ex-post and it has been said that all of us have 20/20 hindsight. There are all sorts of things that I haven't done that were reasonably possible to avoid a problem. If I had been smart enough I would have done them but I am not that smart. They look pretty dumb three or four weeks later but the Premier is expecting the trade union members to be able to prove four weeks later that four weeks before they did everything reasonably possible and not prove to the Labor Relations Board or to any impartial tribunal but to prove to his satisfaction when he is in the middle of a dispute as he does sometimes in this House. There is no reason to believe that he will be any more temperate if he is in a labor dispute than he is in this House and I ask Members here to say whether that is a fair and impartial tribunal.

Now, if I had to have my actions judged by him and his colleagues when I am in a dispute with him in this House, I would not believe he was a fair and impartial tribunal. I would not want him to be able to say you have not done everything reasonably possible and therefore you are no longer a member and just by fiat do it. And this is what he can do with a trade union. I think it's bad law. It's true the members of the union will have to obey it but they ought not to be asked by this Legislature to obey it because this ought not to be passed.

**Some Hon. Members**: — Hear! Hear!

**Mr. Heald**: — Mr. Chairman, dealing first of all with the comment of the Member for Regina West (Mr. Blakeney). He gave an example,

I think, of one isolated employee who did not go back to work, who wasn't a union member. I would remind the member for Regina West (Mr. Blakeney) and all members of the Committee that when we talk here about strike in Section 10 and in all other sections of this Act we have to go back to the definition of strike. It is contained in Section 2, subsection (h):

> "Strike" includes a cessation of work, refusal to work or to continue to work by employees in combination or in concert or in accordance with an understanding or a slow-down or other concerted activity on the part of employees designed to restrict or limit output.

So I think in those . . .

**Mr. Blakeney**: — . . . apply.

**Mr. Heald**: — No, it wouldn't apply and you know it wouldn't apply too. The definition of strike is a protection there.

Now, making a couple of comments on the amendments which have been proposed by the Member for Kelsey (Mr. Brockelbank). Since the Members opposite choose to attack the motives of the Lieutenant Governor in Council, don't think I'm misquoting you when you say that you don't trust the motive of the Lieutenant Governor in Council . . .

**Mr. Blakeney**: — . . . the continued impartiality in all situations. I wasn't when I was a member and I don't suppose you will be.

**Mr. Heald**: — Well, alright. I don't believe that it's proper. If you want to attack the motives that is fine. I think it's a reasonable assumption that the Lieutenant Governor in Council in all circumstances and in all parties acts as reasonably as they can in the circumstances.

Now, if you want to attack the motives, let's look at what a union could do — and far be it from me to attack the motives of a union — but let's look at what a union could do if it wanted to, if we gave effect to the amendment suggested by the hon. Member for Kelsey (Mr. Brockelbank). He wants to put into the subsections 10 (a), (b) and (c) the words:

> the trade union has not given the notice referred to in Section 9.

Alright if we did that, then it would read that this proclamation by the Lieutenant Governor in Council would not apply unless the trade union had not given them notice. Well, let me give you an example of what could happen there, and I don't say it would happen. I don't think it would happen but it could since we are supposing. The trade union could give a notice, it could call a meeting, it could call everybody in or it could give a written notice to all its members and say, "We hereby notify you. You've been on strike. You go back to work." And then behind the barn, so to speak, they could say, "Don't pay any attention to that notice. We didn't really mean that notice. That notice was just given to comply with the provisions of this Act". So this could happen. So it would be very easy to effectively frustrate the

intention of Section 10. Therefore, I'm going to have to vote against the amendments because I don't think they are effective. They don't put anybody in a position where we can enforce the order to go back to work. Now, that is all that Section 10 does. It provides, as the Premier has said, if this Act passes, if this Bill passes, this will be the law of this province, and they will be required in these circumstance, presuming the Bill is then lived up to, go back to work. Section 10 takes care of the eventuality where they do not go back to work and where the union has not given the notice and so on and so forth. Then in such an event, all of the provisions of Section 10 — and if we go further to the other subsections, everyone of which starts off "Where a trade union has been decertified pursuant to subsection (1)" — apply only where the people are still on strike and haven't gone back to work.

**Mr. R.A. Walker (Hanley)**: — In the opinion of the Premier.

**Mr. Heald**: — No, no. Not in the opinion of the Premier. That is not what it says. They haven't gone back to work. The Lieutenant Governor in Council makes a determination that "everything reasonably possible" has not been done. This is to ensure that the unions and the members of the unions will comply with the law of the Province of Saskatchewan, nothing more and nothing less.

**Mr. Blakeney**: — Mr. Chairman, may I make two comments on that, short and brief.

Firstly, at the last session of the Legislature you removed from executives and officers of trade unions their effective rights to discipline their members. There is nothing they can do if a member disobeys them, they can't discard him from the union, and if they discard him from the union it doesn't affect his job. All he has to do is pay his dues. So you have effectively removed any sanctions which trade union officers may have with respect to their members. You now want to affix on those trade union officers responsibility for what their members do and give them no powers of sanction. Now, let me make one further comment. I don't wonder that the Attorney General (Mr. Heald) has not referred us to the Ontario appropriate provision because the Ontario Government found it possible to pass an Act which got the power workers back to work without any provision in it for arbitrary decertification. Nothing whatever. It was perfectly effective. There is no reason why this Act needs a provision for arbitrary decertification; but if you must put on in, put it in on the basis of applications to the Labor Relations Board or some external tribunal and do not leave all the decision-making power with the Lieutenant Governor in Council.

**Some Hon. Members**: — Hear! Hear!

**Mr. Heald**: — Mr. Chairman, my only comment on that would be what happens if the employees of the hospital, or the employees of the corporation are out, and it takes a month or two months or three months to get before the Labor Relations Board? What happens when the people are in the hospital or the power is off or the gas is off? This could happen. This might take two or three months if you give effect to these amendments.

**Mr. Walker**: — Mr. Chairman, people commit murder and they are tried in a court of law. They are not taken out and summarily shot yet in this province or in this country. It seems to me, Mr. Chairman, that if this Government had any sense of responsibility or any sense of the dignity of man, or the rights of its citizens, it would not arrogate to itself this power, this right to be judge and jury on its own cause, to determine the destruction of its adversaries to strip them of their civil rights as is done in no country in the Western Hemisphere outside of perhaps some of the Latin American countries. I suggest, Mr. Speaker, that if this Premier was not so drunk with the sense of power, he would not have the arrogance to come to this House and to demand this right from this Legislature. I suggest, Mr. Chairman, that any Premier who had any respect for the citizens of this province would not come to this Legislature and demand the right from these rubber–stamp members that they give him this right to strip of their civil rights, trade unions who have won them in this province and in this country over the years. I suggest, Mr. Chairman, that every citizen in Saskatchewan who reads this Section and who is concerned about civil liberties and the rights of this Legislature and the rights of the people, will write to the Premier, will wire the Premier. Indeed any who may be the least bit intemperate may take more drastic measures with regard to the Premier. And I suggest that the Premier ought to be made aware of the fact that in this province and in this Legislature we don't willingly surrender our civil rights, we don't willingly surrender our rights to be tried by a court of law, to be tried by some system of justice which is objective, which is not subject to the opinion and wish and whim of the Premier of this province.

I say, Mr. Chairman, that this is the most shameful thing that has ever come to this Legislature during the 20 years that I have sat here.

**Some Hon. Members**: — Hear! Hear!

**Mr. Walker**: — And I say, Mr. Chairman, if this Premier arrogrates to himself the right to take dissident trade unions apart as he does in this legislature, where is this going to end? The Premier is displeased with the hospital workers for some reason. I don't know what they have ever done to him. Any hospital workers that I know of, that have ever had anything to do with the Premier have been very kindly to him, more kindly than they should have been as a matter of fact. But the Premier somehow has some notion that he ought to take the hospital workers and strip them of their rights to bargain collectively. Where is this going to end, Mr. Chairman? Is the Premier going to become displeased with the teachers? Is he going to become displeased with the Opposition, with the voters? Who is he going to strip next of their rights? There is no defence, no defence for bringing an Act of this kind to this House. The Premier has at his disposal legitimate and proper means to bring about a settlement of this power dispute. The Premier can settle this power dispute for a paltry sum of money, probably a tenth of the money that he threw away on his improvident cancellation of the bond issue last July and rescheduling it a couple of weeks ago. A tenth of that sum of money would settle this dispute. The people of Saskatchewan will never hear from the Premier's lips about this bad piece of misjudgement on his part. If the Premier is

able to so badly bungle the financial affairs of this province, who knows he may take over the Attorney General's post and then we will be exposed to the situation where prosecutions may be instituted under this Act with the consent of that kind of Attorney General.

I suggest, Mr. Chairman, that we have sat here and listened to this debate for some time and we have done it with growing alarm at the reluctance of this Government to face up to the magnitude of the thing that they are doing in this legislation. Editors and spokesman of liberal opinion all across the country should hold this Government up to scorn and contempt for this kind of trampling on the rights of citizens.

**Some Hon. Members**: — Hear! Hear!

The question being put on the amendment it was negatived.

**Mr. J.H. Brockelbank (Kelsey)**: — Mr. Chairman, I have another amendment in regard to clause (c) of subsection 2 of Section 10. And this clause (c) is, I call it, the blacklisting clause. The amendment is that clause (c) of subsection 2 of Section 10 is deleted. The clause reads:

> (c) no officer or employee of the trade union who was such within one month before the date of the proclamation or after the date of the proclamation shall be an officer or employee of any other trade union as defined in the Trade Union Act that may apply for certification as representing the majority of the employees.

Now I know of a case of course, everybody else knows of it, where this Government said to a voluntary organization in this province — and the Member for Athabasca (Mr. Guy) knows this — that you have got to get rid of a certain person or you won't get a grant. This is what it told him.

**Mr. Walker**: — The Member for Rosthern (Mr. Boldt).

**Mr. Brockelbank (Kelsey)**: — And that organization didn't elect that person as president so that they could get their grant. Now in this Bill you are saying to free voluntary organizations you can't pick the officers you want. Some of them we will disagree with and we are going to put them on the black list and you can't have them. This is completely undemocratic and is also a disgrace. I don't need to say anymore about it, but I hope the House will accept this amendment.

**Mr. Chairman**: — The question before the Committee is on the motion of the hon. Member from Kelsey (Mr. Brockelbank) that clause (c) of subsection 2 of Section 10 be deleted. The amendment is in order and the debate continues.

**Mr. A.E. Blakeney (Regina West)**: — Mr. Chairman, a brief comment. I think the words of the Member from Kelsey (Mr. Brockelbank) need very little elaboration. May I point out that in order to get on this blacklist a person need to no more than have been an officer or an employee

of a trade union one month before the date of the proclamation. There is no possible way to avoid getting on the blacklist. A person who may have been a union officer, who may have violently opposed a strike, who may in fact have resigned because a strike was called and in protest against the proposed strike will find himself blacklisted and unable to accept employment. It is perhaps not a prohibition over a wide area but it seems to me wholly and totally unreasonable to say to people who have done nothing wrong and whose sole crime or sole offence has been that they have been officers or employees of a trade union within a given period of time and who may have acted entirely properly. It seems entirely wrong to fix upon them disabilities about accepting employment in the very area of activity which may be the best and very nearly the only one in which they can earn their living, and it seems to me it is something even more than guilt by association; it is a retroactive guilt by association.

**Mr. Heald**: — The comment I would like to make on that clause is that I wouldn't want anyone to think, and I am not sure that anybody said this, but I want to make it clear that this clause doesn't say anything about the right to employment. It deals with the right to become an officer of another trade union, "no officer or employee of the trade union who was such within one month before the date of the proclamation or after the date of the proclamation shall be an officer or employee of any other trade union . . . may apply for certification". The purpose of the clause is to deal with situation where some employee or officer of a trade union who counselled employees not to go back after the strike was declared illegal, not to put that union officer or union official where he can come right back as an officer or employee of another union which applies for certification.

**Mr. Blakeney**: — I think it is clear what it is designed to do but let suppose that Mr. William Leonard was an officer of the Saskatchewan Government Employees Association and let us suppose that the Saskatchewan Government Employees Association went on strike at the Geriatric Centre. And let us suppose that he violently opposed this and resigned, let us suppose that you decertified the Government Employees Association and a new union was formed and Mr. Leonard wanted to obtain employment with the new union, he is totally barred. His sole crime was having been an officer of the Saskatchewan Government Employees Association who tried to obey the law and resigned because they wouldn't.

**Hon. W. Ross Thatcher (Premier)**: — I wonder if we could let clause (c) stand until we get an opportunity to take a look at it. I don't think it has the implications stated by the hon. Member who has just spoken (Mr. Blakeney) but we'll take a look at it and come back to it at the end of the Bill.

**Mr. Chairman**: — Is it the wish of the Committee to let Section 10 stand?

**Mr. Lloyd**: — Stand for 6 months, Mr. Chairman.

**Mr. Thatcher**: — Just until the end of the Bill, until we get a chance to look at it.

**Mr. Chairman**: — Section 10 stands.

**Section 11**

**Mr. R.A. Walker (Hanley)**: — I want to draw the Committee's attention to the size of the penalty here. First of all it is very unusual and it is considered very bad practice for legislatures to impose minimum penalties. First of all it deprives the tribunal or court adjudicating on the matter of part of the discretion which it ought to have. It limits the discretion of the judge and when you set a minimum penalty very often if the judge thinks the minimum penalty is too high, it tempts the court to twist the law or to try to find some excuse for giving an acquittal which perhaps should not be given on the facts. But in any case when we consider that most crimes under the Criminal Code provide no minimum penalty, one of the very few offences under the Code which provide a minimum penalty is the offence of impaired driving and it provides a $650 minimum penalty. Now I ask the House to consider what you are going to do to some union official who may have failed to give notice required under Section 9 (1), a sufficient notice to all the members of the union and who may have conscientiously done his best to give that notice, or to any worker who may have conscientiously done his best to avoid running foul of this iniquitous Act. What justification is there for imposing a minimum penalty of $100 a day? You could have an offence something like the railway strike. I suppose there are still some men out on the railway strike and, if there are, then of course a similar strike in the province would come under this Act for that number of days. And some poor typist or clerk or something could be fined $100 a day for not putting enough postage on the letter and having it come back in the mail. It just seems to me that we ought to trust the magistrate to exercise a proper discretion and that we should remove the minimum altogether. I think minimums are iniquitous and in this iniquitous legislation the felony is compounded.

**Mr. Heald**: — Mr. Chairman, I would like to point out that this penalty section comes from the Ontario section. The Ontario section is much tougher than the section in Section 11. The Ontario section says:

> Every person who calls or authorizes or counsels or procures . . .

We stop there but the Ontario section went on:

> . . . supports or encourages a lock-out or strike . . .

We thought that was too wide so we took those words out. And then the penalties provided in the Ontario section are not less than $100 and not more than $1,000 for each day. Then in addition to that penalty which is in the Ontario Act they had another penalty. That first penalty I suppose would apply mostly to leadership, but they had another subsection which we didn't put in this section:

> Every person . . .

this would be the individual —

. . . who engages in a lock-out or strike contrary to this Act is guilty of an offence and liable to a fine . . . of not less than $10 and more than $50.

We left that out and we did limit the wording in the first subsection. However, I don't disagree with what the member for Hanley (Mr. Walker) has said and we wouldn't object to deleting the minimum so I would move Mr. Chairman that subsection (1) of Section 11 be amended by deleting the words "of not less than $100 and".

**Mr. Chairman**: — It has been moved by the hon. the Attorney General (Mr. Heald) that Section 11, subsection (1) be amended by deleting in the fifth line the words "of not less than $100 and". Under the circumstances the amendment appears to be in order and the debate continues on the amendment.

The question being put on the amendment, it was agreed.

**Mr. Davies**: — Mr. Chairman, may I speak to the amended Section. I think this in a measure is a slight improvement. I would like to say this that in my opinion the penalty is far too onerous under all the circumstances. Mr. Chairman, this, as the Attorney General has told us, and as my seatmate has explained, was the one-shot effort legislation in Ontario dealing with a pretty large institution an where there was a rather large union organization. The legislation before us is going to apply to a smaller number of workers in a union organization — talking now about the power union organization, if I may refer to that one for the moment, and also refer to dozens of small hospital union organizations that might have 25 to 50 members and no more. This type of union has no resources whatsoever and could certainly not pay the kind of impost concerned here which is far too onerous in my opinion under the circumstances. You are not dealing here with a Pittsburgh Steel local of 25,000 or 30,000 members; you are dealing here with dozens of small hospital locals that haven't resources and under the circumstances fines of $1,000 a day which is possible is simply ridiculous: it's punitive in every way.

The question being put on Section 11, as amended, it was agreed to.

**Section 10**

**Mr. Thatcher**: — After consideration, Mr. Chairman, the Government is prepared to drop clause (c), of subsection (2).

**Mr. Chairman**: — The question before the Committee is on the amendment proposed by the hon. Member for Kelsey (Mr. Brockelbank) that clause (c) of subsection (2) of Section 10 is deleted.

The question being put on the amendment it was agreed.

**Mr. Walker**: — . . . one less flick of the whip.

**Mr. Brockelbank (Kelsey)**: — Mr. Chairman, I just want

one or two words about subsection (3). Now I am not sure that I fully understand the implications of this but it reads that where a trade union has been decertified pursuant to this Act, that apparently ends the matter in a great many respects, except with respect to offences committed prior to decertification and they apparently are never forgiven. Now is it a fair proposition to expect to have it both ways. If you have decertified the union, isn't that enough bloodletting without hanging onto everything else that you might be able to hang on. I think you might consider being a little moderate.

**Mr. Heald**: — Mr. Chairman, I think that as a result of the decision to drop the penalty against members we should take out in subsection (3), Section 01, in the second line the word "and" in the finish of line 2 and the word "members" in the beginning of line 3, so that it would read:

> Where a trade union has been decertified pursuant to subsection (1) the trade union, its officers and employees shall with respect to offences committed prior . . .

**Mr. Chairman**: — It has been moved by the hon. the Attorney General (Mr. Heald) that in Section 10, subsection (3), delete the words "employees and members" in the second and third lines and substitute the words "and employees".

The question being put on the amendment it was agreed.

The question being put on Section 10, as amended, it was agreed.

**Section 13**

**Mr. A.E. Blakeney (Regina West)**: — With respect to this Section there is a comment or two I wanted to make, Mr. Chairman. I would ask the Government to consider an amendment to that. It seems to me that the way it reads and I am referring to the last three lines, "any act or thing done or omitted by an officer or agent of a trade union shall be deemed to be an act or thing done or omitted by the trade union". It looks to me as if the trade union is fixed with every act of an officer or agent. I think we all know that corporations are fixed with the acts of their officers or agents when they are done in the course of business. Let us say that a board of directors decides to do something for a corporation and one member of the board or one employee objects to this and takes a different tack, the corporation is not fixed with the responsibility for what that employee or that agent does because they have already said they don't agree with that, they have already dissociated themselves from that. I don't object, and of course a trade union must be responsible for what its officers or agents do when they are authorized, but it seems to me rather rough to ask a trade union to be responsible for that which its officers or agents do, even though the act which is done may be in direct contravention of what the union wanted done and what the executive decided and what all the other members are doing. It just strikes me as swinging a rather wide net.

The question being put on Section 13 it was agreed.

## Section 14

**Mr. J.E. Brockelbank (Saskatoon City)**: — I would just like to make an amendment to Section 14. My amendment is that subsection (1) of Section 14 be amended by deleting the words "or is likely to act" in line two thereof. Now with regard to this particular deletion and this particular subsection, there is a section similar to this in the Engineering Profession Act and I imagine this was designed along that or some similar clause. The purpose of the Engineering Profession Act, as I understand it, is an act to allow the engineering profession to police their own organization. One of the terms of this particular Section is that the action may be instituted at the instance of the association. In this particular section the action may instituted at the instance of the Attorney General. It's applied to one thing in the Engineering Profession Act and applied to a different situation in this particular Bill. Now anticipation is a fine thing. I know we have all anticipated at some time one thing or another provided it's pleasant, but the anticipation that would be involved in this would be highly unpleasant, I would say. This is my reason for moving the amendment. It is that these several words "or is likely to act" are so nebulous as to not being subject to proof. No one is able to prove it, therefore, I feel that these words should be deleted from that section.

**Mr. Chairman**: — The question before the Committee is on the motion of the hon. Member for Saskatoon (Mr. Brockelbank) that subsection (1) of Section 14 be amended by deleting the words "or is likely to act" in line two thereof. The amendment is in order and the debate continues on it.

**Mr. Heald**: — Mr. Chairman, the injunction can't be obtained of course without an application being made to the Court of Queen's Bench and there are all sorts of safeguards. These injunctions are not just issued with the rations as my friends in the legal fraternity across the way know, and anybody applying for an injunction has to have real proof, not fancy imagination; they have to have real proof before any judge of the Court of Queen's Bench will issue an injunction. I don't think the words "likely to act" are dangerous words at all. The Member for Saskatoon (Mr. Brockelbank) is quite correct in saying that the wording came from the Engineering Profession Act but still it's a reasonable suggestion in my opinion. "Is acting or is likely to act", and you have to establish by the strongest possible proof before the Queen's Bench judge that the illegal act complained of was imminent in a real way, not just somebody's opinions. I think the safeguards that you are looking for are contained in the fact that you have to go to a judge and make your case.

The question being put on the amendment it was negatived.

**Mr. J.E. Brockelbank (Saskatoon City)**: — I have a further amendment for that particular section. It reads as follows: Section 14 is amended by adding thereto the following: "No injunction, interim injunction or other

relief sought by action under this section shall be granted ex parte". The interim injunction was in this province a matter of considerable concern to the labor movement and to employees who happen to have taken strike action. In the statutes of 1953 the ex parte proceedings are provided for in the Court of Queen's Bench Act, and in the statutes of 1960 the ex parte injunction has been removed from the Court of Queen's Bench Act and it states at that point:

> No injunction to restrain any person from doing any act in connection with any labor dispute shall be made ex parte.

I think the reason for moving the amendment is quite clear.

**Mr. Heald**: — Mr. Chairman, I think if the hon. Member will look at Section 44, subsection 20, of the Queen's Bench Act, it says this: subsection 20, clause (1) —

> No injunction to restrain any person from doing any act in connection with any labor dispute shall be made ex parte.

So it is covered.

**Mr. Chairman**: — The amendment is in order and the debate continues on the amendment.

**Mr. W.S. Lloyd (Leader of the Opposition)**: — May I ask the Attorney General to look at Section 16 which is:

> This Act applies notwithstanding anything in the Trade Union Act or regulations made thereunder or in any other Act . . .

Does the statement still stand?

**Mr. Heald**: — I think the point is well taken and I wouldn't object to the amendment on this basis. To make it crystal clear I think there might be room for argument and we don't intend that this should be an ex parte application at all. We won't object to the amendment.

The question being put on the amendment it was agreed.

The question being put on Clause 14 as amended it was agreed.

**Section 17**

**Mr. Walker**: — I wonder whether or not the Attorney General could explain to me the difference between saying that this Act shall come into force on proclamation and what he is proposing to do. There is some difference. The formula often used is: This Act shall come into force on proclamation. I don't know if you say on the day of assent. Do you have to ask the Lieutenant Governor to assent to it?

**Mr. Heald**: — The references I was making earlier was to the operative part of Section 3. You see everything that comes after 3 doesn't come into effect unless the proclamation contemplated in Section 3 is made.

**Mr. Walker**: — I know that but there has been some widespread misunderstanding about this item because I noticed in a place where I don't read very often, the editorial in this morning's Leader Post said something the effect it would be a better thing if this Act was never proclaimed and I am sure that many people believe that this Act will be passed by the Legislature and will be left in limbo to be proclaimed in the event that it may be needed. It strikes me that this is the preferable way of doing it rather than to have the Act go into effect and appear on the statute books, because quite frankly I am a little ashamed to have people in other provinces see that we passed this kind of an Act and I would much rather that the Government themselves could some day come in this House and boast that they were able through the ordinary procedures of collective bargaining to effect continuous orderly services without the necessity of never having to proclaim this legislation. I would like them to be able to say at some further date that, while we passed the legislation for emergency use only, we never actually gave it assent, it never actually became a part of the law of Saskatchewan. There is a halfway house I'm sure in there somewhere if the Attorney General can just advise us where it is.

**Mr. Lloyd**: — A word or two to what the member from Hanley (Mr. Walker) has said. When the Premier was speaking earlier today he gave what I felt to be a very certain implication, namely that the Act would not be proclaimed, would not come into effect on assent but the Act would come into effect on proclamation. He specifically took pains, it seemed to me, to point out that before the Act was proclaimed then such and such would be done. And I submit that unless this has changed and the Government has been misleading the Legislature and the country to some extent, Mr. Chairman, I would like to move that Section 17 be amended by striking out the words "on the day of assent" and substituting, I think the proper words are, "on proclamation".

**Mr. Heald**: — Mr. Chairman, we wouldn't disagree with that. I think there may have been some room for misinterpretation. I think when I was talking I was talking in terms of the proclamation under Section 3; however, it may be that other speakers were talking in terms of proclamation of the Act. So if there is objection to the words "on the day of assent" I certainly don't object. We on this side don't object to the amendment made by the hon. Leader of the Opposition (Mr. Lloyd).

**Mr. Chairman**: — It has been moved by the hon. the Leader of the Opposition that Section 17 be amended by striking out "on the day of assent" and substituting "on the date to be fixed by proclamation of His Honour the Lieutenant Governor in Council".

The question being put on the amendment it was agreed.

The question being put on Section 17 as amended, it was agreed.

**Mr. Chairman**: — Her Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows An Act Respecting the Continuation of Services Essential to the Public.

The question being put on Bill No. 2, it was agreed.

## MOTION: RE ADJOURNMENT

**Hon. W. Ross Thatcher**: — Mr. Speaker, I move by leave of the Assembly, seconded by the hon. Minister of Public Works (Mr. Gardiner):

> That when this House do adjourn at the end of the sitting of the day on which this motion is adopted it shall stand adjourned to a date set by Mr. Speaker upon the request of the Government and that Mr. Speaker shall give each Member seven clear days' notice wire and registered mail of such date.

The question being put on the motion it was agreed.

## QUESTION RE COST OF LIVING RESOLUTION

**Mr. W.S. Lloyd (Leader of the Opposition)**: — Mr. Speaker, may I ask a question? There is on the paper another resolution under my name. I know that the rules of the House require notice and it will have to be moved properly on Friday of this week. Do I understand that adjourning as we do, Mr. Speaker, the motion which would have urged the establishment of a Legislative Commission to inquire into the cost of living increases which are eroding the welfare of a great many people, will continue to stand on the Order Paper and be found there when we reconvene in November or December, whenever the Premier and Mr. Sharp get their little argument settled.

**Mr. Thatcher**: — Mr. Speaker, we would certainly assume that that would be on the Order Paper when the adjourned session meets again.

The Assembly adjourned at 5:27 o'clock p.m. on the motion of the Hon. J.W. Gardiner.