

LEGISLATIVE ASSEMBLY OF SASKATCHEWAN
May 1, 1978

EVENING SESSION

COMMITTEE OF THE WHOLE

Bill No. 32 - An Act to amend The Income Tax Act

Item 1 agreed.

Items 2 to 6 as amended agreed.

Item 7 agreed.

Motion agreed to and bill read a third time.

Bill No. 40 - An Act to amend The Department of Finance Act

Section 1 agreed.

Section 2, new sections 18(a) and 18(b) agreed.

Section 3:13 repealed agreed.

Motion agreed to and bill read a third time.

**Bill No. 37 - An Act respecting the Temporary Provincial Education and Health Tax Rate
Reduction and Federal Reimbursement**

Section 1 agreed

Section 2 agreed

Section 3 agreed

Section 4 as amended agreed

Section 5 as amended agreed

Motion agreed to and bill read a third time.

Bill No. 59 - An Act respecting Provincial-Municipal Revenue Sharing

Section 1 agreed.

Mr. Lane (Qu'Ap): —A question to the minister. With regard to revenue sharing, are you considering at the present time reviewing on an annual basis the census of the various communities in Saskatchewan?

Mr. MacMurchy: —Yes, we have made a commitment to the urban municipalities at their convention that we would look at some vehicle for establishing reassessment. I say, to the urbans, because they are the ones where the per capital grant is heavily

involved at being 60 per cent. I understand that there is some kind of a scheme in Alberta which I have asked the officials to look at and they will be reporting back to me with a proposal.

Mr. Lane (Qu'Ap): I have met with one of your officials about some of the satellite communities and how we have had this discussion in the past, how the communities surrounding Regina, for example, and I understand Saskatoon, are having a great deal of difficulty because grant programs and the municipal structure is based on the last federal census. I will undertake to show you later and discuss privately with you. For example, the village of Pilot Butte since the last census has just about doubled in population and of course the grants are based on the last census so it is having a very difficult time. I am wondering if the minister would be prepared to give us the time period that he is looking at to implement some type of yearly census and I am sure that the hon. minister would do a great deal for the local communities even if it was a year behind. I think if they were that close they would be satisfied if it was brought, as I say, even within one year. Could you give us an indication of the time period that you are looking at for implementation of an annual census?

Mr. MacMurchy: — Well, Mr. Chairman, we are looking at some kind of a vehicle for census taking for the urbans before distribution next year. As I indicated, the dollars are certificates, 60 per cent of the dollars are on a per capita basis so it is pretty important that we get something in place before the next distribution. It was agreed this year that we would use the census figures.

Mr. MacDonald (Indian Head-Wolseley): — Mr. Chairman, I want to ask the minister a couple of questions related to increases. Is it not a fact, Mr. Minister, that there are 11 municipalities that get no revenue sharing because they were rich and they had no equalization last year? Is that the correct number?

Mr. MacMurchy: — Yes, Mr. Chairman. I can't recall the number. I know there are some and the numbers are relatively small. While we are in that area, some of them relate to the potash communities and I have asked the grants people in Urban Affairs to check the revenues they have received from potash in relationship to last year and perhaps there should be some adjustment for them under revenue sharing once those figures are out.

Mr. MacDonald: — Can you tell me how many municipalities in the province got less this year than they got last year in total provincial grants, in total?

Mr. MacMurchy: — Yes, counting both urban and rural?

Mr. MacDonald: — Yes.

Mr. MacMurchy: — I don't think there are any urbans that got less. I think that there were some that did not get any more. I think there are about 15 or 20 of the rurals that got less because of the rolling in of the re-gravel grant and I have indicated to them that we are looking at the formula that was used for rolling in the re-gravel and we will be responding to them fairly shortly with respect to adjustment.

Mr. MacDonald: — I appreciate that Mr. Minister, but now there is another problem that even goes beyond that. So we say now that there are 11 municipalities that got no money from revenue sharing . . . (interjection) . . . all right there are 11 municipalities that got no money, no new money, there are some 15 of them that got

less money, approximately. Now, what happens to those municipalities next year when the grant is increased or we will say that the grant is doubled, and those that got zero, double zero is zero. But to those particular communities, do they continue to remain static as far as revenue sharing? How is it to be included in the formula because this is a pretty serious problem? A couple of these municipalities discussed it with me, saying because we got zero this year because we did not have any equalization. All of a sudden everybody else got an injection in the funds over and above what they got last year but perhaps doubling the money next year or increasing it 50 per cent, now what happens to those poor municipalities next year who happen to be penalized this year, they don't get an injection of new funds, how are you going to make the adjustment for those next year?

Mr. MacMurchy: — Well, Mr. Chairman, in total dollars received I suspect that all municipalities - we are talking about the rurals here - did very well because of the increase on the capital side. Their concern is with respect to the unconditional side and what the additional new money in the unconditional side did was to reduce the number that qualified for grants significantly. In other words, under the old equalization there were a lot more municipalities that didn't pick up any equalization a year ago, that picked it up this year. And as more money goes into the unconditional pot, that will soon be eliminated and I would anticipate although I don't know, I would anticipate that next year nearly all municipalities will qualify under the equalization side or under the unconditional side of revenue sharing. Maybe not all, but I think I would say nearly all. You take a very wealthy municipality like Sherwood; I don't know, it's assessment is very high and I don't know whether it would qualify but most will as that fund expands on the unconditional side.

Mr. MacDonald: — Can the minister tell me this, now as you say, what municipalities are concerned with is operating and of course the capital is each new program, each municipality in normal circumstances gets its share of capital grants. But they are concerned about the operating aspect of the grants. Now you say that some of them didn't even know that the number of communities that had grants reduced or got zero equalization has been reduced. Can the minister tell me specifically, is the formula going to take into account the relationship of the amount of money that goes with the actual assessment of the municipality. How is that particular program going to be solved with the formula because it's a very serious one and does the formula take this into consideration and if so how?

Mr. MacMurchy: — Well, I think as the size of approval in the unconditional part grows, obviously more of the municipalities qualify by reason of the formula. It just goes farther. With respect to the formula, there has been some concern expressed with it and we are going to do a review of the old equalization formula because that's the one we used on the rural side over the summer, involving a little committee of the SARM of some councillors, secretaries and the rural affairs division. So it's going to be examined, but I think one can understand that as the size of the pool grows, the benefits spread out that much farther for the wealthier municipalities and they will receive some as a result.

Mr. MacDonald: — If that is the case, Mr. Minister, then perhaps we might sit down and give that review committee of yours some direction from the Assembly; I think it would be fair to say that revenue sharing is going to be introduced and surely the old equalization formula is not that far out of date, and therefore perhaps we should have a resolution from the Assembly indicating to your review committee that no municipality

should suffer under the new arrangement. Certainly it is understandable that perhaps Sherwood and Grass Lake and a few more would not get the same extent of it that other municipalities in the North or low assessed areas or municipalities that are not as rich. I wonder if I might introduce a resolution urging the minister - I have just got my colleague to write it out so I want to see just exactly what it says. Can the minister tell me exactly how many of these municipalities will receive less. Did you say 15?

Mr. MacMurchy: — I am sorry I can't give you the actual number. I don't have my officials here, they will know the number. It is a relatively small number in relationship to the total number of municipalities.

Mr. MacDonald: — Well, Mr. Minister, I would like to move a motion, if I might. It is a very general motion and I would like to ask the minister to support this.

That the Committee direct the government to ensure that all rural municipalities receive at least the same financial assistance from the government this year as received last year.

I would like to have it seconded by my colleague the member for Lakeview (Mr. Malone).

I would like to speak very briefly to it. I don't want to prolong the committee but I understand the minister has recognized the problem and is now instituting a committee to review the existing equalization formula before cost-sharing came on stream. I am sure that he realized that all municipalities had great expectations as to what they would receive and what this might do as far as their tax rate at present is concerned and what it might do as far as future tax rates are concerned. I therefore would like to ask that the minister support this particular motion and all members of the committee support it.

Mr. Chairman: — I am afraid that I am going to have to rule the motion out of order because of the word 'direct', directing the government to do this. It could end up to be a money motion in the end.

Mr. MacDonald: — Mr. Chairman, may I speak to your ruling? First of all, I'll change it to 'urge'. I want to suggest to you that it does not instruct the government to spend additional funds. It merely says put the pot in and redirect the sharing formula. So it is not a money by-law and I hope that the Speaker will recognize it when I rewrite the motion.

Mr. MacMurchy: — While the hon. member is rewriting the motion, I think that it will be obvious to him that I'll be asking members not to support it because it destroys the basis of equalization. As I recall, the equalization formula that was used this year in distributing grants is the equalization formula that was put together during the former government's term of office. Therefore, it should be a good equalization formula. I don't think that we should break from the principle equalization in the distribution of the unconditional funds. It's not to say that we aren't prepared to look at the equalization formula to see how it's going to be improved. That commitment, I've made here in this Assembly but with respect to the motion, I'll ask members to vote against it.

Mr. MacDonald: — Mr. Chairman, I'm going to move that motion and

That this Assembly urge the government to ensure that all rural municipalities receive at least the same amount of financial assistance as last year.

And all I want to tell the minister is that a lot of municipalities are going to think it's very strange equalization and very

strange cost sharing or a very strange equalization, as they received less money than they did last year and I think that this is supposed to be a substantial improvement, a substantial injection of funds and now you are telling me this equalization formula is going to be changed around. You said the last one was pretty good. Now you are turning around and saying that certain 15 municipalities are going to receive less even though there is a huge injection of new funds. I would ask the minister to reconsider and vote for the motion.

Motion negatived on division.

Section 2 to 11 agreed.

Section 12

Mr. MacDonald: — Mr. Speaker, I would just like to ask the minister, wouldn't that clause 11 kind of cover my resolution, 'Minimum and maximum grants notwithstanding any provision of this act, the Lieutenant-Governor in Council may prescribe the minimum or maximum amount of any grant or grants payable pursuant to this act.' Wouldn't that give those municipalities, those 15, a guarantee that they wouldn't receive any less? Couldn't you do it under the powers of that act, section?

Mr. MacMurchy: — Mr. Chairman, I think that in reviewing, as we are doing now for those municipalities, the amount they receive is the vehicle that will be used to adjust their grant if it is felt important to do so. I think I indicated to those rural municipalities where they have a problem that we would look at their problem. That is the process that is going on now and hopefully, through the examination, we can give them more support than we have given them.

Mr. MacDonald: — Mr. Chairman, I want to say that I am rather disappointed in what the minister has just indicated. I would have thought that minimum or maximum grants would have been a minimum amount that would be equally applicable to all municipalities in the province but if this particular section is going to be used for you as a catchall and a catch-can and any municipality that comes in can be given another \$500, that is kind of like the old MLA grants we used to have from 1944 to 1964. Is it not dangerous to vary from the formula? A minimum and maximum can be established within the formula and you can vary that minimum and maximum; it can be on a per capita base of 25 cents to 30 cents. If you are going to use that as a catchall to completely vary from the formula itself, do you not think that is getting into a very dangerous precedent?

Mr. MacMurchy: — I agree with you and I am not sure, Mr. Chairman, that we will not be able to make adjustments in the existing formula in order to accommodate the problem that was raised by the hon. member through some of the municipalities that have talked to him. I do not know that and that is the information we are seeking. I think by all means it must be important that the formula and the regulations establishing the formula are used in providing the revenue sharing grants, no question about that. However, I point out to the hon. member that we have indicated to the municipalities and to this Assembly that we want to try to be as flexible as we can in the initial stages of this particular revenue sharing program.

Section 12 agreed.

Sections 13 and 14 agreed.

Motion agreed to and bill read a third time.

Bill No. 58 - An Act to amend The Urban Municipality Act

Section 1, 1970, Chapter 78, agreed.

Section 2 as amended agreed.

Section 3 as amended agreed.

Section 4 agreed.

Section 5

Mr.Lane (Qu'Ap): — Mr. Chairman, Mr. Minister, who requested that provision?

Mr. MacMurchy: — It was requested by SUMA.

An Hon. Member: — For what reason?

Mr. MacMurchy: — Section 5, new section 151; it was requested by SUMA because of the problem they were running into on requiring an architect or an engineer for projects and the former section read \$35,000 and we have increased it at their request to \$75,000 which will basically take care of the minor renovations that take place.

Mr.Lane (Qu'Ap): — Was this provision raised with the architects and professional engineers?

Mr. MacMurchy: — Mr. Chairman, I can't answer that question. As I say, my officials aren't here and I don't know whether they were contacted or not. The legislation, of course, is discussed with SUMA before it is submitted to the House but I haven't had any letters from architects or the engineers as a result of the legislative change as proposed and it has been around the House for some time.

Mr.Lane (Qu'Ap): — I don't think it has been around the House, Mr. Minister. I notice that most of us are just getting copies of this bill tonight. When I call your attention to the particular provision, I am not disagreeing with the intent but I - the original provisions are there for a reason and that is for public safety and public protection and my only suggestion to you, and I think we should stand that section, is that the architects and engineers would not see it until a bill was tabled unless someone called their attention to the fact that the amendment was going in. Now in all probability they will have no objection but they should have it called to their attention.

Mr. MacMurchy: — I think you make a point and we will stand the bill and I will have my officials get in touch with the architects and engineers and get their comments.

Committee reported progress.

Bill No. 49 - An Act to amend The Theatres and Cinematographs Act, 1968

Section 1 as amended agreed.

Section 2

Mr. Lane (Qu'Ap): — I wonder if the minister could tell us on what date he expects that bill to be proclaimed?

Hon. R. Romanow (Attorney General): — I can't tell you this right now but I will tell you what I will do; I will provide some information to you on this if you want and you can raise it in the question period. I will get some information to you tomorrow.

Motion agreed to and bill read a third time.

The committee reported progress.

COMMITTEE OF FINANCE — DEPARTMENT OF LABOR — Vote 20

Item 1 continued

Hon. G.T. Snyder (Minister of Labor): — The House ruled on Friday the member for Rosetown had given us a learned dissertation on what he believed to be some of the finer points of the department and had levied what I thought were some fairly major criticisms against a body of people that devote their time unstintingly and I think with a great deal of dedication and I thought that the attack upon this group was something that deserves some comment by myself.

The members of this House should know something, I'm talking about the member for Rosetown who I understand is occupying this House on two afternoons a week from this point until the legislature prorogues.

Now, Mr. Chairman, the member at that time had something to say about the Labor Relations Board and indicated a built in bias on behalf of the Labor Relations Board which I thought was something less than charitable and something less than crude particularly in light of the fact that the Labor Relations Board is comprised of a chairman under the chairmanship of Mr. Sherstobitoff who is regarded widely I think throughout Saskatchewan and by the legal profession as a person of the highest integrity and one which the hon. member for Lakeview, the Leader of the Opposition; complimented us when he was appointed a matter of some months ago.

I don't intend to go into great detail but I think it is worthy of note, Mr. Chairman, that the employer members on the Labor Relations Board are chosen as a result of nominations which are made by the business community, by the Chamber of Commerce, by the boards of trade, by the Mining Association and a variety of other employer organizations and they are graced with such people as Brian Keple who was nominee of the Chamber of Commerce and received the endorsement of a large number of the other employer organizations. To suggest that Mr. Keple then is somehow labor oriented, I think is really stretching a long bow. Another member of the Labor Relations Board, a management representative probably will be well known to the member for Maple Creek and was well known to his father. Al Friars, the former superintendent of the Canadian Pacific Railway whom I knew for many years and knew him to be a honest person and a good employer, is another member of the Labor Relations Board who serves and serves well. Donald Carr who was a nominee from Federated Co-op and has a long and I think a proud relationship in management groups is another member who has served on the Labor Relations Board along with Ken

Hutchinson and a newly appointed woman member to the Labor Relations Board, presently the director of personnel at the Sherbrooke Nursing Home, one Muriel Jarvis. I think for the member for Rosetown, to stand in his place and indicate somehow or another the Labor Relations Board has a bias and brand them in that way, I think was most unfair of him and a statement which certainly doesn't have any place in this particular House.

If he wants to criticise The Trade Union Act, then I think he should be directing his criticisms toward myself. For him to criticise the people who are charged with the responsibility of administering that act is I think is something else again and the only bias that I can see comes from opposition benches, not from the Labor Relations Board, but from opposition benches in this legislature.

Now, Mr. Chairman, the member for Rosetown had a number of other criticisms which he had to offer. He said among other things that he thought that a fundamental principle should be that a person should have the right to join a union as is laid out clearly in The Trade Union Act, but he believed also that they should have a right not to join a trade union. I don't know exactly what the member is saying under the circumstances but I think that principle, if applied, should be applied on a much wider basis than what the hon. member would suggest. I wonder if he is saying that the hon. member for Regina Wascana and the other members of the legal profession should be allowed to decide whether they belong to the Law Society, which I understand is mandatory, otherwise they do not practise law in the province of Saskatchewan. The medical profession must by necessity be a member of the College of Physicians and Surgeons with or without a majority vote in order to practise medicine in the province of Saskatchewan. I am wondering if those kinds of principles which the member stands in his place and espouses, if he shouldn't be applying them somewhere more widely than just to the narrow suggestion that he makes with respect to trade unions.

I think there is a fundamental democratic principle involved and I think most members opposite will be aware of the fact that in order for a union to be certified by the Labor Relations Board, they must have a vote and must indicate in the affirmative by 51 per cent that they are in favour of that union representing them, otherwise the union does not represent that group of workers. I think that is probably a more democratic kind of a principle than the principle that we use to elect members to this legislature because I think I would be lonesome in this House if the 51 per cent principle applied to all members who had to be elected to this legislature. Quite obviously they would be a very select group.

The member for Rosetown-Elrose also had some remarks that I want to make brief reference to with respect to the Medstead School Unit and some of the difficulties which they supposedly experienced with the Labor Relations Board. And I want to invite that hon. member, if he is inclined to return to this House between now and prorogation, to examine the details of the Medstead Agreement and he will discover upon reading the transcript that there is no Labor Relations Board that could have reached another decision other than that which they reached. I think it is rather clear, Mr. Chairman, when you read the transcript of the proceedings with respect to Medstead, that in that particular set of circumstances the school unit board at Medstead received bad advice, bad advice from the legal counsel that they had retained. They became aware of the fact that the Canadian Union of Public Employees was in the process of attempting to form a union and they subsequently fired a number of the employees that were ring leaders . . .

Mr. Cameron: — Who was their lawyer?

Mr. Snyder: — You know who their legal talent was, you know very well. I understand he doesn't act for them anymore. But when they discovered that the Canadian Union of Public Employees was about to make an effort to organize them, the ring leaders of the organization, the people within the Medstead School Unit who were attempting to have that union formed were summarily dismissed following a meeting of the school board, at which time their legal counsel offered them advice about how they should proceed. Subsequently the following day, they issued the pink slips, I believe, to either two or three of the employees.

I think one of the fundamental principles that has to be acknowledged and should be understood by all employers in the province is that if you have an employee, if he has served you and served you well, immediately upon an organizational drive beginning, you do not discharge that person in the course of the organizational drive. Either that or you better have a good file built upon him or be in a position to prove conclusively that he was fired for reasons other than his activities on behalf of the trade union organization.

This was the story at Medstead and when the matter appeared before the Labor Relations Board and when the unfair labor practice was heard, they either chose not to present their case or else refrained from presenting it or were unable to and as a result the Labor Relations Board had no other choice other than to indicate that these persons were summarily dismissed because they had been active on behalf of the Canadian Union of Public Employees in their attempt to form a union. It is as simple as that, Mr. Chairman. Obviously the job was not well done. If the employee, who had been working with them for some years had been a satisfactory employee, it is rather strange that at a given point in time when an organizational drive was in progress that they would have chosen to dismiss him without a shred of evidence or without any documented proof that he was somehow an unsatisfactory employee. I just wish the member for Rosetown-Elrose would acquaint himself with the facts of the case. I wish he would read the transcript - and find out for himself and see if any fairminded person could have judged any differently than was the case in the judgment with respect to the Medstead School Unit.

I'm sorry the hon. member for Rosetown-Elrose isn't here. I wanted to direct my remarks particularly to him. I believe there's nothing else that I want to say in particular except to indicate that I think the member is on area of bad judgment. I think he was guilty, first of all, of attacking a Labor Relations Board of which he knows little; I think of taking positions which are manifestly unfair and unjust with respect to his criticisms of the Labor Relations Board.

Mr. R.L. Collver (Leader of the Conservative Opposition): — Mr. Chairman, no, I'm glad you didn't get out item 1 agreed, Mr. Chairman, because I think that a few remarks are in order in the light of the rather unwarranted and unmitigated attack by the Minister of Labor who is incapable of fighting someone face to face and who wants to fight behind his back.

As the minister will no doubt be aware, Mr. Chairman, and I'm sure you're going to call him to order in very short order if he continues yelling like he's doing. As he is no doubt aware a school superintendent has to meet with his local authorities on Monday evenings - that's pretty normal. It's pretty accepted in this House by everyone. I think the member for Saskatoon Eastview is not here. The member for Maple Creek is just

here. But normally those school superintendents must meet with their boards when they meet on a Monday and that's absolutely necessary. The member knows that as well as anybody else. And to attack a member who is not here because he is doing his duty with local government is a most unwarranted kind of ridiculous behaviour on the part of the minister.

Now, Mr. Chairman, the member for Moose Jaw South likes to suggest that the Labor Relations Board in the province of Saskatchewan is totally fair and totally reasonable and totally rational. Let him talk to every labor union chieftain in the province of Saskatchewan and the labor union leaders themselves, Mr. Chairman, who will tell him that the Labor Relations Board is nothing but a tool of the NDP. A model of the NDP. That's what the Labor Relations Board is. The Labor Relations Board takes its bidding from the man sitting to the left of the minister. That's who the Labor Relations Board takes its bidding from. The Labor Relations Board takes its bidding from the Minister of Labor. That's where they take their bidding from. An independent commission. No one in Saskatchewan believes that the Labor Relations Board is independent. Neither management nor labor, neither trustee nor teacher, no one believes they are independent and for the minister to suggest from his place tonight that one particular decision which has upset, Mr. Chairman, upset thousands of people in that constituency and that area, literally thousands, people have submitted petitions to the minister about that particular case and about others as well. Thousands of people in that area are upset with the decisions of the Labor Relations Board. Let him ask about an Estevan union hospital decision by the Labor Relations Board of this government. I would like to describe it to him, he might remember. He might remember, not the Labor Relations Board I am sorry, an arbitration board, appointed . . . ah yes, the senior member of which was appointed by this government, the senior member of which was appointed by the government. Let him talk about the Labor Relations Board's decisions, Mr. Chairman, with reference to Morris Rodweeder in Yorkton and the kinds of damage done to Morris Rodweeder by the Labor Relations Board kind of decisions. The fact is, Mr. Chairman, the minister knows and knows well that the decisions of the Labor Relations Board and when any member of the Labor Relations Board decides to act in any way independently, bingo, he's gone and there is somebody new appointed to the Labor Relations Board. Bingo. Bingo . . . (inaudible interjection) . . .

Well, the member realizes the changes that have been made in the Labor Relations Board within the last year. Why were those changes made? Why were those changes made? The minister is, I am sure, going to answer that question, Mr. Chairman. The fact is, what the minister is trying to do in this Assembly tonight is to take the heat off a situation which in the province of Saskatchewan, is unacceptable. Both labor and management would like to have a Labor Relations Board, the enforcement arm of The Trade Union Act, would like to have a board that is independent and that not only makes independent decisions, but appears to make independent decisions. This Labor Relations Board makes decisions based solely on the whims of the Minister of Labor and of the cabinet.

Mr. Snyder: — that is absolute . . . (laughter) . . .

Mr. Collver: — Well, I suggest that the minister and I certainly think that is an extremely intelligent remark, asinine balderdash. I hope that the minister in commenting about asinine balderdash will use his dictionary and pull it out and define those terms to the members, because quite frankly, Mr. Chairman, I think they are unparliamentary.

Mr. Chairman: — Order please, order. I think that no matter who uses the word, why it is not appropriate for an occasion and I would ask that they do not continue.

Mr. Collver: — Well, Mr. Chairman, I am very pleased to hear that you would suggest that that kind of language not be used in this Assembly, but the minister I am sure, will continue to speak from his chair or to argue against members who aren't here, to try and defend them when they aren't here. Anyone could perform that kind of behaviour. I notice the Premier is often not here, many people are often not here . . . (inaudible interjection) . . . sometimes, as in the case of the Minister of Education, he is not here even when he is here!

Mr. Chairman, the fact is that the Minister of Labor tonight . . . (inaudible interjection - laughter). That is such an old one, Mr. Chairman, as to be unworthy of comment. Mr. Chairman, the minister is trying to suggest tonight that in the Medstead School Unit decision, that somehow the Labor Relations Board acted as a totally independent board. Now the reason is that that entire area of northeastern Saskatchewan, as a result of the government's mishandling not only of that issue, but on a great many other issues, is making inroads against the present government, inroads! An opposition party does not have, for the information of the minister, a nominating convention of 1,100 people in Loon Lake, 1,100 people in Hafford, 1,100 people to one nominating convention, unless, Mr. Chairman, unless there are some serious problems and some serious concerns being expressed by the local people and the serious concerns that they are expressing in that part of Saskatchewan, as the member for Meadow Lake . . . (interjections and inaudible comments) . . .

Mr. Chairman: — Order please! I don't think we are dealing with any banquets or any conventions right now. We are dealing with subvote 1 and I ask you to adhere to it, please.

Mr. Collver: — What I was attempting to show was that the people in the northeastern part of Saskatchewan are concerned about the heavy-handed attitude of the present government, and for the minister to try to get off the hook by blaming some people who were appointed by the NDP government, who have done the NDP's bidding since 1971, both management and labor agree are not an independent agency and are not independent in any way, shape or form in their administration of The Trade Union Act. For him to attempt that form of attack on a situation which is serious, which is concerning the people of northeastern Saskatchewan, is irresponsibility of the worst kind and for him to do so, when the member for Rosetown-Elrose raised the issue, cannot stand in his place and explain the issue to this House, is equally irresponsible.

Mr. Snyder: — I hope the member for Nipawin continues this kind of prattle. I hope he continues with it because it makes votes for this political party every time he takes this stand. I think for the member to stand in his place and indicate that this is not an independent board is a reflection on every member of that board, from the chairman, Mr. Sherstobitoff, who is well regarded by the legal profession and is noted as a man with integrity. I'll look upon the other members discounting those members of the trade union movement who sit in equal numbers on that board. I'll look at the management people, Brian Keple, Chairman of the Exhibition Association, past member or member of the Regina Chamber of Commerce and all the members by the Chamber of Commerce, the boards of trade, the Regina Personnel Association and the Saskatoon Personnel Association. A look at a recent one is the result of a retirement and the wish to add an alternate member, Muriel Jarvis from Sherbrooke Nursing Home, who was nominated by the health care association and by the Saskatoon

Personnel Association. Al Friars, the former superintendent of the Canadian Pacific Railway, is somehow intimidated by me, a former employee of the Canadian Pacific Railway and you expect anyone in this House to believe that these people are being intimidated and taking direction from my deputy minister and myself. Balderdash, that is an utmost in description in the kind of, the kind of reasoning, the kind of rational thought that we get from the member for Nipawin and I hope he stands in his place and repeats it over and over again because I will have a transcript of Hansard stating clearly what you are saying in this House and you can bet your life it is going to be mass produced. It will be distributed to members of the Labor Relations Board and all of the other people who are closely aligned with his and other political movements. I hope the member stands in his place and repeats what he said for emphasis because this was unkind, untrue, unfair. The member is not attempting to deal with the facts of the case relative to Medstead, obviously all he knows is the word, he has never had an opportunity to look at the transcript or even he would have had to reach the same conclusion as did the Labor Relations Board on that occasion.

Mr. Malone: — Mr. Chairman, I am delighted to hear the Minister of Labor get up and talk about the independence of the current Labor Relations Board. It is very interesting though that the Minister of Labor does not refer to past boards that he appointed, past boards have caused all the problems and all the conflicts that we are going through right now in the field of labor-management relations. Be that as it may, let's bring it up to date and talk about the existing board. I really don't recall getting up in this House and speaking in glowing terms about the existing chairman. I think what I did say, what I did say was that we had some hope that he would act a little more fairly than past chairmen and I think if the minister will check the record in Hansard he will find that is what I did say but again, be that as it may, it is very interesting to hear the minister say how fair this board is, what an independent group they are. Indeed, I have heard him talk in the same way about the Workers' Compensation Board and how workers, when they become injured, get a fair hearing and a fair return from that board for the injuries they sustained in the working place.

Now, if all of these boards work so fairly and in the interests of labor-management relations and in the interests of workers' claims for injuries that happen to them in the working place, I am sure that the minister would not shrink away from scrutiny of the decisions of those boards by another body, by a body that traditionally is set up in our democratic society to look after the rights of individuals, the rights of people who become aggrieved, the rights of people who have complaints. I am sure that the minister, because of his confidence in the fairness of those decisions, would not for one moment question that those decisions should be reviewed by another board, another party, if people feel aggrieved by the decisions that those boards make.

So, Mr. Chairman, I would like to move a resolution for the consideration of all members and particularly members opposite who are so convinced of the fairness of the decision that I have referred to. The resolution is as follows: I move, seconded by Mr. Merchant (Regina Wascana):

That this Committee urge the government to provide an appeal procedure to the courts for decisions of the Labor Relations Board and the Workers' Compensation Board.

While I am on my feet, Mr. Chairman, let me say this. We in the Liberal Party do not have any quarrel with boards as such. But we say that people who go before those boards should receive the same rights in front of a board as they receive in front of the courts. If

they are aggrieved by a decision, whether it be the Labor Relations Board, Workers' Compensation Board, you name it, that if they are aggrieved, they should have the basic right that they receive, if they are charged with a criminal offence or if they go to court on a civil matter, in those courts and that is to have some other party determine whether the particular board who heard the case acted fairly, impartially, with the rules of evidence, with all the rules of common decency and common justice that we in Canada become used to if we find ourselves in a position where we have to seek justice from the courts.

So I say to the members opposite that if you are concerned about justice being done by parties or for parties who find themselves before government tribunals, administrative tribunals, if you are concerned that justice should be done and seen to be done, you will have no hesitation whatsoever in supporting this resolution.

Mr. G.T. Snyder: — This is a repetition, Mr. Chairman, at least in part of the previous resolution that was debated in this House, moved by the member for Regina Wascana. It always strikes me as being a little odious when we have members of the legal profession fighting tooth and nail in order for them to gain entry into the scene in order that they may have another piece of the financial pie. We argued this point and defeated a motion by the member for Regina Wascana, that court awards should be made, or that there should be an equivalent award made by a court of law, something equivalent, he said, which could not be determined in any other way than by extending to the legal profession their right to enter into Workers' Compensation cases and by that process adjudicate or have a judge and a jury or a judge adjudicate on the area of settlement by a Workers' Compensation Board skimming off their 15 per cent off the top. It was indicated conclusively in this House that in the aggregate workers get a much better deal by the Workers' Compensation Board than they did in civil claims through SGIO. I think it is rather odious to have the legal professions standing in their place in this House fighting a battle in an attempt to get their share of the pie at the expense of a person who is attempting to gain what he believes to be his legal right and doing it very well under present circumstances.

The member also makes a point, or the member who just took his seat makes a point with respect to the Labor Relations Board and argues for an appeal. I wonder why then, Mr. Speaker, there is no other province in Canada or in the United States, as far as I am aware, that has an appeal from a decision of the Labor Relations Board. There is not a Liberal province that has adopted that stance. There is not a Conservative province that has taken that position. Why? Because it would mean that the courts of the land would be so full of this sort of thing and people who are not skilled in labor law would be adjudicating on things in which they generally have no interest and no expertise.

The Labor Relations Board in general has the kind of expertise that allows them to make measured judgments and I think they adjudicate well. For the member to indicate that somehow by prolonging this matter, by dragging it through the Court of Queen's Bench, the Court of Appeal, to the Supreme Court of Canada and with the inevitable result that lawyers become wealthy and we credit unions become non-existent, the member is making this suggestion for reasons that are not as apparent as some people would believe them to be. The member makes this suggestion, I think, on the basis of some legal interpretation that he has of the law, which obviously is much more skilled than mine. I have to say to him that to do this would be a travesty, would club the courts of the land to the point where virtually nothing would be accomplished and in the event of a second and a third appeal to the Supreme Court of Canada, it would frustrate in

total the efforts of workers to organize themselves, as we suggest in The Trade Union Act they have every right to do.

I can not support the motion for all the reasons that have been mentioned and I think with some silver afterthought the member would have to agree that the learned judges in this land don't want their dockets cluttered up with labor matters. They look upon them with a certain amount of disdain. There are very few of them who regard themselves as skilled in that particular field of law, and a very complicated field of law. I think it is a bad suggestion and certainly if it is a good suggestion, I would think that his colleagues in other provincial legislatures and the National Labor Relations Board should be adopting his proposal. And that simply is not the case. Because of all of the arguments that I am attempting to present to you tonight, the National Labor Relations Board does not have an appeal from its judgment on the basis of certifications that they grant. There is not another Liberal province or a Conservative province in Canada that operates in any fundamentally different way than does the Saskatchewan Labor Relations Board.

Mr. Malone: — Mr. Chairman, I think that it does not do the minister much good when he takes a resolution that we put to this committee, a resolution that has been asked for by many people other than members of the Liberal party and in answer to it, what do you do? You don't talk about the merits of the resolution. You do not talk about the justice of the cases that come before these two boards. You launch an attack on lawyers and by innuendo you launch an attack on the courts. Now, surely, Mr. Minister, you have more brain power than that to deal with the resolution as we put it before you. What I am saying to you is that if you are so satisfied with the cases that come before the Labor Relations Board and the cases that come before the Workers' Compensation Board, I suggest that you talk to some of the people that get there and see if they are happy with the decisions that those boards give out. I suggest to you that in most cases, maybe not most cases but maybe only a third of the cases, they are most dissatisfied with the decisions of those boards. I am saying to you that it is the right of those people if they are dissatisfied - Well, the Minister of Highways is rambling on again. If you have something to say, Minister of Highways, why not get up in your place and say it? If you have nothing to say, why not keep quiet? . . . (interjections - inaudible) . . . Well, would you like to get up and say something, Minister of Highways, on your feet, or would you rather just sit there and drink water?

I say to you, Mr. Minister of Labor, that if you are concerned with justice being done for the working man, justice being done for the person who is hurt at the work place, justice being done for the employer, you should not fear an appeal from these tribunals one little bit. You got up a few moments ago and say how fair they were and how well they were operating. If that is the case, Mr. Minister, you have nothing to shrink away from from an appeal process because you know very well that if you are right, most cases of those boards will be upheld in the courts. But you know that is not going to be the case, particularly in Workers' Compensation cases.

I know that you are personally familiar with many, many cases where some person has been injured in the work place, has gone before the Compensation Board and has gotten some modicum of an award that could not begin to keep him in a manner that he was used to of living when he was working. I say to you that justice will be done for that person and justice will be done for the person who finds himself before the Labor Relations Board by just simply allowing him to have an appeal, to have those decisions reviewed, and to have an independent, and I stress independent, decision being given by a judge of our Queen's Bench Court, our Court of Appeal, our District Court and

indeed even of our Magistrate's Court.

The people of Saskatchewan, whether they are in the Medstead area as the member for Nipawin points out or in Regina or in any area of this province, you know full well are dissatisfied with the existing structure. They are upset about it and they are upset because they see those decisions, they know they cannot appeal them, so they sit there and they bombard you, I am sure, with letters, complaints and everything else. Those letters are right and the complaints are right. All you have to do is allow this simple appeal process and those concerns and fears will disappear.

Mr. Snyder: — I am rather surprised at the member for Lakeview, living in the past as he is. He is talking about the bombardment of the minister by injured workers who feel they are not receiving their just dues. He is harking back to a period in time directly after the time when I arrived in office prior to 1971 when an injured workers' association in this province had an organization that was overwhelming.

Until the Workers' Advocates Office was established and a new board was established after disposing of one of your political appointees, we had a board here who adjudicated tough and hard, who worked on the assumption that every worker was gold-bricking and lead-swinging until proven otherwise.

We had an injured workers' association whose correspondence, until the appointment of the Workers' Advocate, took about 30 per cent of my time. At this point it takes virtually none or very little of my time. It takes virtually little of my time. Talk to the injured workers in the province of Saskatchewan and get an indication from them as to how they feel about the present Workers' Compensation Board. Obviously it will never be possible, without a system of indexing, to provide an employee, an injured worker with all of the benefits to maintain the standard of living to which he was accustomed. Obviously, well all right, but you would be the first to stand in your place in the event that we put an indexing in place; you would be the first to stand in your place and complain about the fact that the assessments on employer were much higher than they were in Alberta or Manitoba and that we were driving industry out of this province, because of onerous assessments on their employer. You can't have it both ways. There is nothing I would like better than an indexing program for Workers' Compensation, but pensions in Workers' Compensation are based like any other formula pension; they are based on the earnings of the employee at the time he was injured or in the case of superannuation, at the time he retired. Unless you build in the indexing system, which you complain about, when you talk in terms of escalating costs and the horrendous problem regarding teachers' pensions, regarding pensions of civil servants. You complain about that, I've heard it in this House a number of times from your colleagues and colleagues on your left. You can't have it both ways. If you want indexing to fully cover increased living costs then you want to be prepared to find the finances to do that. You are saying, essentially, in addition to that, Mr. Chairman, you are saying in addition to that, that you shouldn't be afraid of judgments made by the Labor Relations Board, the appeal mechanism is the appropriate mechanism and proper vehicle to be used regardless of whether that judgment is right or wrong, it provides for an employer the right to take this thing to the Supreme Court of Canada and by the very financial implications, starve out the people on the other side that are not as well fixed financially to fight this thing to the Supreme Court of Canada. That's what the motion suggests. That's what make it unacceptable to me and I'm sure to other members in this House.

Mr. Collver: — Mr. Chairman, first of all I would like to make a few brief remarks

about some suggestions that the minister has made in this Assembly about how independent the Labor Relations Board is and has been since 1971.

First of all, the Assembly will know, Mr. Chairman, and recall if the minister doesn't, the minister's actions last year relative to a certain case that was brought before this Assembly. The direct involvement by the minister with that particular group in that particular case merely indicates to all members of this Assembly and certainly to the people of Saskatchewan, that that kind of behaviour persists by the Government of Saskatchewan. Well, it happened to be a rotten Liberal . . .

An Hon. Member: — Ah, terrible, terrible . . .

Mr. Collver: — Maybe it was a rotten PC then, are you sure you didn't switch? So many of them are, Tony.

Mr. Chairman, the solution suggested by the member for Regina Lakeview is naïve in the first water. The fact is that it's because the Labor Relations Board itself has not been fair and doesn't appear to be fair, that is what is causing significant management-labor, labor-management problems in this province. The fact is of course, that other provinces and other jurisdictions have found through experience because there have been appeal mechanisms as the former Minister of Labor knows.

Mr. Chairman, I wonder if dodo birds that are yapping from the front benches would like to either get in the debate or keep quiet, just for long enough to understand what we are attempting to put forth.

Mr. Chairman: — Order, order! I can hear many of the other members, I think, more clearly than I can the member on his feet and I ask the members to please be quiet.

Mr. Collver: — Thank you, Mr. Chairman. It certainly is interesting that the members across keep yelling don't speak so loudly and don't shout and then when you try to speak in a reasonable tone of voice they start yapping and laughing and making all this kind of ruckus.

First of all, Mr. Chairman, the suggestion by the member for Regina Lakeview (Mr. Malone) is naïve. There is no question that the kind of detailed examination taken by a labor relations board, if it were to be appealed to the court system as the member suggests, would cost not only the labor union but the business firm and ultimately therefore, the consumers of our province a literal fortune to try to go through the court system on labor relations type hearings. So there is no question that that solution, designed by a lawyer, would have to be for the benefit obviously and apparently, of the lawyers. The member for Regina Wascana cheers. I am sure that he in his wisdom would love to have that kind of furtherance of his profession. The fact is, Mr. Chairman, that the Labor Relations Board should and could be of real benefit to labor-management harmony in the province of Saskatchewan, if it, as I said, was not only fair, but appeared to be fair.

Now, our suggestion is this and is a much superior one we think, to the kind of appeal mechanism that would drive the prices of goods and merchandise up substantially, that the member for Regina Lakeview has suggested, would add tremendous legal costs to the business firms and labor unions throughout our province . . . (inaudible interjection) . . . Well the member laughs and says 'right out of cuckoo land' but, Mr.

Chairman, it is so interesting to hear on this motion the raucous thought from the lawyers who would benefit most from this kind of a motion.

Mr. Chairman, if a labor relations board was not appointed by a political party it could not be accused of being an arm of that political party. If by legislation . . . (inaudible interjection) . . . now here we go. It is the same argument every day - what are we doing in Ontario, what are we doing in Alberta. The province of Saskatchewan is not its own place, in accordance with the members of the government bench. This isn't a unique province. We are not supposed to govern ourselves in accordance with the wishes and needs of the people of Saskatchewan. We are supposed to govern them in accordance with the wishes of the people of Ontario, according to the NDP, or with the wishes of the people of Alberta, according to the NDP. Every time every issue comes up it is: What are they doing in Ontario? What are they doing in Alberta? This goes on, Mr. Chairman, time after time in the last month and a half. It is like a repeat recording. We referred originally to the member for Regina Lakeview (Mr. Malone) as Mr. Xerox but the whole government over there is Mr. Xerox. I think at the caucus meetings they pass out leaflets that say today we'll ask them about Ontario and tomorrow it will be Alberta. They pass them right across and they get the same sounds coming across time after time instead of looking at the problems that we have in Saskatchewan.

Now, the problems we have in Saskatchewan are these. The member for Regina Lakeview has spelled out the problem quite correctly. The problem is the people don't have confidence in the Labor Relations Board. Unions don't have confidence in it. Management doesn't have confidence in it. It is perceived to be an arm and a tool of the NDP; that is what is perceived by the people of Saskatchewan. It is what is perceived by the people of Medstead; that is what is perceived. Now why will the government not accept our suggestion from the 1975 election to create a labor relations board that is not only fair but appears to be fair? Legislation can be drafted in the province that will establish a criterion for the positions on the Labor Relations Board. For example, the legislation could spell out so many members from the great union movement and from various segments of the great union movement. It could spell out, for example, so many members from the business and professional community, so many members from the farming community, so many members from the co-operative movement.

Mr. Cameron: — . . . a big board.

Mr. Colver: — . . . it could spell out, well, Mr. Chairman, the member for Regina South . . . for the member who would be a member of Parliament but isn't going to quite make it . . . wants to shout out these things, 'a big board' and make fun of a legitimate suggestion. It's too bad that he hasn't got some legitimate suggestions for going down to Ottawa because all he's trying to do is to tie himself to that organization that's already there. And I can assure you, Mr. Chairman, and I really love the member's comments on capital punishment today compared to the member's comments six months ago. That was called the biggest reverse appeal since Jackie Parker . . . oh, the member for Regina Wascana, too. The two of them could be Jackie Parker and Normie Kwong, the best broken field runners that ever existed.

Mr. Chairman, this legislation could establish the criteria for the board. Once that criteria has been established then the legislation could provide the most independent organization in our community and we suggest that the Saskatchewan judiciary, is the most independent. Now, perhaps the members of the government could suggest a more independent group, a group that not only is independent but appears to be independent to the people. They could actually pick the people who fit that slot. The

Government of Saskatchewan could make nominations to fill those slots. But other organizations could also make nominations to fill those slots, like the trade union movement and like others, except that instead of the final choice being in the Minister of Labor's hands so that the board is perceived to be a tool of the NDP, or a tool of the Progressive Conservatives or a tool of the Liberals or whoever else occupies that chair, that the board can appear to be fair and impartial. Now, once the appearance comes into play, organizations, trade unions, businesses, co-operatives might start to gain some confidence in a Labor Relations Board in this province. Now, the minister may be fooling himself and he may think that he's fooling the members of his department and his staff that the Labor Relations Board is thought to be an independent agency in Saskatchewan. I suggest that the member go and talk to the credit society executive in the province of Saskatchewan. I suggest that the minister go and talk to the farming community, the Saskatchewan Federation of Agriculture, the Palliser Wheat Growers Association . . . what have I repeated now?

Mr. Chairman, well . . . perhaps the member for Indian Head-Wolseley might have some extremely intelligent comments to make about the Labor Relations Board. We'll wait with eager enthusiasm for his terribly intelligent remarks.

Mr. Chairman, we suggest that this kind of legislation could improve the situation as it reflects to labor-management harmony in the province of Saskatchewan. We suggest that the minister examine this proposition. If he doesn't think that the Saskatchewan judiciary, in making these appointments, not filling the roles, because the minister is quite correct that they do not have the training and background in general terms, to meet the kinds of situations, to understand the kinds of situations, that will be presented to the Labor Relations Board. But they certainly would appear to be more independent than the current government, than any member of any political party and we suggest that the minister should do this and do this soon.

Mr. Snyder: — Obviously, every time the member takes his seat, he gives a pretty clear indication that he hasn't much understanding of the duties of the Labor Relations Board, or the workings of the collective bargaining system or labor-management relations. He makes that eminently clear every time he takes his seat. He seems to believe somehow or other that the Labor Relations Board has some infinite quality that allows it to make a real measured impact on labor-management relations.

In essence, and I think it is appropriate to start from square one, the duty of the Labor Relations Board is to adjudicate on certifications, to determine whether a trade union actually represents a group of employees and they issue certification orders which indicate this. A position where they grant certification orders and rescission, orders of rescission. They are in a position where they are required to determine what an appropriate unit is; they are in a position where it is their responsibility to determine whether an unfair labor practice has been committed by either employer or employee. This is the extent of the responsibilities of the Labor Relations Board.

I think that the member's impression of the duties and responsibilities of the Labor Relations Board are so obscure, that he has not the faintest idea or recognition of what the Labor Relations Board is all about.

Now, Mr. Chairman, with respect to the resolution before us. Before I attempt to become more deeply involved in some of the suggestions of the member for Nipawin, I just want to make clear one point. Judge Alistair Muir, who will be known to members

opposite, is presently sitting as chairman of a committee which is charged with the responsibility, every four years, of determining what changes, if any, should be taking place with respect to the operation and administration of the Workers' Compensation Board. There are two nominees from management once again chosen from the Saskatchewan Mining Association, nominees submitted by them, by the Manufacturers Association, by the Chamber of Commerce, by the Personnel Association and two from the voice of organized labor. The Saskatchewan Federation of Labor, who are presently adjudicating, attempting to get a consensus from the general public . . . (inaudible interjection) . . .

Mr. Chairman: — Order, order. Could we have a little order, please, to the man on his feet.

Mr. Snyder: — I was attempting to convey to members opposite, that the resolution we are discussing, suggest that a review or an appeal mechanism be built into the Workers' Compensation Board proceedings, in order to determine whether an injured worker had been justly dealt with or not.

As I indicated to you, Judge Alistair Muir is presently chairing a committee made up of equal members of the community from both labor and management, and it will be very interesting to see whether either management or labor toss out the suggestion, makes the suggestion that there should be a review - that there should be an appeal to the courts. As near as I am aware, both management and labor are very conscious of the pitfalls with respect to that kind of an approach. I am prepared to wait and see but I will venture a guess and forecast that neither the intelligent groups that are making a submission to the Muir Committee, I suggest that none of them will want to return to the archaic law of the jungle, where only the fit will survive and where the lawyers will take their pound of flesh in the process. I doubt very much, when the hearings are completed, that that suggestion will have been offered by either management or by labor. I think the suggestion that is made in the resolution is one which does not fit well in the 20th century. A number of years ago when the Workers' Compensation Board or prior to the establishments of the present Workers' Compensation Board the only way that you could get a settlement from your employer was to prove his negligence. This almost suggests to me a step backward where we are in a position where members opposite are advocating the return to the court system where in order to gain a just settlement it has to be proven in the courts of the land with the employee having to wait for an eternity in many cases in order to receive a judgment.

Mr. Malone: — Mr. Chairman, I would just like to make a few more comments about the remarks the minister made and the member for Nipawin. I am always astonished, Mr. Chairman, with the lack of respect that members on that side of the House and seemingly the members to my left have for the courts. Now the member for Nipawin and the minister both said again or together the Tories and NDP saying that the judges can not determine labor matters because they are not experienced enough. They do not have the capacity to do these things. It makes me think of the situation, are you suggesting that a judge can not hear a divorce case because he has not been divorced? Are you suggesting a judge can not hear a criminal trial because he is not a criminal? Are you suggesting a judge can not hear a personal injury claim because he was not personally involved in a personal injury? You keep bringing up these specious stupid arguments to say that judges can not hear these things because they are not experienced enough. And yet you turn right around, the member for Nipawin suggests that the judges are the ones who determine who should be on the board. Surely, that

type of argument is self-defeating when you say that they can not hear these cases. The minister a moment ago says while we can not have judges hearing Workers' Compensation cases we can't hear of judges hearing labor relations cases, but who do you appoint to determine whether The Workers' Compensation Act is working? You appoint a judge, Judge Alistair Muir, highly regarded by myself and my colleagues on this side. So really that is a non-argument. It is an argument that you would grasp at when you can not find any legitimate reason to oppose the recommendation that we are making to you. Now a moment ago the minister, when he was replying to me, talked about the situation workers find themselves in under Workers' Compensation laws. And the minister admitted that the laws of the existing set-up are less than perfect and that workers are not receiving fair compensation or proper compensation for the injuries they sustain. You just said that a moment ago. What we are trying to do, Mr. Minister, is seek out a device whereby they will get fair compensation and they will get proper compensation. And you resist our efforts all the time. The member for Wascana has a private member's bill on the order paper. I suspect you are going to join with your colleagues and vote that down. Every time we come up with a legitimate attempt to improve the situation of workers who find themselves injured, your government resists at every opportunity the suggestions we make. So don't stand up in this House and tell us you are the defender of the worker and you're defender of the working man because for the last four or five years since I have been in this House you have rejected every possible suggestion we have given to you that will improve their particular positions. So, if you are really sincere in your statements about helping the worker who finds himself with a nominal or a minimal award, examine what we suggested to you. Take it under consideration. I suggest to you that most workers in this province who had the option of going to court or going to the Workers' Compensation Board would overwhelmingly go to the courts. Well, I have had the opportunity of talking to many of these people when I was practising law and without exception they wanted to get out of that Workers' Compensation Board as quickly as they possibly could and they couldn't and the reason they wanted to get out is they realized they were not going to get an appropriate award for their injuries . . . (interjection) . . . Oh, here we go again. Every time the government gets backed into a corner they go back to pre-1971; they go back to ancient history in my view. When are you people going to get into the 20th century or the last third of the 20th century? You are all sitting there in a dream world. You are not fighting the 1979 election; you are fighting the 1971 election or the 1967 election. The people of Saskatchewan aren't particularly interested in fighting those elections again. Now, let me suggest to the minister that if you want to do something for the worker who finds himself injured and is not able to get redress and justice and the proper rewards for that injury, consider this resolution, consider the suggestions that we have been making, consider the suggestions that we have been making for the last four or five years. I suspect you will find in those suggestions more justice for the working man than the particular set up that you have now as government and that you've imposed on those working men.

Mr. Snyder: — Mr. Chairman, I am not going to belabor this issue but I'm prepared to allow my fortunes to rise and fall on the basis of the judgment of the Muir Committee and the judgment of the people who make their representations to the Muir Committee, either management or labor. I am not prepared to take the judgment or the direction of the Saskatchewan Liberal Party.

Some Hon. Members: — Hear, hear!

Mr. Snyder: — You've been wrong on every count and you never get tired of being wrong. I'm prepared to take the learned judgment of the employers and the employees

who will be laying their case before Judge Muir. I am not prepared to take yours because I don't think you're credible. I don't think you're credible in the eyes of industry who do not want the sort of situation that the member for Wascana suggests in his resolution in this House, that they can be faced with ruinous lawsuits in the event that they have an injury to a worker, a severe injury where they lose an arm or a leg. They are not in a position where they are prepared to accept a situation of the 1920s. This is a group, Mr. Chairman, that's living in the past. I'm not prepared to take the learned judgment of the Liberal Party. I am prepared to take the judgment of industry and labor in this province who have the vehicle now with a statutory review.

Some Hon. Members: — Hear, hear!

Mr. Malone: — Mr. Chairman, the member continues his attack on the legal profession. Well, let me just ask the minister how much money have you as a government paid to one George Taylor to defend the Labor Relations Board? How much money do you know that labor unions have paid to Mr. Taylor and other well known labor lawyers, for their efforts on behalf of the labor unions before the Labor Relations Board? If you are suggesting to me that no lawyers are involved in the existing set up, I suggest to you, Mr. Minister, that that's absolute nonsense.

Let me just ask you one question and I hope you can answer it. It refers to Judge Muir, a man whom I have great respect for. You are saying that Judge Muir is now looking into the existing set up of the Workers' compensation Board. Let me ask you one thing. Under his terms of reference is he allowed to make a recommendation that the courts become involved either at the initial stage or on an appeal process if he feels that this would be merited?

Mr. Snyder: — My recollection of the terms of reference is that they are extremely broad. I believe there are virtually no restrictions on the Review Committee that is set out by statute every four years. I don't have the other terms of reference with us. The chairman of the board nods to me, he tells me they are extremely broad and I believe it does not preclude any kind of a suggestion that may be brought forward. I am rather surprised that the member for Regina Lakeview wants me to give him some kind of indication of how much trade unions spend in retaining George Taylor. It would be interesting to know how much management spends in retaining Mr. MacPherson, who does basically all of the work. I don't know and quite frankly, I don't care, but I think probably, in both cases, it's too much.

Mr. Malone: — I'm glad that you said that minister. I am sure George Taylor will be interested to hear what your view is on his law bills, legal bills. But you've got the reference now before you, the terms of reference for the Muir mandate, and would you tell me notwithstanding the fact that they are broad, are they broad enough to allow him to make recommendation that the courts be allowed to, either at the first instance or on appeal, become involved in workmen's compensation cases and, just a minute, if he should make such a recommendation, if he should make such a recommendation, would you as Minister of Labor give your assurance tonight that you would implement it?

Mr. Snyder: — Let me say first of all, to answer the first question first, part 6, Workers' Compensation, section 129, Committee of Review, effective January 1, 1974, 'the Lieutenant-Governor in Council shall, at least once every four years and thereafter appoint a committee consisting of five or more members as may be determined by the Lieutenant-Governor in Council to review and report upon all matters concerning this

act or regulations made thereunder and the administration thereof, which may be specified by the Lieutenant-Governor in Council.'

Let me answer the second question that the member asked. In the event that the Muir Committee, after having arrived at a consensus with representatives of management and labor, having considered all of the matters surrounding that, I would certainly be in the position, if a consensus had arisen between management and labor as a result of submissions to that committee, then of course, we would be in a position to act upon recommendations if they truly reflect a consensus of the committee.

Mr. MacDonald: — I just thought I would like to tell the member for Moose Jaw South a little bit about the former chairman. The only reason we ever appointed Walter was because the NDP thought so very much of him. But they made him a cabinet minister and gave him the most humanitarian portfolio in the government, the Minister of Health. We thought if any political party thought that much of an individual, that they would raise him up to the major and senior portfolio in their cabinet to look after the introduction of medicare, the greatest humanitarian instrument of their particular government policy, surely that was a man that could handle very humanely, those items that related to the health and welfare of those poor little orphans.

I want to also reply to a couple of comments made by the Minister of Labor. First of all, whether he realizes it or not, it isn't a question of the lawyers getting their proud of flesh because you can very adequately, in the bill, restrict the appeals of either the Magistrate's Court, the District Court or the Queen's Bench Court and then you can make provision for a very speedy appearance to the court. So don't suggest that you can go to the Appeal Court, the Supreme Court of Canada, because that is nonsense and stupidity on behalf of the minister. Second of all, I want to suggest to the minister, the member for Nipawin, it doesn't make any difference who appoints the board, whether the legislature appoints the board or not, the real need and necessity of an appeal procedure is the subject matter thereon that they decide. First of all, let's listen and stop for a moment and think. Any matter that is brought before the Labor Relations Board is, by its very nature, controversial. By its very nature it is a matter in dispute. By its very nature are two opposing forces because their interests are very divergently settled, eh, they are very divergent in their very nature. One of them is looking at the employers' interests, one of them is looking after the employees' interests. Many of the decisions of that Labor Relations Board whether they be fair or not appear to be unfair to one side or the other and that is a fact whether the minister likes to realize it or not, and please don't give us that garbage. We never hear of it any more since the NDP took over in 1971, all of us here, all members of the opposition and ask your back benchers because they hear it as well. All I'm going to tell you, Mr. Minister, it is the very nature of the subject matter that comes before the Labor Relations Board that demands that there should be a review committee. Because even though it may be very fair in the eyes of one party, may be very fair in the eyes of the general public, may be even very fair in the eye of the Labor Relations Board, the other party may feel completely undone; that a severe and a great injustice is done and that there is a real need for a system of review as expediently as possible. And a system of justice in this country is through the courts. And therefore, the best review system which has the respect and how often do I hear the Attorney General, members of our side of the House talk about respect for the law, respect for the courts and if there is that system of review with the Labor Relations Board that would be appeased. And it doesn't make any difference who appoints them, whether it's the government or the legislature. The subject matter of the dispute is of such a nature that one of them is bound to feel aggrieved. And I'm going to tell the minister again, please do not fail to

realize that the one area in the Department of Labor which has caused your government and my government, our government, more difficulty than any other single area as far as the feeling of justice from the government that is supposed to be their government, I'll tell you something, and that's the Labor Relations Board and Workers' Compensation. Even though you became the government and I remember well, the first year or two, the pressure on you, in particular the Workers' Compensation Board. You know, because you didn't solve them for a year and a half, the continual pressure because of what they felt was a complete injustice and the suggestion of the member for Lakeview is a good suggestion. It's the kind of suggestion that the government if they were in any way constructive, in any way had open ears, and they didn't have a closed mind . . . you know, you remind me of a ship. You make the most noise when you are in a fog. And that's the way you have been all night.

Mr. Snyder: — Well, that was very cute, the member for Indian Head-Wolseley should run away and join the circus, he would make a good comedian.

I was interested first of all in the comments by the hon. member about the humane nature of the former chairman of the Workers' Compensation Board. I'm sort of inclined to agree with him. I think Walter Erb was of a fairly kindly nature and I have no quarrels with him personally. What I do have a quarrel with was the government of the day and the premier of that day. The father of the member who is now the Conservative member for Thunder Creek, at that time ordered the Workers' Compensation Board to lower assessments to employers and that's a matter of record. To the point where that board had to be stringent and tough and mean and miserable and unthinking and unkindly in its adjudication of Workers' Compensation claims and at the same time pile up mountains of unfunded liability. It's only with the last 12 months that the Workers' Compensation Board by \$6.5 million which was placed in the fund first of all by public funds and by increasing assessment on employers rather remarkably have finally put the Workers' Compensation fund in a liquid position. The only one in Canada that has not a mountain of unfunded liability and is square with the world at this moment and that is all I am saying about the previous board. The previous board was imposed upon by the government of the day and you can't sit there and tell me that you weren't aware of it. You were on treasury benches at that time and you were aware of it and by your silence you gave consent. Now for you to be critical of The Workers' Compensation Board today is the worst kind of travesty that we have seen in some time. I think the member does make a point and I think I would be inclined to agree with him, that the Labor Relations Board in this province is a high profile board. It always has been and it always will be. It was reputed to be management oriented when you were the government, when Judge King sat as chairman of that board. I think the murmurs of discontent at that time were even greater than they have been at any point since that time. But the suggestion that is made here of an appeal mechanism whether it's under Judge King or Nick Sherstobitoff or whoever, does not represent an approach which solves the fundamental problem. It is a delaying action, one that would be costly both to employers and employees; it would mean cluttering the courts of the land and allowing people who are not skilled in labor law to do the adjudication and do it not nearly as well as the present Labor Relations Board does the job.

Mr. W.C. Thatcher (Thunder Creek): — Mr. Chairman, I have to say that I am rather astonished at the Minister of Labor's attitude towards the possibilities of putting appeals of the Labor Relations Board to the courts because obviously . . . (inaudible)

interjection) . . . Well, Mr. Minister of Finance, we will get around to that a little bit later and frankly, if you would get this government of yours to move along a little bit faster, we could get to your estimates and then you have your chance to answer. Until then, maybe you would let the other minister answer if you can perhaps just be silent long enough.

Now, Mr. Minister, I am shocked at your attitude on this that you simply will not allow an appeal or don't recognize an appeal to the courts because, Mr. Minister, this has to be a total variance with the philosophy of the actions of the government that you represent. Mr. Minister, just take a look down the list of actions that your government has initiated. Actions to the Supreme Court have become so common; CIGOL, this cable television thing, it is probably going to end up in the Supreme Courts. Your whole philosophy is oriented towards the courts, Mr. Minister, your government is so oriented towards the courts that I think one of the great tragedies today is that the George Taylor law firm is not a corporation that the public could buy into because it would have to be the best buy on the stock exchange right now were it there because the business that you toss to that law firm to carry your business to the Supreme Court would have to make it just one tremendous buy. Yet, Mr. Minister, you reject the suggestions that any appeals from the Labor Relations Board should go to the courts. Frankly, Mr. Minister, I would have to disagree with the intent of the motion because that is not the solution. The solution is not to send decisions from the Labor Relations Board to the courts. The solution is to make this Labor Relations Board into something which it has never been under your tenure and that is a true Labor Relations Board.

Mr. Minister, it has been said in my brief tenure in this House that you have mellowed, that you are not the vindictive, highly personal individual that you have been in some years. Once upon a time I probably would have concurred with that. Mr. Minister, tonight the attack that I saw coming from the minister, on the MLA from Rosetown-Elrose who was not in his seat to defend himself, and frankly I have my doubts that attack would have been forthcoming, had he been in his seat. I think it was one of the most scurrilous that I have seen in my short tenure in this Assembly. Mr. Minister - well, welcome back!

Mr. Minister, the Labor Relations Board, you know full well, is oriented at this point in time towards labor. There is no possible way that labor can lose a decision on the Labor Relations Board. That is probably the way it is structured. Perhaps if a management party were in power maybe it would be restructured in reverse. That is the way the system works.

Mr. Minister, do not give us the gears, that you have got some sort of a neutral board sitting there because nobody knows better than you do what undilapidated nonsense that is. Mr. Minister, your entire . . . the bulk of your staff is oriented in a highly biased way. Your deputy is noted as a very individual. At the same time, his politics are well known. At the same time his competency in the area of labor reform is well known and well recognized, a point that may mean that he would have a place in a future government of another party. Nonetheless, his position is known.

Mr. Minister, the answer to the Labor Relations Board is simply as the member for Nipawin suggested, make it into exactly that, a labor relations board. Surely to goodness, in this day and age, when we are walking on the moon and when we are

sending space ships to the confines of outer space, we can come up with something as basic and as simple as a labor relations board that is fair to both business and labor.

Mr. Minister, you have spent a great deal of this House's time in the last couple of days telling us the remarkable strides that you and your department have made in the field of labor. I really wonder about that. I really question it because what kind of strides have we made when it is not a basic right inherent to any worker on a strike vote that he does not automatically have the right to a secret ballot? What kinds of strides have we made when the people counting the strike ballots are not bonded and are not automatically people above reproach and probably members employed by the Department of Labor.

Mr. Minister, I do not pretend to be an expert on labor. You are about to get up and tell me that I am not, I am quite sure. But let me tell you, Mr. Minister, you are not either. You are not either because your actions in the Department of Labor since you have been the minister, going back I suppose very close to 1971, show very clearly that you do not know a heck of a lot more about running a Department of Labor than I do. Your actions have brought about probably the greatest loss of man hours, the greatest waste that this province has ever known in that particular field and I only have to go back to the year 1974. Under your stewardship and people like you in Ottawa this country has become the laughing stock in the field of - well, we like to talk about Great Britain being the, I suppose the most undisciplined economy in the world. Of course the Italians are worse than that - but, Mr. Minister, you and people like you in Ottawa put this country in that same category. As a matter of fact, you even displaced the Italians, formerly the most laughed at economy in the world. You and people like you displaced the Italians as the most laughable in the world in the field of labor relations.

Mr. Minister, you can pretend all you want that you have a fair Labor Relations Board. You know very well that you haven't. You know very well that under your tenure, the Labor Relations Board comes down hard and fast one specific way. Maybe under our system that is the way it has to be. Mr. Minister, you can change that very simply because you have the power to write legislation which we do not. You can very simply write it with the weight of your majority, you can bring it in and you can take the Labor Relations Board out of the field of politics once and for all. I defy you to do it. Mr. Minister, we both know that you won't do it.

Mr. Snyder: — Mr. Chairman, the hon. member, as he said, knows very little about the subject that he attempts to express himself upon. I was most interested in the suggestion that somehow or another if the stocks of the Taylor law firm were listed on the stock market they would be the best going today because of all of the business that was being thrown their way. As a matter of fact, Mr. Chairman, the law firm that George Taylor is associated with, I believe has not handled a case for the Department of Labor before the Labor Relations Board since about 1975. And, as a matter of fact, the people who have been appearing on a regular basis for the Department of Labor have been one Derril McLeod and Bill Pilton, who will be known well to the member for Regina Wascana, they are his law partners I understand. The hon. member for Thunder Creek also makes the point and displays his ignorance once again to the effect that a strike vote is not a secret ballot strike vote and certainly, if he were to turn the pages of the statute and read The Trade Union Act he would know that the provision is there and that a secret vote is part of the mechanism that is used prior to a strike vote being taken during that period of time. I don't know, the member had a great deal to say that basically was hardly worthy of comment and I chose to reserve judgment on anything else that the member had to say for that reason.

Mr. E.F.A. Merchant (Regina Wascana): — Mr. Chairman, I recall that these are labor estimates and I thought that I might take some small part at some point. In opening I am sure that the Minister of Labor will be delighted to find out for the first time in his life that under section 28 of the Federal Court Act there is a review from the federal Labor Relations Board. Curious thing to do. A review . . . (interjection) . . . none existed in the land. Well, there is a review, Mr. Chairman, of decisions and that is followed by a review to the Supreme Court of Canada and indeed, this book which is an annotated copy of the Federal Court Act is just inundated with reviews of labor relations matters. See, Mr. Chairman, one of the problems that members opposite always have and that member opposite always has, that is his other problem, perhaps, but one of his principal problems as a layman in the matter of law is to always assume that every matter if it is available for an appeal will automatically be appealed. The fact is, that is not the way the law works. One of the best things that lawyers do, and good lawyers do do it from time to time, is they settle things and they keep things out of courts. Now, Mr. Chairman, I can understand the concerns of the member for Nipawin, he has, perhaps, had more experience in court than I have had and I can understand him being a little bit resentful of lawyers. But I can't understand why the minister takes such a black and white approach about the possibility of an appeal, when he knows that the crucial problem with both the Labor Relations Board and also with the Workers' Compensation Board, is the perception of the injustice.

Take the Workers' Compensation Board. He as an opposition member remembers well all of the criticism that he heard about the old board and that criticism was always tied, I am sure, to the politics that was in it. Well do you think, with all due respect to the former cabinet minister, that appointing the former NDP cabinet minister as the chairman of the Workers' Compensation Board, diminishes the number of complaints that I and my colleagues get about the Workers' Compensation Board? Do you think that that doesn't result in people thinking that it is a straight political operation in the Workers' Compensation Board? Now listen, listen, listen as your colleague is incapable of listening, to the fact that I am talking about perceptions of justice, not about justice. Because I frequently feel that the Workers' Compensation Board is at least in my dealings with it, relatively just. But the perceptions of justice aren't there. That's the reason I say to you that an appeal from the Workers' Compensation Board to the courts, which are generally conceded to be just, would carry you a long way in improving the perceptions, because the perceptions are not there now. The look of the thing is, with the Workers' Compensation Board that you keep your records in private; you won't tell them what the doctors have said; you wheel them in and you have your little toy Workers' Advocate. The Workers' Advocate isn't even a lawyer. The Workers' Advocate can get access to information that a lawyer cannot get if a lawyer appears with a person. I have never appeared before the Workers' Compensation as a lawyer but I have appeared, frequently, before the Workers' Compensation Board as an MLA or as a friend of somebody who has come to me and said . . . 'Will you waste a half a day or day going down.' I sit there and I hold his hand. Why do I do that? Am I helping particularly? No, I am not, but I am making the person feel that he is being better treated by the Workers' Compensation Board because I am there. I am turning around their perceptions and the perceptions are so very important.

The Labor Relations Board, the old Labor Relations Board, before the King Board was hopeless. The King Board in relation to your board looks hopeless again and, perhaps, the next level beyond the Sherstobitoff Board will have an even less biased board, or a board that appears less biased but right now from the management side they look at that board and they say that it is appointed by all these rotten NDPers and

they are not exactly sympathetic to your view about them. And they say that clearly that has to be a biased board.

The difference between a court of law and the Labor Relations Board or the Workers' Compensation Board is that you are too close to your boards politically and the perception continues that those boards are heavily politicized boards, just as the perception was that the Liberal boards were heavily politicized boards.

Now, the minister says of the Workers' Compensation Board, 'Well we don't have very many complaints. Nobody complains to me any more.' Well, they complain to me. I hear from the Injured Workers' Committee. I hear from them, they complain to me now. I am sure they complain to other members. They don't complain to you because they think you are in bed with what they see to be your former cabinet minister and what they see of the highly politicized board. Would anybody get in touch with you, from the people who are close to you, your old friends, the Labor Relations Board - the trade unions - are the trade unions going to phone you and say, we've got this biased Labor Relations Board. Not bloody likely, they are quite happy with the way the Labor Relations Board is. In part because the law has been changed somewhat. The minister, Mr. Chairman, said, well, you should be complaining to me about things that the Labor Relations Board does because some of the things that the Labor Relations Board does now, that are different from the King Board, are as a result of the changes in law. The build-up principle is gone, for instance, a change in law that had a very significant effect. Now, you make a change in the law but do you think that companies and management understand that? They don't understand that change in the law, a subtle change in the law that has quite an effect. Do you think that a D.K. MacPherson sits down with his companies and says, well, you know, there has been a change in the law and that's the reason you are getting it stuck to them. Not a chance. He says, I've got a biased board, I'm dealing with a biased board. Just as Roy Romanow when he was appearing before the King Board, did you ever say to a trade union, when you appeared before the trade union, did you ever say, well, you know, good old Ross he changed the law when he came in and he gave the edge back to the companies. Did you ever say that? No, you said, that rotten King Board is a biased board. I appeared, too, before the King Board for trade unions. When I appeared for the trade unions I was furious. I used to appear for the boilermakers, I appeared for three or four different unions, furious every time. Did I say to them, well, you know, good old Ross changed the law? No, I said, it's a biased board and I could demonstrate that it was a biased board. The perceptions of justice aren't there and you are doing nothing to change the perception because the whole lot of you don't seem to be subtle enough to understand that perceptions are very important. You are only saying well, here are the facts, the facts as you see them, not the facts the way they are seen by the public.

Then, the minister says, we've got Brian Keple, a Conservative, on that board, so that should clean it all up. Well, how gullible do you think we are? There is one lawyer, one lawyer on that board. Some of us, as lawyers, have sat on review committees. Some of us, as lawyers, have been a part of little groups that have dealt with legal matters. Well, everybody listens to us. We are clothed with being bright. It is one of the things they teach you in the first year of law school, how to con people into thinking you know something when you know nothing. That's the same thing that happens . . . (interjection) . . . and I do it very well, Walter, very well indeed. And that's the problem with the Labor Relations Board. Everybody knows that that one lawyer on the Labor Relations Board basically calls the shots. It is not like the Court of Queen's Bench where you've got changing judges. And even on the Court of Queen's Bench we all know that this

judge is the judge that has a bias in certain areas, or that judge is a good one to come before if you are acting for a man in a marital matter, or this judge is high on his automobile accident settlements. We all know that, but the judge keeps changing and then there is a review to a Court of Appeal. We know that when we got to the Court of Appeal he will touch it up if it is too biased and went too far in one direction. So what you have really got with the Labor Relations Board is one guy basically calling the shots, then a whole bunch of interim people who aren't there all the time that keep being exchanged; so you will have a Brian Keple one day and another day you will have somebody else from the management side. It is designed to have two from management and two from labor and they always want to go their own way and what does the one lawyer do? He does the deciding, the minister knows that. The hon. Attorney General knows that. He appeared before the board. Your deputy knows that. That is the way labor relations boards work.

Is there a way out of that? I am not sure there is. I am not sure that in labor matters you can avoid having a bias. You have got to have a bias. You people tend to prefer the union side of things. Both parties here tend to prefer the management side of things. So we build a bias into the law that we create. It is not an unbiased area. But you could clean up the perceptions a lot of you allowed for some sort of appeal. What does the member for Nipawin say? You will recall that he got up and he indicated that he had a few brief remarks and went on for about 12 or 14 minutes. Then he was followed by his new found asset acquisition for Thunder Creek who got up as he always does and says, 'Why are we wasting the time of the House on this silly issue?' He spoke for 20 minutes about it. What does the member for Nipawin say? He says you can't clean up these perceptions this way. He says of course, I don't trust those rotten lawyers. Look at what they have been doing to me. I am not going to have anything to do with that appeal to the courts. No, the member for Nipawin says, I have got a solution. I would call that the Collver concoction. He says, what we need, Mr. Chairman, are some people from a bunch of different areas. He says, well let's get the labor side together and we'll have some people to make some input and maybe we will have an SGEA rep, we will have a steam fitter rep and we will get a boilermaker and we will get somebody from service and somebody from the bank employees and the teachers' union and a mill worker. We will get somebody from SUN, we will have a nurse there, the list will go on. That will be the labor side of this drink that we are going to bowl up here. Then of course, we won't leave agriculture aside because he thinks he can win the election out there. He certainly thinks he isn't going to win the election in Regina because he doesn't worry very much about what people think about him here from the performance he puts on. He doesn't think it gets out to the country. This is the other little sample of the drink; we will get somebody from Palliser and the NFU and the Stock Growers' and the Wheat Board. We will mix them all together. The Federation of Agriculture and the poultry people. Maybe old Jack will be there with the bacon man, then we will all get together. We will have this agriculture group and then we will have management. Well of course we would want the Bessborough to be involved right off the top and then we will have the co-ops. We can almost go through the Chamber of Commerce, that is picking up all the names of the Chamber of Commerce on our way to ask all the various boards of the Chamber of Commerce, of course. All the chambers will make nominations, they will all put somebody in. All the school trustees and maybe a few small shop owners in this puddle and piddle and we will get it all together, as many people as we can and then we get this board together (and I say it shouldn't be at the Bessborough, I think it would be better if we put this into the Centre of the Arts). We are going to use a government function and then they will make nominations. Well, of course, who will pick from the nominations? The lawyers, we will go back to the judge because we have to trust him. Why wouldn't we just get a pile of telephone books from around the province and say, the Chief

Justice, here he is in there somewhere. One of those guys will do.

You know the Collver concoction is typical of the kind of happy answer that people keep trying to foist on this House about labor problems. The labor area is a very difficult area. It touches management very closely and they understand it. It touches the trade unions very close. We say that you are going to go on having some kind of bias in that board. You are going to go on having some kind of bias in your law. That is part of the reason we think you should be defeated; that is part of the reason that we believe your government shouldn't be the government. But we are not so stupid, we are not so stupid as to think that some little gloss-over solution can solve that whole problem.

Mr. Chairman, I ask you not to be so stupid as to think that you can ignore the perceptions of injustice that you create in the labor area and continue to ignore the possibilities of cleaning up those perceptions. I say, Mr. Chairman, that some kind of review to the courts wouldn't be overused, that a review to the courts wouldn't be in the thinking of the minister, milked by lawyers. Nothing else is milked by lawyers.

Why, Mr. Chairman, is the assumption always made that every other area, every single other area, should be dealt with by lawyers, whether it is building constructions or whether there is a faulty steamship or an automobile accident or whether the Minister of Labor is taking the member for Nipawin out and assaulted him in the back alley, or whatever that may be. Why, Mr. Chairman, is every single area of the law deemed to be an area where inexperienced persons, in that area, lawyers, that is what we are, we are inexperienced in areas, but capable of understanding and seeking to understand other people who bring that material before us, capable of understanding an argument and presenting an argument, judges capable of understanding other kinds of occupations.

Why do you say that the labor area should be sacrosanct and on a pedestal, when the labor area more than any other, is so very suspect and so very, very suspect under your government?

Mr. Snyder: — Well, Mr. Chairman, the hon. member deals with so many points when he takes to his feet that it is almost a joy because it gives you an option of those questions that you feel you would like to answer. Everybody else has forgotten the questions and so you can choose those questions that you would like to answer and ignore the rest.

I do want to make a bit of a point of what he had to say about the perception of the Labor Relations Board. I want to tell you that we went to some pains in making the choice of the present Labor Relations Board. I think we chose them carefully and meticulously and did everything we could to present an image of a board that would be as unbiased as we could conceivably put together. I think if the member is going to be fair and view the membership of the board and their background, I think that he would have to agree that it is a good Labor Relations Board, probably the best that we have had in this country in living memory. I think it is unfair for him to say that the perception is bad, because obviously it is when you have political parties over there and on this side of the House attempt to create that image every time they take to their feet in this House and every time they appear in a rural community and they conjure up this idea of a biased Labor Relations Board, in spite of the fact they know themselves that the membership of that board is basically above reproach. I say that without fear and I don't blush easily and I think, quite frankly, that the board is a board of very high calibre.

The member suggested somehow (I forget his exact words) but he suggested that lawyers just don't rip people off. I was just trying to conjure up in my mind a letter that

went over my desk over the member's signature, only a short while ago. We're not going to mention names or places, but he was complaining about another colleague of his in the legal profession that was ripping off one of his employees to the extent, he believed, of something like \$10,000 before the proceedings were over. I think \$10,000 was the figure that he was suggesting. The letter is still on my desk and I have routed it along to be taken care of. It strikes me for the set of circumstances surrounding this case which are virtually unassailable and nothing that can be done, it strikes me that very likely this represents a classic kind of rip-off. So I suppose there are all shades and complexions; there are good ones and bad ones; there are charitable ones and greedy ones in the legal profession. But for the member to suggest that somehow or another, lawyers won't be gaining in a very substantial way in the event that we adopt his suggestion, I think is just not in keeping with the facts.

I don't know how the member comes by the notion that somehow or another by turning this matter over to the judges of the land that somehow this removes it from any kind of influence from people of different political persuasions. Look over the judges of the courts of the land, be they Supreme Court judges or the Court of Appeal or the Court of Queen's Bench, all Liberal or Conservative appointees, not a single one that doesn't have a political flavour. Either a defeated candidate or one who has aspired to political office or has been president of a Liberal or Conservative constituency association. For the member to insist somehow that this removes the whole thing from the political spectrum, I think, once again is stretching a long bow. I have forgotten half a dozen of the other questions the member asked so I will resume my seat and let him make another speech.

Motion negatived on the following division:

YEAS — 9

Malone
Wiebe
Merchant

MacDonald
Anderson
Stodalka

McMillan
Nelson (As-Gr)
Clifford

NAYS — 34

Blakeney
Thibault
Bowerman
Smishek
Romanow
Messer
Snyder
Byers
Kramer
Matsalla
Robbins

MacMurchy
Mostoway
Banda
Kaeding
Kwasnica
MacAuley
Feschuk
Faris
Rolfes
Tchorzewski
Shillington

Allen
Johnson
Collver
Lane (Qu'Ap)
Birkbeck
Ham
Berntson
Lane (Sa-Su)
Wipf
Larter
Katzman

Mr. R. Katzman (Rosthern): — Would the minister like to start on the estimates now and get on with item 1 vote. Would you like to explain the increase on your item 1 of (3) (6) of people?

Mr. Snyder: — The plus 3 represents two executive assistants to the minister, one of which is vacant - a special assistant to the deputy minister. That accounts for the plus 3.

Mr. Katzman: — Are you suggesting these are executive assistants? Mr. Minister, the Department of Labor has been involved in the past year in many strikes and some of your people have done some excellent work in them. I refer to the milk strike that we had a while ago. I would like to ask, what studies is your department doing re labor, management and strikes outside of Canada? I mean the investigations of different systems that they use in other countries?

Mr. Snyder: — Well, obviously, Mr. Chairman, there are a number of communiques and periodicals that appear on our desk from time to time. We are in a position, through the International Labor Organization, to keep in close touch with a number of so-called techniques that are used in the whole series of labor-management relations. A short while ago we had some communications with the people in the Tennessee Valley Authority with respect to the mechanics that they use in dealing with labor-management matters, the question of the use of what they call fixed position bargaining and we question the effectiveness of it and we have had a look at that. There are other examples that can be seen where there have been attempts made in refining the collective bargaining system and taking into account other methods. You will know, for example, that in Australia the method that they choose is to outlaw strikes entirely which has been totally ineffective on the face of it.

Now, this is a point that needs to be made from time to time with those people who believe by a mere stroke of the pen you solve the problems between management and labor and elect for labor peace by passing a statute which outlaws the right to strike. It simply doesn't happen that way. There are no studies currently that I can describe to you, with respect to that particular matter, but it is an ongoing thing and the research department is in touch, from time to time, with the other people who have common interests and, of course, our communiques and our discussions with people through the International Labor Organizations has taken into account, in particular, some interesting phenomena that have occurred in West Germany and the Scandinavian countries and other industrialized nations in their experiments in worker participation or industrial democracy, or call it what you will.

Mr. Katzman: — Have you done any evaluations on some countries that use a system where with perishable items a third party cannot be hurt? Have you done any research on that type of legislation re workers?

Mr. Snyder: — I don't know of any legislation of that nature that is in existence anywhere.

Mr. Katzman: — When you referred to the Australian thing, I believe it was earlier, where they have outlawed strikes and as I say, I think one of the key points is slavery to not allow some people the right to show their lack of appreciation. But there must be a way in labor management and I refer to when I was with local 59 in the union, they were

studying a system that looked at the feasibility of no third party being hurt, a way that would keep both sides at the negotiating table a little bit longer to assist that no third party is hurt Are you doing no research on that type of field as has been done outside of North America?

Mr. Snyder: — I expect, Mr. Chairman, that the instances where work stoppage, whether it be a lockout or a shutdown, affects no one other than the two parties involved would be extremely remote. I can hardly think of a set of circumstances where there would not be an involvement by a third party, were he a consumer of the product that is not being produced as a result of work stoppage as a result of a strike or a lockout. I don't see that the question that the hon. member presents has any practical application because I can hardly think of a dispute where there are not other people, other parties, that are affected by such an occurrence.

Mr. Katzman: — Let's go to a . . .

Mr. Chairman: — This will be the last question, then I'll acknowledge a new member.

Mr. Katzman: — Mr. Chairman, I'm opening a new line of question. I would like to just continue the finishing of it.

The Centax decision, I think the minister is well aware of, where they have ruled that legislation may say one thing and a contract may say one thing but if an employer makes a deal with an employee which is better than the existing contract that that is legitimate and it has been approved once in court. Now, how many more of these have we got ourselves into that the minister is aware of where people are working, say 12-hour days, three days on and four days off and so forth without ministerial approval and are we about to see a court case again to challenge the decision or is the minister just sitting back to see what's going to happen and how it's going to roll?

Mr. Snyder: — Well, Mr. Chairman, the Centax decision, as it is known, took the position when there was a prosecution instigated by the Department of Labor, the court then ruled that in the event that circumstances negotiated between the employer and the employees, if they were more favourable to the employees, they would supersede the provisions of The Labor Standards Act. This is what the Centax decision said essentially. Well, what it said was contrary to what we believed the law to be. We believe that under The Labor Standards Act we had no authority to provide for extended hours beyond four 10-hour days. In this particular set of circumstances the employer and employees had agreed to a 12-hour day. When an assessment was made and it was discovered that they had exceeded the allowable hours of work in any given week, then it became apparent to us that there had been a contravention of The Labor Standards Act. The court ruled differently. Since that time we have taken the position that in the event that employers and employees agree unanimously that they shall work a set of circumstances and there is no protest by the employees, that we will not then enforce the hours of work provisions of The Labor Standards Act. Accordingly, we have warned a number of employers and employees that in the event that a complaint is levied with the Department of Labor I think we will then be obliged to make an assessment in the event that the employees do not agree. Whether there are in the future going to be challenges that will be decided by the courts of the land in order to determine whether circumstances are more beneficial to the employee or not, I am not in a position to inform the member at this point.

Mr. Katzman: — Do you have an idea how many people have used this loophole? Do

you have no reports or do you have a report on how many?

Mr. Snyder: — There may be a number that we are not aware of but I think at the moment we are aware of three instances where the employers and the employees have agreed to work extended hours. That is to say, beyond the permissible permit or certificate that we can issue that would allow them to work four 10-hour days. Our understanding is that we believe there are three that are currently working in excess of what we used to believe to be the maximum limit.

Mr. Merchant: — Thank you, Mr. Chairman. Mr. Chairman, I have, as the minister is kind enough to point out, a habit sometimes of bringing up a number of points all at the same time and I propose to bring up seven points and you can keep track of them and try to answer all seven.

The first area - and they are all, Mr. Chairman, matters of general interest which I suggest don't fit under any particular subvote and that is the reason that I draw them to the attention of the minister in the way that I do. The first area that I would like to address to the members of the committee has to do with the development of the uranium industry in this province, which, if we believe the minister in charge of that anticipated development will be proceeding post haste regardless of any contrary suggestions that may or may not be made by the Bayda Inquiry. I say to the minister that he should now be investigating a very real problem that will arise when uranium comes on stream and that is that Atomic Energy Canada will tend always to say that the various tradesmen and trades people that come in, have to have certification according to the Atomic Energy Canada standards. And that if we move towards a development beyond the mining level, that if we move towards establishing a refining process, to some degree, we will tend to lose those jobs because the people who will get those extremely lucrative jobs, whether it is an electrician, or a welder, or whatever will have the job because they have had previous experience in Ontario, or very like Ontario, or some other place.

I think what research and planning should be doing is looking forward into that area, trying to ensure that we don't lose that job potential. And it may well be that the Ministry of Labor, once you have looked into that matter, and I think you are the right department to take up the question with your colleagues in the government, that what you would want to do is ensure that any development plan has protection for Saskatchewan trades people; protection so that we are sure that we get those jobs.

Now it may be that a second requirement will be that we do some training or that we even invest some money, and perhaps Saskatchewan money, into ensuring that our people are upgraded in those jobs. It is a bit of a bugaboo for us to be thinking, as everybody in this province is, oh, that will be a great program. We will pick up those jobs. They will be really good jobs and very well paying jobs, when in fact what may happen is we will just be importing a lot of people likely from Ontario to take those jobs, or even worse, we will have a welder, or a plumber, or a pipe fitter flying in from Toronto working 95 hours in two and a half weeks and then flying home taking very fat pay cheques, because they tend to be extremely lucrative jobs.

Secondly, I would like to have the minister consider a matter that came up in the House, an area that dealt in that particular case with the boilermakers who were hired from the hiring hall in Winnipeg and, secondly, from a hiring hall in Edmonton for the northern boilermakers.

The minister will be aware that there is one other union that does this. There are a number of smaller unions that are not like the boilermakers. The boilermakers, I believe, could sustain their own unions here. The minister will be aware that a large number of people - a large number of working people are sort of shipped into Saskatchewan and I would like to see his department, through research and planning, looking at this question regarding boilermakers and people working in those similar jobs.

The third area, Mr. Chairman, is the area of the handicapped, either handicapped employees, physically handicapped and, indeed, mentally handicapped. I suspect that the minister is aware that some jurisdictions have very extensive programs to encourage the employing of the handicapped in positions that they can indeed handle. We don't have anything like that in this province. We do, within the government, some special employing of the handicapped but we make no effort to encourage other large employers or indeed small employers to hire the handicapped where it is possible to do so. Statistics now indicate that about 10 per cent of the population are handicapped in one way or another and a great number of those people aren't working because they think that it would be impossible for them to obtain employment. Again, this is an area where I believe the government should be looking at and encouraging larger employers to accept their responsibility to hire some of the handicapped. In some jurisdictions this is compulsory and, Mr. Chairman, that may be something that we have to look to in Saskatchewan. I am not ever one to think that compulsion is necessary when it is possible to do it by way of persuasion, I think, for instance, of IPSCO which is a large employer, 25 per cent owned by this province. I think of the many companies that deal directly with the government that might be encouraged into following some kind of handicapped employment program and they are not doing it now. I suggest that this is an area and those three areas fall together in terms of employees that should be getting special consideration and I don't think they are now.

The fourth matter that I would like to bring to the attention of the committee is the system of taking a vote when a labor relations - well, by the union, the whole card support system. I suggest to members of the committee that both in substance and in perceptions we could do a lot to clean up the card voting system. I think that what you should be doing with the Labor Relations Board is you should have them ready, frequently, to go out and take a vote, that it should be possible for management or the union to apply at any early time to move in and take the vote, to move in in almost the same way that you see bank auditors kind of attacking a business - in that case a bank. They virtually walk in and say, O.K. hands on the counter, we are now going to do an audit. They are in and they are out and it is done in 18 or 36 hours, the whole thing is done.

I realize that is more expensive than the current simple card system that we have now, but the problem with the card system is that so many employers think that they have been cheated or hard done by by the card system. So many employers come to people like me and say, 'I am sure my workers didn't vote for a card. They didn't sign that card. There was something dirty in there. You know they could have signed their names. The guys all said they didn't sign the card.' And, of course, the guys all did tell management they didn't sign the card, because why would they tell management, particularly the paternalistic kind, that they needed somebody to look after them, other than good, old Papa Joe who is running the business. The employee has been there for 10 years and he knows how paternalistic that guy is so he goes along with the game of saying to his employer, 'Well, I didn't sign boss. No, boss, I didn't sign the card.' But, in reality, the guy signed the card.

The result is that you have companies thinking, I can win that because my workers didn't fall into that terrible trap. They didn't sign the cards. So that gets you into a whole lot of fights that are costly for the union, costly for management and result in a very bad atmosphere in the work place once that is concluded. You could avoid a lot of that trouble if you were prepared to go in and do a vote and satisfy management that, indeed, people did sign the cards, indeed people did want the union that they ended up with.

The next matter that I would like to bring to your attention, the fifth matter, is the amalgamation of the apprenticeship and labor standards work which I gather is being brought together. I suggest to you that the Apprenticeship Board is quite different from the other side and I think that you are going to have real problems with that amalgamation and I would be interested in hearing from you about it.

The next matter, is the matter to which I referred in question period this morning - the housekeeping aids, equal work for work of equal value. I say to you that your letter of July 18, 1977 put the matter very well when you said that this area could be a great setback to the concept of equal pay for work of equal value. I've been after you since 1976 to clean up that problem in hospitals, hospitals which are pseudo government - the member says it was cleaned up last year - and it's still in the same state and you are giving very much the appearance that equal pay for work of equal value isn't there.

Mr. Chairman, I have about, I guarantee, two more minutes that I wanted to address the committee then I was going to sit down but I suggest, Mr. Chairman, that we stop the clock and I think, I assume that we would have unanimous consent. I see unanimous consent.

Now, Mr. Chairman, the next matter that I wanted to deal with very briefly is I asked the minister and I suggest to you that it's a labor matter that the question of child care facilities is a labor matter, certainly within research and planning - well it's obviously related to work. I say it's related to work. I know that your colleague in Social Services pays the price.

An Hon. Member: — I believe it's 10:00 o'clock.

Mr. Merchant: — On a point of order . . .

Mr. Chairman: — Order!

Hon. Romanow: — I move the committee report progress.

The Assembly adjourned at 10:03 o'clock p.m.