

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**March 26, 1982**

The Assembly resumed at 2 p.m.

**GOVERNMENT ORDERS**

**ADJOURNED DEBATES**

**SECOND READINGS**

The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Romanow that Bill No. 45 — **An Act respecting Temporary Provisions for Labor-Management Disputes** be now read a second time.

**HON. MR. ROMANOW:** — Thank you, Mr. Speaker. Before lunch break I was speaking, and I believe I dealt with three points which the opposition raised yesterday in the course of the debate. The question of underfunding of the health system — I made my observations there. The issue of whether or not all has been done that could be done to try to get a solution to the dispute — I made my comments there. In that context, I made some observations about the 1 per cent solution, so-called, of the member for Regina South. I also tried to talk about the question of overriding locally selected people who are running the hospital boards. In many of the instances, the principle of overriding them, if you will, the principle of dealing with the front men, as described by the hon. member for Thunder Creek . . . That tells us about the Conservative policy and its approach to local hospitals, and how they would handle this in the eventuality that they are in the treasury benches.

And now I want to deal, Mr. Speaker, with at least two or three other points reasonably quickly in rebuttal, before the vote on this bill is taken. I want to deal first of all this afternoon with the question of part 2 of the legislation, the so-called part 2 part of the bill.

The hon. member for Qu'Appelle and the hon. member for Kindersley, I believe — the member for Indian Head may have said this in this remarks, I'm not sure — suggested that the bill should be split. They argue that it should be split and I have a little difficulty following their reasons. Quite frankly, I think there is a degree of vagueness, certainly as they have articulated the arguments for the so-called splitting.

I'd like to say, first of all, Mr. Speaker, leaving this particular legislation aside, the legislature is resplendent with many (and that is not an overstatement) pieces of legislation in which there are indeed various parts of items included. I can give you any kind of example, virtually, by opening any one of those blue books in front of me. But I think one will suffice. I use this because it goes back to 1969, when the Liberals were in office, when the Premier was the late Ross Thatcher, when the member for Qu'Appelle, Mr. Lane, was the executive assistant to the Attorney General, and they introduced a bill called The Labor Standards Act, which dealt with such items as hours of work, statutory holidays, minimum wage, maternity leave, equal pay, recovery of wages, and one goes on. You can do the same thing with virtually any other piece of legislation — Vehicles Act legislation, and on it goes. So it ought not to be misrepresented or stated that this is an unusual development.

In fact, that is very much the usual development. It is the majority kind of mechanism for introduction of bills, which in some ways only makes sense when you are dealing with

heavy legislative agenda and other agenda. So I think the argument for splitting it is not there. I would tell the hon. members now, we will not accept their suggestions that the legislation should be split.

But the other side of the argument on part 2, Mr. Speaker, I find even more interesting.

Let me first of all indicate what part 2 of this bill would do. With all due respect to some of the members of the media, I have heard it said this morning that part 2 would outlaw or ban strikes everywhere during an election period. That is totally false.

Part 2 does not speak to the question of whether or not a strike takes place or doesn't take place. In fact, while I would hope that there are no strikes, it is conceivable that an entire election can be conducted and an industrial dispute (a strike or a lockout) could take place right straight through the election period. This bill does not outlaw that, as has been variously suggested.

What this bill does, for the hon. member for Thunder Creek, is the following. If we are in a situation in an election as we are now, where we are 15 or 16 days (let's use the same field we're in, the health care field) into a dispute, regardless of who is at fault, and where there is a clear and apparent danger to public safety (as the Tories now themselves admit, somewhat belatedly, 24 hours later), part 2 of Bill 45 would permit the cabinet on urgent, pressing public importance, to direct the return to work of the employees or to direct the lockout and the walkout for the employers in those special circumstances. Period. It does not direct the compulsory arbitration at that point. The moment that the election's over and the MLAs are elected (whoever form the government) those workers can go back on strike; that employer can continue to take the industrial action. If we do not have this legislation in place and we have this kind of an industrial dispute arise during the course of an election, during the present state of the law in the province of Saskatchewan, this province would be powerless to deal with a dispute which would endanger public safety.

That is what the hon. member for Thunder Creek says he want to have. The hon. member for Thunder Creek takes the position that he wants to leave the people of Saskatchewan exposed to that eventuality, and his answer is to vote against this bill. I say to the hon. member for Thunder Creek, the member for Kindersley, and to all the Conservatives: if you believe that you can go to the electorate of this province and say that in the eventuality of that dispute taking place, you are going to leave any public — regardless of the political stripe of the government, regardless of the nature of the dispute — naked with no possible solution, you deserve the wrath of the voters on you at that stage of the game.

Now, the invisible Leader of the Conservative Party, a man by the name of Dr. Devine . . . I'm sorry, it's Mr. Devine. He was Dr. Devine when he was a professor, and then he made certain statements, as we all know, about matters of the crowrate, but that's when he was a professor. That was in his Dr. Devine days. Today he's Mr. Devine. I think we should write a new book called "The Goings and Comings of Dr. Devine and Mr. Devine." That would be a very interesting kind of a description.

He takes the position today that part 2, as he describes it, is Saskatchewan's war measures act. Well, I say first of all, Mr. Speaker, apart from a gross overstatement and a lack of credibility in this regard, that statement will come back to haunt the hon. Leader of the Conservative Party. I say to the Conservatives opposite: what will happen when the people of Saskatchewan learn the nature of the position of the PCs for

exceptional circumstances? Where public safety is involved, during a period of 50 days, once every four years, in exceptional circumstances (something akin to this), they take the position that there should be no legislation in place. I say, Mr. Speaker, again, that is going to prove to bring down the wrath — and rightfully so — of the voters on the Conservative Party opposite.

I tell you, Mr. Speaker, I don't believe this will happen. I pray to God that it does not happen but if, when an election takes place (and there will be one in April or June or October) there should be a dispute called in the middle (an industrial dispute, a walk-out or a strike which drags on for 10 or 15 days) imperilling the safety of the people of the province of Saskatchewan, and the Premier and the government of this province pass an order in council to ask for a return to work only, I will want to know exactly where the Conservative Party opposite stood on this particular bill and the statements about its being a war measures act. That is exactly where you will be asking the people of the province to stand — without protection. I say, Mr. Speaker, that is a position which is worthy of absolute condemnation and total irresponsibility.

Bill No. 2, the bill introduced by Ross Thatcher and drafted by the member for Qu'Appelle when he was in the Attorney General's department, applied 24 hours a day, 365 days a year for seven years against each and every unionist in the province of Saskatchewan, with binding compulsory arbitration. The member for Rosthern got up yesterday and he said in his condemnation . . . (inaudible interjection) . . . And decertification, as the Minister of Labour says. That's what Bill No. 2 does. To compare Bill No. 2 to this part, to cooling-off legislation is absolutely playing footloose and fancy free with the truth, to say the least, let alone playing falsely with the emotions of the people of the province of Saskatchewan.

But you know, Mr. Speaker, it doesn't stop there. As usual, with the Conservatives, if they took a consistent position one could understand it. Yesterday they were telling everybody in this legislature how bad this bill was, and how the plight of both the hospital workers and the hospitals involved was due to the government's underfunding — something I tried to speak about this morning. That was the position yesterday.

But they are confused. Now they announce this morning that they are going to vote for the bill. Let me just read this about this part 2 provision, Mr. Speaker. Yesterday the hon. member for Rosthern, Mr. Katzman, got up and here is what he said about part 2 of this bill. This is right from *Hansard*:

Now, not only in this bill do you do as you did in the dairy strike and legislate them back to work, you go a step further to cover all other kinds of situations during the time when the government does not sit. During an election, basically, is what I'm referring to. You don't have the power.

As far as that goes, he is correct. Now, get this, Mr. Speaker.

Why don't you have the power during an election period? (This is the member for Rosthern, the Conservative labor critic.) Because you people removed Bill 2 which gave you that power. That's what you did. When you removed Bill 2, it took away the power to order people back if it were necessary, no matter when.

That's when there is no legislature, when there are no MLAs. He says we made a mistake in repealing Bill 2 because we also took away the right of ordering back any worker at

any time, even if it is outside an election period. Now he says we are paying the price of introducing part 2 for a limited period. He would argue that is something we should be condemned about.

I say to the people of Saskatchewan, concerning those people opposite who are opposing part 2 on that ground: ask yourselves what their alternative is. The member for Rosthern told you what your alternative is. He will introduce a Bill 2 like they had under Ross Thatcher, as drafted by Gary Lane, in which they wouldn't have to worry about any of the problems during elections. They would act at any time. I say that is something this government does not believe in and will not accept.

**SOME HON. MEMBERS:** Hear, hear!

**HON. MR. ROMANOW:** — So, Mr. Speaker, I challenge the Conservatives opposite to vote against this legislation. I challenge you to vote against part 2. I challenge you to repeat what your leader, Mr. Devine or Dr. Devine said this morning about this. I challenge you to do this; I challenge you to stack it up against what you did when you were in office, directly or indirectly, and how you would treat the working men and women of this province when it comes to throwing criticisms at this government and such actions which we take.

Mr. Speaker, I have a few other brief remarks to make about what I think is the overall, general thrust of the remarks of the Conservatives opposite. I am sorry to use words which may be somewhat harsh. I'm not a man who deals in harsh words; I like to deal in mild words, as the hon. members opposite know. I want to tell you, Mr. Speaker, that I can only describe the debate yesterday as a debate which was characterized by hypocrisy, unparalleled probably in the history of the debates in this legislature. Mr. Speaker, I invite you to examine where this Conservative Party gets its contributions from to finance what it believes in.

**AN HON. MEMBER:** — Oh, here we go.

**HON. MR. ROMANOW:** — Here we go; that's right. Royal Bank, CP investments, Bank of Montreal, multinational oil companies — that's where they get their funds. Of course, they don't believe in the principle, "He who pays the piper, calls the tune." No, they don't they don't play any tune which the CP Rail asks, and the Royal Bank asks. No way. Not these Conservatives; not these free enterprisers; not these "we can do it ourselves" men. Not these people who say, "Let's get government out of our hair." Not these people who say, "Let's deregulate." No, no. Not these self-made men. These men are compassionate. There they all sit: businessmen, ranchers, people who pride themselves in having . . . (inaudible interjection) . . . Well, as the hon. member opposite for Thunder Creek says, they made millions. They pride themselves on their own ability to do it. Now they show a compassion, so they would have us believe, about the concerns of the average working person in the province of Saskatchewan.

I tell you, Mr. Speaker, and I tell the people of this province, they are compassionate for the working man when the working man is in the galleries, but when the working man is not in the galleries, you should hear what they say.

**SOME HON. MEMBERS:** Hear, hear!

**HON. MR. ROMANOW:** — I will tell you, Mr. Speaker, what they say. This is not an isolated quote. I was going to give you several quotes, but I'm going to give you just a couple to give you a flavor. This is in 1971. I just start in 1971.

**AN HON. MEMBER:** — How many Tories were in this House in 1971?

**HON. MR. ROMANOW:** — How many Tories? At least one right there, the hon. member for Qu'Appelle. But I'm going to move right up to 1982.

I'm going to start in 1971. A man by the name of J.G. Lane, Mr. Speaker — the hon. members opposite don't want to hear this, but I want those who are interested to know the attitude toward working men and working women of these would-be saviors. Here's what he says in a debate on the labor bill, on page 536, August 9, 1971, if anybody wants to check *Hansard*.

I personally have worked with unions in this province where the members spend the first hour of every day walking back and forth in the roundhouse, doing absolutely nothing but walking back and forth, and they're paid to do this.

I've worked with a union in this province that has gone on strike for wages, knowing full well that the employees would get no increase after a strike. We struck for three weeks, we ended up settling for an extra quarter of a cent over what management had offered in the first place, and the union knew full well in that situation that the management had a great surplus of the product that was being manufactured.

At this point, there's a guy called Mr. Romanow who interjects, "Did you ever have a say in determining whether the strike should continue or not?" "Yes," he says. Mr. Romanow: "And the majority disagreed with you there should be a strike?" Mr. Lane says:

No. What happened was that the union bosses controlled that (referring to the strike) and we did not (the average members) — we were told (by the union bosses) to shut up and we tried to get our word across and nothing happened because of it.

There are unions in this province, Mr. Attorney General, who couldn't care less about their members. And don't forget that.

That's what he says, this defender yesterday of the concerns of the labor man.

Then the hon. member for Regina South gets up — this is the member for Regina South, Mr. Rousseau, during the course of the dairy strike. This is the other back-to-work legislation. We couldn't do it fast enough for the boys then. Oh, no, we were late. There was a day and a half, and we were already late a day and a half, according to them. So the member for Regina South — and I make no comments about him as an employer, no, I make no comments on him — gets up in this House, Mr. Speaker, and he says this. I think this is an excellent quote which I want the members in the House to know about when they decide on these difficult issues and what options there are. Here's what he says. Mr. Rousseau, page 2806 to 2809. It's a very long speech. He says:

When I was 15 years old I belonged to a union. It was at that time I decided I

would never belong to another union party as long as I lived . . . And I never have . . . The union members will receive their increase (talking about the dairy workers) but always, always, at the expense of the consumer . . . Mr. Speaker, have you ever thought about the right not to strike? . . . It isn't the membership of a union which dictates and negotiates, it's the executive . . . Union executives have become irresponsible and have little concern for the membership. When a strike occurs, it isn't the executive who suffers, it's the membership . . . With the intimidation that goes on . . . Why is it that the collective bargaining system and the union approach must remain the same as it did 50 years ago? . . . When we change the governments . . . perhaps those ideas will change.

Those are the defenders.

I'll tell you, Mr. Speaker, I'm going to just give one other little sample. The member for Thunder Creek is probably the most prominent member of the Conservatives next to the Leader of the Opposition in this House — certainly he's better known than the Leader of the Opposition publicly. I don't know in what sense he's better known, but he's known better. In fact, I would say, Mr. Speaker, he's better known than the Leader of the Conservative Party, much to the concern of the Leader of the Conservative Party. What does the member for Thunder Creek, Mr. Thatcher, say? I want this to be known to the union people and the working people of the province of Saskatchewan.

Well, first of all, he talked about the dairies, but the hon. Leader of the Conservatives would say, "But hold it. Is he talking as a Liberal or is he talking as a Conservative?" Well, I want to tell you, Mr. Leader of the Opposition, I have a quotation in which he's talking both as a Liberal and as a Conservative. One could say he was talking out of both sides of his mouth, but I wouldn't say that because they talk out of the same side of their mouths, the Liberals and the Conservatives, at the same time. During the dairy workers' strike, what did he say? He said, "Do you believe it will help the milk producers when they know that the process of collective bargaining or collective blackmail, in this case, has been served? It's collective blackmail, says the champion of the hospital workers today.

And that's when he was a Conservative. But just in case you think that he had his ideas changed because he became a Conservative, I want you to know he's one man who has maintained a consistency in his right-wing philosophy and attitude towards unions. Mind you, you all have that same consistent, right-wing, no-unions approach, but he at least has partially the guts to get up and say it. You people try to lay low during election periods and try to make cheap political shots.

What did the hon. member for Thunder Creek say, Mr. Speaker, when he stood up in the House in 1975 when he was a Liberal? I think this is a quotation which I am going to repeat to my union workers in my constituency. This is what he said, talking on this debate. This is an exact quote from page 355:

First of all (referring to us), they have made it socially acceptable for one to be a parasite on society in this province, better known as a bum.

This is on a piece of labor legislation . . . (inaudible interjections) . . . Page 355. I'm going to continue the quotation, Mr. Speaker. I know the hon. member for Thunder Creek is mildly embarrassed, but I'm going to finish this quotation and make my point. He said this, Mr. Speaker:

The number of people who take great pride in not working for a living is increasing by leaps and bounds. Under the guidance of the Minister of Labor, Mr. Snyder, and his far-reaching changes in the labor code, productivity in this province's labor force has diminished at a disgusting rate.

**AN HON. MEMBER:** — True.

**HON. MR. ROMANOW:** — True. You see, he says it's true. He repeats it again:

Even more disgusting is the fact that the Minister of Labor takes great pride in such. Under his standards, mediocrity is the norm, and don't step out of line by attempting to excel on the job. After all, the high producing worker will expose the poor-quality worker. So we all know the good worker must be brought to heel in order to protect this poor, poor, low-quality worker.

The member for Thunder Creek, Mr. Thatcher, says:

I have usually differed with the philosophy of the former minister of agriculture (that was Mr. Messer) but at the same time respect him because I thought he was his own man. However, since his demotion to the junior post of industry and minister in charge of the Sask Power Corporation (it's interesting the power corporation is a junior demotion) his actions at the Poplar River project have shown conclusively that he is not his own man. Like his seatmate, the Minister of Labor is a puppet (this man right here) dangling on a string pulled by an unseen union business manager.

Now those of you who were in this House yesterday just think about that for a minute. It goes on. I won't take the time of the House to bore you much, but I do find this quotation, Mr. Speaker, very important. Mr. Thatcher continues later on in 1976 and says:

I think the public has become very familiar with the statements which literally drip venom from the Larry Brown and George Semeniuk types.

That's the gentleman yesterday who was defending the (inaudible). But this man, this defender of free collective bargaining, this defender of the hospital workers today, had this to say, which every hospital worker in the province of Saskatchewan should make note of, every trade union should make note of. This is now the member for Thunder Creek, Mr. Thatcher:

Compounding the problem is that the public service is causing normally responsible trade union leaders in the private sector to make irresponsible demands in order to restore traditional wage relationships.

He wasn't saying that, by the way, yesterday about the wage demands.

Mr. Speaker, I would respectfully suggest to this House today that the right to strike should be taken away from the areas of public service.

That was the member for Thunder Creek. That was when he was a Liberal. And it would be good that they can joke a little bit about it, I suppose, if the problem and the

issue weren't as serious as they are.

But you know I've often wondered why, Mr. Speaker, the member for Thunder Creek has suddenly gone through a big conversion concerning his support for the Hon. Leader of the Conservative Party in this province, Mr. Devine. You will recall that this is the same man who called Mr. Devine "not particularly his favorite person." He liked him a lot better six months ago because Mr. Devine was too worried about getting his own seat. That was in August 1980.

Contrast that now with the wonderful Mr. Devine — the wonderful leader that the hon. member for Thunder Creek supports. I often wonder why it is that he has gone through this conversion of support, now shows his brotherly love, not for Dr. Devine but for the new Mr. Devine. Was it because he had to get Mr. Devine's support in order to get the nomination by less than 30 votes out in Thunder Creek the other day? I gather by the laughter it wasn't that. Was it because he needs Mr. Devine to come in during the election campaign to help bail him out? No, that can't be the reason either. I agree with him. I, too, would laugh at the idea of Mr. Devine's coming into my constituency to help me.

I agree he can't do that.

**SOME HON. MEMBERS:** Hear, hear!

**HON. MR. ROMANOW:** — Well, what could it be? Maybe, Mr. Speaker, it could be this. Maybe it could be because we finally got Mr. Devine to articulate his view on what he thinks about the right to strike as articulated both when he was a Liberal and a Conservative, and as the hon. member for Regina South and the hon. member for Qu'Appelle that I've cited and the others of you who have spoken from time to time have said. I have here — you can take a look at it after the speech — the Saskatoon *Star-Phoenix*, August 22, 1981. The headline is "Devine Rejects Right to Strike" and the story goes on to say about the Premier:

He's afraid to step on the toes of the union bosses, and therefore is selling Saskatchewan farmers down the river by not demanding that the strike be made illegal . . . and the right to strike is out.

Mr. Speaker, I said in my remarks on this portion of my rebuttal that I'm sometimes prone to say harsh words, but I want to tell you no words can be as harsh as the words I want to use about the duplicity of the Conservative Party on this particular issue.

**SOME HON. MEMBERS:** Hear, hear!

**HON. MR. ROMANOW:** — Any trade unionist who thinks for a moment that these people are standing up for his welfare had better take a look at these quotations, and you ask any trade unionist about that. Any trade unionist who thinks that the Conservative Party is in the end result, in the long run, the medium run or the short run, going to look after his interest had better take another look at these statements by Mr. Devine. I tell any trade unionist anywhere in this province of Saskatchewan that given the statements about banning the right to strike — without the idea of 15 or 16 days, forgetting about who is right or wrong on the SHA-CUPE strike for the time being . . . I make no judgments on that. I cannot make judgments on that. You are angry, some of you, for having been legislated back to work. But you've been out for 16 days. You elect Dr.



Devine and Mr. Thatcher and you won't even have the right to get out on strike.

**SOME HON. MEMBERS:** Hear, hear!

**HON. MR. ROMANOW:** — And I want to say, Mr. Speaker, that any trade union leader who goes around advocating or suggesting that is not a trade unionist. He is giving support to that party and the destruction of the free collective bargaining system and the principle of labor laws and the right to strike. And I tell the members of this Assembly when they meet unionists on the weekend who are concerned about this legislation that I am concerned about this legislation. I never acted when I was a lawyer for anybody but a trade union — ever. I don't take any pleasure in doing this, but you ask any trade unionist on the weekend and any leader, as bad as it may be and given the options of the government: why are they telling the union membership that they ought to be supporting the Conservative Party for his hypocritical and false position? I say that is not serving the interests of the trade union movement in this province. That's destroying what this Minister of Labor has worked for for 10 or 11 years. That's destroying (albeit needing more improvement) the pay of hospital workers. We need more improvement there. We need more money for hospitals but to go about it by taking away the right to strike is what they are advocating, and what some union leaders I hear are advocating is an absolutely hypocritical position, which should be rejected by the people and the members of this Legislative Assembly.

**SOME HON. MEMBERS:** Hear, hear!

**AN HON. MEMBER:** — Give them more.

**HON. MR. ROMANOW:** — Mr. Speaker, somebody says to give them more; I don't think I need to in this Legislative Assembly. But I can tell you I am going to give them more when I go to my constituency which is a working person's riding; it's a workingman's and working woman's riding. I am going to tell them, everywhere that I can, about this legislation and the hypocrisy which is facing us here. I am going to be asking some of the union leadership to be standing up on this issue too.

Nobody likes to be legislated back to work. I know that. But, anybody who hides or runs behind the cover of this kind of shallow position — the kind of cruelty in the statements of last night coupled with the total reversal of the statements by the so-called leader this morning — that kind of position is worthy of nothing but the utmost of condemnation by the people of this province.

Mr. Speaker, I am going to close my remarks in rebuttal by saying that I think there is something a little bit larger behind all of this position by the Conservatives — and this is large enough, a hospital workers' strike of 16 days unsettled. That's serious enough. That delay last night was serious enough. The delay this afternoon will be serious enough, I realize. But I think there is something larger behind this Tory position. I say what is behind this Tory position of stalling the legislation in the House, of attacking it in the House, of attacking it outside the House, is an effort by the Conservatives to destroy just that little bit of confidence the people of this province have in our medicare and hospitalization system. That's what's behind it.

**AN HON. MEMBER:** — You're whipping a dead horse.

**HON. MR. ROMANOW:** — A dead horse? The hon. member for Maple Creek says "a

dead horse." Well, I want to tell you, you take a look at that gentleman right in front of you, and you just see how dead he is.

**SOME HON. MEMBERS:** Hear, hear!

**HON. MR. ROMANOW:** — I can testify to the hon. member opposite that he might be a horse but I only know one part of the anatomy when I look at that member from the other side.

**SOME HON. MEMBERS:** Hear, hear!

**HON. MR. ROMANOW:** — By the way, I don't think he's a dead horse.

Mr. Speaker, I suppose as serious as these issues are, we can make a little bit of light of them, but the simple fact of the matter is that the Conservatives will never be able to say this is a dead issue. You can stand on top of this Legislative Building, you can go down Albert Street, you can go anywhere you want, you won't ever get away from the words said by that dead horse from Thunder Creek in 1977, as a Conservative, when he said:

I think it is fair to say that the universal concept of medicare, where there are no user charges involved for using the system, has failed. I believe it is to be a common denominator in any program that a user must pay more for using the system.

That was said during health estimates debates. That's what he says. You can say that was in 1977 and that it isn't his view today. You can say he said today that he supports the view about the productivity. There is no reason to doubt he doesn't believe that about the user system. There is no doubt of their attempt and their desire to undermine the medicare concept; we know that. Take a look at their supporters. Take a look at people. I think Dr. Barootes is probably one of the best physicians and surgeons in the country, maybe even in North America for all I know. He fought medicare tooth and nail. He is the chief fund raiser for the Conservative Party in Saskatchewan, right to this very minute, and he still doesn't believe in the principle of medicare and hospitalization. He believes in user fees. He does this; he says it. Because nobody knows who Dr. Barootes is (maybe some people do) he can say it. But, they try to muzzle the member for Thunder Creek. How better can you put a credibility question into the medicare system by using this legislation, using the tragedy of the workers, using the tragedy of the people involved in hospitals, delaying the bill by flip-flop gamesmanship and phony arguments? Let me ask you: how best can you undermine the confidence of the medicare operation? How best can you do it? By dragging your feet on this legislation.

That's what's at issue here. There is the issue of collective bargaining. There is the issue of a free collective bargaining system in a contract. There is the issue of fair pay. There is the issue of a good medicare and hospitalization system. But there is also the issue of trying to bring the system to its knees, and that's what the Conservatives have been doing in this debate for over 48 hours. Why? I am now to believe that he doesn't mean it any more. They are to tell me that the people of Saskatchewan don't believe it any more.

Well, I want to tell the people of Saskatchewan: if you think hospital workers and medicare-hospitalization will do better under Dr. Devine, then you have a choice — you vote for the minister of health, Colin Thatcher, in the next government. That's whom

you'll vote for. If you think, Mr. Speaker, that user-pay and deterrent fees and the premiums that are paid are better, your choices are very, very simple. You vote for Dr. Barootes. You vote for Colin Thatcher. You vote for Eric Berntson. You vote for Dr. Devine. You drag your feet on this bill. You embarrass the hospital workers. You try to embarrass the Government of Saskatchewan — and it is embarrassing to be in this position. You try to get trade unionists out there to support you. That's what you try to do. You do it for pure, cheap, sham politics, Mr. Speaker, and you're worthy of total condemnation for that attack on medicare.

So, Mr. Speaker, I say to the members of this House, you stand up and vote as you will on this bill. You get up and make statements on part 2 of this bill, knowing what it means vis-a-vis Bill No. 2 and the alternatives. You make your statements and make them in the context of what you've said in the past. You try, as I'm sure you will for the moment, to get some support from those who may be in the galleries and are genuinely upset by and concerned about this problem. You try that. But I tell you, men and women are not that hollow, nor that short-sighted, nor so easily misled.

And I say to you, Mr. Speaker, that there is an issue here. Right or wrong, SHA or CUPE? I don't know. But I do know that 16 days have gone by and that hospitals are stopped. They are going to be stopped by the weekend for sure if we haven't acted. I know there is a problem. I know there is a greater public safety that is attached here. There may be a greater public safety that could be attached to any one of us, in a government or out of government, during the election period, when we're powerless. Is that irresponsible? We have to make difficult choices. No decision — no tough one — is easy, or easily made, Mr. Speaker. This has been one of these. A tough decision, debated, argued, worried over and will be for some time — after an election, before an election — it's going to be a major concern, but we have to take our duty in the public interest, and what the Conservatives have said and done and what I feel they are going to do can only be a sorry day for that greater responsibility of the public good.

Mr. Speaker, I am finished my second reading remarks. I beg to inform the Assembly that His Honor the Lieutenant-Governor, having been informed of the subject matter of Bill No. 45, An Act respecting Temporary Provisions for Labor-Management Disputes, recommends it for the consideration of the Assembly and I hereby move second reading of this bill.

Motion agreed to on the following recorded division, bill read a second time and referred to a committee of the whole.

#### YEAS — 43

Blakeney	Hammersmith	Lusney
Pepper	Kowalchuk	Solomon
Allen	Thompson	Miner
Kaeding	MacAuley	Berntson
Snyder	Engel	Garner
Romanow	Byers	Birkbeck
Smishek	Cowley	Taylor
Bowerman	Cody	Andrew
Tchorzewski	Koskie	Thatcher

Feschuk  
McArthur  
Gross  
MacMurchy  
Banda  
Vickar

Matsalla  
Poniatowski  
Johnson  
White  
Nelson

Rousseau  
Duncan  
McLeod  
Hardy  
Swan

**NAYS — 1**

Skoberg

**COMMITTEE OF THE WHOLE**

**Bill No. 45 — An Act respecting Temporary Provisions for Labor-Management Disputes**

**Section 1**

**MR. TAYLOR:** — Mr. Chairman, I would like to address a few brief remarks regarding this bill. Then maybe we can proceed with it. It's very interesting to sit in this Chamber and hear the Attorney General go through his very eloquent rhetoric. I must hand it to you, Mr. Attorney General, I always find you very amusing and entertaining. I think you do put your case forward in a rather succinct and forceful way. However, I want to analyse the reason behind this torrent of words coming from the other side of the House.

I tell you that in my mind there were two purposes for that speech of yours. One (and I think the most important one in your mind) was to try and hype a bunch of fellows who have been sitting in this House with their heads down for the last two weeks, and rightly so because of the type of budget and the type of action and administration that is going on from the government opposite. I think that was the major reason for that speech, just to try and hype up a bunch of fellows who know, when they go out to the polls, they're going to find a great disappointment. That was the real reason behind the oratory and eloquence of the Attorney General.

The second reason was to try and deflect onto the Conservatives quotes from 1970 and 1971 from people who didn't even belong to the party at that time, to try and deflect from the real issue that is out there today; the issue that labor relations between the Blakeney government and organized people in this province are in complete shambles. That's the truth that's out there, Mr. Attorney General. No degree of eloquence and rhetoric from you is going to take that away. I ask: why is that the situation in Saskatchewan today? Why are labor relations, with a government that says its backbone is organized labor, like this.

Mr. Attorney General seems to think that the people on this side are the enemies of labor. Well, by golly, when I've been out in the rotunda the last couple of nights, I haven't had anybody in a fight with me, and I've seen quite a few scraps with people on the other side of this House. So I wonder who really is on the side of labor today. It certainly is the PC government. And the people in this province realize that if there is going to be a change in the direction of this province, if there is going to be a turnaround where there's some humane and just treatment of people, then it's going to have to be a turnaround at the polls, and I think that is coming very soon, Mr. Attorney

General.

People don't react this way unless they have just and sufficient reason. And what are the reasons that there is this discontent in the province of Saskatchewan? I want to tell you, it is not just with organized labor. The discontent is throughout the province of Saskatchewan. The discontent is there with the young families. The discontent is there with the farmers of Saskatchewan. The discontent is there with the senior citizens. The discontent is there with the small businessmen in Saskatchewan.

Mr. Attorney General, no blistering speech is going to deflect from that. It has to be positive issues — issues that will be articulated and brought forward by a Progressive Conservative government. That is going to make the difference, and I tell you that the people out there know that and realize that and are champing at the bit to get a chance to exercise their vote and to show you that that is the situation, the real situation, out there in Saskatchewan today.

Why has this come about? It has come about because the government opposite has sat helplessly and has not come to grips with the economic issues that are affecting you and affecting me and affecting every other citizen of this province: the rising utility rates, the gasoline taxes, the interest rates, the general inflationary pressures that each and every one feels in the province of Saskatchewan today. That is what's going to bring about a change — addressing those problems and not standing in here and trying to give an eloquent speech and digging up old quotes from way back to try to cast an illusion that this party on this side of the House does not care about people.

You talk about cruelty. I tell you that the economic policies of the government opposite are causing many people to be unable to meet their commitments today. That is cruelty, Mr. Attorney General. That is the real cruelty out there in the province of Saskatchewan.

I heard you say that we had ordered the SHA to the table. I never ordered anyone. I read a motion into my speech the other night that ordered the Minister of Labor to show the responsibility that his office should accept and bring these two parties to the bargaining table. That's what we've stood for all through this debate — free, honest and true collective bargaining. But has the Minister of Labor conducted that? No, he can't even handle his own bills in this House. He has to bring it to you to introduce. And why to you? Once again, because your attempt is to try to hype a sagging and defeated bunch of fellows to go out there for an election.

I don't know if that call is coming this afternoon or when, but I've sat in this House and I know these fellows opposite quite well. And I have seen the heads go lower and lower and lower, because they are embarrassed. They are ashamed of their government; they are ashamed of the stand that is taken. Some of them will even admit this openly to us and say good-bye, because they won't be back here next time. That's what the situation is, and you people are just playing politics with the lives of Saskatchewan people. You went through an election in '75; you went through an election in '78. Did you bring in this kind of legislation? No, you never did. But because your house is falling down, the administration of this province is in shambles, and now you feel the necessity to bring in the type of legislation which we see here today.

You say that no one on this side of the House has any experience in the labor union movement. I just want to tell you one thing, Mr. Attorney General. I spent five years in the Oil, Chemical and Atomic Workers' International Union, and I have been a member of the Saskatchewan Teachers' Federation all through my teaching career. I bargained at the provincial level for the Saskatchewan teachers, so don't try and stick it to us that

there is no one over here who understands the feelings of organized labor in this province. Don't try to pull that kind of trick. If you want to tell a story, tell it completely.

You know, Mr. Attorney General, we have been in this House a long time now, and every time we get to you boys over there, every time you start to hurt, where do you go? You go back to the good old Attorney General. You say, "Roy, get in there and stick it to them because they're getting to us." We know that; the press knows that; and the people of Saskatchewan know that.

**SOME HON. MEMBERS:** Hear, hear!

**MR. TAYLOR:** — Well, I say again, Mr. Attorney General, as an individual you did an eloquent job. You have a tough job to do, to try to raise the heads of a bunch of fellows who are slinking lower, lower and lower onto their desks. But you gave it your best shot. Mr. Attorney General, I maintain that the economic climate in this province is in a disaster; many people know this. I think the only way this will be rectified is for you and your Premier to screw up your courage, call an election, and let the people of the province decide the future of this government.

Section 1 agreed.

## Section 2

**MR. THATCHER:** — Thank you, Mr. Chairman. Mr. Attorney General, as always, I enjoyed listening to you. It's better than some movies that I've been to of late. In all sincerity (I want to say to the Assembly, for who knows, this may be the last day of this legislature), the Attorney General has always been my favorite debater. When I was a rookie in this Assembly, one of the highlights I recall was watching the Attorney General, at his eloquent best, going head to head with a former member who is not here, the former member for Indian Head-Wolseley, Cy MacDonald. Today, Mr. Attorney General, you were the best I've seen you. Believe me, they needed it from you — today's the first time I have seen smiles on anybody on that side of the House. I don't know whether this Assembly will be dissolved today or not; I guess we'll find out a little bit later. Mr. Attorney General, as good as you were on your feet, I'm afraid it doesn't take away from the basic issue that we are here with today.

Today with Bill 45 you are dealing with two things. I suggest to you first of all that it is very strange that legislation of this sort is coming from the Department of the Attorney General and not the Department of Labor. I suggest to you that part of that reason is because the Minister of Labor simply doesn't have it in him to bring in this kind of legislation, legislation which hits at the core, right down to the quick of basic NDP philosophy and support. The issue of whether or not these hospital workers (CUPE) should be legislated back to work is one issue. And the issue of all-encompassing strike-breaking legislation during an election period is quite another.

Frankly, Mr. Attorney General, it would appear to me that over the 16-day period you have referred to many times, the union has been relatively reasonable. Now, that does not mean that I'm going into the specifics of negotiations. I don't know. But they withdrew their services on a very gradual, escalating basis. In other words, 16 days ago they didn't just plain call a general strike. They pulled some people out to show you that they meant business and slowly, as these 16 days have gone along, they have escalated this strike until this weekend when (if I understand press reports correctly) all workers

will be pulled off. I may be erroneous in that but I did understand that from press reports.

Now, over a 16-day period, it would appear to me that hospital services have not come to a grinding halt. In fact, it would appear for the most part that they've done reasonably well. It is my understanding that no emergency services have been refused, and that the union has co-operated in the application of any emergency services. In other words, I'm saying the union, as perceived by the public, (and all I know about the strike is what I read in the newspaper) has been relatively restrained and orderly, but showing you that it means business. That's fair game. I don't know what you have done. I acknowledge the fact that an experienced labor negotiator has been taking part. But whether or not we should be putting these people back to work is one thing, and that is something every member will have to decide on sometime later today.

But the part that is reprehensible, and I believe indefensible on the part of the New Democratic Party, is the second piece of this legislation — the twin prong. This is prong two, and I think the defence the Attorney General put forward in his eloquent address is pretty thin.

Mr. Attorney General, I want you to address the matter from the point of view: why do you need it now? You had an election in 1975; you didn't need it then. You had another election in 1978; you didn't need it then. I suppose I could go back into past history and pull quotes out of context, as the Attorney General did. I could pull out some pretty good ones probably, if I went back far enough, but for what point, Mr. Attorney General?

The point of this matter is that the NDP government had similar legislation on the books and it repealed it, and it repealed it after saying it was going to be repealed in an election. That is fair game. But the fact that ten and a half years later you are now saying that we have to have this type of legislation is totally inconsistent with what you and the majority of the members on that side of the House have said.

Mr. Attorney General, I want to ask you: what's changed? Are you telling the people of Saskatchewan that in your 11 years of government, or ten and a half years of being government, you have been negligent in having the kind of protective legislation that they need?

You know, we talk about deathbed repentances. We see a government over there that we've been through many times — who's going to fall over there; who's not going to be back? There are those that are saying good-bye to the cafeteria workers because they won't be back. And we see a government making a deathbed repentance saying, "Well, look. We need something after all. We can't leave the people of Saskatchewan defenceless."

Mr. Attorney General, I want you to go through again and tell this Assembly and tell the rest of Saskatchewan: what is different today, or what was different in October 1978, or what was different in June 1975? Why now?

**HON. MR. ROMANOW:** — Mr. Chairman, I thought I'd addressed those remarks during my second reading address. Perhaps the hon. member was not in or did not catch them. But I'll try again. Perhaps I can try it from a slightly different angle.

I think, Mr. Chairman, one has to acknowledge the fact that this 16-day dispute verging on or — if you will — on a province-wide basis, coupled with what we have seen in

Alberta with the union of nurses in Alberta, the UNA, has highlighted to the government the kind of position that it would find itself in if during the course of an election something similar took place. I fervently hope that it wouldn't have. I hope that a collective bargaining agreement would have taken place.

Here is a case where a collective bargaining agreement did not take place — the one we're legislating and talking about today. If it didn't the situation is, as I have outlined in my second reading speech, that of the responsible authority of the day, the government, being powerless, since there is no legislation on the books and no general authority to at least — use hospitals as an example; it may not be hospitals, it could be a police strike, something of that nature — to order them back for a cooling-off period during the time of the election. And I guess what I'm really saying, to translate it in another way to the member, is that this dispute and the one in Alberta, the nurses association one, in the minds of some of us, fairly graphically illustrated the predicament that any responsible government would be in if this should take place, for whatever reasons during an election period, when there are no MLAs and there is no law and no legislature to come back to give the authority.

**MR. THATCHER:** — Well, in other words, Mr. Attorney General, you are acknowledging that your government has been negligent for 11 years in that you haven't put in the proper kind of legislation, the proper kind of protection for the people of Saskatchewan, if we can follow through with your line of thinking. Again, you did not address the question. Why did you not have this legislation in '78 and '75? That is my specific question. My second question is that obviously the Attorney General or the Government of Saskatchewan must think that there are other unions about to go on strike, because it would appear that the CUPE strike will be dealt with today, or this weekend in one fashion or another, whatever that may be. So that will be over today. Obviously, then, the Attorney General and the government are telling us that they know of other unions that are going to go out. What are we to draw from this? What are the people of Saskatchewan supposed to draw from it — that we have severe labor unrest at this time? Would the Attorney General again get back to the specifics. Why have you gone through elections without it before, and do you have specific knowledge of other unions in Saskatchewan about to go on strike?

**HON. MR. ROMANOW:** — Mr. Chairman, I won't say I'm optimistic, perhaps I could say I'm optimistic. I'll certainly say I'm hopeful that with respect to other disputes, perhaps even this one (maybe that's drawing too long a bow; there are eight days after this legislation comes into place, and beyond eight days because there's nothing limiting it to eight days for CUPE and SHA to come to an agreement as well), there can be a settlement. I am hopeful, put it that way, that any other dispute other than the one we are talking about, perhaps even this one, can be solved by the free collective bargaining process. That's my answer. I have no knowledge. That is not particularly relevant to the issue.

The issue is that this is one of the first times this has happened. I think we may have had a dispute of some similar nature a year or so back with nurses in Saskatchewan. But certainly the Alberta one and this one have graphically outlined and highlighted to us and any government what happens in a period if a dispute should take place where there is no legislative authority. That's the reason. We did not have that or those kinds of things back in 1971 or '75 or '78. There was a little touch of it in '78 with health care workers out in Parkland, I think it was, and one other place, Swift Current; I remember that. That emphasized to me what kind of situation it was when people would come up to you and ask, "How is this thing going to be solved?" And we had no way to solve it.



Those sides were intransigent. If that takes place on an isolated basis it is bad enough, but if it takes place on a province-wide basis, it then becomes a public safety problem. That's why this legislation is attached. That's why you should be supporting it as well.

**MR. THATCHER:** — Mr. Attorney General, your government was elected in 1971 and one of the platforms was to repeal something known as Bill 2. You said you were going to do so. You did it. You've had 11 years to put the kind of public safety legislation, call it what you want, for the protection you describe, on the books. And you haven't done it. Why? Since you won't tell the people maybe I'll have to tell them for you. There is labor turmoil out there that is shocking. This government and the Attorney General and the Minister of Labor are fully aware that there are several unions about to go out on strike, and your government has either decided or is in the process of deciding whether or not we are going to enter a general election this weekend. Your government does not want the embarrassment of a wave of labor strikes out there. So, put the philosophy aside and bring out the political expediency.

I say categorically to the Attorney General that this legislation confirms 10 years of poor legislation from the NDP. We've been through agriculture, we've been through your resources, and now we're on your labor legislation as outlined by the Attorney General. It has taken 11 years to do this. You know, this isn't the first public service strike that we've ever had — 11 years to put the legislation in — but it just happens that the union is choosing an inconvenient time to strike, for the NDP.

Of course the government could say, "We don't have to call an election now; we can wait until June or October or until April or June of 1983." And probably that is what you have said. "Look if you fellows go on strike, you're going to kill us out there. We're in enough trouble." And the union probably said, "Fine, go later." Except you're between a rock and a hard place because by June you're dead; by October you're obliterated; and you have to go now to try to salvage what you can. It's not common knowledge but basic politics, so go now before the bottom falls out. That's where you're caught; you have to go now and you are about to make the decision of whether to call it tonight. Or I suppose you're deciding maybe you should wait until Monday or Tuesday to see if CUPE obeys it. That's going to be another interesting little situation: whether CUPE is going to obey you. I don't know whether it will or not.

I would like the Attorney General to outline what the plans of his government are if the union, as an entity, chooses to disobey this legislation. What course of action will your government follow? . . . (inaudible interjection) . . . That's not hypothetical, as the one member would say. I noticed in the *Leader-Post* that two leaders are quoted as if they would go to jail. I have difficulty visualizing a situation of your hauling union leaders off to jail and the rest of the rank and file blindly going back to work with little or no protest!

It is not a hypothetical question; it is a very real one. Perhaps the Attorney General should get it out in the open. What will your government do if CUPE should disobey a potential order to go back to work today?

**HON. MR. ROMANOW:** — Mr. Chairman, I will deal with that problem if and when it arises. But I want to tell the hon. member opposite, from the membership of CUPE that I know, I don't believe that to be a prospect. They may not like this legislation but they are law abiding citizens. They are people of this great province and of this great country and as bad as they may view this legislation or otherwise, they are not, in my judgment, going to break the law. It is the law. I don't think they are going to follow people who counsel them to break the law. It's as simple as that. If it comes about, I'll deal with the

problem but I frankly am not considering it. I know those people in my riding and I know their concerns (at least I think I know their concerns) as well as the hon. member opposite does. I know what motivates them and if you're suggesting, intimating or even encouraging, I tell you you're barking up the wrong tree. These people are decent people, who are law abiding, in my judgment, so just put that question out of your mind.

**MR. THATCHER:** — Well, Mr. Attorney General, I was asking. I know nothing more about this strike than what I read in the newspaper and when I see two leaders say they will go to jail, I have to ask the question. If I didn't ask the question, you would hammer me in your closing remarks anyway.

Mr. Attorney General, I note that in this act if the act is disobeyed the penalty — I may read this, Mr. Chairman? I don't want to deal with it section by section because it's part of the overall context.

... in the case of an offence committed by the (designated) employer or the (trade) union, or by a person acting on behalf of the (designated) employer or the (trade) union, to a fine of not more than \$1,000, and in the case of a continuing offence, to a further fine of \$200 for each day ...

Mr. Attorney General, I am asking this for my own information because I am certainly not a labor expert nor do I make any pretence at being one remotely. But it is my understanding that a union is not a legal entity. Am I correct? I believe I am correct on that. Now, Mr. Attorney General, how can you fine something which is not a legal entity?

**HON. MR. ROMANOW:** — Mr. Chairman, the general proposition is that they are not a legal entity. There are precedents, rare as they are, in which unions and individuals of unions have been enjoined in legal action. I don't have them at hand, but I do recall one a year or so ago — I think it was in Ontario. It has been done. There is a mechanism which is available in that area.

**MR. THATCHER:** — Mr. Attorney General, would you tell me what the mechanism is, because I don't understand how you can fine something that isn't legally there. I'm groping here. Are unions under The Societies Act? If they don't exist as a legal entity, how can you fine them? And if you can't fine them, obviously your legislation has no teeth. So why should they obey you when your legislation has no teeth whatsoever?

**HON. MR. ROMANOW:** — Well, Mr. Chairman, again I want to tell the hon. member opposite that I will deal with that problem, or we'll deal with that problem, if and when it should arise.

**AN HON. MEMBER:** — Answer the question.

**HON. MR. ROMANOW:** — I'll answer it the way I want to answer it. You're not going to tell me how I'm going to answer questions — especially you — in this area ... (inaudible interjections) ... Oh no, not a little testy. I'm not a little testy. I know how warm you are toward trade unions; I know how warm you are and how interested you are. Your nice words about Mr. Larry Brown up there — how warm and sympathetic you are. Well, you might be able to fool some, but you're not going to fool any responsible trade union leader or person in this area. I tell you that under this provision, if it takes place — I don't expect it will take place — we'll worry about the problem as it arises. We believe that there is a mechanism under this section, under the provisions of this

section of the law, to launch an action both against an individual and against a union.

**MR. THATCHER:** — Mr. Attorney General, you still . . .

**MR. CHAIRMAN:** — Order, order, order! I wonder if we could have order just for a second. Dealing with section 1 we talked about the general principles of the bill once again, but because this is kind of a long and complicated bill it would probably be better to deal with those specific questions as the sections arise. That is the way I'd like to handle it, so if we could confine our discussion at this point to the principle — we'll get to that section momentarily, I'm sure.

**MR. THATCHER:** — Mr. Chairman, I think you will find that questions are going to be asked regardless, and when the questions have all been asked, I think the bill will go through quickly. Now, I'm trying to ask my questions in the context that this particular section shows this bill up and may potentially, unless the Attorney General answers to the contrary, be a real deficiency in the overall concept of the bill. I hesitated to refer to a specific section but I knew of no other way to do it to bring it out. Being blessed with the virtue that I'm not a lawyer, occasionally I do have some use for one and so I'm asking the question of the highest legal adviser in the province, and I'll try to keep it of a general nature, if I may. We all would like to get out of here.

Mr. Attorney General, please tell me where that mechanism is. You've said, "Well, it exists. It's something we can pull to." You have your technical people here, your legal people. I'm sure they can pull it for you in a matter of seconds. Would you pull it and show me where it is, where you fine the union and what mechanism you would use in the event that you wish to level a penalty against a specific union?

**HON. MR. ROMANOW:** — Well, Mr. Speaker, the hon. member insists on pursuing what I consider a hypothetical question, and he insists on asking that I give him a legal opinion which is something that I don't think is proper under the rules here. I can explain the provisions of the bill. A legal opinion, I don't believe I can give. But to try to put this side of it to rest, we are dealing with part 2.

First of all, under part 1 there is a definition of the union because it's identified in the schedule. The schedule's at the back. The one you are referring to deals with the definition of the union under the provision of part 2 of the bill, so-called, and under page 8 of the bill, trade union is defined as "a trade union" as defined in The Trade Union Act, which represents designated employees. Under The Trade Union Act there is a mechanism for certification and identification. It is in that sense "an entity" and accordingly would be identifiable and presumably prosecutable as such.

**MR. THATCHER:** — You said "presumably." This is the Attorney General introducing some fairly important legislation, and I'm sorry that I'm not a lawyer on this particular occasion, but I don't think there is a labor leader here who would agree with you that a union is a legal entity. Show me the statute that enables you to fine a union in this province. Show it to me. Cite it to me. You have your legal people here. I notice some of them have left the Assembly, and if you have to take a couple of minutes break, then do it. But I want an answer, and I demand an answer, and I think it's very reasonable for me to demand it.

**HON. MR. ROMANOW:** — Mr. Chairman, the hon. member is always demanding, always pushing, always insisting. I've given the hon. member the answer. We have defined the union. "What statute?" he says. I say, this statute. This statute defines the

entity and ties it to The Trade Union Act and defines the entity, and it is, therefore, in our judgment, the enabling legislation for such action.

You may not agree with that definition. Some trade union leaders may not agree with that definition. All I can tell you is what our view of the definition is. That's how it was drafted, with that intent, with that interpretation. I told you that in the last answer. I try to avoid hypothetical questions because I don't believe that that will take place. I gave you the answer.

**MR. THATCHER:** — All right, Mr. Attorney General. I'll ask it in a different fashion. I'm subject to correction, but I don't believe that a trade union is a legal entity. I don't think any government has ever established them as that. Therefore, if you're saying that they are a legal entity, some court must have done so. Can you cite me a precedent in this province, in the court of Saskatchewan, where a union specifically has been fined as you are suggesting you may do in this action? Can your people find a citation where a court has ever fined a union previously?

**HON. MR. ROMANOW:** — Mr. Chairman, I am not going to ask my lawyers to find this. I don't recall such a precedent, and I don't expect that a precedent will be made in this case either. There isn't a precedent. We've passed this kind of legislation in its exact form. You were present at both previous occasions with the same definitions, and we don't have a precedent yet. And why don't we have a precedent? Because the power workers obeyed the law, the dairy workers obeyed the law, and the CUPE workers will obey the law. And there is no precedent. Now theoretically, hypothetically, what happens if they don't? I've given you the answer as to what I think will happen if they don't. I think there is that interpretation section. There is in addition to that the power to go and proceed against individuals if that should be necessary. That's an alternate way. Neither of these I contemplate or anticipate.

Now there's another way to go at it. There is this new-found concern of yours that somebody is not going to obey the law. You never expressed this new-found concern with the dairy workers or with the power corporation workers and they are identically the same bills with the same kind of legal problems that you seek to identify. Why are you doing this? Why are you doing it now? I know why you are doing it now. It is part of this business that I say you and your party are up to in the second reaching speech. You are trying to purposely raise this spectre and this issue. Purposely you are trying to identify it. I would say in fact, if you want my honest opinion, you are encouraging people to say, "Aha, here's a loophole maybe; maybe we'll just not follow the law." that's what you are doing. You didn't do it with the other two, and I can only assume that you have a reason. I've given you the legal answer — our interpretation of the legal answer; I could be wrong. I have been wrong the odd time. The last time I was wrong was in 1972 to be quite frank with you. Maybe it's time again for me to be wrong. You could be wrong sometimes, too. Albeit watching lately over the last several years I can't think of any one time that you have been wrong. But that's the interpretation I give you. You don't have to accept it. That's my view.

**MR. THATCHER:** — Mr. Attorney General. I don't know why you just can't answer the question and give me the citations. The reason I am asking these questions is because you have written shoddy legislation so many times in the past that has had to be rewritten and challenged in the courts. I acknowledge today I'm groping. But do you know what stuns me, Mr. Attorney General? It's the way you are groping, too. You know I don't pretend to be a labor lawyer here. I don't know a hoot in blazes about labor legislation, but I am shocked how little you know. And I don't know why you simply don't

ask your people around you. I'm wondering if you even knew that a union wasn't a legal entity, until I told you today . . . (inaudible interjections) . . . Well, my goodness, then simply answer the question. You can't cite a precedent where a union has ever been fined in Saskatchewan under this.

In other words, the point I am getting to is that you have written lousy legislation in the past, and you are doing so again in the future possibly. I want to know and I think the union people have a right to know if you have the power to do what you say you can do in this bill. I guess I'm the one who is sick and tired of politicians abrogating their responsibility and saying, "Oh well, let's turn it over to the courts to decide whether it's right or wrong." What the heck are we here for? You have people out there. You can find out the answers to those questions just like that, and I'm shocked that you can't give better, more concise answer than that.

Mr. Attorney General, I'll got out on a limb and challenge you to refute it and show me a precedent where I'm wrong. If the union under this legislation chooses to say, "Drop dead; we are staying where we are," you have no power to do anything to that union under what this particular clause states, and I challenge you to refute that. I challenge you to pull out the citations. I challenge you to pull out the precedents from any law book. You have enough people — send them out to get them.

**HON. MR. ROMANOW:** — Well, Mr. Chairman, the arrogance of the Conservative spokesman and the Conservative Party, I think, is apparent to all. I tell you I do not know of a precedent. I repeat again I do not believe that there has been a union or there have been union members who have defied the law — notwithstanding your fervent wishes to the contrary, as I can detect from your questions; notwithstanding, perhaps, even the belief that the law should be openly defied, which some members might actually have. Notwithstanding all of those feelings, all of those things, I say to you, the hon. member, that there is no precedent because people in the trade union movement are law abiding. They didn't challenge the law, and they are going to be law abiding in this particular instance.

If, however, they are not going to be law abiding. I have given you the answer with respect to the definition. When you talk about a legal entity you're talking about a legal entity in an entirely different concept. You're talking about legal entity in a common law concept — an unincorporated, non-legally identified body. We have now developed, progressed in our laws. We now have trade union acts which seek in a way to define "a legal entity" in a different sense of a trade union and the certification and the identification of it. And if that's inadequate for you this legislation also, under section 17, as I have said to you before, allows us to move from unions to individuals — individual leadership of the union if that should be required. Those are options which are all available here to the government if that should take place.

I have given that answer to you two or three times before, but I note that you persist in pursuing this matter. As I said in my second reading speech, I fully expected this of the Conservatives. You dawdled on this bill yesterday; you opposed this bill yesterday, and you're opposing it today. You are taking this definition which I have given you (you can carry on any personal attack you want on me about the competence of the drafting or otherwise and I really don't care about that) and . . . All I know is that the end result of what the Conservatives are doing here, under the pretext of this argument (perhaps it isn't even an argument, just a technicality) is in effect doing what they did last night. They are dragging their feet; they're holding back; they're stalling. I have to ask why

they're stalling.

Again, I say, Mr. Chairman, they are stalling, not because it is going to help the CUPE workers at all or not because it is going to help the health care association at all. That it isn't going to do. As I say, we are here at this stage of the game and there is no use worrying about it now. We're here, so it is not going to help those parties any farther unless they come to a collective bargaining agreement even after the bill is passed, and it sure as heck isn't going to help any of the public who are being affected by this. So, why is he doing this? Why, on this argument for which I have given him a legal definition? Why raise the spectre of disobedience? I say that's a shocking insinuation for the hon. member to raise.

I think you ought not to be saying what you're saying. Virtually, what you are saying is: "Well, boys, I am not a lawyer but here it is; there might be a loophole here." . . . (inaudible interjection) . . . I am saying that we don't think there is a loophole there. You're saying that there is a loophole there. If that's what you're saying, get your lawyer to tell me how to . . . (inaudible interjection) . . . No, I don't believe there is a loophole, and I've given you the answer. You think there is. You tell me how to repair it then.

**MR. THATCHER:** — Once again, the Attorney General reconfirmed that you don't have to be a lawyer to be the Attorney General.

Mr. Attorney General, we have two very distinct issues . . . (inaudible interjection) . . . Are you in this Assembly, or would you like to go out and rent a town hall? Why don't you go out and rent your own hall and invite your own people to come out and listen to you. There are two very distinct issues here. The one issue is whether or not this specific CUPE strike should be ended or whether or not . . . (inaudible interjection) . . . The Attorney General could maybe pay attention. The second portion is the legislation which this government proposes to have in effect during the course of an election.

Mr. Attorney General, I want to ask you if you will consider splitting these two bills. Mr. Attorney General, I suggest to you that this is a little on the heavy side. We can have our arguments as to whether or not the present strike should be ended today. That is one issue which I'm sure will be resolved one way or the other today. This other one is pretty heavy — the second portion — and it is a total side issue to the existing strike. Mr. Attorney General, I want to ask you if you delete that section from the bill and we can treat these two issues as they should be treated — as totally distinct entities. Mr. Attorney General, I think you're asking a lot to ram through the second portion of this bill.

It is such a radical departure and it's a concept not in existence anywhere else in Canada, that I am aware of, during an election. Now, if you can cite a province, Mr. Attorney General, I'd be delighted, but some quick checking yesterday by our research people indicated no other province had this legislation. I'm subject to correction; I would be delighted to hear it. Consequently, Mr. Attorney General, to move this along, may I ask you to split this legislation. If it is your feeling that the second portion is that essential, I say strip it out of this bill and present it as a separate bill and we can then deal with what you deem to be such an earth-shaking crisis right now. We can deal with that right now but have the weekend to study and evaluate what I think is precedent-setting legislation, as far as the second portion is concerned.

**HON. MR. ROMANOW:** — Mr. Chairman, the hon. member says that this is an entirely separate issue and I beg to disagree with him. It is not an entirely separate issue. The

issue in this bill, both for part 1 and part 2 is legislation in the public interest when there is, by the judgment of a government, rightly or wrongly, an impasse in an industrial dispute causing danger to the public safety. That's what this bill does; it does it two ways in the specific CUPE strike here and it does it by asking the workers to go back to work and the employer to stop the lockout during an election period. That's what it does. Now you're telling me that the Conservative position is that you don't want part 2 in at all.

You don't want part 2 in when the same principle applies. Well, I say that's an interesting policy. You just continue to advocate that kind of a position, because I'll tell you, Mr. Speaker, that (I haven't seen the exact form of the bill) Alberta has legislation when public health and safety is in jeopardy whereby it can use arbitration or any other procedure to end a strike at all times . . . (inaudible interjection) . . . Pardon me? The hon. member is disputing that. No, I realize that. And in British Columbia, as well, there is this legislation . . . (inaudible interjections) . . . All time around. Oh yes, oh no . . . There is quite a difference in just asking the workers to go back once every four years in an exceptional case where public safety is impaired, and then strike right after that — to ask them to go back once for a 50-day period every four years is "an onerous heavy war measures bill"? But to have it for every trade union in every area, 24 hours a day, 365 days a year, is not "heavy onerous compulsory arbitration." That is your thinking. That is your logic. People who sit around and applaud the position which you advocate don't know what they are applauding. They say that a trade unionist would applaud that position. He's not a trade unionist. He's out to destroy trade unionism. It is as simple as that. You tell me that is more onerous than the Alberta situation or the British Columbia situation?

**AN HON. MEMBER:** — You're always playing to the galleries.

**HON. MR. ROMANOW:** — Now I just say to the hon. member for Moosomin, I'm not playing to the galleries. I'm telling you and the members of this Legislative Assembly that you have to weigh your legislation. No legislation of this nature is acceptable. We would all rather not have it. We have a 16-day-old strike. What if this were an election period?

**AN HON. MEMBER:** — It isn't.

**HON. MR. ROMANOW:** — Of course it isn't, but what if it were? . . . (inaudible interjection) . . . You're asking my hypothetical questions — what if it were? What would be able to do as members of the public? We are not eliminating strikes; we don't even have compulsory arbitration in this bill. We are asking for a cooling-off period of 50 days. They can go back on strike right after the election is over. You call that "onerous war measures"! I say your position is absolutely laughable. That is the posture and position I can answer best. The only answer to the hon. member is no, we will not split the bill. The integrity and principle of the bill is there. We're for that principle; you're not. It is as simple as that.

**MR. THATCHER:** — Mr. Attorney General, if you are going to quote me, quote me halfway reasonably. I asked you about splitting that bill into two bills. I am not going to argue with you whether or not that second portion should be introduced in legislation. You introduce whatever bills you wish and we will comment on them. What I have said to you is that two unrelated situations are incorporated into one bill. If the situation in the hospitals is approaching crisis-like proportions as you indicate — and I might add you are at variance with the union position . . . (inaudible interjection) . . . I don't

know; I'm in no position to know. Fortunately I haven't had to use a hospital so I honestly don't know. I'm listening to you and listening to press reports. If that is the case, I say deal with that now.

This other form of legislation is surprising; there was no indication it was coming. It is certainly a very distinct, turnaround on the part of the NDP government. Sure, other provinces have some form of existing protection, probably on a year-round basis. I can't name them specifically. I want you to tell me which province has them strictly for election time — only for election time? You tell me how you operate any differently from any other province. When a situation arises and you have a strike which is deemed to be infringing on the deepest public interest, what do you do? You call back the legislature, ram through legislation and order them back to work. I'm not being critical but I'm saying that that's the procedure. All right, what is the difference between doing that and doing what some of the other provinces do? That's what I find so absolutely hypocritical on your part — the sanctimonious hypocrisy. "Oh, these other guys have it 365 days a year; they're the bad guys." What do you do that's any different? You play cheap politics — cheap partisan politics — because you don't have the nerve to stand up for what you really believe. If you believe what you say, then you don't need that legislation. If you need that legislation for the time of an election, then you probably need it for 365 days, because tell me the difference between that and bringing us back to work. You write the bill; you have the majority; you ram it through; and you get the same effect. Pray tell me what the difference is.

**HON. MR. ROMANOW:** — Mr. Chairman, I'm very pleased that the hon. member has pursued the question with that degree of specifics. I'll tell you what the difference is. I'll tell you the difference, philosophically, between us and you. We work on the principle of free collective bargaining as a starting point. The second point that we work from is that only in exceptional cases, where in the opinion of the elected government of the day there is a perceived danger, serious danger or threat or crisis (you choose the word) to the security and safety of the public, and the dispute is unresolved, do we bring in legislation on a case-by-cases basis. We have to make the case out to you; we have to make the case out to the public; we have to make the case out to the press; or we don't make it out. That's what we do. That's our policy. In all other regards, we believe in free collective bargaining for all other periods.

Following on that principle, during an election period there is no legislature. There are no MLAs. If a crisis emergency situation emerges which should require legislation, our solution is cooling off, back to work for a 50-day period which is the period of the election. You ask what the difference is? I'll tell you what the difference is: in Alberta they don't limit it to one 50-day period for every four years. They have it everyday of every year for every dispute. We don't. They believe that the free collective bargaining system can be impaired with any time. We don't. We take this responsibility seriously, with worry and concern, but we do it to justify it in the attack. You people and your supporters would want to have Alberta-style legislation or no legislation. You have to choose.

Are you telling me that you're opposing me on part 2 because we're hypocrites because we allow for a 50-day period once every four years? Is that why you're opposed to part 2? Or are you opposed to part 2 because it should be a Bill 2, because it doesn't go far enough, as you intimated in your last words? Or are you opposed to part 2 because it shouldn't be in there at all? If there's a dispute during an election period and the public safety comes to a standstill like it has now, the Tory position would be to do nothing. That's what you're telling me. That's your position. You say, "Put the bill to debate." To



debate what? You mean to tell me that you can't tell me, the press gallery, Mr. Speaker, or anybody else in this gallery, where the PC Party stands on the principle of part 2?

You have three choices: you can do it the way we're doing it; you can do it the way Alberta's doing it by locking in the employees all the time around every time; or you don't do it at all. I'd be pleased if you would tell me, after I take my chair, which of those three the Conservative Party stands for.

**MR. THATCHER:** — Mr. Attorney General, I'll tell you where the PC Party would stand on part 2. I'll tell you where we would stand on that. We would like to see that as a separate bill. And we would like to see that left with us, because we would like to consult with the interested groups. I have made no pretence about being a labor expert here today. I'm just somebody us here who is asking questions of an Attorney General who doesn't give very good legal answers. And what I would like and what the PC Party would like is to deal with the situation with the hospitals as one entity and deal with the other one as a separate bill, because, Mr. Attorney General, it escapes me. Other than to perhaps have an election, I do not know what the urgency is for the second portion of that bill to be enacted into law. And I would love to have the opportunity to have representation from the interested labor groups as to exactly what the specifics are of this bill and how it would affect them. I have posed some hypothetical situations to the Attorney General and, regretfully, you have done a very poor job in replying to them. I don't see the urgency of that second portion.

Now, conversely, Mr. Attorney General, we're faced with a little bit of blackmail here. Certainly I'm not going to hold up this legislation if, in fact, there is a crisis situation out there, as the government intimates. And obviously we probably are going to have to let this go through, distasteful as I find it, simply because there may be some urgency on the first portion. And that's the situation I find myself in. I don't really find myself qualified to express an intelligent opinion on the second one, and I really don't want to. And what's the normal procedure? You adjourn debate on it and allow us to seek information from interested parties. All right, I can't do that because the first part can't go through. And that, Mr. Attorney General, is what I suggest is your biggest crime today — jamming something through that doesn't have to be, tied to something that may very well prove to be very important. And that is my biggest objection to this bill today. It doesn't have to go through; you're forcing those of us on this side to pass something which we had no advance warning of, none whatsoever. We are unable to seek any consultation from interested groups. We have to decide it today or be tarred by the Attorney General as those who would close our hospitals. That's the situation I find myself personally in. And the common sense approach at any time would be to split that bill.

I can just imagine if our positions were reversed. I can just imagine the eloquent speech that would come from the member for Saskatoon Riversdale. He would hammer me back through that door if I were attempting to do what he is doing. Regrettably, I'm not quite as good an orator as he is. But that is the difficulty that we have today. And do you know why we have that difficulty? Because the New Democratic Party is going down the tube and you have to have an election. There's no other reason, because the second portion of that bill doesn't have to go today. The NDP has to have an election, and you're willing to prostitute anybody out there to get that election over to salvage whatever you can.

**HON. MR. ROMANOW:** — Mr. Chairman, you know I'm just not that easy. I want to say to

the hon. member for Thunder Creek that he was the one who was lecturing me just a few minutes ago about the credibility of politicians — you know, that we shouldn't be saying, "Let's put it all in the hands of the courts." We've got to be credible: Well, I tell you, with all due respect to the hon. member for Thunder Creek, your credibility is suffering a little bit when you stand up here and say, "I don't know how to react to this bill." All of a sudden he doesn't know how to react to this aspect of trade union law . . . (inaudible interjection) . . . No, but it's never stopped you, ever since you've been in this House, at least once every session, from giving your view on the right to strike in the public sector, for example. Every year that we have had a debate, you have missed no opportunity to union bash.

**AN HON. MEMBER:** — That's not true.

**HON. MR. ROMANOW:** — Yes, you have. You know that to be the case. You know full well what this legislation does. You are not a grade 4 student who says, "I don't know what this is going to do. Show me which way to go." You know what it is going to do. If you don't then you are not going to go out to the public of Saskatchewan and say, "Elect me and we'll give you a surprise. Elect me and we don't know what kind of legislation you are going to get. That big, bad NDP government!" I mean you are just absolutely not credible in this operation. You are not credible because you are afraid to tell the public.

You have three choices. I come back to you. You can take this part 2 for an election period once every four years and say "Back to work, no walkout; back to striking if you want and locking out the strike if you want, after the session is back in." That is one choice. It is not perfect and it is not happy. But if this took place during an election, that is one option to solve it. If you don't like that, then you have the Alberta style for everybody all year-round or the former Ross Thatcher solution, Bill 2 all year-round. You can go that way, or you can have neither. And if you have public safety in danger, then you would leave public safety exposed.

Now, you refuse to tell me . . . I tell you that when I meet with my trade union delegates, workers and supporters on the weekend (most of whom already see very clearly through what the PCs are doing, by the way), I am going to tell them precisely that . . . (inaudible interjection) . . . Yes, most of them. In fact, I would say in my constituency all of them to whom I have spoken know exactly what it is, because they know the alternative, your so-called solution, does not support trade unionism. Your alternative is breaking trade unionism; it's bashing trade unionism; it's enslaving trade unionists. That is what your solution is and those of those who would oppose our solution here.

I tell you, Mr. Chairman, this is not a happy day for anyone here. But it's a particularly sad day when Conservatives think you can play this kind of politics of "I don't know what it's about, you know, and I have to consult with the trade union people," when every day of every session of every year that you are in here you are telling us exactly what we should be doing with the unions or, as you used your word, with "bums." That is what you described them as . . . (inaudible interjection) . . . It exactly was on the subject.

**AN HON. MEMBER:** — It was not.

**HON. MR. ROMANOW:** — Well, I will repeat it again. If you want to hear it again I will give it to you again, but I don't know what much more can do. I will tell you, Mr. Chairman, however we can disapprove this thing (and I have said some stupid things in my life; I candidly and readily admit that). I could never, never disparage working people like this:

. . . spend the first hour of every day walking back and forth in the roundhouse, doing absolutely nothing but walking back and forth . . .

**AN HON. MEMBER:** — That's not me.

**HON. MR. ROMANOW:** — That's not you; that's Mr. Lane. Oh well, I'm sorry. That is not Mr. Thatcher; it is Mr. Lane. That's the attitude. Mr. Chairman, I tell the people of this legislature and the trade unionists in this legislature that you Tories are not going to be believed by anybody when you say you are not supporting us because you want more talk on this thing. Baloney! You know exactly what it is. So, I tell, you, Mr. Chairman, that these people opposite, who so shockingly and brazenly in dereliction of their duty stalled this legislation yesterday and who so brazenly and in dereliction of their duty oppose part 2 (talk about that election; it will take place; this is an election year; it will take place) will pay the price for that. Mark my words.

Section 2 agreed to.

Sections 3 to 12 inclusive agreed to.

### Section 13

**HON. MR. ROMANOW:** — Mr. Chairman, I am going to call for a standing vote on section 13.

Section 13 agreed to on the following recorded division.

### YEAS — 39

Blakeney	Pepper	Allen
Kaeding	Snyder	Romanow
Smishek	Bowerman	Tchorzewski
Feschuk	McArthur	Gross
MacMurchy	Banda	Vickar
Hammersmith	Thompson	MacAuley
Engel	Byers	Cody
Koskie	Matsalla	Poniatowski
White	Nelson	Lusney
Solomon	Miner	Berntson
Garner	Birkbeck	Lane
Taylor	Andrew	Thatcher
Rousseau	Duncan	Swan

### NAYS — 1

Skoberg

### Section 14

**MR. PREBBLE:** — I just want to be clear on this. On the copy of the bill I have, section 14 says:

During an election, where, in the opinion of the Lieutenant-Governor in Council, a labor-management dispute creates a situation: (a) of pressing public importance . . .

Is that the same as the copy you have? I'd like to just speak on that section. I want to say that I think this section is much too broad, Mr. Chairman. I have two objections to the second part of this bill and these objections explain why I'm not supporting these sections of the bill and not supporting the bill as a whole. First of all (I emphasized this last night, but I want to reiterate it today), I have no objection personally to limiting the right to strike during an election campaign in areas where a strike may endanger the health or safety of persons in the province. But I do have objections to the other portion of this section of the bill which also permits strikes to be stopped on any matter of pressing public importance.

I want to reiterate that I think that that section of the bill, Mr. Chairman, is poorly drafted. Whatever constitutes a matter of pressing public importance is so vague and so general that I would argue that any government could, in fact, argue that practically any matter constituted a matter of pressing public importance. I also object to this section of the bill because, as I mentioned last night, but want to reiterate today, such legislation dealing with the whole question of the limitation of strikes during election campaigns is only something that ought to be brought in and debated in this House, in my view, after there has been proper consultation with the Saskatchewan Federation of Labor, with the trade union movement as a whole and with employers in the province. And I just think, Mr. Chairman, that it's inappropriate for us to be even introducing this kind a bill until, not the Conservative opposition has had a chance to consult with the trade union movement, because I'm not aware that they've ever done so, but until the government of the day has gone through that consultation process. So for those two reasons, I want to say that I will not be supporting this section and I also want to . . . (inaudible interjection) . . . My understanding is that we have not voted on it.

Mr. Chairman, I simply want to urge the government to give serious consideration to whether that section could not be written much more precisely. Thank you very much.

**HON. MR. ROMANOW:** — Well, Mr. Chairman, I want to make a brief response to the hon. member. We wrestled with this problem in the drafting for as long as the time would permit us to do and, quite frankly, I don't know how one can limit the wording in a way which would satisfy the member. I think there are limitations — which limitations may not be strictly legal — but which are considerable limitations in a practical sense. First of all, this would only take place during an election. So you'd have to imagine in the middle of an election a government declaring something to be of public importance affecting health and safety. If it were done without discrimination, if it were used absolutely on whim, capriciously, clearly there would be a very serious detriment attaching to the government.

Secondly (and this is now more in response to members opposite), they seem to think that somehow this is going to be popular to do. It's not going to be popular to do under any circumstance. Even if they can get it — pressing public importance affecting health and safety — just witness what took place with respect to the CUPE matter. So it is not going to be any easier on the order in council.

Those are very practical limitations, and when you start to get the limitations into law, you run into impossible drafting problems. So while the member may have a point about trying to make it as narrow as possible, the point that I say to him in rebuttal is that there are ample safeguards on this particular section that are involved.

Section 14 agreed to.

Sections 15 to 18 inclusive agreed to.

The committee agreed to report the bill, and asked for leave to sit again later this day.

**MR. SPEAKER:** — I might say that I missed a small technical point with the Attorney General — when shall this bill be read a third time?

**HON. MR. ROMANOW:** — Mr. Speaker, I am going to ask leave to read the bill a third time momentarily. I should beg your indulgence and the indulgence of this House just for one matter.

**MR. SPEAKER:** — I was asking leave to read the bill a third time later this day. Is leave granted? Agreed.

**HON. MR. ROMANOW:** — Perhaps I might make one suggestion. Somebody over here suggested that we do the private bills. Then I can come back after private bills to read this bill a third time. There is a little point which has been raised I would like to consider. I don't know where our chairman of private bills committee is. Can you dig up John Skoberg?

Mr. Speaker, just to get this under way, I am going to ask leave to go to page 6: private bills, committee of the whole. I don't think we'll need the chairman. I am calling for him but I am advised by our learned Clerk that we don't need the chairman; then we'll deal with these bills as we can. I don't know if Mr. Mostoway, Mr. Pepper, Mr. McLeod and Mr. Engel are here. Okay, if you can get Mr. Pepper, then we can at least get three or four of them and see what happens. Thank you very much.

## **COMMITTEE OF THE WHOLE**

### **Bill No. 02 — An Act to amend An Act to incorporate Radville Christian College**

**MR. ANDREW:** — I simply want a clarification from the Chair that under the new rules we can simply move the entire bill without reading section by section. If there are no amendments, I would simply suggest that we perhaps do that.

The committee agreed to report the bill.

### **Bill No. 03 — An Act to provide for exemption from taxation of certain property of the Nelson Lake Lutheran Bible Camp Association, Inc.**

The committee agreed to report the bill.

### **Bill No. 04 — An Act to amend An Act to incorporate the Briercrest Bible Institute**

The committee agreed to report the bill.

**Bill No. 01 — An Act to incorporate the Bishop Andrew Roborecki Foundation**

**MR. LANE:** — Mr. Chairman, I note it's incumbent upon the House, in the absence of the member for Saskatoon Centre . . . We have the practice that if all members give leave the rules can be adjusted to meet changing circumstances and, given that, I with leave would move An Act to incorporate the Bishop Andrew Roborecki Foundation.

The committee agreed to report the bill.

**THIRD READINGS**

**Bill No. 02 — An Act to amend An Act to incorporate Radville Christian College**

**MR. PEPPER:** — Mr. Speaker, I move that the bill be now read a third time and passed under its title.

Motion agreed to and bill read a third time.

**Bill No. 03 — An Act to provide for exemption from taxation of certain property of the Nelson Lake Lutheran Bible Camp Association, Inc.**

**MR. MATSALLA:** — Mr. Speaker, I move that the bill be now read a third time and passed under its title.

Motion agreed to and bill read a third time.

**Bill No. 04 — An Act to amend An Act to incorporate the Briercrest Bible Institute**

**MR. ENGEL:** — Mr. Speaker, I move that the bill be now read a third time and passed under its title.

Motion agreed to and bill read a third time.

**Bill No. 01 — An Act to incorporate the Bishop Andrew Roborecki Foundation**

**MR. LANE:** — Mr. Speaker, I move that the bill be now read a third time and passed under its title.

Motion agreed to and bill read a third time.

**HON. MR. ROMANOW:** — Mr. Speaker, I thank the members of the House. Perhaps just a word of explanation. There is a suggestion made that part 2 of Bill 45 might be further amended. Our lawyers do not think that it needs to be, but perhaps to clarify the matter and put it clearly beyond doubt we could reintroduce the committee of the whole for Bill 45, and introduce two small amendments. I'm going to ask for committee of the whole and the introduction of these.

**MR. SPEAKER:** — This is an unusual procedure, but it is covered by the rules, and I'll draw the member's attention to Beauchesne's *Parliamentary Rules and Forms*, Fifth Edition. It says,

Recommittal of a Bill 808.(1) A bill may be recommitted to a Committee of

the Whole or to a committee by a Member moving an amendment to the third reading motion.

Now, at the conclusion of the Attorney General's remarks, his motion will be, "I move that this bill be read a third time." He will not be able to move the recommittal motion, but another member can move the recommittal motion.

**AN HON. MEMBER:** — Recommittal to what?

**MR. SPEAKER:** — To move it back to committee of the whole.

**MR. LANE:** — I move that this bill be committed back to the committee of the whole.

**MR. SPEAKER:** — That will be an amendment to your motion on third reading.

**HON. MR. ROMANOW:** — I thought this was a simple matter of going back to the committee of the whole. What is the problem? I don't understand it.

**MR. SPEAKER:** — I was just trying to do it by the rule book. This is one of the few times I will have an opportunity to use this rule.

You will bear with me given that in the total length of my time here I have never seen this rule used, and I dearly want to see this rule used. Although I might be here many years longer, it might not happen again. I will just refer to the rule again:

A bill may be recommitted to a Committee of the Whole or to a committee by a Member moving an amendment to the third reading motion.

Now, at the conclusion of the Attorney General's remarks, he will make a motion moving third reading of this bill, and someone will amend his motion.

### **THIRD READINGS**

#### **Bill No. 45 — An Act respecting Temporary Provisions for Labor-Management Disputes**

**HON. MR. ROMANOW:** — Mr. Speaker, I will be very, very brief. I am going to move third reading of Bill No. 45. The major arguments I have made but I would like to make one small observation which might be categorized as being mildly political. You know me; I don't like to make political comments unless it is necessary.

I am very pleased to have seen the Conservatives in the House, in committee of the whole, stand up and support part 2 of this legislation with the government, because I understand that this morning, their leader, Mr. Devine, called part 2 the war measures act of Saskatchewan and worse than Bill 2. I'm pleased to see that they had a change in heart this afternoon and voted with government. I can only assume that it's a change of heart. Either Mr. Devine is in big trouble having been totally undermined in a short three or four hours on this, or the PC caucus is in big trouble. I don't know, but I think that it is a very major, serious contradiction which I simply want to pinpoint to the members of this House. I move third reading of this bill.

**MR. LANE:** — The reason that the opposition suggested we revert to committee is that it's very significant in this bill that Wascana Hospital, for example, was left off the

schedule and also the University Hospital. There is a question of statutory interpretation as to whether the specific part, which applies to hospitals by definition (part 1), can be overruled by the general provisions in part 2. I think that there's a serious question of whether those hospitals which were left off the list in part 1 can be covered by part 2. The rule is that the specific overrules the general, part 1 being specific and part 2 being the general provision. We suggest that there is a possibility of a serious omission by the government opposite in dealing with that issue of the hospital strikes.

I'm very surprised that the Attorney General did not consider that. We hope the assurances given by the Attorney General that they're not necessary is valid, but I'm sure there is a high risk now that there could be court actions regarding the disputes at Wascana Hospital and (should there come one) the University Hospital or other hospitals not mentioned. I'm somewhat surprised that members opposite would so gladly let that slide by. However, we have brought it to the attention of the House and hope that the problem does not arise.

**HON. MR. ROMANOW:** — Mr. Speaker, again, I'd like to briefly respond to the comment made by the member for Qu'Appelle. The lawyers who have been involved in the drafting of this legislation, including the legislative council, have examined that particular interpretation and all are of the view that the particular construction placed by the hon. member is not possible. On the basis of that advice, and my own perusal of the bill, I'm following their view. There are two separate interpretation parts to the bill — two separate mechanisms to the bill — and any kind of a court challenge would be so interpreted. Of course, I agree with the hon. member; I hope it is never used. I have every confidence and hope that it won't be used. I move third reading.

Motion agreed to on the following recorded division and bill read a third time.

**YEAS — 40**

Blakeney	Pepper	Allen
Kaeding	Romanow	Smishek
Bowerman	Tchorzewski	Feschuk
McArthur	Gross	MacMurchy
Banda	Vickar	Hammersmith
Kowalchuk	Thompson	MacAuley
Engel	Byers	Cowley
Cody	Koskie	Johnson
White	Nelson	Lusney
Solomon	Miner	Berntson
Garner	Birkbeck	Lane
Taylor	Andrew	Thatcher
Rousseau	Duncan	McLeod
Swan		

**NAYS — 1**

Skoberg



## **ROYAL ASSENT TO BILLS**

At 4:56 His Honor the Administrator entered the Chamber, took his seat upon the throne and gave royal assent to the following bills:

Bill No. 02 — An Act to amend An Act to incorporate Radville Christian College

Bill No. 03 — An Act to provide for exemption from taxation of certain property of the Nelson Lake Lutheran Bible Camp Association, Inc.

Bill No. 04 — An Act to amend An Act to incorporate the Briercrest Bible Institute

Bill No. 01 — An Act to incorporate the Bishop Andrew Roborecki Foundation

Bill No. 45 — An Act respecting Temporary Provisions for Labor-Management Disputes.

His Honor the Administrator retired from the Chamber at 4:58 p.m.

The Assembly adjourned at 5:00 p.m.