

# LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

April 9, 1984

The Assembly met at 2 p.m.

Prayers

## ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

**HON. MR. DEVINE:** — Mr. Speaker, I am pleased to introduce to the Assembly, Lord Moran, who is visiting Saskatchewan prior to stepping down as British High Commissioner to Canada, and Lady Moran.

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

**HON. MR. DEVINE:** — Mr. Speaker, just a word about the distinguished couple, Lord Moran has had a long and distinguished career in the service of his country, first in the Royal Navy during the Second World War and, since 1945, with the foreign service. He has served on almost every continent, and has been ambassador to Chad, Hungary, Portugal and, finally, since June of 1981, has been High Commissioner to Canada.

Lord Moran is a biographer of Sir Henry Campbell-Bannerman, one of the last Liberal prime ministers of Britain. Perhaps his time in Canada has given him some interesting points of comparison, Mr. Speaker. We wish Lord Moran a retirement as happy as it is well earned.

I'm also pleased to be able to introduce to the Assembly, Mr. Malcolm Holding, the British consul general in Edmonton who is seated with Lord Morran. Mr. Holding has also served in the military; in this case, with the Royal Corps of Signals, and has represented several countries — represented Britain in Tunis, Khartoum, Cairo, Bari, Rome, and in Italy and Madras.

I ask the Assembly to join me in welcoming both our visitors to this Chamber and wishing them a very pleasant stay in the province of Saskatchewan.

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

## ORAL QUESTIONS

### Milk Producers' Strike/Lock-out

**HON. MR. BLAKENEY:** — Mr. Speaker, I direct a question to the Minister of Agriculture. The minister will know that the province of Saskatchewan, consumers and milk producers and others are faced with a lock-out and a strike, which together are serving to shut down virtually all of the milk processing in this province. Can this minister provide the House and the people of Saskatchewan with a full status report in this dispute?

**HON. MR. HEPWORTH:** — Well, we are facing a strike/lock-out situation. Milk is flowing in the barnyards. The shelves are empty, and the solution that we propose to put in place to deal with that will be made evident by the House Leader later this afternoon.

**HON. MR. BLAKENEY:** — Supplementary, Mr. Speaker. I ask the minister: has he been in contact with both of the parties over the weekend? Has he conducted negotiations in order to avoid the work stoppage which has occurred as a result of the lock-out and strike? Has he and his colleague, the Minister of Labour, taken the steps which have become unfortunately traditional in this province for those two ministers, to see that these work stoppages do not occur or, if they do occur, are of the shortest possible duration?

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**HON. MR. HEPWORTH:** — Several steps have been taken over, in fact, the last 10 days to, in fact, see if a negotiated settlement couldn't be reached. As the hon. member may well know, I think, something in the order of 10 days ago, a notice of strike was served, and at that time the Minister of Labour offered up a conciliator. That offer was taken up and, in fact, the strike notice was withdrawn. Unfortunately, negotiations broke down.

Subsequently, another strike notice and lock-out notices were served. Fortunately, once again, a conciliator was able to bring all parties to the table at a meeting late last week. Unfortunately, those negotiations broke down. And, I might say, I would commend the Minister of Labour for the efforts and the efforts of the conciliator to try and bring about a resolution to this problem so that it wouldn't become a reality, but, in fact, negotiations once again broke down, and we are now facing the unfortunate situation that we do today.

### **Negotiations with Dairy Workers**

**HON. MR. BLAKENEY:** — Mr. Speaker, I'd like to direct a new question to the Minister of Agriculture, and I want to quote to him something which his now colleague, the Minister of Justice, said in this House in 1980, and it reads:

I would like to direct a question to the Minister of Agriculture. The last time there was a dairy strike the government took the action of calling the parties to negotiate in the Legislative Building. The participation of the Minister of Labour and the Minister of Agriculture were involved.

This is on *Hansard* of May 8, 1980.

What the current Minister of Justice said is all too true. The only way that these disputes have been settled in the past, I regret to say, have been with the direct participation of the Minister of Agriculture and the Minister of Labour. I want to ask the Minister of Agriculture: did he participate in negotiations? Did he call the parties into his office or the office of the Minister of Labour? Did he take any of those steps in order to avoid the work stoppage which we now have?

**HON. MR. HEPWORTH:** — The one point the hon. member seems to forget is when those negotiations were taking place, and when those ministers previously were involved was already after we were facing strikes and lockouts and milk spilling in the street. The attempts by this Minister of Labour, and the negotiations that he has facilitated through a conciliator have all taken place well in advance, in an attempt to bring about a resolution before that became a reality. Negotiations broke down; he restarted them. Negotiations broke down; he restarted them. And I can only commend the Minister of Labour for excellent efforts at trying to bring about a negotiated settlement.

In so far as whom I have talked to this past weekend, I can quite honestly say that since about 2:07 a.m. Sunday morning I have talked to many, many, many dairy farmers and others concerned with the situation.

**HON. MR. BLAKENEY:** — Further question, Mr. Speaker. Has the Minister of Agriculture on any occasion during the last three weeks sat down with both of those parties in the same room and attempted to get a settlement? Have you acted in the way that ministers of agriculture have acted in the past bringing the parties together, and seeing whether you could get a settlement?

**HON. MR. HEPWORTH:** — Mr. Speaker, my answer to the hon. member is that, no, I have not been party or, if you like, interfering with the collective bargaining process that's gone on over the past several days.

**HON. MR. BLAKENEY:** — Supplementary, Mr. Speaker. I direct this one to the Minister of Labour. Has the Minister of Labour sat down with both of the parties in the same room,

attempting to bring about a settlement of this dispute? Have you done what ministers of labour have done in the past, very frequently successfully in the past, in order to avoid a work stoppage in this industry?

**HON. MR. McLAREN:** — Well, Mr. Speaker, just looking at the past, when I look at the last four settlements, three out of the four were settled by legislation, so I would probably suggest that your attempts have not been that successful.

But our department has been in contact, not sitting in the same room. We want the bargaining to take place at the table without government interference. We offered our conciliator. They accepted 10 days ago. Talks, as the Minister of Agriculture has indicated, took place for several days. They broke down. We attempted all last week. We got them back talking again, and unfortunately it all broke off Saturday afternoon.

**HON. MR. BLAKENEY:** — Supplementary, Mr. Speaker. Would the Minister of Labour advise this House of the three occasions, or even two occasions, on which a dairy workers' strike has been settled by legislation in the last 10 years?

**AN HON. MEMBER:** — '78 and 1980.

**HON. MR. BLAKENEY:** — No, sir, '78. No, sir, '78.

**HON. MR. McLAREN:** — Mr. Speaker, I'm not aware of the exact dates, but we have done everything that we can possibly do by providing the services of our department to attempt to arrive at a solution in this dispute. Our conciliators said that it was almost impossible, they were so far apart. And I guess it's come down today that we will be addressing the problem later on this afternoon.

**HON. MR. BLAKENEY:** — Supplementary, Mr. Speaker. The situation of having the parties far apart is nothing new in the dairy industry. My question to you is this, sir: did you not think it worthwhile to bring the parties together in the same room with you and see if you couldn't narrow the differences and get negotiations going on some appropriate basis to bring about a negotiated settlement, rather than using legislation in order to bring about a settlement?

**HON. MR. McLAREN:** — Mr. Speaker, the conciliators in our department, that is their role. If they had thought that bringing them together in an office with our two ministerial departments would have worked, he would have no doubt recommended that, and we would no doubt have done that. But there was no purpose in attempting it. They were so far apart, and we had no request whatsoever to be sitting down. And we want the collective bargaining process to take its own course at the bargaining table.

**MR. SHILLINGTON:** — A question, Mr. Speaker. Mr. Minister, I suggest to you, by way of background, that your ignorance of the history of these negotiations is indicative of a problem. Mr. Minister, by way of background, let me inform you, as I think most members who have sat in this last legislature will know, two out of the last three negotiations were settled by the interventions of the minister.

I ask you, Mr. Minister: did you not make any effort to use the prestige of your office to settle this strike — this lockout — when, as I say, on two out of the past three occasions the prestige of the minister's office had been decisive in settling the negotiations? Are you telling us you made no effort at all?

**HON. MR. McLAREN:** — Mr. Speaker, in my mind I have already answered the question. We have had our conciliators working the last 10 days on attempting to arrive at an agreement. If there had been recommendations come from them to meet with us personally, if there was any hope of doing it, they would have recommended that. We have been in touch with both sides,

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and no solution has been arrived at. We haven't been able to bring them anywhere close to an agreement.

**MR. SHILLINGTON:** — Supplementary, Mr. Speaker. Have you done what previous ministers of agriculture and labour have done, and that is to ask to meet with them to see if the prestige of your offices would be decisive in settling this lock-out, as it has in settling past strikes?

**HON. MR. McLAREN:** — Well, Mr. Speaker, if we hadn't have done everything that we can, we would have been on strike a week ago. Our conciliators have been working at it and, to me, that is their job, and I don't want to be an intervenor in a collective bargaining process if talks are going on. Last Saturday they broke off.

**MR. SHILLINGTON:** — New question. Mr. Minister, there is a . . . by way of background, the minister must realize there's a difference between using a conciliator, which must be part of most labour negotiations before they degenerate into a strike, and using the prestige of your office. The past history of these negotiations has been that the prestige of the ministers of labour and agriculture, the prestige of those offices, has been decisive. And I ask you, Mr. Minister: why didn't you use the prestige of your office this time as has been done in the past?

**HON. MR. McLAREN:** — Mr. Speaker, our doors are open. At any time that the parties wish to have come and sat down and talked to us they could have. We had no request whatsoever for that type of help, other than the fact that they accepted the offer of a conciliator.

**MR. LUSNEY:** — I have a question for the Minister of Labour. Mr. Minister, could you indicate to this House how many of the milk processing firms have had a strike called against them at this point.

**HON. MR. McLAREN:** — Mr. Speaker, my understanding is that there's two.

**MR. LUSNEY:** — Mr. Minister, which two are you talking about? There's got to be at least 12 or 14 in the province. Which two has the strike been called against?

**HON. MR. McLAREN:** — Well, Mr. Speaker, there's the plant in Saskatoon and the plant in Regina.

**MR. LUSNEY:** — My question to the . . . Supplementary to the minister. Which plants in Saskatoon and which . . . Was it Swift Current, you said? . . . (inaudible interjection) . . . Or Regina? Which plants?

**HON. MR. McLAREN:** — Mr. Speaker, the plants involved are the Palm Dairies.

**MR. LUSNEY:** — I'm sorry, Mr. Speaker. With all the noise in the House, I couldn't get the minister's answer. Could the minister please repeat his answer?

**HON. MR. McLAREN:** — If the member was asking which ones, Mr. Speaker, they're the Palm dairy plants.

**MR. LUSNEY:** — Well, Mr. Minister, it appears then that there has been no strike called against all the Co-op plants in the province. Did you check with the co-operatives why there would be a lock-out at this point, and could you not have intervened to prevent a lock-out so the farmers could still have some place to deliver their milk?

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

**HON. MR. McLAREN:** — Mr. Speaker, it's the management group that locked out. It wasn't us. The unions struck two plants; the management decided to lock out the rest of the plants.

**MR. LUSNEY:** — Supplementary, Mr. Speaker. Well, Mr. Minister, the co-operatives are owned supposedly by farmers. Could not the minister have taken the initiative, or the dairy producers . . . could you not have taken the initiative to meet with the dairy producers and explain the situation, and tell them that there is no strike against them, and they have no reason to lock out their workers?

**HON. MR. McLAREN:** — Well, Mr. Speaker, if that was the case, I should have been able to have the right to go to the unions and say, “Don’t strike the two plants.” We tried to stop the strike. We tried to get an agreement with the groups by offering our conciliators, which is the process to take as far as labour-management problems are concerned and not government getting in the middle of the negotiating process.

**MR. LUSNEY:** — Supplementary, Mr. Speaker. When it came to the situation, at least a day or two ago when it appeared quite evident that there was going to be a lock-out, could you not have then or do you not consider it to be your responsibility to have got together with the producers and explained the situation to them, and tried to prevent that walk-out? Do you not think that is a responsibility of yours?

**HON. MR. McLAREN:** — Mr. Speaker, the conciliation process is the route to go, as far as we can possibly go, to arrive at settlements. If the conciliator had thought that we could have some influence on the parties, he would have come to us and said, “Look, let’s meet with the two ministers responsible.” He did not feel that that could work. The talks broke off and we are at the position that we’re at today. I’m looking at the situation this afternoon.

**MR. LUSNEY:** — Supplementary, Mr. Minister. When the talks broke off a day or two ago, could you not have at that time contacted the producers, realizing that the talks had broke off, that there was no solution through the bargaining process any more? Could you not have contacted their producers and then tried to resolve this problem without coming to this House with legislation? Would it not have been simpler to do that, rather than just not do anything and bring legislation into the House today, when you could have had some chance of trying to resolve the problem before coming to the House?

**HON. MR. McLAREN:** — Mr. Speaker, we’ve been doing that through the services of our conciliation in the Department of Labour. I’d just like to suggest to you that we settled a contract at the potash mine on Saturday night by offering the services of a conciliator. The same thing could have applied here, but it was very evident that the two sides could not get together even with the help of our conciliators, or even with the help of the two ministers.

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

**HON. MR. BLAKENEY:** — Supplementary to the minister. The minister has said conciliation was the way to go. Can the minister indicate the last time a dispute between the dairy producers and their unions was settled, either by negotiation or conciliation, without the intervention of the minister? Just the last time.

**HON. MR. McLAREN:** — Mr. Speaker, I haven’t looked at all the past history of the previous problems that there is. All I know is that we are facing a strike here in April of 1984. And we have got the parties talking for the last 10 days when it looked hopeless 10 days ago. We’ve managed to do that through our conciliators. That broke down on Saturday, and it would appear at this point in time that they were so far apart that nobody could do anything about it. And that’s the message that we had from our conciliation services.

### **Sale of Former SGI Head Office**

**MR. SHILLINGTON:** — A new question, Mr. Speaker, to the minister in charge of the

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Saskatchewan Government Insurance. A week ago I asked the minister a number of questions with respect to the sale of the former SGI head office.

**MR. SPEAKER:** — Order, please. Proceed.

**MR. SHILLINGTON:** — A week ago today I asked the minister a number of questions with respect to the sale of the former SGI head office. The minister confirmed that this six-story office building, located in the middle of Regina's downtown core, was sold for only 575,000, and was sold without an appraisal having been done. The minister then took notice of a question with respect to who negotiated this sale on behalf of SGI.

So I ask the minister, once again: what role did Gary Millar play, who at the time was SGI's facilities manager? What role did he have in showing the building to prospective purchasers or negotiating the terms of any sale?

**HON. MR. ROUSSEAU:** — Yes, Mr. Speaker. For the member's information . . . First of all, I had the information last week. He wasn't in the House the following day. That's why you didn't get it.

And by the way, on the appraisals, as I indicated at the time, I stood to be correct, that on that point, the fact was that there was an appraisal done on the building in 1982 – January 6 of 1982 – by your government. So you might have been aware of that. It was updated on April 6 of 1983, last year.

And, to answer your question on Mr. Gary Miller, he was not involved in any of the negotiations. However, he did assist in the transaction by showing the property and answering whatever questions there were on the building specifications, and so on.

**MR. SHILLINGTON:** — A supplementary, then. What officer or officers at SGI participated in the negotiations of terms of sale?

**HON. MR. ROUSSEAU:** — The three officers, Mr. Speaker: the treasurer, Mr. Larry Fogg; the comptroller, Bill Heidt; and the director of litigation and legal affairs, Mr. Ken Lerner.

**MR. SHILLINGTON:** — Supplementary. Do I take it then, Mr. Minister, that the role of the facilities manager was to show the building to prospective purchasers? . . . (inaudible) . . . I didn't hear the minister's answer.

**HON. MR. ROUSSEAU:** — That's correct.

**MR. SHILLINGTON:** — Do I also take it, Mr. Minister, that the role of the facilities manager would have been to relay to the officers negotiating the terms of any sale, the terms of any officer, which might have been made by any purchaser? Do I take it that would have been one of his responsibilities?

**HON. MR. ROUSSEAU:** — Mr. Speaker, that would be a possibility, but I don't know what report he would get back to the officers. I could inquire. He no longer is with the company today. If you are leading up to a particular point, Mr. Speaker, I wish the hon. member would let me know what it is.

**MR. SHILLINGTON:** — Well, Mr. Minister, you didn't answer my question except by saying: I don't know, I suppose so. Would it have been the responsibility of the facilities manager to relate to officers whose responsibility it was to negotiate the terms of a sale? Would it have been the responsibility of such a facilities manager to relay the terms of any officer of any prospective purchaser?

**HON. MR. ROUSSEAU:** — Mr. Speaker, that depends on what the hon. member means by an

offer. If you're talking about a written offer, that would go to the officers of the company. If you're talking about something verbal, that somebody might pay a certain price, I presume that the individual you're referring to would automatically inform the officers of any of those discussions. I didn't indicate that it wouldn't. What I said earlier was that that was a very strong possibility. I believe that's what I said.

**MR. SHILLINGTON:** — Supplementary, MR. Speaker, I suggest to the minister, I'd ask you to comment . . . I suggest to the minister, and I'd ask you to comment on this, that it almost certainly was the responsibility of the facilities manager to relay to those who might have authority to negotiate a sale the terms of any written offer, any oral offer, or any figure that a prospective purchaser might have mentioned as a figure he'd be willing to begin negotiations at. I'd ask you to confirm that that would have been the responsibility of the facilities manager to relay such information to the officers with the authority to negotiate a sale.

**HON. MR. ROUSSEAU:** — Well, Mr. Speaker, yes, I would agree that that would be his responsibility. And I come back to what I indicated earlier. If you had a point to make, I wish you'd make it. If you have a certain question, it's difficult to answer your precise questions, as my friend here has suggested.

But what are you getting at? If there is any particular question you'd like answered on this, I don't know where you're leading to.

### Salary Increase for Nurses

**MR. LINGENFELTER:** — Mr. Speaker, I have a question for the Minister of Health. It has to do with a question I asked of the Premier Thursday last, dealing with the 5,000 Saskatchewan nurses who are unable to get a contract with the Saskatchewan Health-Care Association. As way of background, Mr. Speaker, the minister will know that the doctors of the province have been given a 5 per cent increase for the year. The nurses are asking for a 2 per cent increase this year and 3 per cent next year.

I wonder whether or not you, Mr. Minister, will make available to the Saskatchewan Health-Care Association, the money's needed to give a settlement to the nurses of the request that they have put forward, which is very reasonable, and, I believe, the people of the province support.

**HON. MR. TAYLOR:** — Mr. Speaker, as the hon. member knows, negotiations between the SHA and SUN (Saskatchewan Union of Nurses) are still going on. And I have great faith in both groups that they will come to a negotiated settlement.

In regard to the offers, or the amount of money offered to each one, I want to tell the member, as he well knows, that there have been wage guide-lines in place in this province over the last two years, and both have fallen within those guide-lines.

**MR. LINGENFELTER:** — Supplementary to the minister. I wonder if he would comment on, or give his answer to the question of whether he agrees with the Premier, who stated in the House on Thursday that the gap between doctors and nurses is not wide enough, and that is why the doctors are being given 5 per cent and the nurses 2 per cent. Do you agree or disagree with that principle that the Premier alluded to and outlined in answering the question last Thursday?

**HON. MR. TAYLOR:** — As you well know, I was in Ottawa on Thursday, representing Saskatchewan in front of the Senate on the Canada Health Act. I'm not aware of the statements the Premier made at that point in time, but I can judge by my colleagues here that you are not quoting them accurately, but I would like to peruse these statements before I make any comment.

### MINISTERIAL STATEMENTS

## Services to Crime Victims

**HON. MR. LANE:** — Thank you, Mr. Speaker. I am pleased to report to the House on the progress that Saskatchewan justice has made in the area of services to crime victims.

Historically, the criminal justice system has focused its energies on the criminal, hence the plight of the victim received relatively little attention. Recognizing the need to provide justice to victims of crime, my department implemented a province-wide restitution program in April of 1983.

Mr. Speaker, I have recently received statistics of the first 10 months of the program, and they're very promising. The number of cases where offenders have been ordered to pay restitution to victims of property crimes has increased by 30 per cent over the same period last year. Specifically, this amounts to 1,921 orders for the total value of \$557,485. My department officials are projecting that in excess of \$800,000 in restitution will be ordered in the coming fiscal year.

In addition, Mr. Speaker, under the restitution program, the provincial restitution collection rate has increased to 85 per cent, compared to the 50 to 60 per cent in the same period in the previous fiscal year.

A mechanism for alerting all property crime victims that they may receive restitution has been established through the co-operation of municipal and provincial police forces. A direct avenue for victim input into the sentencing process has been introduced through the implementation of formal restitution assessment reports. Valuable decision-making information for the courts is also provided in the restitution assessment report.

Follow-up assistance to victims of crime is provided, ensuring that they are aware that restitution has been ordered, and that services are available. Offender payment performance is monitored by program co-ordinators, ensuring that all orders are enforced.

Small business operators, and local insurance companies, have voiced strong support for the program, noting that it is saving them, in some cases, thousands of dollars.

In conclusion, Mr. Speaker, victims of crime are now beginning to receive the attention they deserve. They are more likely to be satisfied with the justice system, knowing that opportunities exist for them to be reimbursed for their financial loss. This is especially true when they know that the offender is the one making good the loss. Thank you, Mr. Speaker.

**MR. KOSKIE:** — Thank you, Mr. Speaker. I just want to make a brief comment in respect to the proposal as put forward by the Minister of Justice. I'm rather surprised that he is coming forward with a ministerial statement in respect to the restitution when, in fact, what happened is that we had the John Howard Society, which was functioning very well, and the minister deemed fit to, in fact, not only underfund, but to completely remove any funding whatsoever. The very same concept that was being adopted by the John Howard Society, of getting the two parties together, that is, the one that was offended against and the offender.

And what we have here is really a case of retrograde in respect to the strong programs of the John Howard Society. And here now we have the minister attempting to take credit for a program that was well under way and working well.

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

**MR. KOSKIE:** — I want to say that also the whole area of crime, I think, and if you look at the budgets, one of the major increases that we find is in respect to the correctional institutions. And what is happening is that the correction institutions are being jammed to the door, and more and



more people are finding themselves involved in incarceration. I think the direction that this government should be taking is to provide some available work and opportunities for individuals, rather than incarceration.

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

### **INTRODUCTION OF BILLS**

#### **Bill No. 42 – An Act to incorporate the Saskatchewan League of Educational Administrators, Directors and Superintendents**

**HON. MRS. SMITH:** — Mr. Speaker, I move first reading of a bill, An Act to incorporate the Saskatchewan League of Educational Administrators, Directors and Superintendents.

Motion agreed to and the bill ordered to be read a second time at the next sitting.

#### **Bill No. 43 – An Act to amend The Saskatchewan Power Corporation Act**

**HON. MR. McLAREN:** — Mr. Speaker, I move first reading of a bill to amend The Saskatchewan Power Corporation Act.

Motion agreed to and the bill ordered to be read a second time at the next sitting.

#### **Bill No. 44 – An Act respecting the Dairy Workers' Maintenance Operations Act**

**HON. MR. ANDREW:** — Mr. Speaker, prior to orders of the day and with leave of this Assembly, I would obviously inform the House, as we found in question period today, that we find ourselves once again in this province with a strike/lock-out situation with regard to the dairy industry. And I would ask for leave of this Assembly, and I beg to inform the Assembly that His Honour, the Lieutenant-Governor, having been informed of the subject matter of the bill, recommends it to be considered of the Assembly . . . the consideration of the Assembly, and I move, a Bill No. 44, An Act respecting the Dairy Workers' Maintenance Operations Act, be now introduced and read for a first time.

Motion agreed to and, by leave of the Assembly, the bill ordered to be read a second time later this day.

### **SECOND READINGS**

#### **Bill No. 44 – An Act respecting the Dairy Workers' Maintenance Operations Act**

**HON. MR. ANDREW:** — For the second time in my brief time in the Assembly of Saskatchewan, which has been, I suppose, since 1978, the fall election, we have unfortunately had before us, as members of the Assembly, the question of a breakdown in negotiations with regard to the dairy workers' unions and the milk processing operations in the province of Saskatchewan. This is the second time that this government, in the almost two years it's been office, that we've had to use this type of legislation. And I can assure you, Mr. Speaker, and the Assembly, that it's not the type of legislation that we or, I hope, any government would want to use, or certainly want to use very often. However, the situation is such, Mr. Speaker, that, as I say, once again we find ourselves in a position where the free collective bargaining process has, in fact, broken down.

And I think the record . . . And I speak both to the question of the union and the question of the management — the question of the record in this industry, I believe, is a sad one and, I believe, is a sorry one, that they, unlike most other collective bargaining processes in this province, seem to ultimately find their way into this Assembly. And clearly the people of this Assembly are not elected to deal with that question, or, if they are, to deal with it on a rather infrequent basis.

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And I think that it's important that we ask ourselves, as government: what can we do? What can we do, given this situation? Should we stand by and allow the strike and the lock-out to continue? Let the two parties ultimately come down to a final resolve as to which way they should go, and what should happen. And, obviously, that's a preferred way, all things being equal, because I think the people in this Assembly, and the people in this province, believe in the free collective bargaining process.

The problem, Mr. Speaker, it's not just the trade union movement, union A, B, or C, or the companies, be they one, two, or five. The reality, Mr. Speaker, is there's other people involved, there's other people that are hurt when this situation develops the way it is today. And they're hurt in two ways.

Mr. Speaker, the consumer, obviously, soon runs out of supply of fresh milk, and I think that's important. But there's also a farming community out there that I believe is important. And certainly this side of the Assembly looks at that situation as being the third party – the third party, Mr. Speaker – who have invested, very often, a lifetime of savings into their farming operation, who have invested a significant amount of money into equipment. And they find themselves caught helplessly in the middle.

And we, I believe, Mr. Speaker, have a responsibility. Members of this Assembly, all members of this Assembly, have a responsibility to deal with that unfortunate third party. And we must move in a responsible way because it's not like the, perhaps, other classic situation where we find strikes impacting on agriculture, and that's usually the long-shoremen, or the grain handlers in Thunder Bay or Vancouver.

While no one likes to see that situation, at least the farmer's grain does not spoil if it's a 1-day or 10-day or 3-month strike. But that's not the situation we find ourselves in here, Mr. Speaker.

Each day that we delay, milk is wasted. Each day we delay, Mr. Speaker . . . Each day we delay, money is lost from the pockets of our farmers. And we believe that we have a responsibility to move, and to deal with that type of situation.

The legislation that we are introducing, Mr. Speaker, will be in the form of traditional legislation of putting a particular end to a dispute, a walk-out, or a strike. The nature of the legislation will be such that, upon passage of the legislation, both the lock-out and the strike will be ended. The doors should be open of the businesses; the workers should be back to work immediately. That's what the bill calls for.

There will be a 15-day cooling off period, at which time we would hope the two sides go back to the bargaining table and beat out an agreement in a collective bargaining manner. If that is not to come to pass, Mr. Speaker, then provisions are made for an arbitrator to be appointed, and that arbitrator then, within six days, would call the sides together to ultimately determine what the agreement should be. And that shall become binding with regard to both sides.

We have added into this legislation, that was not used when the previous government brought in back-to-work legislation in 1980 dealing with the same group of people, Mr. Speaker, we have added two or three additional features with regard to this legislation.

Feature number one is: for the first time, at those arbitration board hearings if they, in fact, go to that extent – wherein the employer's side and the employee's side both have an opportunity to state their case before the arbitrator.

We are making provision in this bill so that the farmer, the producer – the dairy producer, himself – also has an opportunity to appear before the arbitrator and state what he sees, or what they believe to be the issues in this particular dispute. The reason for moving this way, Mr. Speaker, I think, is the rather sad and unfortunate record that this particular industry has

experienced in the past.

As well, Mr. Speaker, we are adding a second feature to the mandate, if you like, of the arbitrator, and that is that the arbitrator may taken into consideration the collective agreements entered into in other provinces and other jurisdictions in this country.

We believe it's important for the arbitrator involved, Mr. Speaker, to see how the workers, the employees of this province are treated relative to the employees of other provinces –what they have for take-home pay versus what Alberta or B.C. or Ontario or Quebec have: what their benefits are versus the others. And that, Mr. Speaker, we would hope, the arbitrator, should it come to that, also will take into consideration.

And finally, Mr. Speaker, we believe that when we brought down the provincial government wage guide-line program – two years ago, almost, now – we set some guide-lines in force for those directly employed by the government. We also indicated that those guide-lines should, where possible, have applications to serve parties who rely on government for funding. And we, I suppose, issued a challenge to the private sector saying: we are not about to legislate guide-lines or legislate a 6 and 5, as many other provinces and the federal government did. But we would hope that you would keep this into consideration, take these guide-lines into consideration when you negotiate with your particular union in the private sector.

In this particular legislation, Mr. Speaker, we have asked the arbitrator in the sense that he may take into consideration and read what the provincial wage guide-lines are, as well, in coming to the resolve of an arbitrated decision if that, in fact, is the case.

We believe those guide-lines, Mr. Speaker . . . And we don't profess to be the authors of all of them –clearly it was brought in by the federal government. But I think it's important to bear in mind, with regard to those guide-lines that, prior to the 6 and 5 being brought in by the federal government, prior to that time, wage increases and inflation in this country were running at 13 and 14 and 15 per cent. And as we all know, Mr. Speaker, that inflation drew up the interest rate, or had a fair degree of impact on bringing interest rates up. And I don't think we have to remind any of us in this Assembly what 20 and 22 per cent interest rates does to the economy of this country.

And I believe, and this government believes, it's important and it's imperative that inflation be held down. And inflation can be held down by many ways, one being wage programs, and that's why the guidelines. And I think it's important that that apply across the general scope, because the last thing we need, Mr. Speaker, is that accelerated wage increase, that accelerated interest rates, and back to the place we were two years ago.

Mr. Speaker, as I said when I started, it's the free collective bargaining process that all of us wish to see. Unfortunately, its come once again that that can't be the case. I would call on both sides in this dispute, following the completion of this legislation in this Assembly, I would call on all sides to use that 15 days to get out there and see if they can come to a resolve of where they are. But if they aren't, Mr. Speaker, clearly we have stated our case today, that we are prepared to act.

We have a responsibility to the people of this province, and we have a responsibility, all of us, to those few that are in the dairy producers – the dairy producers, the dairy farmers in this country. And I can go back and read speeches that were made last time, 1980, by then government house leader, Mr. Romanow, that the some of the dairies would face bankruptcy. That's in 1980 – would face bankruptcy if we did not move.

Mr. Speaker, it would be the hope of this government that this legislation can be passed today. We are prepared to sit. We are prepared to hear all the questions. But I would call on the members opposite, when they look as to whether or not we can come to resolve this today, bear in mind not only their particular interests, but bear in mind the interests of that dairy farmer out

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there whose livelihood, unfortunately, depends upon us, and not the other two people at the bargaining table.

Mr. Speaker, with that short comment, I would move second reading of this bill.

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

**MR. SHILLINGTON:** — Thank you very much, Mr. Speaker. I want to briefly state our position on this legislation, and then I shall make a few comments. Our position, briefly stated, is that we will be voting against this bill on second reading. We believe that the situation we have before us is not tolerable. All governments have recognized that there are limits to which employers and employees may play out their . . . may continue with their negotiations. There are limits to that when the public begin to be injured, and when farmers are the victims of a protracted struggle over which they seem to have little control, when other innocent people may become victims, we believe that there is a role for the legislature to play.

However, we believe that this bill is not fair or just. The minister of . . . the House Leader — I guess it was the capacity in which he was acting — the House Leader was quite wrong in saying this bill follows a traditional form. It does not. This bill, we suggest, does not do justice to either of the parties.

We will, therefore, be voting against the bill in second reading. We will be moving a series of amendments in committee of the whole. And if those amendments are accepted. We will be voting for the bill in third reading. But we call upon the government to do justice to the parties, to make this a fair piece of legislation. I will state the terms in due course.

The situation, so far as I know, is unique, certainly unique in my experience. The dairy producers who have five-sixths of the industry are not . . . Not a plant of the dairy Producers co-operative has been struck, and they have locked out all of their employees, notwithstanding the fact that nothing that they own or control is struck at the moment. And I think that's a unique situation to have a clear, dominating company, a co-operative, in this case — a co-operative which clearly dominates the industry — to declare a lock-out when no portion of its facility has been struck. That is most unusual.

The government said, Mr. Speaker, that they believed in the free collective bargaining process. I say to members opposite that you have done precious little to facilitate it. You may believe it, but you have not taken any steps which would suggest to anyone that you actually mean that comment.

One of the things, I think, that was unfortunate is comments by various ministers, including the Minister of Agriculture, that if their strike were not settled it would be settled by legislation. That was said in advance, and I think that was most unfortunate. The House Leader suggested that it was unfortunate that these parties couldn't settle their own, and it was unfortunate they had come to rely upon the government to settle their differences for them. I say to the members opposite that you do not discourage that process by assuring them in advance that you will settle their differences for them, as the Minister of Agriculture did,

The minister of agriculture in previous administrations has kept mum on the subject, has maintained a silence. And the minister of labour in previous administrations has refused to offer anyone assurance that the government would settle the matter for them. The comments by the Minister of Agriculture were, I think, done out of ignorance of the negotiating process. But they were most unfortunate, and it is unfortunate he chose to inject himself into the discussions as he did.

The ignorance with which this government and its ministers have approached this matter is abysmal, and in no small measure has this contributed to the problem we have before us today.

The Minister of Labour has suggested that this is the third time . . . this was the fourth time that back-to-work legislation has been used to settle a matter that is patently not correct. The House Leader, while claiming that to have been the case in question period, apparently thought better of it by the time he got through his remarks, because he admitted this was the second time.

On previous occasions the ministers of Labour and Agriculture have played a key role, and that is not common. And I'm surprised the Minister of Labour doesn't understand the difference. It appeared from his questions, from his answers to questions, he simply did not understand the difference between the role a conciliator might play, and the role that ministers might play.

It is common and normal and usual for a conciliator to be appointed to attempt to settle the differences between the parties. It is not at all common for ministers of the Crown to become involved in these discussions.

This has been the custom in this particular negotiation. It has worked on at least three occasions in the past, and it is regrettable that neither ministers – they probably should be acting in concert – it's unfortunate that the ministers in this case chose to fiddle while Rome burned. They chose to stand by the sidelines and do nothing. I suggest to the ministers that that's what you did.

I may say that the Minister of Labour may feel that the prestige of his office is so thoroughly eroded by his own incompetence and bumbling that he has no prestige left with which to lead anyone, particularly trade unions, in any direction, and you may be accurate about that.

**AN HON. MEMBER:** — It also applies to the Minister of Agriculture.

**MR. SHILLINGTON:** — It may be true of the Minister of Agriculture. I'm less of an authority on how many people he has irritated at the farm gate.

I know, Mr. Minister, how many trade unions respect your authority, and it's an unfortunately small number. So perhaps you thought you had no prestige left to offer. I would have seen no harm in trying, nevertheless, and I am disappointed you didn't try.

Each party, I suggest, believes that the other – that everybody's better off but him. I suggest the dairy workers believe that everybody else in the food industry makes more than they do. And, in many ways, that's accurate. To compare dairy workers to . . . To compare the wages of dairy workers to that of any other food handler in the province, they're at the low end of the scale.

Farmers believe that everybody else is better off than them – that workers have received increases over the last few years, and their net profit has been decreasing. And there's obviously some evidence to support that point of view.

Each side approached these negotiations with their own unique point of view, which wasn't entirely inaccurate, and which was not entirely realistic. It was the role of the Minister of Labour and the Minister of Agriculture to bridge that gap which obviously existed, and you failed to do so. You failed to take timely action.

You say by the sidelines, Mr. Ministers. You sat by the sidelines, did nothing except to exacerbate the problem by promising back-to-work legislation if the parties didn't negotiate, and you, therefore, exacerbated the situation rather than making any attempt to alleviate the problem.

The legislation, I said, was not in its traditional form. It is not, and I suggest it does not do justice to the parties. First of all, I think one might find the name objectionable of the bill. The name, paragraph 1 says:

This act may be cited as The Dairy Workers' Maintenance of Operations Act.

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In view of the fact that five-sixths of the industry is locked out and not on strike, it might have been fairer to have called the act the dairies' maintenance of operations act. It might have been more to the point to have avoided any name with any such pejorative ring to it. You might have tried to choose a neutral name.

Mr. Speaker, I want to comment as well on section 6. Past bills have recognized that you are taking something away from workers. You're taking away their right to withdraw their services – the only bargaining tool they have. And past agreements have given workers a modest wage increase, and that has been omitted from this bill. It's the first back-to-work legislation since the days of Ross Thatcher which has not had a modest increase for the workers retroactive to the date of the contract.

The member cites the one exception, that's the one introduced by your own government, the cancer workers' legislation. But I suggest to the members opposite that has been a part of the history of legislation in this province and in others where there's more enlightened administrations. It is fair. You're taking something away from them. It should have been included, and we will be moving an amendment to the legislation to provide the workers with some modest increase.

The most mischievous of all of the . . . well, I want to pass . . . I'll do them in numerical order. Section 8 has provided what is known as a cooling-off period of 15 days. Mr. Speaker, I've never known a shorter cooling-off period than 15 days. That is very, very short. It really does not give the parties, I suggest, time to properly resume negotiations and give them a fair chance. In the past, we have in this province used 60-day cooling-off periods. The Taft-Hartley Act in the U.S. uses 60 days, and that makes good sense. That has been proven by experience to be a more realistic period, and I, for the life of me, do not know why the government chose such an abrupt and brief cooling-off period. It is, as I say, as far as I know, without precedent.

We will be bringing in the amendment to introduce a more realistic cooling-off period. That is patently unworkable, and if the government insists upon it, one can only assume that they don't want the negotiation system to work.

With respect to . . . the most mischievous paragraph is probably section 10(4). Section 10(4) sets out considerations which the arbitrator may taken into account. I am sure all members will be aware that the arbitrator is bound by law to consider all submissions made to him and, since either of the parties are free to make any submission they choose within the bounds, I suppose, of relevancy, the arbitrator may consider anything which is said to him – anything which is suggested to him by the parties.

A paragraph such as this does not expand the considerations which an arbitrator may taken into account: it indeed narrows them because it suggests that the only purpose of such a paragraph can be to suggest that these considerations should be given more weight than any others that might be made to him . . . (inaudible interjection) . . . No, it does not say that, but as a lawyer, you must be aware – as some of your colleagues may not – the member from Saskatoon South must be aware that that, in fact, is the effect of such paragraphs.

We will be moving an amendment to delete paragraph (4). The first paragraph, (4)(a) is, I suggest, completely inappropriate. To allow parties to bring forward matters which have been discussed – and negotiations which are normally taken to be privileged – to, by statute, allow that to be introduced into the submissions made in public, I suggest, is clearly inappropriate.

The judge, Judge Allan . . . He's in charge of his own arbitration, as every arbitrator is. Within the bounds of law he may decide what is appropriate or inappropriate. He can allow or refuse any particular information. He would normally, I think, refuse to hear the detailed conversations about negotiations which are soon to be privileged, because that makes the next series of

negotiations very difficult. If nothing that is said is privileged, and if everything that is said is going to be a part of the public record, then negotiations will be much, much more difficult.

And I'm surprised that that consideration didn't . . . I'm surprised that the House Leader, who is a lawyer, would not have recognized the problem he's creating by that paragraph.

We will be moving to amend that in the deletion of the entire paragraph (4):

(4)(b) the province of Saskatchewan guidelines for public . . . wage increases . . .

appears to be inviting the arbitration board to introduce, to grant a 5 per cent wage increase.

The provincial guide-lines introduced by the Minister of Finance in September '63, were 6 and 5, and we suggest that's inappropriate . . . Without knowing, and this is obviously speculation, Mr. Minister, without knowing the details of the negotiations, I'd be prepared to bet money that if the employer had offered 5 per cent, they could have cut a deal; they could have got a deal at that. That, I know, is speculation, but that's my own belief. My own belief is, that given the conditions which the farming industry . . . Dairy Producers Co-operative and Palm Dairies feel exists in the farming industry, with farmers' real income declining as it is, that any increase in the nature of 5 per cent might be inappropriate. So I suggest, and I think it must be known to the members opposite, that guide-lines of any sort are an anathema to workers who want to be free to negotiate their own guide-lines.

I may say, as well, that this is less than what the private sector have been giving other people in the food industry. If the members opposite took any time to brief themselves – and it's apparent that they don't — if they took any time to brief themselves, they would know that settlements in the food in Saskatchewan have been in the 6 and 7 per cent range.

So it's out of step with the private industry. I think it's wanted by neither party. And I suggest that this government should, if not abolish the guide-lines, which I believe they should o, they should at least confine guide-lines for the public sector to the public sector. This is not, in any sense, the public sector.

The final item of the collective bargaining agreements entered into the dairy industry in Canada, that is one of a number of considerations. I have heard those figures used, and the suggestion is that the diary producers in Saskatchewan are better paid than in other provinces. It's obviously a consideration which I would expect Judge Allan will take into consideration. But there are other considerations, as well. And the diary workers will argue that it is more relevant to compare them to other people in the food industry. The work they do is identical that it is to other provinces.

By putting in this paragraph, you're suggesting to the arbitrator that this consideration should have more weight than any other made to him, and that is inappropriate. And I suggest to the government opposite that this paragraph should be removed. This paragraph should be removed.

Mr. Speaker, I will conclude by, once again, reiterating our position. We do not ask the farmers of Saskatchewan, and the consumers of Saskatchewan, to be the victims of a situation which they did not create. We are not opposed to back-to-work legislation in all circumstances; the former administration brought in back-to-work legislation in appropriate circumstances. We do suggest that such legislation ought to be fair. This legislation is patently unfair.

It is apparent to members on this side of the House, by watching the body language from members opposite, and particularly the House Leader, that my comment shave not found any particular favour with them. And I therefore say we will be voting against this bill on second reading. We will be seeking to move some amendments to bring this legislation into line with how this problem has been traditionally handled, and if those amendments are accepted, we will

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vote in favour of the legislation.

**HON. MR. BLAKENEY:** — I add only a few words to those addressed to the House by my colleague, the member for Regina Centre. I simply want to point out to the House that this is the second time in less than two years that the government opposite has brought in back-to-work legislation. That record compares unfavourably with the record of the previous government when legislation was brought in three times in 11 years.

I think that the record of this government in attempting to avoid such legislation in the dairy industry is not prepossessing. They took none of the steps which were taken by the previous government and by previous ministers to avoid bringing in legislation. Legislation proved to be necessary on only one occasion in the past. We now have a second occasion, following hard on the election of the government opposite.

I point out also that the legislation is in some respects similar, but in some respects dissimilar, to the legislation introduced in 1980. An important area of difference is the time given to the parties to resolve the dispute themselves.

It may not be known to members opposite and to members of the House that there never has been an arbitrated settlement of a dairy dispute in this province, so far as I am aware. I'm not aware of any time when an arbitrator has settled the contract of the dairy producers and its employees — certainly not by legislation.

On the previous occasion when legislation was passed, a period of 60 days was given. During that period of 60 days, a contract was arrived at, and the arbitrator, in fact, had no function to perform. I find that a more acceptable way of dealing with the issues of this kind than to introduce legislation which will virtually force the arbitrator to settle the dispute between the parties.

A period of 15 days offers very little opportunity for the parties to arrive at a settlement. The last time, 1980, 60 days did provide an opportunity. That legislation providing for the 60-day period was supported by members opposite; supported, I believe, by the member for Kindersley; supported by the member for Indian Head-Wolseley; supported by the member for Moosomin; supported by others who were in this House — the 60-day period. It was satisfactory to them then. I commend it to them now. I think it is a better way. I think it is entirely likely that during a 60-day period a settlement might be arrived at, and we wouldn't need arbitration. We wouldn't need an arbitrator settling a dispute, because when an arbitrator settles a dispute, it almost certainly leaves some matters unsettled, to be wrestled out the next time, and renders more likely, not less likely, a confrontation.

I am unaware of any legislation introduced in this House, certainly in the last 12 or 15 years, which had the effect of ordering employees back to work and providing for a cooling-off period in arbitration, which did not provide for an interim increase for the employees. The interim increase has been part of such legislation, was part of the dairy workers legislation, part of the legislation that dealt with the power corporation, and I am not aware of any. Some may be aware. They can, doubtless, bring it to my attention. I note that this is absent in this legislation. We leave that out for the first time, so far as I'm aware, for many, many years. And we, therefore, render it less fair, render it less fair than legislation which would provide some sort of interim increase.

The reason why we have legislation of this kind is because of our concern for dairy farmers. Obviously, if dairy farmers were not involved, if we were simply talking about dairy producers, this House would not be considering such legislation. It is in the highest degree unusual for the House to come together to attempt to settle a labour dispute which is a day or two old. The highest degree unusual.



Members opposite talk about milk being spilled, and that is a key concern. There's no question of that, and we share the concern of the Minister of Agriculture, and we only wish he had shown that concern over the weekend and met with the parties – a course of action which has stopped milk from flowing before, but which he was unwilling to embark upon on this occasion. I am sorry that the Minister of Agriculture wished rather to see the milk flow than to take the steps which other ministers of agriculture have taken in the past, which were successful in meaning that the contract was settled, and that the dairy farmers had an opportunity to deliver their milk.

Any concern for dairy farmers coming from ministers who would not move a muscle over the weekend to see if they could bring this matter to a successful conclusion sounds very, very hollow in my ears, and I suspect it will sound hollow in the ears of the dairy farmers who have come to expect that their Minister of Agriculture would be their champion, and will come to expect that the Minister of Labour would be their champion in seeing whether or not these difficulties could not be resolved.

These two ministers decided that they were unable, or unwilling, to tackle this problem. I am sorry that they reached that conclusion. Their conclusion is much to the detriment of dairy farmers, who now have to await something coming from this legislature when they might well have enjoyed a settlement arrived at by ministers, as has happened several times in the past, but which this Minister of Agriculture and this Minister of Labour were unwilling to attempt – unwilling even to attempt to take those steps on behalf of dairy farmers.

So, I wish they had done that. We are dealing with their failure. We are dealing with the failure of the Minister of Agriculture and the Minister of Labour to assume the obligations that their predecessors have assumed and successfully discharged in the past. Because of that failure, we have to look at the bill. We understand the reason for the bill. We would like to see it as fair and reasonable a bill as possible.

My colleague, the member for Regina Centre, has put forward our ideas as to how to make the bill fairer, and we trust that members opposite will consider our proposals with care; will consider our proposal for a 60-day period, which they supported four short years ago; will consider our proposal for an interim payment, which they supported four short years ago; will consider, if they propose to put in a provision allowing milk producers to put their position to the arbitrator, to have a companion provision allowing milk consumers to put their point of view to the arbitrator – and I note no concern for consumers in the bill, but only producers – and consider some of these points which we think would make the bill better, would make it a better exercise of the feeling of this legislature on behalf of people who have been put in very difficult circumstances by the lock-out and the strike – the lock-out closing, as it does, three-quarters or four-fifths of the productive capacity; and the strike which closes, as it does, perhaps a quarter or a fifth of the productive capacity.

These are unfortunate circumstances. The bill attempts to address them. Our view is that the bill could be fairer. We've attempted to put forward ways in which we think the bill could be fairer. We ask all hon. members to consider our proposals carefully, as we are considering the provisions of their bill, so that we can have an expression on the part of the members of the legislature which best meets the crisis with which we are faced. Thank you, Mr. Speaker.

**HON. MR. HEPWORTH:** — Thank you, Mr. Speaker. At the outset, I would like to say that why we are here today is not because of a happy occasion. This is a very serious situation facing Saskatchewan today, serious because it affects agriculture, and anything that affects agriculture, anything that affects farmers and farming in this province, is a serious situation for the entire province.

I must say as well, at the outset, that I'm very disappointed in what I've heard coming from the

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members opposite. Disappointed, I suppose, in that rarely in their remarks did the word “farmer” ever even pop up; to the point where I feel like he’s been totally disacknowledged by members opposite. Disappointed, Mr. Speaker, because no mention was made of the facts facing Saskatchewan people today, those facts being that milk is spilling in the milk barns; it’s being taken out in manure spreaders and dumped on the fields. Disappointed, Mr. Speaker, because there was no mention made of the other fact facing Saskatchewan people today, and that is that the shelves are empty of milk. No mention of farmers, no mention of the milk spillage, the economic loss, the food wastage, and the empty shelves.

What we have reached here today is a point where a dairy strike, combined with a lock-out, is imposing severe economic hardship on the province, and especially on the farmers—the 800 dairy farmers of Saskatchewan. Couple that with the public’s concern and need for the availability of a healthful and adequate milk supply. As I mentioned, the shelves are empty. There is genuine hardship. It is time for all responsible legislators to act.

The dairymen and the consuming public are the third-party victims. They are the innocent third-party victims. And it is my belief that the economic hurt and hardship cannot continue. We, as legislators, have a responsibility to see that the larger public concern is resolved.

Looking back on the last of the several contracts on a biannual basis, the hon. members have suggested that the efforts of ministers of labour and ministers of agriculture in the past have been so much superior. Let’s examine those records, Mr. Speaker. Let’s examine those records.

What was the unique feature about those previous strike/lock-outs in Saskatchewan? In 1978, what was the unique feature about that one that was so apparently amply handled by ministers of labour and ministers of agriculture at that time? What was the unique feature? Well, the unique feature was, “Strike Gives Dairymen Headaches,” and it went on to say – and this is out of the *Star-Phoenix*, April 12, ’78, and talks about a man, a dairyman from Hague:

Tuesday he filled his manure spreader with milk and hauled it onto his field.

And it went on and on and on. That’s the unique feature of your administration’s handling of settling disputes between management and employees – milk being slopped on the farms instead of being put into processing plants and feeding the people of Saskatchewan.

And it was no different in 1980. There’s a story here. This one’s from the *Leader-Post*, 1980. It talks about a fellow having no choice but to empty a storage tank before milking his 45 cows.

Once again, the only unique feature of their handling of these situations, Mr. Speaker, was that milk was dumped; shelves were empty. The only unique feature, Mr. Speaker, I would suggest. In fact, Mr. Speaker, not only was milk dumped in the fields and down the drains. Milk was dumped on the legislative steps in previous times in this province. That’s the uniqueness, that’s the ample qualifications that the hon. member referred to. I suggest the track record is dismal, Mr. Speaker, absolutely dismal.

The track record for both employees and management in this whole industry is a sorry one indeed. It’s too often we’ve had milk flowing in the streets and down the drains on the farms. And it’s never a happy occasion when you get strike and lock-out situations. And it’s never a happy occasion when you have to resolve them by legislation. The negotiated agreement, free collective bargaining, is the preferred.

And the hon. member from Regina Centre suggested that this Minister of Agriculture had interfered; this Minister of Agriculture was unaware of the process out there. What I have said on this strike and the hypothetical situation that existed prior to Saturday midnight is quite clear, and in *Hansard*, in the response to the hon. member’s question. I quite simply stated there on page 1222 that I said I would hope, in fact, we weren’t dealing with either a strike or a lock-out

situation and, in fact, that negotiations would solve either one of those problems from becoming a reality. That, I made also clear – no doubt in anybody's mind – where I was coming from.

The dairy farmers of Saskatchewan cannot afford to have one drop of milk spilt, and I was happy to see one of the farmers on the opposition benches support me in my view on that, the hon. agriculture critic, as recorded in the *Star-Phoenix* where it went on to say that he would rather see back-to-work legislation than loss of a single day's milk production.

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

**HON. MR. HEPWORTH:** — And I would ask him, Mr. Speaker, to use his considerable clout in those opposition benches to convince his colleagues to support this much-needed legislation for Saskatchewan's dairy farmers.

And, in fact, in so far as what this Minister of Agriculture or what this Minister of Labour did to try and bring about a negotiated settlement, I think the record is clear. If the Minister of Labour had not offered up a conciliator . . . If the Minister of Labour had not offered up a conciliator we would have had a strike situation well over a week ago – well over a week ago. But it was because he offered up a conciliator, and because they went back to the bargaining table, and because they withdrew that first strike notice that, in fact, negotiations were resumed. That's the kind of effort that this government has put forward, and its members.

And then negotiations broke down again. And then negotiations broke down again, and I was very happy to inform the House, through the record of this legislature that, in fact, the minister's good offices, through the conciliator, had been able to bring about an additional meeting. And it's extremely unfortunate that that broke down and brings us to our seats here in the legislature today. So I want to commend the Minister of Labour for his efforts in this regard.

But now what do we have? We have the public's milk supply in jeopardy. We have dairy farmers losing money by the hour, and I hesitate to go on at any great length, Mr. Speaker, because I know the cost of us just standing in the House arguing about this. I realize and accept that the farmer deals in a perishable product, as does everyone, I'm sure. We know that he has limited storage. We know he deals with cows that you can't turn on and off. It's perishable product. He's got minimal storage. We know we're dealing with dairymen who haven't enjoyed a 61 per cent increase in their wages in the last four years. We know we're dealing with dairymen in this province that don't enjoy the second highest pay in the country.

What we know, Mr. Speaker, is that we are dealing with a dairy industry that means a quarter of a million to this province very day, and that's just in direct farmer sales – a \$250,000 a day, Mr. Speaker. To put it very simply, \$10,000 an hour for every hour that this strike goes on, and that milk is poured down the drains; \$10,000 an hour and the minister, or the Leader of the Opposition himself has suggested that that is a princely sum of money, as we've heard in this House just two weeks ago.

This is a \$90 million industry in this province, Mr. Speaker, and while the income now does not come, in the costs are still there. You can't turn the cows on and off. The feed bills are still there, and I'm glad to see the minister, the hon. member, rather, the hon. agriculture critic, shaking his head in the affirmative that the costs are still there. The feed bills still come in. The notes at the bank still have to be paid. The tractor has to be filled up with gas to do the chores. But no money is coming in. And Mr. Speaker, dairymen, as I've come to know them . . . I worked a good many years in my professional career very closely with them, and I want you to know, and I feel very strongly about this, and I would hope that the members of the opposition would appreciate this; these are some of the most dedicated, diligent, conscientious people in the world.

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

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**HON. MR. HEPWORTH:** — They are up at the crack of dawn. It's a 7-day a week job. It's a 24-hour a day job, and a holiday is not even part of their vocabulary. It's an industry where the whole family pitches in. The very essence of the family farm is probably no better exemplified than by the dairy farm. There is always a job to be done, and everybody from the youngest to the eldest pitches in. It's a business that today it's no longer simply a matter of a couple of milk cows and you ship cream. It's a very intensive business. It requires the best of management. It involves the latest of technology. It's labour intensive and requires a lot of business expertise.

And too often, those of us in the cities forget, when we pick up the milk carton that says, "push out other side," forget the work and the sweat that went into producing that top quality, very healthful product for the people of Saskatchewan.

These farmers, these farms, these farm families have a commitment second to none, and it's capital intensive. It's a very costly operation today, and one or two day's milk cheques lost could very much jeopardize farming, dairy farming operations out there. We have only to look at the Ag Credit Corporation of Saskatchewan to get an indication of the numbers of new and young dairymen working out there, trying to make a living with the dairy operation. These are very fragile farms. They are new farms, and certainly they, above all, cannot tolerate this kind of stoppage in their cash flow.

And, Mr. Speaker, the calls started, at least coming to my home and to my office, shortly after midnight Sunday, and I know many of the MLAs on this side of the House and, I am presuming, on that side of the House that live in the rural seats, have had many, many calls. The MLAs here certainly have.

You've only go to look at a brief summary of some of these: Carlyle, two producers dumped 1,200 yesterday; \$1,500 going down the tube today. Another one: have loan payments of \$4,000 a month. Another one: 7,000 pounds down the tubes; 800 gallons down the tubes on this one, three families involved, Mr. Speaker, three families. Another one: \$1,000 dumped this morning.

And I suppose, Mr. Speaker, the exasperation and the frustration that these people — these fine farm people — experience, was brought home to me, and had a great deal of impact on myself when I was at the dairy exposition in Saskatoon on Saturday. And although the strike yet, or the lock-out, was not yet a reality, you could see it in their eyes — the worry, the concern, the feed bills — "Are we going to be dumping our milk?"

It just goes against every grain in their body. They are production orientated. They are interested in producing food, and it just goes against everything they stand for to dump that down the drain. The despair was in their eyes, Mr. Speaker, and I could sympathize 100 per cent with them.

Well, as I said, I think it's time for responsible legislators to act in this situation. We must accept the reality. Farmers are faced with living with reality every day. Workers must accept reality. Everyone must accept reality of the world we live in. All of us have a responsibility to the larger public interest. And because of this, I simply would ask — I would, in fact, beseech — the hon. member opposite, the agriculture critic, to use his good offices to convince his colleagues to support this bill. And I would ask all members of the Assembly to join me in supporting this bill.

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

**HON. MR. ANDREW:** — Thank you, Mr. Speaker. In closing debate on second reading, I would like to make reference to a couple points issued up by the official opposition.

Number one, they say that this government should have used the Minister of Agriculture and the Minister of Labour to have a nice show going on, as they did when they were in opposition. We recall, Mr. Speaker . . . I recall, Mr. Speaker, I recall the last days of those folks across there, Mr.

Speaker, on this side of the House. I recall the last days when the CUPE (Canadian Union of Public Employees) filled the hallways, when CUPE were, across the country, on strike – on strike, Mr. Speaker – and the Minister of Health says: perhaps you could call them together as you did in the milk producers' strike. And what was the response? No, they're too far apart; they don't want us; there's no deal there to be made; we're best to stay out of it. I recall that. If that reality was good enough for the CUPE (Canadian Union of Public Employees) people, then why is it not equally favourable to you?

But more important, Mr. Speaker, more important, more important to members opposite during question period today, during the second reading debate, what did they do, Mr. Speaker? What did they do? They spoke for one group in this province and one group only.

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

**HON. MR. ANDREW:** — They spoke, Mr. Speaker . . . They spoke for the unions, Mr. Speaker, and that's all. The hon. member from Assiniboia-Gravelbourg, who was out in the media before any member of this Assembly, any member on this side of the House, calling for back-to-work legislation that we see today, calling for it in the media, Mr. Speaker. And where is he today? Where is he today, Mr. Speaker? One question in question period? No. One speech with regard to the second reading? Not a word, Mr. Speaker. Not one word out of there for the people of Saskatchewan dealing in the agriculture industry – not one word, Mr. Speaker.

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

**HON. MR. ANDREW:** — But that's not bad enough, Mr. Speaker. They say: we're going to bring in some amendments. What you people haven't done is put anything in this bill that says to these folks, "Well, I know we had to put you back to work and we don't like to do that (that was your argument back when you were government), but to appease you we'll give you \$100 a month or \$30 a month."

Mr. Speaker, that is not the job of this Assembly. We are not here to tell those people what percentage you should get, how many dollars you should get, or whether you should get any dollars, Mr. Speaker. That's for them to negotiate, Mr. Speaker. That's for them to negotiate, and if they can't negotiate it, that's for the arbitrator to decide.

But, Mr. Speaker, let me raise this. Let me raise this, Mr. Speaker, let me raise this . . . (inaudible interjection)  
...

**MR. SPEAKER:** — Order, please. Proceed.

**HON. MR. ANDREW:** — Mr. Speaker, the reason we would not put the dollar thing in is we don't believe this Assembly should legislate that.

Number two, Mr. Speaker, I have been advised very recently that today, or two to three days ago, the industry in Ontario came to a settlement, a three-year contract: in the first year, zero per cent; and in year two and year three of that contract, I am advised, a percentage less than 2 per cent. That's an industry in Ontario that by and large is paid less than us, Mr. Speaker, than the workers in the province of Saskatchewan.

The members opposite are suggesting that we in this Assembly put a hundred dollars – an extra hundred dollars, wherever it might be – onto that. Now, surely, that's saying to the arbitrator that this is what you have to do. You have to have this much money. And we suggest that that will not happen, and that is not going to happen. I would call them, if they in fact move that amendment, to think twice about it.

Now they say, Mr. Speaker . . . Now they say that 60 days isn't long enough. This is something we

always had was a 60-day waiting period. It must be a 60-day waiting period. Well, I say, just because you've done that for the last 11 years, does that necessarily make it right? It seems to me it's high time, Mr. Speaker, in some of these disputes, that we said to the people, "Go to the room and get on there," and if 15 days isn't enough time to come to a resolve of this, then you go to the arbitrator. Fifteen days I long enough for anybody to settle this type of dispute, if they have the resolve, Mr. Speaker, to settle it. If they have the heart to settle it, that will be there. That is lots of time.

Mr. Speaker, Mr. Speaker, I say to the members opposite: let's forget about your nickel and dime, penny ante little amendments. It's always your crafty way. Let's forget about that. Let's look at what you had to do when you were government, and let's look at what we have to do when we are government.

We find ourselves, we find ourselves, Mr. Speaker, with a dispute. We find ourselves with a dispute that cannot be resolved. We find ourselves in a situation where some people, where some people, Mr. Speaker, innocent third parties are suffering. Innocent third people are suffering, Mr. Speaker. Let us, as responsible people . . . That's the ones that we are elected to represent – the innocent third party. Let's think about him for once, Mr. Speaker, and let's all vote, Mr. Speaker, for second reading of this bill, because, Mr. Speaker, Mr. Speaker, Mr. Speaker, anybody that votes against second reading, anybody voting against second reading of this bill, there's only one clear statement anybody can read from that: that they are against the farmers of Saskatchewan, Mr. Speaker. And that's how we should interpret any vote by the members opposite on second reading. With that, Mr. speaker, I move second reading.

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

Motion agreed to on the following recorded division.

# **YEAS – 45**

Devine	Hepworth	Myers
Muller	Schoenhals	Rybchuk
Birkbeck	Duncan	Caswell
McLeod	Currie	Hampton
Andrew	Sandberg	Gerich
Lane	Klein	Boutin
Taylor	Embury	Schmidt
Rousseau	Maxwell	Tusa
Thatcher	Young	Sauder
Katzman	Domotor	Zazelenchuk
Pickering	Folk	Johnson
McLaren	Muirhead	Martens
Garner	Petersen	Weiman
Smith (Swift Current)	Sutor	Morin
Baker	Smith (Moose Jaw South)	Sveinson

# **NAYS – 8**

Blakeney	Lingenfelter	Shillington
Thompson	Koskie	Yew
Engel	Lusney	

Bill read a second time, and by leave of the Assembly, referred to a committee of the whole later this day.

## COMMITTEE OF THE WHOLE

### **Bill No. 44 – An Act to provide for the Resumption of Operations of Dairy Producers co-operative Limited and Palm Dairies Limited**

**MR. CHAIRMAN:** — The question before the committee is Bill No. 44 – An Act to provide for the Resumption of Operations of the Dairy Producers co-operative Limited and Palm Dairies Limited. Would the minister introduce his officials?

**HON. MR. ANDREW:** — Yes. The official, Mr. Speaker, is Ron Hewitt from the Department of Justice.

#### **Clause 1**

**HON. MR. BLAKENEY:** — Mr. Chairman, I think that the short title is a little bit confusing since what we're doing here is trying to get some employers to open up their plants. That's the issue. I think we all know that if the major employer decided to open up in an hour's time, why, by six o'clock they would be rolling. So what we're trying to do is get the . . . that's the thrust of the bill – to get the employer to reopen his plant. And since the dairy workers (maintenance of operations) gives a suggestion that the problem is of that nature, whereas another title might be more accurate, I move:

That section 1 of the printed bill be amended by striking out “Dairy Workers (Maintenance of Operations) Act” and substituting the following:

Maintenance of Operations by Dairy Producers co-operative Limited and Palm Dairies Limited, 1984

I so move. I don't know whether you have copies. Do you know whether there are copies for the . . . (inaudible interjection) . . . fine. We hope that that would be in order. I think the arguments for it are obvious. It's not a weighty matter, except I think it is a more accurate description of the bill, and accordingly, one that ought to commend itself to all members of the House.

**HON. MR. ANDREW:** — Well, Mr. Speaker, the Leader of the Opposition says that somehow by changing the name of the Act the plants are going to be reopened. The reality of what we're passing here is a piece of legislation. The title isn't going to make any bit of difference. What we are doing is effectively ending a strike lock-out situation, and I would simply advocate to all members of the House that we're not dealing here with the substance of the bill, and I think that's what we should deal with. I would encourage all members of the House to vote against the amendment.

**HON. MR. BLAKENEY:** — Mr. Chairman, I'm sorry that I expressed myself so badly that the member for Kindersley believed that I was saying that the changing of this section would cause plants to open or close. If my words were capable of that construction, I tender my apologies to the member for Kindersley, although I rather doubt whether they were.

I was simply suggesting that we are passing a bit of legislation. It is always relevant to have the title of the legislation as accurately as possible suggest the purpose of the legislation. And, while it doesn't change its legal intent, it does change the way in which the bill is understood by the public, otherwise we wouldn't have these titles. You wouldn't need a title for its legal effect. We all agree with that. And so I'm just trying to suggest words that are more accurate than the previous words, and I'm surprised that the member for Kindersley doesn't agree that they're

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more accurate.

**HON. MR. ANDREW:** — Mr. Chairman, all I'm simply saying is this: that I doubt there's many people out there following this debate that aren't aware of what this bill is doing, and aren't aware of what is trying to be accomplished.

What has happened is there was a strike followed by a lock-out, and the result is that milk is not being delivered, milk is being wasted, it is being dumped. And I think that for the average person sitting in and looking at the Assembly – and we're suggesting somehow that we should change the name of the bill to deal with it? – they're going to say, you know: who is understanding and misunderstanding what?

What we are doing is clear. We are saying, "Enough is enough. We don't want any more strike. We don't want the lock-out to continue. We want them back to work." Period. I don't think we should sit here arguing about the title of the bill.

**HON. MR. BLAKENEY:** — One final point. Why did the minister change the title from the previous bill which he copied from?

**AN HON. MEMBER:** — Which he patently copied.

**HON. MR. BLAKENEY:** — Which he patently copied from a previous title, yet changed it. You must have had a reason for changing because, when you were in the House before, and dealing with exactly the same situation, the other title was perfectly good for you. You didn't complain. Now you're giving it a different title and saying somehow yours is better.

I'm not going to carry on this debate except to say that, obviously, you changed it for a reason, and I have yet to hear any conceivable explanation for the change.

**HON. MR. ANDREW:** — The last bill – the only other bill that this Assembly has had to pass on back-to-work was called The Cancer Foundation (Maintenance of Operations) Act. You had no concern about that, that somehow we were directing that towards the cancer facility, I suppose, the employer. That's the point you're trying to make. You never raised the point at that point of time. Fortunately you didn't because I don't think it was relevant there. Mind you, I don't think you were here but, just because it was a bill that was named that way when you were government . . . (inaudible interjection) . .

What does it matter? What does it matter? There's milk flowing out there. The place has stopped. It is shut down. People looking into here somehow are going to say that we should be bickering about what the name of the bill is so they get a clearer understanding of it? I doubt it. I doubt it . . . (inaudible interjection) . .

**HON. MR. BLAKENEY:** — Mr. Chairman, the clear practice has been to name the organization – in one case, the dairies; in yours, the cancer foundation – and then say, "maintenance of operations." You have changed that pattern, and it's the one that's been followed for five bills, I would think. And you can check them out, and you have changed it, and you say anyone who asks why you changed is bickering.

I don't think there's any point in thrashing it, except that it is you who have changed the pattern, you who have used a description different from your own in the cancer foundation. The cancer foundation says, "Cancer Foundation (Maintenance of Operations)." Why don't you say, "the dairies (maintenance of operations)?" But you have changed it, and you have offered no comment. I'm not going to pursue it any further except to say that, in fairness to everybody who are trying to expedite this bill – and nobody is foot-dragging. We are already in committee, and you are not willing to explain why you change a pattern of three or four years. You want to go off and say, "What we're doing is this, that . . . "



I know the purpose of the bill. We're dealing now, not with the principle of the bill, but with its wording, as the member well knows. And the purpose at this stage of the bill is not to deal with the principle, but to deal with the wording, and here is now why we ask why you chose specific words. That's what we're here for, as the member well knows. And you offer no explanation.

**HON. MR. ANDREW:** — I simply say that this is the nature of the way we sought to call the bill. It's The Dairy Workers (Maintenance and Operation) Act. What we're trying to do is use the bill to expedite the situation. You don't like the title of it. Let's talk about the principles of the bill. Surely that's why we're here.

**MR. SHILLINGTON:** — I just want to say very simply, Mr. Minister, that the world isn't going to split in two and shatter into small pieces over the name as such, but the name — because I suspect not everybody will be able to recite the name as such — but the name points to a deeper problem, and the problem is one of a government not being impartial, of a government who has not been impartial in this matter. The clear suggestion in the name is that it is the dairy workers who are responsible for the fact that operations aren't being maintained, and that is patently unfair. That is patently unfair.

It is important and basic that the government, in passing this legislation, at least make an effort to appear impartial, and this government is not doing that. And I am going to have more to say about this problem at a later time. But, Mr. Minister, if you were attempting to maintain impartiality, you wouldn't suggest that it's the dairy workers who are responsible for the fact that operations aren't being maintained — as the name does.

**HON. MR. ANDREW:** — You want to talk to us and lecture us about impartiality as to which side you stand on this. We don't stand on the side of the trade union or the management on this issue. I'll tell you where we do stand though, four square, and that's on the side of the producers, and on the side of the farmers who are sitting out there dumping their milk down the drain. And you talk about being impartial.

You didn't raise a point about those farmers. You raised the point about one side. All your issues were about one side. Don't lecture me. Don't lecture us with regard to who is impartial. This thing is impartial. We're appointing an arbitrator. The arbitrator is a provincial court judge. He can hear the evidence. He will hear all the evidence. If they cannot resolve it, he will come to the decision. And if we want to sit and talk picayune points about what the title says or whether the "t" is crossed, we aren't doing our jobs in this Assembly.

The real issue out there is what is happening to those farmers in their spilling of the milk. And it's too bad you wouldn't refer to that one.

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

Amendment negatived on division.

**MR. SHILLINGTON:** — I want to say, Mr. Chairman, that this looks very much like an old movie. I'm about to lecture the House Leader, so he may grit his teeth. Mr. Chairman, this looks very much like an old movie. It goes back to a period before the House Leader was involved in politics.

This reminds me of the days of Ross Thatcher, when he did nothing for the farmer and attempted to hide that fact by union bashing. And it didn't work in the '71 election, as Ross Thatcher found out. And it isn't going to work for you people. You people haven't done a blessed thing for the farmers — not a blessed thing. You attempt to substitute for concrete action, you attempt to substitute union bashing. And I'll tell you, it won't work, it won't work.

You are dealing with a more sophisticated electorate than what you think if you think they will

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be fooled by these silly tricks. And that's all this is, is a silly trick. If you think they will be fooled by this silly trick then you, Mr. Minister, haven't had the experience over the years that I have had, because my experience has been that the farmers look a little deeper than that. The farmers look a little deeper than that.

Mr. Minister, I well recognize the plight to which farmers are put. I said, in my second reading address, and I say again, that we are not opposed to back-to-work legislation as such, when the public have become, to an extent which is unreasonable, the innocent victims of a labour confrontation. We are not opposed to back-to-work legislation. We have brought in such legislation ourselves. All that we ask is that when a government is forced to do that, that you attempt at least the appearance of some impartiality.

This government is not attempting to maintain the appearance of any impartiality. You continue to weep and gnash your teeth at the plight of the farmers, which we understand, and which we share with you. We just suggest to you, Mr. Minister, that your cheap, shoddy tricks in attempting to make up for two years of inaction on farm problems, isn't going to work.

**HON. MR. ANDREW:** — Well, finally we've got the agriculture policy of the New Democratic coming out of the mouth of the minister from Regina Centre, the "we haven't done anything for the farmer" member. We haven't done anything for the farmer, he says.

Well, quite frankly, we on this side don't believe that you're doing something for the farmer when you go out and buy his land from him. That's not doing something for him. You folks haven't learned that yet. We harped on you, when we were in opposition, about that. "No, that's the best policy we have. That is classic policy; that's what we want. It should be across the world." That is all you ever did for the farmers of this province. That's it. That's it — owning the land. You say we haven't done anything for the farmer. Look at the most recent budget. In the most recent budget we gave a 20 per cent increase to agriculture — 20 per cent increase.

Saskatchewan agriculture were paid, under your administration, each budget was the same thing — you tucked away from it, you pulled away from it — to the point where you were paying less dollars, committing less dollars from your budget to agriculture than any producing province in this country. And to say that we haven't helped agriculture when 2,350 farmers got to buy their land under farm purchase program — that's not helping farmers? The Agricultural Credit Corporation reducing its interest rates — that's not helping farmers? Nothing for farmers? To turn back \$11 million in tax relief to the farmers — that's no good, that doesn't help farmers? To provide a fund of \$4 million to assist farmers that can't get through the springtime — that's not helping farmers? For the first time ever starting to wrestle back the livestock industry that this province needs that left under your administration, and a good commitment to it — that isn't helping farmers?

You talk about farmers. The last I saw about the NDP policy on farmers was they had their travelling road show to Moose Jaw — travelling road show to go out and listen to the people, Moose Jaw. They had four so-called farmers. One was the president of the Thunder Creek Riding Association, two were involved in organic farming, and the third one grew carrots. Well that isn't the farmers of the province of Saskatchewan, and you don't have to lecture anyone as to what this government has done for agriculture. You could care less about agriculture. You are concerned about one thing in this debate, one thing only — union bosses. Union bosses, that's all you care about. That's all you care about.

How many farmers phoned you? How many farmers phoned you? How many farmers phoned you and said take the position you're taking? How many farmers phoned you and said go against this bill, folks, don't support this bill. Fight it for all you're worth. I doubt you had one. I doubt you had one. Now if you think that we're going to help the farmers of Saskatchewan by changing the title of this bill . . .

**MR. ENGEL:** — Thank you, Mr. Chairman. I'm not sure if the members opposite are prepared to listen or not. I'm not sure if they are or not. I didn't get into the second reading debate because, if I would have, you would have known where we stand and why because the Minister of Agriculture reneged on his responsibility.

Here we had a milk producers co-op with a lock-out, and he refused to talk to him. He, as Minister of Agriculture, has a responsibility of keeping peace and order in the workplace, and trying to create an environment where the farmer and his own co-operative have a working relationship. He gets in and tries to split them up. He tries to split them up. And then he wants to wave a big flag and say it's all labour's fault. Well, Mr. Chairman, I don't agree with that. I don't agree with that philosophy. I believe we should have some honesty in this.

And why can't you call a bill for what it is? Why do you have to say it's the dairy workers that are responsible for the co-ops being shut down? Why do you have to say it's the dairy workers that are responsible? The co-ops have a lock-out, and the dairy producers own their own co-op organization. And when the minister says that the Minister of Agriculture did his job, he not once talked to them. He didn't try and bring them together and say, "Look, we've got us a problem here. You're going to lose \$600 a day dumping your milk." He never said that beforehand. He never said that beforehand.

We have a piece of legislation before this House where we can take some drastic action to prevent this milk from being dumped. We could prevent this milk from being dumped. But no, they want to create a big issue, and they want to divide the farmer up against his son that's looking for a job. They want to divide and split and think they can conquer that way, but they can't, Mr. Chairman, because they haven't got a program for agriculture.

They've got a program for millionaire farmers. They've got a program for a farmer that wants to expand and spend money. You've got a program for farmers that want to expand, but you don't have a program in place for a farmer that wants to stay in farming. You don't have a program. You've got a counselling program in there to tell him how to sell his land and how to liquidate, but you don't have a program in there to protect his farm. Stand up and say you're willing to protect him. Stand up and say, "We'll pass some legislation, that there's not going to be one repossession, there's not going to be one truck going out with FarmStart and picking up some dairyman's cattle." Stand up and say you'll do that for 18 months, and then we'll know if you're behind the farmer or not.

**HON. MR. ANDREW:** — Well, Mr. Chairman, here we are. Here we are with the milk production coming to a stop in the province of Saskatchewan. That's what we have. That's what we have. That's what we have, Mr. Speaker. That's what we have, Mr. Speaker. They start out by the city guy standing up and putting it very clear that they are against the farmers. Now we have the member from Assiniboia-Gravelbourg standing up and, first, his colleagues are against the farmers, now he's against the co-ops. That's what you're saying. That's what you're saying, and you're saying it's somehow it's the poor farmer — that somehow the poor farmer, he doesn't get anything to do with it. Don't worry about him. Now the fault is all the co-ops. That's what you're saying. That's what you're saying, it's all the fault of the co-ops. And I just simply think that is, that is silly.

Now the member opposite, I'll take you back to a . . . I'll take you back to a day in history when probably you thought that you still had the sense of what the people of the province believe. You still think the same way now, but at least then I think you thought you had the sense.

March 15, 1982 — CUPE strike was on. I think you can remember that. The hospitals were closing down across this province. You were government. You were government. The minister, now the Minister of Health, asked a question on March 15, 1982, directed to the minister of health. And the question was rather a soft question, basically saying: do you think as minister of health, that you could intervene, use your offices to intervene, and get the negotiations going here so we

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don't have the hospitals closed down? Do you want me to read to you the response of then minister of health, Herman Rolfes?

Mr. Speaker, in reply to the member, I think it should be understood that the last 10 years the particular union that has withdrawn services (this is the answer to should he intervene or not) . . . has withdrawn the services received and increased of over 200 per cent in . . . contracts. The consumer price index in Saskatchewan during that period (only) rose 126.8 per cent. (Something to be proud of.) The last proposal, I am told, put on the table by the Saskatchewan Health-Care Association was over 11 per cent, close to 12 per cent. And I am told, Mr. Speaker, that the average consumer price index . . . in Saskatoon and Regina has (only been) 10.5 per cent (in) . . . January (of) . . . 1981, . . . January 1982. So the proposal that has been made by the Saskatchewan Health-Care Association certainly is above the rise in the cost of living. Mr. Speaker, (and) . . . I'm simply saying that if they went back to the bargaining table — both CUPE and (the) Saskatchewan-(Hospital) Care Association — . . . agreement could be hammered out. (And) I urge them to go back. I did that when the union withdrew (their) service and I urge both parties today to go back to the table and hammer out an agreement.

That's the same comment, the same reaction the Minister of Labour said today, the Minister of Agriculture said today. The reality of it, folks, is that they have come to a stalemate. As I understand, the negotiations are at 0 per cent for the first year, and then some variable in year two, and the union's position is somewhere around 10 per cent over two years — 10 per cent in each of two years.

The conciliator was used, and really that's the job of the conciliator, to try to bring that together. It was avoided. There was a strike that was called for last weekend. That was avoided because of the people in the Department of Labour, and the Minister of Labour, who were able to stretch them on for another week. The problem is that extra week didn't bring them any closer to the table. And the public statements, both by the people representing the trade unions, and the people representing the companies, whether it's the dairy producers or Palm dairy, is that they have come to an impasse, that there's not a solution to it. One isn't going to move, but I think the statement of Mr. Pedersen from the Dairy Producers' Co-op is, "We can't afford to pay them any money." It's not a bargaining ploy, it would appear, by any statements that he has.

So what you're simply saying, I think, is contrary to the reaction of your minister of health going into your famous CUPE debate before the election. It didn't work there. You didn't propose to take it. At some certain situations, one would use the good offices to do that. But you don't do it every time. You can't do it every time, and there has to be a situation where you could see as a possibility.

If you wanted the two ministers to do it, only to say, "Well, because the NDP did that when they were in office," go through the charade to do it, then that's fine. But it's not going to happen. It's not going to happen.

We're at this particular stage of the game right now. You're voting against this bill, and have to go out and justify to your constituents. You're representing agriculture for the New Democratic Party. You represented the, and you're voting against this bill. You are voting against the farmers of the province of Saskatchewan, and I think you should be ashamed, and you should go out and try to justify that to those farmers. You should go out and try to justify that to those farmers. The problem is, of course, is you know it full well to everybody else. You knew who's got control over there, and it's not you, and it's not rural Saskatchewan. It never was, never has been, never will be.

**MR. LUSNEY:** — Thank you, Mr. Chairman. I listened to this debate going back and forth, Mr. Chairman, and I'll tell you, when I hear some of the things that the minister is saying, and saying

to us that this group on this side, that the members of the New Democratic Party are not concerned about the farmers, well, Mr. Speaker, I would have to say that we, in the past, were concerned about farmers. We didn't want farmers to lose money then. We don't want farmers to lose money now.

What we see before us is not a bill that's going to save some money for farmers – it is going to do that. We'll support that, that it's going to save money for farmers. But when I look at what's really going on here is mostly the fact that neither the Minister of Agriculture or the Minister of Labour have gone out there and did a job which they are getting paid for, and getting well paid for.

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

**MR. LUSNEY:** — They should have, in the last two days at least, when they realized what was happening, and what really did happen is that the strike was called against two companies, or one company, the Palm dairy, in two processing plants – two processing plants in this province only that the strike was called against. And both the Minister of Agriculture knows it; the Minister of Labour knows that. And for some reason or other, the dairy producers, the co-ops, decided to call a lock-out. It's not because the people weren't prepared to go and work at the co-op. They were prepared to go and process all the milk that would be coming in there.

And if the minister would have gone there a day or two ago and said, "Look, we're not going to permit a lock-out, and we're going to pass legislation to prevent a lock-out, or we're going to pass legislation to save Palm Dairies," then this is what that legislation should be saying. If your only interest is Palm Dairies in this issue, because they could deliver, then I think that's what you should say, because all you have to do is avert that lock-out that the co-ops put on, and the farmers could be selling their milk to the co-op, and it would be processed, and there'd be milk for every consumer in this province.

But we have two companies that got in trouble, and the strike was called on those two, I mean the two plants. And that's where the strike was called. And this government decided that they were going to bring in a bill rather than get their ministers down to work, and get them talking with the co-op, and asking them why they are calling on a lock-out, why they would lock out the workers rather than process that milk, why they are going to allow farmers to spill that milk.

Wait for a strike. When you are having a picket line in front of your plants, then we have an issue, and we have a problem. And then we have to look at legislation that's going to prevent the farmers from losing money, and from having them dump their milk.

But, Mr. Speaker, neither one of those ministers were concerned enough about their job, and what they were getting paid for, to go and sit down with the co-op, if it took 48 hours solid, and tell them that, look, we don't want a lock-out, and we don't think it should be happening in this province.

And they could have prevented this legislation. They could have given Palm Dairies an opportunity to negotiate, and the unions an opportunity to negotiate, and we wouldn't have had a total stoppage of movement of milk, or the farmers having to dump it. We wouldn't have had that.

But now what we're having is the farmers having to lose money on a daily basis. They've been losing it since yesterday because of the incompetence of two ministers in that government, two ministers that could have done something to avoid this situation, and they refused to do that.

They wanted to take the easy way out, take the way out of pitting one group against the other: farmers against unions, processors against I don't know who it's going to go against, farmer or union. And you keep them divided. Divide and conquer, or divide and rule. As long as they're

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busy fighting one another, they don't see the inadequacy of this government and what they are doing.

That is what happened, Mr. Minister, and I think you should make it quite clear that the reason for this bill today is because the ministers didn't do the job that they were sent here to do, and that, because of that, the farmers are losing money out there – farmers that can't afford to lose money. Young dairy farmers who are financed quite heavily are dumping milk. Yes, they were yesterday, and they're dumping it today because this government did not step in when they should have.

Mr. Minister, I think it's unfortunate that we would be putting bills into this House when we neglected to really go all the way in trying to resolve it without this kind of legislation. And I say that we have to do something to protect that farmer. But we should also look at how we can resolve problems like this in the future without going this route. Tell the people that there's a lock-out situation there and only two processing plants that are really having a strike or a picket line at their plant, and the rest could have been operating, and that lock-out wasn't necessary.

Mr. Minister, that is our free enterprise that's supposed to be there – competition. Now if there's competition amongst industries, then Palm Dairies have the strike on at their plant; there is no reason for the co-ops to be going out. If we've got competition, then one company works or negotiates with their union and so does the other one. If we're gonna talk about free enterprise and competition, why didn't we see that at work in this province two days ago and have the co-ops open their plants up, and let other negotiate. That's what should have been done.

And some of the members keep talking about a filibuster. If there was a filibuster, it was on behalf of two ministers – the Minister of Agriculture and the Minister of Labour – that refused to do anything, refused to act when they should have. And now everybody in this province is going to suffer because of it.

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

**HON. MR. ANDREW:** — Now I'm going to be very brief here. If the strategy of the members opposite is to continue this on into later tonight or into tomorrow, then fine. You know, we would like to get by 5 o'clock. If we could get through by 5 o'clock we're going to save a whole lot of milk in this province, and I simply look at that. And I question the tactic of the three-quarter of an hour of ringing the bells. If that's what you think is proper, you're going to miss out on that.

The reality of it, Mr. Chairman, is this: in 1980 they said we could have solved the problem if we had had MacMurchy and Gordon Synder running around and everything else. It didn't work, it didn't work, Mr. Speaker – did not work. Mr. Speaker, we passed that legislation.

The reality, Mr. Speaker, is that there has been poor labour relations in that industry for a long time. You're not going to solve it by two ministers. We're going to have to have a lot more than that, Mr. Speaker.

**MR. ENGEL:** — I just have one very short question, Mr. Chairman. How many farmers deliver milk to the Palm Dairies? How many farmers deliver milk to Palm Dairies? Or how many farmers does Palm Dairies pick up from?

**HON. MR. ANDREW:** — I would ask the member opposite: what does it matter how many farmers pick up from Palm Dairies? I don't know. I don't know how many farmers deliver to Palm Dairies. The reality that hasn't got through his skull yet, Mr. Chairman, is this: there is no milk being delivered any place in this province at this moment. And until this legislation is through there isn't going to be.

Now you can sit here all night, and that's your job, if that's the way you see it – if that's the way you see it. But don't try to get into this thing is somehow is a plan for Palm Dairies and not for co-ops. The last time you were on your feet you were complaining and chewing away at the coops. Now you're over chewing at somebody else. Never stand up for the farmer. Don't stand up for the co-op. You're only interested in one side, only interested in one side – one side.

**MR. ENGEL:** — Mr. Chairman, my concern is with the motives of this government to flag a red herring. That's what my concern is. The minister knows where Palm Dairies gets their milk. The minister knows that full well. He refused to answer it, and that's an indication of where he's at and where he's coming from, because Palm Dairies doesn't deal directly with farmers. They get their milk from the co-op. All have been processed, and you know that. And they are the ones that had a strike against them.

It wouldn't have affected a single farmer if you would have got in and negotiated, Mr. Minister of Agriculture. Not one farmer would have dumped one bottle of milk if he would have got in there and stood up and counted. But they knew where he's coming from. They knew he doesn't care. They knew he doesn't care for the average, and the medium, and the small farmer. That's the whole issue of this thing. You refuse to accept any amendments that would make this bill fair. You refuse to accept any amendments that would make it fair. You refuse to accept the amendment that indicates what you're really doing.

**HON. MR. ANDREW:** — Well I'm not convinced that your comments are even . . . require an answer.

**MR. KOSKIE:** — Mr. Chairman, I think the members on this side are capable of indicating when they're voting, why they're voting, without having the interpretation from the Minister of Finance. I want to say that everyone of us here, everyone of us here on this side, and in fact, when we were in government, who will deny the lengths to which we went in order to settle the same problem that is confronting this government? There is no doubt that we are not prepared to see milk being dumped and produce destroyed. We have demonstrated that in the past. Clearly we have demonstrated it, and you can't deny it, because we brought in legislation in order to address it. That position cannot, in fact, be denied. And I think it's a misrepresentation on the part of the minister opposite. And I say here that the difference between that side and this side is the degree to which the ministers of our government – the steps that they would take – in order to attempt to resolve the impasse, as compared to the Minister of Labour today, and the Minister of Agriculture today.

They have automatically resorted . . . Can you feature this basic problem developing, and that no one of the sides have even entered the Minister of Agriculture's office? He hasn't even contacted them to see whether he could use his offices to help to bring about a negotiated settlement. I think it's a pity to see what is happening, the continuation of confrontation.

I look at British Columbia, and I find this government so willing to follow the progressive way of Bill Bennett in British Columbia. And there we have seen the destruction of the due process that has been established in Canada. It's a total confrontation, and I am concerned because what we have here is workers in the dairy plants – many of them are sons of farmers out in Saskatchewan.

I don't think that what we want to do is try to build a society on confrontation. What we want to do is build a society of discussion and having each of the parties take a responsible position.

I think, clearly, that we have in the act, and the reason that the basic principle of dealing with the matter, if the ministers had, in fact, exhausted their good offices, then I think we could agree. But, more particularly, more particularly as my colleague indicated, why we are, in fact . . . why we voted against it in the second reading is not that we want to see milk spilt, Mr. Minister of Finance. We want to see justice within, and what you have done . . . and we have indicated that subject to some minor amendments which will put it back on the similar basis of the legislation in

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which we had before.

We had legislation that we brought in on a previous occasion – legislation on a previous occasion – and when you were sitting here in opposition, you voted for it. Today you aren't able to come in with the same type of legislation. I say that what you have done here is taken sides, but not the side of the producers. You have taken the sides of management against the workers. That's really the side that you have taken.

We didn't take sides. We brought in a bill which you on this side could support, and did support. And what we want to do is simply to put forward a couple of amendments which, I think, gives a better opportunity of the process developing. And that's really what we're asking for. But the principle and the recognition of the fact that you cannot have dairy producers with large investment, with a produce that you cannot retain. It's considerably different than with grain. Grain will stay in the bins. It will stop the flow of cash to the farmers if it's not delivered, but here the produce cannot be retained.

So we recognized it. We have dealt with it in the past. We gave you a model legislation. We gave you the model of how ministers who are responsible can deal with the problem and avert the magnitude of the crisis that you have.

You're not . . . You're siding . . . You say you're siding with the producer. Do you think that we haven't got a concern? How dare you stand in this legislature and say that we do not have a concern? Because we dealt with it responsibly in the past. So how can you say we don't? Why don't you say come clean? Why don't you take the amendments that we are proposing? Why don't you adopt the legislation that we had before that worked properly? I'd like to ask you why you have saw it fit that – and we'll come to the sections so I can't deal with them particularly – but the one of particular note is the arbitration procedure. Why have you put down all the guide-lines? We didn't have to do that. Why are you doing it? You are putting in and into the guide-lines of procedure that which will, in fact, be directed in favour of management against a favourable disposition for the workers.

**HON. MR. ANDREW:** — Well, I will respond to this one more time. If we want to put all the bickering aside, put all the bickering aside, Mr. Chairman, what are we really talking about here? What are we really talking about here, Mr. Chairman? We're talking about the legislature putting back to work people that have been on strike and opening up shops that are locked out. Cut it any way you want. Call it anything. Write it with every colour ink you want. You've still got the same thing in the core, and that is that this Assembly is having to set back to work people that couldn't come and work through the collective bargaining process, and not for the first time, Mr. Chairman. It happened before, four years ago. Same thing, Mr. Chairman. What we are doing in this legislation is putting people back to work. You cut it any way you want. Call it anything you want. It's the same thing at the end of the day.

**MR. SHILLINGTON:** — I want to just reiterate something I said earlier, that this is a typical trick of the Tory Party, to divide and conquer. Having no ideas and no policy to offer people who are in trouble, you attempt to divide and conquer by setting one group against another. You have done it repeatedly and, I may say, it has not worked. During the by-election, which elected my colleague from Kamsack with a large majority which embarrassed the Conservatives at that time, you attempted to set Indian people against white people by advertisements which were blatantly racial. And it didn't work.

**MR. CHAIRMAN:** — Order. Clause 1 of the bill is a broad debate of the bill, but this seems a little irrelevant to me.

**MR. SHILLINGTON:** — Well, I accept Mr. Chairman's ruling except to point out that the motives with which a government brings forward a bill, I think, is a legitimate subject for discussion. That's what I was getting to, and I'll get to the point. The point is: you people haven't



got anything to offer rural people, just as you had nothing to offer native people. You didn't come in here saying. . . You didn't come in here saying two people got a problem – workers got a problem, farmers got a problem. You come in here talking about farmers having a problem, as we admit. You are attempting to set yourselves up as the saviours of the farming community, and I tell you it will not work.

You people think it's good politics. You think that university bashing is good politics. The Minister of Advanced Education engages in it. You think union bashing is good politics. The Minister of Labour, indeed, engages in that; that must be high politics. And that's what you're doing today. You're carrying on a course of conduct, which you have consistently followed since this party came into existence in the mid-'70s, of trying to set one group against another and trying to disguise a lack of any policy.

There are two groups of people who rights are affected: one are farmers, and we recognize that; the other are workers, and we ask you to recognize that. We ask you to recognize that. You haven't done so. You have consistently refused to admit that they are part of this picture in any way. You've set yourself out to save the farmers from destruction. And I suggest to you it isn't going to work. And we're already starting to see it.

If you were comforted by that nominating convention in Kelvington-Wadena on Friday night . . . (inaudible interjection) . . . And you weren't there. I tell you, you are already losing the farm vote. You're on the way out. And it's because of this type of cheap, cosmetic tactic that you're on the way out.

**HON. MR. ANDREW:** — I will only make one short comment with regard to that. What we said at the beginning . . . What I said at the beginning in the second reading speech, that we aren't happy with either the union or management ultimately ending up in this Assembly to have their disputes resolved. And the reason we're not happy is because there's a third party, and there's an innocent party, and that is the farmer. And he has to be looked in different eyes. If it was just the union and the management, they can fight from here to kingdom come, but there's other people affected, and that's why we have to move in this direction.

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

**MR. LINGENFELTER:** — Mr. Chairman, due to the urgency of this matter, I would move that the committee continue to sit through the supper hour, so that we can bring it to a reasonable conclusion. We, in the NDP caucus, believe that this is an urgent matter, and I would move a motion that we continue to sit until the matter is brought to a conclusion.

**HON. MR. ANDREW:** — There's no need to do that. We will simply stop the clock. It's been done in this House a hundred times in the past. We have no objection to stopping the clock. We have no objection with stopping the clock, and we will sit here till morning, if that's how long you want, until we get this thing solved.

**MR. LINGENFELTER:** — Mr. Chairman, I would move a motion that . . .

**MR. CHAIRMAN:** — Order, order. Order, order. Order, order. The House usually adjourns for supper at 5 o'clock. It does not . . . You cannot use a motion to keep . . . You have to ask leave of the House.

**HON. MR. ANDREW:** — Mr. Chairman. Mr. Chairman. Mr. Chairman. Mr. Chairman. Mr. Chairman. The point, the point is, the point is, Mr. Chairman, is this . . .

**MR. LINGENFELTER:** — Mr. Chairman, I was in the process of making a motion, when you ruled me out of order. And what I'm doing now is making a motion that this House . . .

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**AN HON. MEMBER:** — Ask for leave.

**MR. LINGENFELTER:** — Ask for leave to make a motion:

That this House continue to sit through the supper hour.

**MR. CHAIRMAN:** — The motion is out of order in committee. It has to be made in . . . (inaudible interjection) . . . Are you challenging the Chair? The motion has to be made in the House, not in Committee. The Minister of Finance.

**HON. MR. ANDREW:** — Mr. Chairman, let's not get into a petty harangue with regard to whether we're sitting. This side of the House is prepared to sit through supper, through breakfast tomorrow morning. Now, however, we want to do that, we can do it. Let's not try anybody to grandstand one way or the other. We're prepared to sit here whatever motion is needed. We don't have to stop the clock, or we can do whatever we want. Let's sit here until we resolve it. And let's not get tied up in some harangue kerfuffle about whether the rule is here or here or here. Surely we're moving along and that's all we have to do.

Clause 1 agreed to.

## **Clause 2**

**MR. SHILLINGTON:** — Yes, I have a question of the House Leader. With respect to 2(e)(iii) . . . (inaudible interjection) . . . Well I was assuming it was carried only because the Speaker didn't see me. Am I in order in asking a question on the previous sections?

**MR. CHAIRMAN:** — The member for Regina Centre.

**MR. SHILLINGTON:** — I'm wondering what portion of the industry, the teamsters, as they are colloquially known, the teamsters cover. I wonder if you could tell me, Mr. Minister, what portion of the industry are represented by the teamsters?

**HON. MR. ANDREW:** — We don't have the answer to that. We would certainly undertake to get to you and provide it as soon as possible . . . (inaudible) . . . I say, I don't know the answer to that question. What this is designed, item 3 . . . item (e) is to cover all people within the union contracts that we're dealing with. How that is broken down, I don't know. I will undertake to try to get that information and provide it to you as soon as I possibly can.

Clause 2 agreed to.

Clauses 3 to 5 inclusive agreed to.

## **Clause 6**

**MR. CHAIRMAN:** — We have a house amendment, moved by the member for Regina Centre:

That section 6 of the printed bill amend section 6 of the printed bill by renumbering it as subsection (1) and adding the following subsection:

Each employer shall pay to each of his employees, in addition to any amount payable to them pursuant to the last collective bargaining agreement, at the same, and in the same manner as those amounts and wages, in respect to their employment at the rate \$100 per month for the period during the last collective bargaining agreement is extended pursuant to subsection (1).

Is that agreed?

**MR. SHILLINGTON:** — As I said in my second reading speech, this type of clause has been a part of all such legislation with the exception of the cancer workers' act since the days of Ross Thatcher.

It recognizes that the workers have lost something — their right to withdraw their services. And it attempts to replace that with some minimum amount of wage increase. The figure of \$100 was chosen because it represents less than 5, an increase of less than 5 per cent. It represents less than what members took for themselves, without any dissent, I may say—without any dissent.

And it strikes me that, if members think that 5 per cent for themselves is fair on a salary of some 30-odd thousand dollars a year (for those of us who aren't blessed with being ministers or legislative secretaries), then I suggest that surely that should be fair for the dairy workers, as well.

If 5 per cent is fair for us, surely something less than 5 per cent is fair for the dairy workers, who make a good deal less than we do, as I say, if you happen to be one of the minority who aren't in cabinet or a Legislative Secretary.

A hundred dollars also happens to be the figure that was in the bill in 1978 when the member from Moosomin, and the member from Rosthern, and the member from Cannington, voted on the House, on the bill. My memory serves me correct, the member from Kindersley did not. He was not elected at that time.

I suggest to the House Leader that \$100 is fair, it's reasonable, and it goes some distance towards erasing the image which this government has of union bashing. And you are really promoting that image with this particular bill. This, Mr. Minister, will go some distance towards erasing that image.

I ask you to give it some earnest consideration and set aside what you believe to be the tactical advantage you have in being able to union bash. I tell you it didn't work for Ross Thatcher; it ain't going to work for you. So why don't you set aside those petty cosmetics and try and do something fair for a change?

**HON. MR. ANDREW:** — Mr. Chairman, we will not accept that amendment, and I will tell you why. We have a cooling-off period of 15 days, at which time they are to try to resolve their dispute; otherwise, it's going into arbitration.

That arbitration, I would anticipate taking less than a month to do. So what are we talking? 40, 45 days. 40 to 45 days to put, somehow, \$100 in there that says, well, this is supporting them.

The member opposite should know well, and even back to the days in 1980, when this same matter was being disputed, that when the amount was put in, it was put in at a figure below what the closing offer of management was, so it would not be seen as in any way influencing the arbitrator as to what decision to come to.

As I am advised at the sense of negotiations at this point in time is 0 per cent in the first year plus, I think, 2 per cent in the second year. I stand to be corrected on that. The union is requesting 10 per cent in the first year, and 210 per cent in the second year.

If we are to put a figure in, we are, in effect, moving in between those two positions. And we are superimposing upon the arbitrator as to where he should come. The arbitrator could come to 0; the arbitrator could come to 10 per cent.

And it's not the function of this Assembly to tell him, in any way, shape, or form, where he should be within that spectrum. To accept that amendment, would be the other way around, would be superimposing a settlement on it.

**MR. SHILLINGTON:** — Mr. Minister, I do not believe that to be accurate. I do not believe that \$100 was below the employees' offer in 1978. That represented an increase of somewhat under 10 per cent, and I suggest it would represent an increase of 7 or 8 per cent — 7 per cent. And I suggest to the minister that that was above the last offer. But I'm not sure that that is really what's relevant. What's relevant is: there should be something in it for the workers, which is less than what anyone, any reasonable person would expect.

I suggest that no reasonable person would expect the dairy workers to accept less than MLAs have voted for themselves. I'd be interested in hearing from some of your colleagues who might explain why they believe that dairy workers, who make a good deal less than, a good deal less than MLAs, with not the same opportunity for secondary income — I would be interested in hearing from you, Mr. Minister, why you believe dairy workers should be entitled to less. And I'd be interested in hearing from some of your colleagues as to why you think dairy workers should get less of an increase than MLAs?

**HON. MR. ANDREW:** — Well, why is that relevant? As I understand, the dairy workers in this province over the last four years have had a 61.8 per cent increase, and I'll assure you that the MLAs in this Assembly over the last four years have not had a 61.8 per cent increase in pay. But what relevance is that? What relevance is that? I'm advised that the — I'm advised that the present salary grid for these workers is a salary of \$28,000, plus benefit package of \$7,000. That adds up to \$35,000 — \$35,000 average salary including benefits — including benefits, Mr. Chairman. All I am simply saying is that we are not going to be pulled into putting a price on what they should be paid.

There is an option for the administrator, if they cannot resolve that, that he will have a basis by which he can deal with, and we are not going to superimpose ourselves on that to determine if there should be some money, because to do so, is upping the ante from what the Dairy Producers co-op had put on the table, as I understand, and that's improper for this Assembly to do that. Otherwise, you could be asking us to go a step further and make the settlement. And I don't think we have the wherewithal to do that, nor should we do that in this Assembly.

**MR. SHILLINGTON:** — Well, Mr. Minister you state that you would expect this arbitration to be concluded in 45 days. I've been involved in a number of arbitrations, and I could tell you that a whole lot of them don't end in 45 days. They can take months to complete. I suggest, Mr. Minister, that your happy assurance that this thing will all come to an end in 45 days may well be very optimistic. But I think that is not the point at issue.

The point at issue is there should be some increase for the workers; something to compensate them for their loss — the right to withdraw their services. And if you don't think \$100 is appropriate, then I would be interested in hearing what you think is appropriate. What do you think the minimum is?

You are suggesting to the arbitrator some figure in section 10 when you invite them to consider the wage and price guide-lines. So if you think that \$100 is too high, pick yourself another figure. Take half the provincial guide-lines if you think that's a fair figure. But I invite the minister to pick a figure that you think's fair.

**HON. MR. ANDREW:** — Well, we're not going to accept that clause into this. We can argue about it all night. But we've set out the reasons as to why we're not going to do it. But I can indicate when you talk about wage guide-lines, if you read what I said in the budget speech, for those making over \$25,000 and out-of-scope, they're getting zero percent this year.

**AN HON. MEMBER:** — What about yourself?

**HON. MR. ANDREW:** — I'm getting exactly the same amount as you. And that was agreed to, that was agreed to internally. It was agreed to in this House. If you want to play cheap,

dirty nickel-dime politics . . . You're the guy that stuck those dollars in your pocket, and were proud of it. Now you can come back up . . . Now you can stand back up and somehow, holier than thou – holier than thou – and say why don't you for once be concerned about the dairy producer who waits around here for the next 15 minutes to whether or not he's going to get today's supply of milk. That doesn't matter to you. You're worried about the nickel and dime petty politics that you're going to play.

You guys talk about petty politics – you're the . . . (inaudible) . . . people that are going to talk about how we're going to survive this or survive that. You are looking like fools.

**MR. SHILLINGTON:** — The point should be made, Mr. Chairman, that the employer has never claimed the inability to pay. The employer has not claimed inability to pay at any juncture. The profits of the employer are up by, I believe the figure to be 50 per cent. We would all like to see the farmer . . . We would all like to see the farmer get more for his milk. But you know and I know, that is a rather complex question.

I would suggest to you, Mr. Minister, that any suggestion that no increase can be paid, is a new argument, if it . . . that has not been made by the employer. The employer has never argued inability to pay. I suggest to you, Mr. Minister, if that's the argument you're making, then you ought to consult with the employers who, with perhaps more integrity, perhaps a better understanding of the subject, never made the argument that you're just making on their behalf. So I suggest to you, Mr. Minister, that's inappropriate. Some increase is surely appropriate to these workers.

**HON. MR. ANDREW:** — That increase is not appropriate in this bill. If it goes to arbitration, the arbitrator decides anywhere from a rollback, to zero, to 10 per cent, or 12 per cent – whatever, the union is asking for – that pay is retroactive to the day of the contract was terminated. He will be paid whatever the arbitrator says. We don't have to superimpose any dollars on that. He will get exactly what the arbitrator says he should get. It will be paid retroactive. And that is nothing new.

**MR. LINGENFELTER:** — Mr. Chairman, I would just like to make one comment on the proposed amendment. The minister will know that working people in Saskatchewan are being asked to pay much higher power bills over the last year. Their cost of housing as a result of the removal of rent controls in the cities of Saskatoon and Regina, means that family . . .

**MR. CHAIRMAN:** — What's being debated is the amendment to clause 6 in the printed bill, and I find this irrelevant.

**MR. LINGENFELTER:** — Mr. Chairman. Finding irrelevant the cost of workers to live, in terms of this bill which is restricting them to zero, I think is germane to the argument that I'm making. And what I'm saying is that, by limiting the dairy workers of the province to no increase, by giving them no guarantee, at the same time as your government introduces a bill in this Assembly to give yourself increases of 5 per cent, where is the fairness?

That's what we're saying, Mr. Minister. We're not asking for a wage increase for workers that's exorbitant, or above the cost of living. We're simply saying that the workers giving up their rights . . . To balance that off, what they should have is a guarantee that they would get a minimum of \$100 a month, or about 5 per cent.

I say to you, Mr. Minister you are the one who is playing politics with this issue. You're playing politics because you're attempting to get farmers and workers at each other's throat. If you were sincere in this, Mr. Minister, you would put in this clause, and I'll give you the guarantee that if you vote in favour of this amendment, if you vote in favour of this amendment, we will vote in favour of the bill. It's that simple.

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All we're trying to do is be fair to both the farmers of the province – get the milk rolling again — but also, in all fairness, be fair to the workers. And I believe, Mr. Minister, that the farmers of this province, that the farmers of this province would agree with us on the principle that workers need an increase to keep up with the power rates, to keep up with the rent rates, the bus rates, the telephone rates, and I say you are the one, Mr. Minister, who is playing politics – cheap, sleazy politics – in order to get the workers and farmers fighting each other. And I challenge you to accept this motion, this amendment, and we will vote in favour of the bill on third reading.

**HON. MR. ANDREW:** — We are not supporting this motion. I have stated over and over; whatever the arbitrator decides – and that's the fairest way. It's not for us in this Assembly to decide. It's what that arbitrator decides. That pay goes retroactive back to the day the last contract terminated. He gets exactly the same amount of money. So don't tell me about who is playing cheap politics with anything.

**HON. MR. BLAKENEY:** — A quick comment and a question to the minister, and I just didn't catch it . . . What provision provides that the arbitrator will necessarily make it retroactive? I just didn't catch that . . . (inaudible interjection) . . . The provision I saw, Mr. Chairman, and Mr. Minister, was subsection 9 of section 10, which said that, "The decision of the arbitrator in respect of any matter in dispute between the employer and the union may be made retroactive in whole or in part . . ." And I felt that was hardly a solid guarantee that it would be retroactive. I think in fairness something ought to be put in to ensure that these employees who have lost their right that we all enjoy to withdraw their labour –none of us have to work here if we don't want to; none of us have to serve any employer if we don't want to. We are saying that these people do. We understand the reasons for it, but we think there ought to be some compensation, as we've said before.

**HON. MR. ANDREW:** — We copied that from The Labour-Management Dispute (Temporary Provisions) Act which was the CUPE particular bill that your government brought in just prior to the last election. The same wording is there which we read and interpreted to be retroactive, and that was the logic and reason for it.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, I thank the minister for that, and I think that he's right in saying that the provision has been very common. It was in the CUPE bill, and it was in the last dairy workers bill, each of which contained a provision saying that the employees would get something . . . (inaudible interjection) . . .

Yes, indeed, an interim payment to the dairy workers, an interim payment to the hospital workers, and saying that it could be retroactive. That's all we're asking. Leave the provision in there, because it is the pattern; make an interim payment, because that is the pattern. My colleague has proposed a figure. If you don't like the \$100, perhaps you could come up with another one, but we thought that was being a good deal less than 5 per cent of even their base rate –even of their base labour rate. The \$100 would be less than 5 per cent on their base labour rate. We thought, therefore, this was not an unreasonable thing to ask.

**HON. MR. ANDREW:** — Well, I've indicated on several occasions we were not doing that. It's going to be the arbitrator. The arbitrator will make that decision. He will come back; he will make that recommendation; and that's where it stays.

Amendment negated on division.

Clause 6 agreed to.

Clause 7 agreed to.

**Clause 8**

**MR. CHAIRMAN:** — There's a proposed House amendment, moved by the member from Regina Centre to section 8 of the printed bill:

Amend section 8 of the printed bill by striking out "15" in the first line and substituting:

60.

**MR. SHILLINGTON:** — Mr. Chairman, I say to the House Leader, who has given us ample demonstration of his lack of experience with these matters — and in fairness, I suppose you weren't in the House in 1978 when this occurred . . . (inaudible interjection) . . . Well, I'm about to explain to the member from Moosomin who was in the House when this occurred . . . He would have a hard time understanding anything in any event.

But I say to the House Leader, the legislation, as my colleague from Regina Elphinstone said, has never been proclaimed in force. It was passed, but it wasn't needed. But it would have been needed had the cooling-off period been a mere 15 days. And Mr. Minister, I don't understand your reason for wanting such an abbreviated cooling-off period. As I said in second reading, I have never seen a cooling-off period so short.

I would think that unless there is some, unless the failure to reach an agreement in itself imposes some danger of sabotage or something . . . I don't think there's any suggestion that that's the case here. And I don't know why, Mr. Minister, you don't give them a reasonable period in which to settle their own contract. I don't think 15 days is a reasonable period. We're suggesting a period which has traditionally been used, of 60 days.

**HON. MR. ANDREW:** — The hon. member says that he has never seen or he doesn't recall a cooling-off period ever so short as 15 days. I will take you back to the CUPE strike March 15, 1982, the last order of business that we conducted in this House when you people were government. You put back to work the CUPE workers that had closed down the hospitals. The cooling-off period at that time was not 15 days. It was eight days.

**MR. SHILLINGTON:** — I don't have the legislation before me. That was certainly not my memory of the cooling-off period during that period of time. I suggest to the minister that in any event the two situations are simply not comparable — hospitals (with emotions running high and sick people involved), and dairy industries. And I suggest to you, Mr. Minister, that the two situations are not comparable.

Apart from that, has the minister any reason why you have such a short cooling-off period? Would you then explain to me why you think the cooling-off period should be so short?

**HON. MR. ANDREW:** — . . . (inaudible) . . . challenged. I would go to The Labour-Management Dispute (Temporary Provisions) Act of 1981-82 in the statutes. I will read section 8 to you:

Where, eight days after the coming into force of this Part, a new or amended collective bargaining agreement has not been concluded between the employer and the union, the employer and the union shall submit to final and binding arbitration . . . (according to) this Part.

Eight days.

Well I believe, as I indicated in the summation of my second readings speech, you don't need 60 days. The reality of it is that once this legislature speaks, both sides have got an option that they have to look and say: well, if it's not a collective agreement now, it's going to binding arbitration. We're both going to have to take our opportunities, or take our chances.

And I think two weeks — fortnight — is lots of time. If there's any resolve to settle that dispute,

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15 days is lots of time. It's twice as long, almost, as the eight days for the CUPE workers' strike. And I, quite frankly, don't see the difference.

I believe that the . . . If I recall back two years ago, and some of us in this House . . . You talk about tension. You talk about bad feelings. There's a lot stronger view, it seemed to me, when those CUPE workers were on strike. Were almost fist fights as we left this Assembly. A lot more strained relations then, than there was in this particular dispute here.

I believe it's ample time; I believe it's proper time. And if you say 60, why don't you say 120? Why don't you say 180? The reality of it is 15 days is proper time, if they have the resolve to get back together and work out a deal.

Amendment negated on division.

Clause 8 agreed to.

### **Clause 9**

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, could you indicate why you selected a judge of the provincial court, as opposed to a federally appointed judge?

There has always been thought to be some advantage in having a federally appointed judge, rather than a provincially appointed judge, in these matters, when the perception might be (I'm not saying the fact, for a moment, but the perception might be) that the provincially appointed judge was under some greater pressure to adhere to the position of the government, since he's appointed by them and . . . (inaudible interjection) . . . Well, just a moment, just a moment.

**MR. CHAIRMAN:** — . . . (inaudible) . . . any order in this House, at all?

**HON. MR. BLAKENEY:** — Mr. Chairman, the point I make is one which has been made on a number of occasions by the opposition, as they then were, and the government, as they now are, whenever the name of a provincial judge was raised.

I am not suggesting that this is a fact. I'm just saying that, where we have provincial judges who are, have salaries which are set by this legislature, and in respect of which there's no particular tradition of having them, having them set in reference to any bench-mark, where we have their pension arrangements decided by this House — and we may well make changes this time — it is . . . (inaudible interjection) . . .

Members behind me are asking whether I would say this outside the House. Of course, the answer is I would say this outside the House. And anyone who is so obtuse as to feel that there might not be a perception of fairness or unfairness, I think, doesn't understand the way a good number of the public view the judiciary. I wish it were not so, but they do. And I make this point. I don't make it as a strong point. I just make the point as to whether or not there might be merit in considering a federally appointed judge.

**HON. MR. ANDREW:** — You know, I think the . . . I think that we're moving to upgrade the quality of the local bench, of the provincial bench. I think it's appropriate that we be using those judges on more and more occasions. I think we really come down to it is do we challenge it if. . . The more legitimate question is: do we challenge Judge Robert Harvey Allan to be fair? I believe that the argument that you . . . that the Leader of the Opposition seeks to make is that, if he doesn't come down with a ruling somehow favourable to the government, that we can be seen to be lifting his pension or being tough with him on regard to salaries.

If that is the case to be made, I think we have to look at what that means, because surely there's a lot more the provincial court judges deal with, rather than something like this arbitration. They



deal with a lot of other issues that will directly involve the government, and if they go against the government, are we to suggest somehow . . . are we to suggest somehow that we had better play some tough politics with them? I think that is a dangerous suggestion to even come forward with.

**HON. MR. BLAKENEY:** — Let's be cool, Mr. Chairman, and Mr. Minister. No one is questioning Mr. Allan. As I recall it, he was appointed several years ago, and . . . (inaudible interjection) . . . Yes, sure. Yes, sure. I mean, let's not . . . no one, and I hope no one did nor could have taken out of my words any suggestion of any reflection on Mr. Allan. The words will not bear that, and anyone who took that . . . Perhaps the member from Moosomin took that view, but the words would not bear that interpretation and . . . (inaudible interjection) . . .

**MR. CHAIRMAN:** — Order, order. We have to have sufficient order so that the debate can continue as long as it should continue. So I'll ask for order.

**HON. MR. BLAKENEY:** — Mr. Chairman, you make an excellent point. I repeat, there was no reflection on Mr. Allan. I repeat again that, in my judgement, at least in the past, it has been thought to be an additional safeguard if the judge appointed was a person who was a federally appointed judge as opposed to a provincially appointed judge. I think that that is not a point that has substance so far as the facts are concerned. It has, in my judgement, some substance so far as the perception is concerned. And in these very delicate matters of labour-management relations, perception is also important. Perception is an element as well as fact. And I simply inquire of the minister why he made the selection of the provincial court judge as opposed to the federally appointed judge.

**HON. MR. ANDREW:** — Well, I think it has been clearly stated in the courts the independence of the provincial court, and I think that's pretty fundamental. I understand in the past that provincial court judges have, in fact, been used in arbitrations. Alastair Muir is a good example of one that comes to mind. I believe it is important that we're not talking here . . . And perhaps I shouldn't refer to the fact that any suggestion about the question of the man appointed, but I think your question goes beyond that and says: are the province's courts, is the provincial court system an independent court system? That's really what you're saying. That's really what you're asking. Why are we using a provincial court where there could be a perception of not of independence, that e are the people that have to deal with the pensions; we are the people that have to deal with the salaries? And I think that begs the question that somehow you influence that, and therefore, you influence their independence. And that's really, I think, the heart of what you're raising, and I think that's an unfortunate point to raise.

I have respect for the provincial bench. I have respect for the bench in this province, whether they're Queen's Bench courts, whether they're court of appeal courts, or whether they're provincial courts. I believe they're independents. I believe they're equally competent on one side or the other. But I think it's imperative that we not proceed with this particular argument.

Clause 9 agreed to.

## Clause 10

**MR. CHAIRMAN:** — On section 10 there's a proposed House amendment by the member for Regina Centre:

That section 10 of the printed bill be amended as follows:

Amend section 10 of the printed bill by striking out subsection (4) and renumbering subsections (5) to (12) as subsections (4) to (11) respectively.

**MR. SHILLINGTON:** — I think I covered each of these subparagraphs in my remarks in second

reading. It strikes me, Mr. Minister, as inappropriate, that comments which should have been made during the negotiations, and which are assumed to have been privileged, and which are in any other arbitration . . . I would assume the minister knows that at an arbitration hearing one may not bring before . . . At an arbitration hearing which arises out of any other contract, one may not bring before the board discussions that have taken place during contract negotiations. That's an elemental principle which is respected by both sides out of the interest of keeping arbitrations to a minimum. It is an accepted principle of the law of arbitration. It is followed for a good reason, and I frankly don't see . . . and I wish the minister would explain to me the logic behind paragraph (a).

I'm just going to slip over the others. Paragraph (b): I won't repeat myself here, except to say that you applied these only to the public sector workers. You didn't apply them to the private sector. They have not had any notice. They have not had any great effect on the private sector. Other areas in the food industry in this province have got 6 and 7 per cent. And that's true of other food handlers; it's true of packers; it's true of MacDonalds Consolidated and that industry of confectioners. And to suggest that this should be given . . . to set this out in the paragraph is a clear suggestion to the arbitrator that this is to be given additional weight. I would be amazed if the counsel on behalf of the union didn't bring these provincial guide-lines to the attention of Mr. Allan when he's acting as an arbitrator. I think he probably will. I think Judge Allan is probably capable of making his own decision as to how much weight this should be given. You're saying when you put it in here; this should have a good deal of weight. Otherwise, it wouldn't be here, because the consideration is certainly going to be before him.

Similarly, with respect to the latter paragraph, that is something that has been said by the employer on various occasions, that the Saskatchewan industry has a higher wage rate than the industries in other provinces. The employees take a different view of that. They say that that's not a weighty consideration because we don't compete on a national or international or even an interprovincial market. We compete locally. And what is of relevance is not comparisons between truck drivers in Regina and Calgary, but truck drivers in Regina who might be hauling for the packing companies or who might have, by chance, wound up trucking for dairies.

But, by putting the paragraph in here you're saying to the arbitrator: we, the government, want this given additional weight. If that isn't why you've set these out, if this isn't an implicit request to the arbitrator to give them additional weight, then I really wish the minister would tell me why he has set out these three paragraphs which are really unusual.

**HON. MR. ANDREW:** — Well, I think subsection (3) is unusual, too. And I think the member opposite would acknowledge that on arbitration, the third party, the farmer, also has an opportunity to present his case before the arbitration. You never raised that particular point. That's also a thing.

I think the bill says "may in his discretion use evidence as to what's happening across the country", and I believe that's valid. I believe he has the right to look at the provincial wage guide-lines. That is something that he can take into consideration. He doesn't have to. He has the discretion to do it one way, or not to do it.

And with regards to the nature of bargaining, where the bargaining has gone up to that time, that's the way arbitration – if you want to cut it all aside – has basically happened. Most of the criticisms of arbitration has basically been: well, they go into these. Alberta was the best example. Alberta's essential services legislation, what ended up as bargaining became: I didn't move here and, I didn't move here, because the arbitrators come in somewhere in between. And they fully knew where the positions were.

So, I think, the arbitrator has fully . . . Your argument can be advanced before the arbitrator. It should be this, or it should be this, or it should be the next thing. I don't see anything wrong with the arbitrator coming down to a decision on this as to looking beyond our province. Whether he

puts total weight on that becomes his discretion. I don't think this particular legislation directs him that he "must" or that he "shall" or anything else.

What is the point of having it in the legislation? It simply clarifies that it's important that we look beyond our borders with regard to the pay of that particular group. WE do it with teachers, we do it with nurses, and we should do it here. You might argue against that. I believe that should be something to be considered.

With regard to the wage guide-lines, I believe they should look at what the wage guide-lines are and the increases that we have. If these people want to end up in this Assembly to get their resolve, then we're going to ask that they look at that as well. With regard to what their bargaining positions are, what's wrong with that? They're in the *Star-Phoenix*. They're in the *Leader-Post*.

**HON. MR. BLAKENEY:** — Mr. Chairman, and Mr. Minister, I won't comment on (b) and c) at length. My colleague from Centre has pointed this out. I am puzzled by c). Puzzled that this particular wage comparison would be picked out to be . . . (inaudible interjection) . . . I will repeat again, Mr. Chairman. I'm puzzled that this particular wage comparison would be picked out. It is common, of course, to compare dairy workers in Saskatchewan with dairy workers in Manitoba and Alberta. It's equally common to compare dairy workers with other comparable classifications in Saskatchewan. And it varies a good deal, depending on what you're talking about.

If you're talking about stenographers, the appropriate comparison is certainly not the stenographer in a dairy plant in Edmonton, but the appropriate comparison is a stenographer in a plant in Regina or Saskatoon, wherever the dairy plant is, because that is the fair and reasonable comparison.

If you're talking about a stationary engineer, you may well chose a stationary engineer who works in a dairy plant in Edmonton, or a stationary engineer who works in a hospital in Saskatoon, if your plant is in Saskatoon.

There is no fixed rule with respect to comparisons and, therefore, I'm puzzled as to why you select this one. This one is right; there's no doubt about it. But it is only one, and there ordinarily would be seven or eight effective wage comparisons which would be brought to bear in a negotiation. Why you select one, and insert in the act, is the puzzle.

No one objects to an arbitrator looking at the wage comparisons interprovincially. Why would you? But no one would object, either, to looking at wage comparisons between, say, grocery warehouse workers who truck groceries around the province, and people who truck milk around the province, or butter. And the dairy workers do both, and both are perfectly valid comparisons.

My question then with respect to that is, not whether that's a good comparison, but why select that among the several? But my principal objection is to the (a) part. I just think it is . . . I've never seen an arbitration wherein it was thought to be appropriate to lay before the arbitrator the course of bargaining. And, if anyone can refresh my memory on that, I would be happy to have it because, generally speaking, it is thought to be unwise, and highly unwise, to have that before an arbitrator. Because, if you do that, if you state that any position taken during bargaining can be raised with the arbitrator, you can be assured that next time round everybody, when they're bargaining will be bargaining with the idea of: how will this look before it comes, when it becomes before the arbitrator? And that is dynamite. You don't get settlements that way.

If people are not being forthcoming at the bargaining table because they are fearful that it will prejudice their position before an arbitrator, you do not set the groundwork for a settlement, and you make it much more likely that we will be back here again.

The way that you can avoid that is say that people can make offers during the course of negotiation, in the full knowledge that this will not prejudice their position before the arbitrator. And they, therefore, can make concessions which they hope will bring about a settlement without the fear that that concession will cost them before the arbitrator. And I think this rule has been universally followed, that it is not germane to an arbitration to bring before the arbitrator the course of the negotiation. True, the arbitrator has some idea of what has been said in the press, but that's a very far cry from the arbitrator having the offers and counter-offers that happen during the course of collective bargaining laid before him, and the parties believing that their position before the arbitrator will be prejudiced.

So my question, Mr. Minister, are: one, with respect to c), why select that among several valid wage comparisons? And with respect to (a), will you reconsider and strike (a) out?

**HON. MR. ANDREW:** — Now I think with regards to (a), the submissions made are clearly there. They're clearly in the media. They're clearly out front. What we seek is not to have this particular bargaining group before this Assembly virtually every time they come to collective bargaining. And I, unfortunately, believe that that's likely what has happened over the last too long a period of time, quite frankly, in this province. So I don't see that as a problem with regard to that.

With regard to the comparison, it is clearly within the jurisdiction of the arbitrator to look at all things. We are simply saying, let's look at comparing. Let's compare, as best possibly we can, apples to apples, whether it's MLA, how we compare with another province — whether it's a nurse, how they compare with another province. And those are, in fact, the main negotiating points when you start looking at something, is how you compare interprovincially.

**HON. MR. BLAKENEY:** — Just to narrow that last point again. Why select interprovincial comparisons to put in the act, but not other employers of the, say, other employees of the same employer? Burns . . . The Palm Dairies have got lots of employees around here bearing other names (Scott National and whatever else names Burns operates under) and doing very, very similar work — shippers, and truckers, and all the rest. Those are also valid comparisons, none of them in definitive. Why select just the interprovincial dairy?

If I were going to be argumentative, I would say obviously a shipper at, let's say, Scott National, operated by Burns in Saskatoon, ought to be an equally valid comparison with a shipper of Palm Dairies, operated by Burns in Saskatoon, and a better comparison than a shipper in a Quebec dairy in Shawinigan. And you are saying that you refer to the interprovincial comparison, but you don't refer to the other. And I'm curious to know . . . I'm not denying the validity of the interprovincial one. I'm asking why it has special preference over other appropriate wage comparisons.

**HON. MR. ANDREW:** — I'd simply say it's set out in there as one thing that we think should be looked at. The arbitrator has full power to look at all other things. The argument, I'm sure, will be made by the various people to that, and he will come up with a decision.

**HON. MR. BLAKENEY:** — Why do you think that should be looked at in preference to other valid wage comparisons?

**HON. MR. ANDREW:** — I simply indicated that, if we're going to compare MLAs' salaries, we compare them to Manitoba and Alberta. If we compare nurses' salaries, we usually compare them to Alberta and Manitoba and B.C. If we compare what we pay to the doctors, we look at Alberta, B.C., and Manitoba. If we go through the line, if we compare what we pay to government employees, we tend to look at the relationship between other provinces. If we look at what we're going to pay in the lumber industry, we look at the basis compared to other provinces, and go through the list, if you like. Now that is clearly the most important and logical way to make those comparisons, whether it's this sector, or this sector, or this sector, or this sector. And that's the way you do it.

**MR. CHAIRMAN:** — Is it the pleasure of the committee to pass the amendment?

Amendment negatived.

**MR. SHILLINGTON:** — I assume, Mr. Chairman, the voices ruling. I know that we are forceful, but I didn't think we had drowned out the 55 sheep across the way. I'm trying to get the eye of a page, if I might.

I have another amendment to which I am not going to address any comments at length. And before I make any, I would ask the page to deliver them to the Clerk and the Clerk to, in turn, give the House Leader and . . . I guess there's little point in giving Mr. Sveinson one.

As I say, I'm not going to address any comments at length on this. I think it just does focus the issue, and I think focuses the injustice of what you're doing. The comparison which the employer wishes to use is the comparison between different provinces. The comparison which the union feels is more appropriate is the comparison of themselves with other food workers. This amendment would ask the arbitrator to consider both. I ask the House Leader to give this some consideration.

**HON. MR. ANDREW:** — For the reasons I advanced on the other, we set that out — the arbitrator has that option to look at various things. We've pointed that particular thing out. I think it's best left that way.

**MR. CHAIRMAN:** — The amendment before the committee is the section 10 of the printed bill to amend clause 10(4) c) of the printed bill by adding:

and the food industry in Saskatchewan

after "Canada" in the last line.

Is it the pleasure of the committee to adopt the amendment?

Amendment negatived.

**MR. SHILLINGTON:** — No, I'm sorry. I thought Mr. Chairman was to call these subsection by subsection. I have an amendment to subsection (9) which I was going to move in due course.

**MR. CHAIRMAN:** — I'll just call section 10, subsection (1) to (8). Is that agreed? Section 10, subsection (9). The member for Regina Centre.

**MR. SHILLINGTON:** — I would move, and again I'm not going to take a lot of time on it. I would move, seconded by my seatmate:

That subsection (9) of section 10 of the bill, is amended to read:

The decision of the arbitrator on any matter in dispute between the employer and the union shall be retroactive to April 1, 1984.

I use this wording because that was apparently the intention of the government. It is a normal course with contracts that they are retroactive. It was apparently the intention of their government because the House Leader assured us that that was the case. It appears that the bill doesn't reflect the government's view of what is appropriate. It certainly doesn't reflect our view of what is appropriate. And I would urge the amendment be passed. And I so move.

Amendment negatived.

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Clause 10 agreed to.

Clauses 11 and 12 agreed to.

**HON. MR. ANDREW:** — I do have a . . . Prior to going to 13, I do have an amendment. I'm advised that if we go back to clause 2, what has happened is one local of one union has not been included within the agreement, and I would propose an amendment as follows to amend clause 2(e) of the printed bill by: (a) striking out "or" after clause (ii) . . .

I would ask for leave to revert back to clause 2 because in the bill there is one local and one union has been missed out, and I would like to move an amendment to correct that.

Motion agreed to.

## **Clause 2**

**HON. MR. ANDREW:** — Yes, Mr. Chairman, I would move to amend clause 2(e) of the printed bill by (a) striking out "or" after subclause (ii); (b) by adding "or" after "834" in subclause (iii); and add the following subclause after (iii):

(iv) Chauffeurs, Teamsters and Helpers, Local 395, Dairy Producers' co-op, Fluid Branch, Saskatoon.

Amendment agreed to.

Clause 2 as amended agreed to.

Clause 13 agreed to.

The committee agreed to report the bill as amended.

## **THIRD READINGS**

### **Bill No. 44 – An Act to provide for the Resumption of Operations of Dairy Producers Co-operative Limited and Palm Dairies Limited**

**HON. MR. ANDREW:** — Mr. Speaker, I move that the amendment be now read a second and third time.

Motion agreed to and bill read a third time.

## **ROYAL ASSENT TO BILLS**

At 6:10 p.m. His Honour the Lieutenant Governor entered the Chamber, took his seat upon the throne, and gave Royal Assent to the following bill:

Bill No. 44 – An Act to provide for the Resumption of Operations of Dairy Producers Co-operative Limited and Palm Dairies Limited

His Honour retired from the Chamber at 6:12 p.m.

The Assembly recessed until 7:30 p.m.