

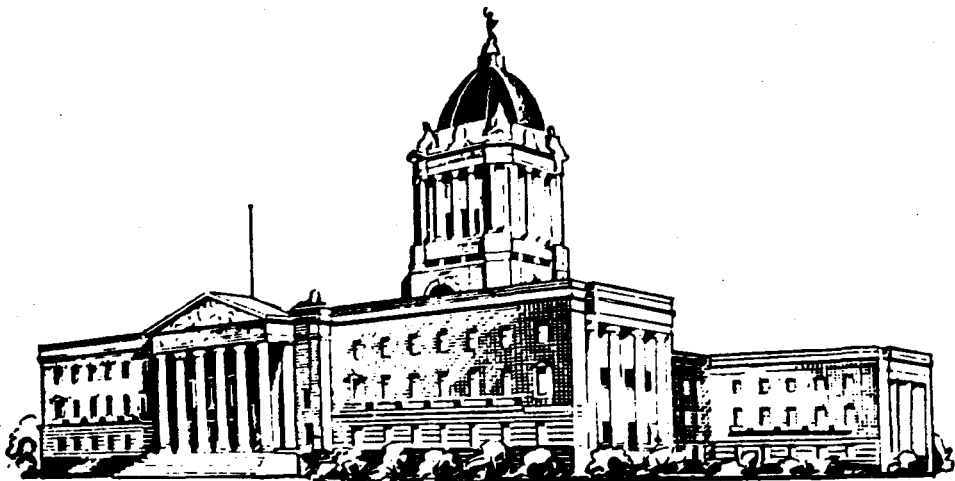


Legislative Assembly of Manitoba

**HEARING OF THE STANDING COMMITTEE
ON
INDUSTRIAL RELATIONS**

Chairman

**Mr. William Jenkins
Constituency of Logan**



WEDNESDAY, June 8, 1977, 8:00 p.m.

**Industrial Relations
Wednesday, June 8, 1977**

IE: 8:00 p.m. CHAIRMAN: MR. William Jenkins (Logan)

MR. CHAIRMAN: We have a quorum, the meeting will come to order. The first bill is Bill No. 26 - An Act to Amend the Apprenticeship and Tradesmen Qualifications Act.

MR. PAULLEY: We have no amendments that I am aware of to propose to the Apprentice Act, unless the Opposition has or any other Member of the Committee, Mr. Chairman.

MR. CHAIRMAN: Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Preamble—pass; Title—pass. Bill be reported.

Bill No. 45 - An Act to Amend the Vacations With Pay Act.

MR. PAULLEY: We have no amendments to propose as far as the government is concerned, Mr. Chairman.

MR. CHAIRMAN: Proceed clause by clause. Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Preamble—pass; Title—pass. Bill be reported.

Bill No. 47 - An Act to Amend the Department of Labour Act.

MR. PAULLEY: We have no amendments to propose insofar as the government is concerned, Mr. Chairman.

MR. CHAIRMAN: Clause 1—pass; Clause 2—pass; Preamble—pass; Title—pass. Bill be reported.

Bill No. 50.
MR. PAULLEY: We have a couple of amendments to propose, Mr. Chairman, but if we run into any problems as to propriety or conflict as to the proceedings of the Committee I am prepared to withdraw insofar as the amendment to Section 16(3), which is really not in conflict with the general principle of the bill, dealing with appeals. It would point out that if a person does not, as I understand appeal the decision to the board, that the board cannot hear — within the certain time — the board cannot hear the leave to appeal.

The other one is dealing with Section 23(1), just a change of wording.

So we're prepared, if the Committee is prepared, to proceed with these amendments which are, I would suggest, would not be in conflict with the general understanding reached by the Committee, but if the Committee is of the opinion that this might be in conflict with procedure, I am prepared to proceed at this particular section. It's really a clarification rather than a conflict of the bill that was proposed in the House.

MR. CHAIRMAN: Mr. McKenzie.

MR. McKENZIE: Mr. Chairman, on a point of order, I thought we resolved this problem yesterday, once and for all during the termination of this that amendments that are brought in that are not related to the bill, we could take it back and caucus it and give us 24 hours or whatever is required for us to review it' and we have had occasion today to receive amendments to the Credit Union Act, which certainly gives us time to deal with those amendments before. I wonder why we should now change the agreement that we had yesterday?

MR. PAULLEY: Mr. Chairman, I'm not suggesting any change of the agreement that we had yesterday at all. All I'm simply saying is that as far as the government is concerned, the amendment suggested is not in conflict with the general principles contained in Bill 50, but if there is any objection or inclination of the Committee not to proceed I'm not going through the rigmarole of amendments at the report stage. The only other one is a correction of the wording used in the bill. So I don't think, Mr. Chairman, to Mr. McKenzie, I'm in conflict with the general principle.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, we would have no objection to the proposed amendment to 23(1) which deals with what perhaps was a typographical error in the original bill. But I think because the Committee is going to be facing this whole issue, and the Minister is a member of that Committee, as I am, that it would make it easier for us to be able to approach it on the basis of some consistency and for that reason we would be distinctly unhappy about proceeding with the earlier amendment on 16(3).

MR. PAULLEY: Mr. Chairman, I'm prepared to withdraw 16(3) which was to the benefit of a person who may be negligent in making an appeal, and I'm sure my honourable friend, the Member for Fort St. Vrain, is also concerned that because of negligence to appeal a decision . . . But I'm prepared to withdraw the reference to 16(3) and make the correction with 23(1) in order to expedite the business of the Committee in the House.

MR. CHAIRMAN: Clause 1—pass; Clause 2—pass; Clause 3—pass; Clause 4—pass; Clause 5—pass; Clause 6—pass; Clause 7—pass; Clause 8—pass; Clause 9. Would you move that, Mr. Barrow?

MR. BARROWS: Yes.

THAT the proposed section 23(1) of the Payment of Wages Act as set out in Section 9 of Bill 50, be amended by striking out the word "paid" in the 1st line thereof, and substituting therefor the word "made."

MR. CHAIRMAN: Section 12(9) as amended—pass. Clause 10—pass; Preamble—pass; Title—pass; bill be reported— pass.

Bill (No. 65) — An Act to amend The Employment Standards Act.

Industrial Relations
Wednesday, June 8, 1977

MR. PAULLEY: In respect of Bill 65, Mr. Chairman, there are certain amendments to be made Bill 65, the content of which I informed members of the Committee that would be proposed, and they of course then are knowledgeable of those proposed amendments. They have been looked at very closely and, as far as I am concerned as the sponsor of this bill, I do not think that they are in conflict with the general decision that was made as to the acceptability or otherwise of the amendments, and therefore, Mr. Chairman, I suggest that we should proceed with the consideration of Bill 65.

MR. CHAIRMAN: All right. Clause 1, Mr. Sherman.

MR. SHERMAN: Clause 1, Mr. Chairman, I have an amendment.

MR. PAULLEY: Oh, just a minute. I believe there is an amendment, Mr. Chairman. I don't want to take precedence over you. The government, I believe, on Clause 1 has an amendment. Is that correct? Just for clarification now, I did mention, Mr. Chairman, in the House, and I want this to be established, that I did indicate in the House that there would be certain amendments insofar as 1.75 where in a collective agreement the fringe benefits were included to the degree of the 1.75, that the 1.5 percent would apply. Mr. Barrow, is that not in the reference to section 1, or should I ask the Legislative Counsel? —(Interjection)— Yes, and I believe, Mr. Sherman, that you have the amendments that the government is proposing in respect of section 1, and I don't want to be dictatorial, but I do believe that it is normal that the amendments as proposed by the government take precedence at this stage in the game.

MR. SHERMAN: That's right, Mr. Chairman. I just responded because there hadn't been a response from the other side.

MR. PAULLEY: Yes.

MR. CHAIRMAN: Is that all right then, Mr. Barrow?

MR. BARROW: Yes.

THAT section 1 of Bill 65 be struck out and the following section substituted therefor:
section 29am.

1 Section 29 of The Employment Standards Act, being chapter E110 of the Revised Statutes amended

(a) by adding thereto immediately after clause (a) thereof, the following clause,

(1) "fringe benefit" with respect to an employee means the value per hour based on regular hours of work of the employee of any amount paid either directly or indirectly and either immediately or some future date by the employer to or in respect of the employee or his dependents over and above regular wage rates for or in respect of each hour of regular hours to work worked by the employee and, without limiting the generality of the foregoing, includes the value per hour of regular hours work of an employee of any contribution by the employer

(i) in respect of any pension or superannuation plan other than the Canada Pension Plan,

(ii) in respect of any insurance, mutual benefit, sick benefit or death benefit plan other than the Canada Pension Plan or the plan administered under The Workers Compensation Act, and

(iii) in respect of any plan to pay benefits during periods of unemployment other than the plan administered under The Unemployment Insurance Act of Canada, and also includes general holiday pay, vacation pay or the value per hour of regular hours of any period of vacation to which the employee may become entitled and shift premiums, cost of living bonuses, production bonuses and any other premiums or bonuses which are paid to the employee in respect of work done;

(b) By striking out clause (c) thereof and substituting therefor the following clause:

(c) "overtime rates" with respect to an employee means

(i) a rate of wages 1.75 times as great as the rate of wages ordinarily payable to him for work done, or

(ii) where the employer agrees or elects to calculate wages for overtime on the basis of the total of the wages ordinarily payable plus fringe benefits, a rate of wages 1.5 times as great as the total of the rate of wages ordinarily payable to him for work done plus the average fringe benefit for employees of the same employer if that rate is equal to or greater than 1.75 times the rate of wages ordinarily payable to him for work done.

MR. CHAIRMAN: Motion moved. Mr. Paulley.

MR. PAULLEY: Mr. Chairman, if I may speak, this is I believe, a carrying through of an amendment that I made a commitment to the House that would be introduced, where the fringe benefits plus the normal rate equate 1.75, then the employer under such a collective agreement would not be penalized with the application of 1.75 as originally it appeared in the Act. There was no intention of the government to double penalize those who were covered under a collective agreement by the 1.75

Where fringe benefits were included in arriving at the base rate to equate 1.75, then the present 1.75 would be applicable, and that is the intent of this amendment.

Industrial Relations
Wednesday, June 8, 1977

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Well, Mr. Chairman, I want to suggest to the Minister of Labour that essentially amendment is meaningless in terms of the effects of the bill. The bill in its original form spells out 1.75 time rate. The Minister has taken a position which might be interpreted by some as a concession to businesses faced with the economic constraints of the day, but on examination I would submit, Sir, that it is no concession and that it doesn't alter the effect of the bill in any way. We have heard a number of representations before the Committee that emphasized that most fringe benefits, in most cases in industry and business in this province, are not added into base pay purposes of calculating overtime. That being the case if one takes any number of sample hypothetical projections and adds the average, acceptable level of fringe benefits into a base, one comes up in calculation after calculation with a figure which, rated on an overtime basis of 1.5, would be within a few cents to the same level as an overtime premium rated at time and three-quarters on base pay without the fringe benefits, so that what is happening here is that there may be a few employers who would derive some benefit from this amendment, but the vast vast majority — and I would suggest that it would certainly be in excess of 90 percent — will not benefit from it.

The amendment will do precisely what the original bill does, levy an additional surcharge, an additional cost on doing business in Manitoba for the vast majority of employers in this province. It is tantamount to saying that from now on, for the purposes of arriving at an employee's overtime pay, an employer might as well for all practical purposes, add the employee's fringe benefits into his or her base pay before calculating the overtime.

MR. PAULLEY: Right, that's right. That's the objective of the bill and that's the . . . Oh, I am sorry, Mr. Chairman, I shouldn't interject; when my honourable friend is speaking. Please forgive me for my interjection.

MR. SHERMAN: That's all right, Mr. Chairman. But that being the case, I suggest that the amendment becomes meaningless, it becomes mere rhetoric. We don't like the provision in the bill, Section 1 of the bill, but for all practical purposes if that is the result and that is the intent and the Minister agrees that it is, then what's the point of the amendment other than pure rhetoric? The amendment that I would have proposed, Sir, — and I simply say it to add to my remarks at this juncture, — would have been to delete Section 1 of Bill 65 and renumber Sections 2 to 9 inclusive accordingly. Because we are opposed to Section 1 we are opposed to the additional overtime surcharge and we feel the amendment levies the same kind of surcharge, only in a different language. We would be opposed to this amendment.

MR. GREEN: Mr. Chairman, of all, first with respect to the amendment, I don't think the Minister has ever indicated that the amendment accomplishes a great deal. What he says is that certain employers are now calculating their fringes before they get to their overtime rate, and I will use an example. The rate of wages is \$8.00. Overtime would be, time and-a-half would be \$12.00. Some employers in their collective agreements, we are advised, say that time and-a-half means not time and-a-half of \$8 but time and-a-half of \$8 plus \$2, let us \$2 being assumed, fringes. Therefore, they are paying \$15: \$8 plus \$2 plus time and-a-half of that is \$15.00. And if an employer is already paying more than time and three-quarters by using that form of calculation, we don't intend that he should be doubly penalized. In other words we don't intend that he should pay time and three-quarters of \$8; he should pay time and three-quarters of \$8 or time and-a-half of his present wage rate plus the fringe benefits plus 50 percent.

The Member for Fort Garry says that that is a very rare case. That that may well be. But if we didn't bring in this amendment he would be coming back here and saying that we are charging some people time and three-quarters but double time. We would not want to do that, and particularly, it is not correct with respect to an employer who happens to be in that particular position.

Now, Mr. Chairman, with respect to the honourable member's claim generally with regard to time and three-quarters and the deletion of it, I was, previous to the hearings, Mr. Chairman, of the opinion that this would not be a very effective section, that time and three-quarters is a rather small premium on overtime and that it would not have the effect of discouraging overtime. The reason for a premium on time and-a-half, when it was originally enacted, was so that a 40-hour week would mean something, that there would be a discouragement to an employer working his people over 40 hours, and an incentive — and the honourable members often speak of it — to work more employees 40 hours rather than less employees 45 and 50 hours. Not only is it not an extra cost, it's a saving.

When the original figure of time and three-quarters was suggested to make up for the fact that overtime is now being used, not as a deterrent, but as a means of making more money for a particular employee, I was rather discouraged that it would have this effect because I thought that the premium was too small. Since the hearings, I am convinced that this is more than necessary because we get so many employers coming in and saying that this is going to raise their costs so much. And being an employer and knowing employers, I know that if something is going to raise their costs a great deal, if they consider it that much of a raise, they are going to work out ways of reducing their costs. And this, Mr. Chairman, need not cost the employer anything, if he organizes his labour in such a way as to

Industrial Relations
Wednesday, June 8, 1977

cepted. And inspite of what the Minister of Mines and Natural Resources has said, I don't see a ge outcry from those people who've had to work during the seasonal period, that somehow or ner they have been taken advantage of. —(Interjection)— No, they haven't said that. I haven't seen yone coming forward and I have not seen a public outcry because this has been recognized. And e employees who work know the nature of the business and know the requirements. And frankly, I nk many of them are going to be damned mad and angry to find that they who have particular skills, d they who have been in fact worked in the business will find that they are going to be deprived of ose extra hours by someone coming in less skilled to meet whatever time period is required if that is e nature of the decision that the business will undertake. And I am not sure whatthose decisions will . So that I don't think in that sense that we are improving the situation.

Now, there's the Department of Industry and Commerce that has approximately a hundred ployees in this government. They deal with business in a direct way. They are within the business mmunity, they are meeting every phase of business activity. I'd like to know what their commendation was to the government with respect to the recommendations that the government s brought forward here. I want to know whether they approved, not the Minister who has made the litical decision, but i want to know whether the civil servants who have been involved directly in aling with industry have in fact approved this particular proposal, again putting Manitoba in the refront as far as labour costs are concerned, at a time when competition is becoming more severe, en the basic industries in our province are having a far greater difficulty in competing, when the arkets are closing to them, and when, in effect, sales are diminishing.

And I say that at this particular time I want to know whether that kind of response positively has en given to the government, that there should be a green light for this kind of legislation. Because, . Chairman, without that then I simply say we are in an election year, this appears to be a very fine oposal for the government to be able to wave as part of the election platform. But the reality is that it es not deal with our particular situation, and along with the total economic climate, it essentially is other feature that is a deterrent for the kinds of expansion that have to take place within the small iness of our province, if in fact the job formation that is required in this province will be obtained less we are simply going to accept that the government is going to continually provide make-work ograms month after month and year after year as a solution for the proper job formation in the vate sector in this province.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Mr. Chairman, I am not really surprised at the contribution that the former Minister Industry and Commerce made insofar as an approach to the amendments that we have before us. I n't know really, although I do suspect that the bureaucrats in the Department of Industry and mmerce, when he happened to be the Minister of that particular department, did plan for him, the nister, what the policy of the government at that particular day should legislate for. I do want to say my honourable friend, the Member for River Heights, a change has taken place insofar as the ectives of government are concerned, that the bureaucrats in the Department of Industry and mmerce, or any other department of government, do not tell us what our policies should be. And ell them, based on sound reasoning, what our policy shall be. And if the honourable, the Member River Heights, now is at a confession stage, that the conduct of the government of which he was a binet Minister was dictated to by the bureaucrats, that has changed, that we of the New mocratic Party indicate to the bureaucrats referred to by the Honourable Member for River ights as to what our policy should be because we have to go before the people to be elected. And I nk one of the changes that took place in 1969 was a recognition by the electorate of Manitoba that e political people should dictate the policies and not the bureaucrats in government, and there has en a change.

I am proud, Mr. Chairman, I am pleased, Mr. Chairman, that the Honourable Member for River ights has indicated by his oration tonight that the policies of the government that preceded this vernment were not the policies of the politicians but of the bureaucrats, and that has been changed der our regime. this government. We set the policies of this government and I don't care about a ckson, a Johnson, or a Warren or a Sherman or even a Wilson, that we decide what the policy shall of this government and not those who may be our advisers or our ill-advisers. We accept the ibility for governing the Province of Manitoba and we accept the responsibility that we are swerable to the electorate of Manitoba and not a bunch of ruddy bureaucrats.

Now then, the Honourable Member for River Heights tried to infer that we did not give nsideration to the facts of life. I want to say to Mr. Spivak, the Honourable Member for River ights, that in the very areas that he is referring to, namely service industries, that on a 12-month erage basis, the service industry has not worked in excess of a 40-hour week on average, in any nth in the last available statistics. I suggest to my honourable friend that rather than being critical me as Minister or the government that we haven't taken this point into consideration, that he ould make available or have one of the bureaucrats make available to him the statistical pattern in

Industrial Relations
Wednesday, June 8, 1977

the Province of Manitoba. I am referring to the service industry and I'm sure my honourable friend the Member for River Heights, is well acquainted with the service industry because of his involvement.

We get down to the field of the manufacturing industry and in 1976, the last available statistics we have, Mr. Chairman, indicate that at no time in a 12-month period has the average workweek exceeded 40 hours where punitive overtime or overtime rates have to be paid.

So I suggest to my honourable friend, the Member for River Heights, he's all wet and that he's trying to make a mountain out of a mole hill as indeed some of his counterparts in the industrial field and the service providing fields in the Province of Manitoba are attempting to do. I'm prepared at time to accept criticisms because of the lack of consultation before a proposal is made of the nature that we are making here, but in all the statistical information that I have been able to receive, arguments of the Honourable Member for River Heights fall short of reality and that at no stage in last 12 months that statistics are available that on average, the industry that he is connected with, hotel and service industry have worked in excess, I believe the figure is about 37.5 or 37.9 hours average as weekly.

It is true — and I've said this before and I reiterate it right now — it could conceivably be that in certain sectors or segments that some industries or some components in the general field have that their employees work over 40 hours per week but I would suggest to my honourable friend that rather than be critical of the approach that we are making, that he talk to his counterparts in the industry where excesses of 40 hours are being worked and suggest that they take on an additional employee or two so that they come into the ambit of the average, which is being worked in the Province of Manitoba.

So I suggest to you, Mr. Chairman, that the Member for River Heights is still going back to the dark days when we were under the jurisdiction of the party that he represents.

MR. CHAIRMAN: Mr. Patrick.

MR. PATRICK: Mr. Chairman, I made my comments quite clear in the House when I spoke on that and I perhaps can repeat some of the things I said. Unless I'm a slow learner, I don't find that that amendment really solves a concern that I raised in the House and for that reason it does concern me here as well.

The Minister for Mines and Natural Resources, Mr. Green, says that the reason, after listening to the delegations, he is convinced that the 1.50 or 1-½ times is not working, therefore he would like to see 1-¾ because he doesn't like to see overtime. That was his point just a minute ago.

Well if that's the case, if the Minister is really concerned that there is too much overtime, and he is concerned for a deterrent, then why doesn't the government just rule out any overtime completely and have no overtime at all allowed? That's the points that the Minister of Mines raised. He says that it's not working because all these people were concerned and the cost to the industry for overtime was too high. Let's cost them less and let's not have any overtime so let's go to 1-¾. So if that's his feeling, then I would suggest let's do away with the overtime completely. That's what the Minister said.

Now the Minister of Labour is indicating to us that if anybody wants overtime, they should work it but most of the delegations that appeared before the Committee indicated that their workweek was 37 hours, 38 hours, 39 hours and in fact I don't remember if anybody said 40 hours but every single one indicated, because of a lot of absenteeism, they had to make up their orders or they had to make up their time. If somebody didn't show up, somebody else had to work overtime and as a result, even though they averaged out at 37 hours a week, it still meant that there was a considerable amount of overtime.

Now, every single one indicated to us here the other day and the aerospace industries were greatly concerned and said their cost was something — one company alone and it was confirmed today in a letter — they indicated the cost was a large amount and they said it would make it that much more difficult if they had to go to 1-¾.

The second point, somebody says well there is 7 percent unemployment. Well I think if you make it very difficult for some of the industries in this province, you will have 10 percent unemployment quite quickly. I'll indicate to you, Mr. Ralph King appeared here, who represented four small companies in rural Manitoba who perhaps employ over 200, 300, or 400 people, I believe it was. He said his overtime amounted to something like \$140,000 and if this went through it would be a lot more and he said at the present time it is a very delicate position if he can sustain that operation. But he says, "You add another \$40,000 or \$50,000, there's no way I can."

There's another point he made. He said as well, a large industry was supposed to start — a plastics industry at Morden — that would employ a large number of people somewhere in the neighbourhood of over 100, and he said, "I can't see that this industry would come to Manitoba with such conditions."

MR. PAULLEY: I know Ralph very well.

MR. PATRICK: Well, I thought he made a very sensible and reasonable presentation and he didn't object to one part of the bill at all, except he objected to the 1-¾. He pointed out what the cost would be, the reasons why, and he said to the government, "You had better watch what you are doing."

Now the Minister says we've got 7 percent unemployment. The Campbell Soup Company says

Industrial Relations
Wednesday, June 8, 1977

ook, if the cost is too high we will have to import the product from Ontario," and the end result will that you have a larger unemployment instead of 7 percent.

I don't know if the Minister is aware of not, but Co-op Implements in the province are in a very rious position right now. You may have hundreds unemployed in a very short time. — (Interjection)— Well, also an uncompetitive position. Versatile Industries appeared here — Versatile anufacturing — what did they say? The same thing, that's right. And they'll be adding more people their plant across the line; they have a plant in Fargo and bringing the product to Manitoba.

So the thing is, I believe that we have to be concerned about exactly what is taking place. Only a *n* years ago, again the Minister in my opinion would have to communicate — (Interjection)— *at's that?*

A MEMBER: Lower the minimum wage.

MR. PATRICK: Nobody's talking about minimum wage when most of these people are getting id \$6.00 and \$7.00. Again the Minister of Municipal Affairs has been lost for awhile or hasn't been ound the House, perhaps he was on his ranch somewhere, but to say "lower the minimum wage," u know, that's senseless when people are making \$9.00 and \$10.00 an hour to say "lower the nimum wage." That's got no significance in this debate at all.

All I am bringing to the attention of the government, where we had a small manufacturer of erhead doors, where the door that was manufactured here and the one across the line were latively the same price, almost no change. In fact, the one that was here was less. Today, that same anufacturer is in a competition where that same door is \$50.00 cheaper when you go to Beaver mber or Winnipeg Supply, that's manufactured just about 150 miles from here and it's probably ade as well, maybe better. So that's what we are concerned about and that's the problems that we ve.

The government will have to decide two things: to say, "Look, we believe that there should be no ertime," then outlaw it completely. But what I'm saying to the Minister, you have to be reasonable, t to put the industries in this province in a non-competitive position. If you do, don't say that you e going to create employment by this measure. I think it will have the reverse effect.

My other concern is, the great problem that nobody asked for it. I think it's strictly a government ility. The Manitoba Federation of Labour appeared here to say that they weren't against it. I talked Mr. Thibault on the phone and I discussed it with him. He said, "Look, I would be crazy to oppose at; it's a measure for my employees. I'll be for it." But he said there was no request for it by anybody his organization and he said there was no request at all. There was no pressure by anybody. He id, "What's . the reason? Maybe they feel that they can create more employment.

MR. PAULLEY: We're not dictated to by the MFL or anybody else.

MR. PATRICK: I've had over the years a considerable amount of people in the labour ganizations calling me on various things. This time, when I was getting calls, it wasn't because they inted 1-¾, they were calling because they may not have any overtime, and that was their biggest ncern, from the employees. That was their concern.

MR. GREEN: Aha, so they are going to stop overtime.

MR. PATRICK: If it stops the overtime — (Interjection)— You may not stop the overtime . . .

MR. CHAIRMAN: Order please.

MR. PATRICK: What the Minister of Mines and Natural Resources perhaps will do, we'll have 200 so at Versatile laid off and the 600 at Co-op Industries and this will continue to have a chain action. You will have not 7 percent but much larger unemployment. Because you cannot put the dustries in this province . . .

MR. PAULLEY: That's your hope.

MR. PATRICK: No, that's not my hope; that's my concern because that's the concern that I pressed in the House and I'm expressing it here. I feel that some of the representations that were fore the Committee certainly made some good points, where the Minister kept saying, well, there's overtime, none, from his statistics. But everyone said, well our workweek is 39, 37, 38, or 40, but e point is, we have to pay overtime in case somebody doesn't show up, somebody is sick and there always overtime. They presented it to the Minister not in hundreds but in thousands of dollars, ick amounted to large overtime.

So again, if the measure or the proposal that the Minister proposes in respect to 1-¾ is no different an we had before, if it will still be the same cost to the industry, I can't say that I can support it — I n't.

MR. CHAIRMAN: Mr. Wilson.

MR. WILSON: I have listened to quite a few of the presentations and I really thought maybe the nister and certainly some of the members opposite would listen. I have been out there and whether : in a coffee shop or a locker room, people are just saying that this is incredible and I'm very pleased see that you have put your cards on the table where you say you are really intending to stop ertime and when I talked to the working guy, he says, well here all the provinces are, they are ntrolling industry. They have got a four-day workweek, a 37-hour week, and now we've got this

Industrial Relations
Wednesday, June 8, 1977

government going to control the workers by saying no more overtime. It seems the workers by a large never asked for this bill and it's really government policy without consulting the work people. We've got to compete and when you get out there and you see a \$2 billion deficit in tourism where the airlines are taking everybody out of the country; where you have the needle trade move down to Montreal because that's where the people are and if they've got to compete and they can produce it a little bit cheaper here and all of a sudden you've got the freight rate and on top of it you've got time and three-quarters, I suggest that there is going to be a further exodus.

I am very concerned because at one time the signs used to read all around, certainly in the garment industry and others, "Help Wanted." I think the signs are going to read in the newspaper "Companies Wanted," and certainly "Tourists Wanted."

Talking to a meeting the other day, it was noted that tourist dollars, American dollars, had dropped some 20 percent between Eaton's, The Bay, and Simpsons-Sears. The Americans just are coming here despite the 95-cent dollar and part of it has to be attributed to the lack of will. A lot of the people just haven't got the get-up-and-go. It's almost like they are lacking the desire and that certainly isn't helping. This bill, in my opinion, is very very regressive. The Minister of Mines says he wants double time; he wants a deterrent to stop overtime: the premiums are too small; he would favour double time. When the First Minister talked about 2-½ times and I thought he was talking about wages, it's obvious that he's talking about the end result of what they are going to aim for when comes to overtime, it's going to be 2-½ times.

MR. CHAIRMAN: Mr. McKenzie.

MR. McKENZIE: Mr. Chairman, I am quite concerned about the statement the Minister of Labour made a few moments ago when he said that the Department of Labour and the Department of Industry and Commerce are in full support of this legislation. I am looking forward to the . . .

MR. PAULLEY: . . . the bureaucrats in the Industry and Commerce or the bureaucrats in the whole of the government are not dictating our policy. I want, Mr. Chairman, on a point of privilege, to want a withdrawal of the remarks of the honourable member that I did not say anything that can be construed as indicating support for the remarks that he has made. —(Interjection)— Never mind about some of the bills. I am telling you I did not say that and I want a retraction from my honourable friend that indicates accordingly. We are governed by government policy and not by bureaucrats.

MR. McKENZIE: Mr. Chairman, I would just ask the Honourable Labour Minister, who makes up the Department of Labour? That's what I am speaking of, the Department of Labour and the Department of Industry and Commerce, that is the complete department, including the Minister.

MR. PAULLEY: That is not what you said.

MR. McKENZIE: That's what I am referring to then. If I didn't say it that way, I'm saying it now.

MR. PAULLEY: You retract what the hell you did say.

MR. McKENZIE: I would say that I don't see how it is possible in any government, and especially in this government, for the Minister of Labour and the Minister of Industry and Commerce, to stand up and tell us in this province that they both agree to this type of legislation today in this province. I can give you several reasons, Mr. Chairman.

When you read through the Speech from the Throne that the First Minister gave us, and I refer to Page 3 where he said, "In preparing our Estimates for the 1977-78 Fiscal Year, my Ministers have imposed restraint guidelines on all departments and agencies which have been even more stringent than those applied in previous years." Now if the Minister of Labour can show me where he is abiding by that directive of the First Minister in this legislation, I am waiting for his answer.

MR. PAULLEY: You'll hear it.

MR. McKENZIE: Mr. Chairman, I am also most concerned about this brief that came across my desk yesterday from Mr. Holmes, the labour relations officer from the Labour Relations Council who brought out the fact that it appears the Minister of Labour and the government have not contacted the Anti-Inflation Board re this legislation. And I suspect, if you read Mr. Holmes' letter, and I am sure the Minister has got it, that we are going to be in conflict, not only the department, but an awful lot of the workers in this province with the contracts that they have. Because, if you read the letter he goes on there, Mr. Holmes says, "This could result in a reduction of negotiated wage rate for the approximately 4,000 tradesmen which are covered by collective agreements negotiated with the Labour Relations Council." I understand that those have been negotiated in the recent past."

Now I would like the Minister to tell me what meetings he has had with the Anti-Inflation Board. Has he met with the Vice-Chairman, Mrs. Menzies, on this matter? Can he give us some indication that we are working in conjunction with the Federal Government on this legislation, we are working together, and we are providing the restraint to the people of this province which the First Minister said in his Speech from the Throne that those guidelines would be followed? I can't see it — (Interjections)—

MR. CHAIRMAN: Order please.

MR. McKENZIE: The more I read through it and the more I hear the Labour Minister speak on this matter —(Interjections)—

Industrial Relations
Wednesday, June 8, 1977

MR. CHAIRMAN: Order please. One at a time.

MR. McKENZIE: — Mr. Chairman, I become more and more concerned that we are not getting all the truth from the Minister. He is withholding a lot of information, and until we get more information I can't see how we can proceed with this legislation.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Mr. Chairman, the honourable member asked a question of me insofar as the test epistle from Holmes. I want to say to my honourable friend it is a bunch of ruddy nonsense, that Mr. Holmes is not the beginning and the end of what is involved insofar as AIB is concerned, that there is a provision in the regulations or the legislation in respect of AIB that extraneous or extra work not included in the setting of percentage increases. I am aware of that, and I would imagine an individual of the presumed intellect of Mr. Holmes should be equally aware, as I am, as to the provisions contained in the AIB in respect of overtime. Apparently he did not take the time out to ascertain the impact insofar as wages are concerned as to the incident of overtime to an individual, and it is not applied as a general, overall benefit under the guidelines of the AIB. And I would suggest that my honourable friend, Mr. McKenzie, the Member for Roblin, should go back to Mr. Holmes and ask him to clarify his position as to whether he was just spouting off, or whether he was knowledgeable of what the hell he was talking about.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, I believe that the honourable members can't have it both ways, they can't argue that this is going to result, as Mr. Spivak said, in people being replaced because they can't be given overtime hours, and costs going up, because once that occurs costs will come down, they will not go up, and therefore how anybody from an Anti-Inflation Board can say that this provision will increase costs is beyond me. How does the man from the Anti-Inflation Board know that the employer is going to keep the same number of people on overtime so that his wages go up, rather than hiring additional people so that the wages go down? And if he presumes to make that kind of judgment, even if this were not exempted, which I understand it is, then I say that he presumes far too much, that there is no way in which he can make that type of judgment.

Mr. Chairman, let us look at what is being said here. You know people have to, in order to rationalize in their own minds, they have to attribute things to us which we have not said. The Member for Roblin says the Minister of Labour said that the Department of Industry and his department are in full accord with the legislation. I heard him say almost the opposite, that he didn't care what the bureaucrats in industry said, as I know that the bureaucrats in industry used to fight tooth and nail with the bureaucrats in Agriculture under the previous administration.

And did the Minister of Industry say that we should find out what the civil servants are saying about the agricultural program? Is that how he would govern? Because he didn't govern that way when he was in power and he governed badly enough. I don't think he would go from bad to worse. That is not the way in which governmental decisions are made. When they were arguing between Industry and Agriculture about marketing boards, etc., did we have the officials come out and tell us that they didn't like about the agricultural policy and *vice versa*? Or is he saying there were no arguments, which is ridiculous?

Of course there are people in the Department of Industry who will say that this is a problem for us and that it could be a higher cost. I wouldn't deny that. But, Mr. Chairman, neither would I deny it nor do I believe it, because we have figured it out, and if a man employs a person for one hour overtime a week, I think he increases less than one half of one percent in wages. Less than one half of one percent. If he employs a person for two overtime hours a week, it is less than one percent. And if my figures are wrong, they are not wildly out. I am looking behind me to the people who have calculated them; they say they are not out.

So I never said, and the Member for Wolseley, who I am sorry that I am paying any attention to, says that I said that this is meant to ban overtime. Mr. Chairman, my remarks are on the record. I won't take from them. I said this is done to deter overtime, to discourage overtime, to have a disincentive to overtime, because we did not believe that this industrial society could stand a ban on overtime. That was what the representative from the labour union said. And we can't follow what the representatives from the labour unions said. So we said no, we will not ban it. But on the other hand we see problems with regard to overtime, and we see those problems that have come out of what was a terrible industrial dispute — and we didn't lean to either side in that industrial dispute. We said that the real problem here is that employers are making too much use of overtime, and that is what the employers told me to this Committee and said, "We are making so much use of overtime that this is going to cost us a fortune." And once they said that, Mr. Chairman, they confirmed my fears that if they are making that much use of overtime, then the original discouragement, which was enacted, not by this administration but by one of the Liberal or Conservative administrations which preceded us, and for exactly that reason, to discourage the use of overtime, no longer has that effect. And if it no longer has that effect, then I don't mind being the leader in changing it. And if this discourages a small amount of overtime, Mr. Chairman, it will not result in any industrial cost to the Province of Manitoba.

Industrial Relations
Wednesday, June 8, 1977

Nobody is required to pay time-and-three-quarters. If it discourages — and I can't give you mental calculation without a computer — but I am sure that if it discouraged one-tenth of 1 overtime that is now being worked, that it would result in very little increase in costs to the employer in the Province of Manitoba. So let's not start talking about increases in cost. Let's talk about what I think a working man should be working. What should be his position in the market? Should he have to compete . . . ?

Well, Mr. Chairman, the Honourable Member for Souris-Killarney says what he agrees to. I can tell you that there were times when people agreed to work 80 hours a week, when they agreed to work until they were exhausted. So if the honourable member wants to use the gauge "as much as they will agree to" . . . —(Interjection)— Mr. Chairman, it is the honourable member who is going back to Marx. Let's have it on the record. The Member for Souris-Killarney says that the gauge as to how much a man should work is how much he will agree to work. Well, I can tell you that a man under duress will agree to work 24 hours a day until he drops. And you know, if the honourable member uses that as his gauge, that's what he will use, and all of the other honourable members who have spoken have spoken in that light. He says we go back to Marx. You don't have to go back to Marx. You know the employers of the people who worked in the mines where they employed children eleven and twelve and thirteen years of age were not Marxists, they were capitalists. That's right. Mr. Chairman, I am trying to live in 1977, but the Member for Souris-Killarney keeps dragging me back to his time, the Dark Ages.

And the fact is that the members on that side who spoke spoke in exactly the same arguments, and I have read them, they could have taken them out verbatim of what was said when minimum wages were enacted, when minimum wages were enacted, when child labour laws were enacted. . . . Mr. Chairman, yes, the honourable member says it wasn't the bloody socialists. I agree it was the bloody capitalists. And that is what I am trying to say, Mr. Chairman, that this type of legislation which is now being opposed here to be enacted by bloody capitalists because they saw themselves being even bloodier if they did enact it. The same arguments that have now been advanced by the Neanderthal Member for Wolseley, the Member for Roblin, have been — and you can take them out of the textbooks — they said that if you take away our child labourers we will not be able to stay in business. We will leave the province. We will destroy jobs. If you take away our 60 hour weeks we will not be able to be in business. If you will impose minimum wages we will not be able to stay in business. Each one of those things was said. Mr. Chairman, I repeat, the honourable member keeps dragging me back, the honourable member and his compatriots keep dragging me back into the Dark Ages from which they have not emerged, and we know it from their words, that the working week should be as long as a man is willing to work, that we will lose our industry, we will lose our industry if we try to make human working conditions.

And what are we talking about? Yes, what are we talking about? Let's get to the bill. Let's get to the bill —(Interjections)—

MR. CHAIRMAN: Order, order please. ORDER! One at a time. Order please. Mr. Green.

MR. GREEN: The procedure that my honourable friend, the Member for Souris-Killarney, adopting in merely trying to interrupt and interject and hurl insults at what I am saying is a plain indication that they do not have an intelligent position that they can argue against this bill. I thought that my honourable friend emerged from 1966 when the only answer he had for any position that he took was that it was doctrinaire socialism. He now indicates that time-and-a-half for overtime is not doctrinaire socialism, it was enacted by capitalists, and I agree. Time-and-three-quarters is the furthest thing away from doctrinaire socialism. It has nothing to do with socialism. It has to do with our society, a largely free enterprise society, overwhelmingly free enterprise society. It is being dealt with on the same basis as it was dealt with by Liberal and Conservative administrations when it was first enacted, but it is being opposed, Mr. Speaker, it is being opposed by those arguments which were used in every debate where there was an attempt to ameliorate working conditions. We have not enacted this as a piece of election machinery as has been suggested. You can't have it both ways, Mr. Chairman, you can't have it both ways. You can't on the one hand say, as the Member for Assiniboia said, that the worker is going to be annoyed at us, and also say that this is an election gimmick. No, which is it? I say to you that it is an attempt, no, . . . —(Interjection)—

Mr. Chairman, you know if you want to go to the honourable member who talks about the ideological seventeen percent socialists, they would probably be the most opposed to this type of legislation. But I go back to what we are talking about, we are talking about saying that if a man employs people for one hour a week overtime he will have a one-half percent increase in that person's wage — one half of one percent. If he employs him two hours a week, he will have less than one percent increase in wages. That is already employing a man for 100 overtime hours a year.

Are we saying, are we right in saying — and that's the real question — that before a man goes beyond a reasonable amount of overtime, he will figure out the cost and he will try to schedule it so that the 40 hour week is not merely what many people understand it wrongly to be, that every man will work eight hours a day for five days a week, and that he will be entitled to sleep one-third of his time

Industrial Relations
Wednesday, June 8, 1977

work one-third of his time, and eat and be with his family the balance of the third? Is that too much to ask for in our society, plus weekends, because that is what we are saying? And we are saying we would discourage the alternative.

Now I don't think, Mr. Chairman, that that is too high an ideal for our society, that man in this society should sleep eight hours, work eight hours, and have the balance of the day for eating and living with his family, and that he will enact a law which will try and encourage that and which will not be in a different procedure, but will try and encourage it. And that is the basis upon which we have based it. I hope it will commend itself to the people, but if somebody says that it is an election gimmick, and in the same breath says that the worker who is going to lose those hours, and I agree with him, there are people who, if you let them, will work 80 hours a week, at the expense of somebody else working 40, and that is what we are attempting to discourage.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, the Minister of Mines and Resources has said let's take a look at what has been said here, and I would like to take a look at some of the things that the Minister of Mines and Resources has said.

He said we don't intend that an employer be doubly penalized. Well, that separates the socialists from the Conservatives right at the outset, because the Minister of Mines and Resources and his colleagues don't intend that an employer be doubly penalized, and we don't intend that an employer be singly penalized.

MR. GREEN: Why did you have time-and-a-half legislation?

MR. SHERMAN: That was in response to the conditions of the day that have been referred to in our previous argument that fitted those particular conditions of the day. —(Interjection)— This measure that you are proposing here does not fit the conditions of the day in the Province of Manitoba, and anybody with half an eye for the state of the economy in this province and the desire of people to get ahead, to work longer hours if they wish to, to make extra money, as was testified before this Committee, would be able to see that.

Mr. Chairman, the Minister has talked about the one half percent increase in costs or the one percent increase if a man works. We could just as easily say that the measure being enacted here is going to inflict a 50 percent surcharge in terms of overtime work costs on an employer because that's precisely what it's doing.

A MEMBER: You can say it but it's a . . .

MR. SHERMAN: The premium is half-time over the regular time and it's going to three-quarters time, so that's a 50 percent —(Interjection)— . . . Well it comes out to a great deal in the instance of employers such as those that have been mentioned who are already paying \$140,000 a year in overtime charges. It comes to exactly \$70,000 more, that's what it comes to. So let's not try to put this argument on the base of a statistical comparison of the type that the Minister has injected here, because there are just as many arguments that could be advanced on the other side as there are on this side. The fact of the matter is, that we have had the testimony of delegation after delegation. The Minister has just as many letters and representations as I do, and I'm sure all members of the committee have, from all sides of the economic spectrum in this province who have said that they will regard this an oppressive and a punitive measure that will hurt business, hurt industry and hurt the employment situation. The Minister says to me that if they didn't move an amendment of this kind, which I repeat is a meaningless amendment, that I would be coming back here and arguing and that some employers would be paying double time.

A MEMBER: Right.

MR. SHERMAN: Well, I want to assure you, Mr. Chairman, that I'd be coming back here and arguing something before that and that is, I would be arguing that the measure shouldn't be introduced at all. That's the starting point, that we don't need either double time or three-quarters of double time or double penalty or half of double penalty imposed on any employers in this economic community.

We are at time and a half. We are competing with eleven other jurisdictions in Canada, probably 49 or 50 jurisdictions in the United States, on a highly competitive continent at time and a half; and why this Minister and his colleagues seem to think that is such a wellspring of economic prosperity, this province this little island in that sea of 250 million North Americans, that we can afford, notwithstanding our competition against North Dakota, South Dakota, Minnesota and the Canadian provinces, that we can afford to go to this kind of an additional cost of doing business and an additional penalty against job creation is beyond any sane man's thinking. That's our point. Mr. Chairman.

Now Mr. Green talks about his figures with respect to business and industry and he can explain how the workweek in most cases is under 40 hours, and he can explain how the additional cost based on overtime will only be a few cents; but what he steadfastly ignores is the psychological impact of the measure before us. If he can go from one end of this continent or one end of this country to

another and explain the mathematics that he is putting before this Committee, then all well and go then every businessman, every enterpriser, every employer the length and breadth of North America will be able to say, "It's all okay. It doesn't matter because Sid Green has told us it's okay and understand what he's talking about."

But I suggest, Mr. Chairman, that the Minister will not be able to do that. That to the competition against whom we stand in the economic sphere on this continent all that is visible is the fact that there is an additional cost of doing business in Manitoba and that psychological impact, as was testified to here before this Committee, is going to drive business away from Manitoba. It's going to suffocate some businesses in Manitoba and it's going to drive those who would intend on coming away from the province and direct them somewhere else. That's all we're saying.

Now, the Minister, Mr. Chairman, has talked about the overtime deterrent, the need for overtime deterrent — in heaven's name what do you need an overtime deterrent for?

A MEMBER: That's right.

MR. SHERMAN: Employers don't go around looking for opportunities to impose overtime. Employers don't go around looking for opportunities to impose overtime and to pay overtime. Why does it need a deterrent for overtime? Overtime now costs you money. Who wants to get into an overtime situation if they don't have to? If the Minister would be prepared to listen to reason, he would appreciate what has been said here by the delegations appearing before him and through the brief that have been presented to him, that you'd go into overtime when you have to go into overtime, not because you are looking for something to do in your spare time. Nobody needs a deterrent for overtime. There's a sufficient deterrent in the cost that is already involved there.

Mr. Green, also, Mr. Chairman, said that he got the impression from those who appeared before the Committee that employers are making — or he interpreted their position as admitting that they are making too much use of overtime. Well that may be Mr. Green's interpretation. I didn't hear anybody here say that they were making too much use of overtime. They make what necessary limited use of overtime they have to do to compete in a stagnating province, in economic terms against the other provinces and states adjacent to us. —(Interjection)— That is what they use overtime for, to stay in business and make a buck. I wouldn't expect the Member for St. Matthew, fresh from his classroom and his ivory tower, to understand it. He's never worked anywhere but in a classroom in his life. He simply doesn't understand it, Mr. Chairman, and I don't want to be diverted by him because it's not worth arguing the point with him. He doesn't understand the mechanics of the marketplace. He doesn't understand competition and he's dead-set philosophically against it, so I won't bother arguing the point with him.

But the fact of the matter, Sir, is that nobody appearing before this Committee, any hearings that I've been at, said that as an employer he was making too much use of overtime. That may be Mr. Green's interpretation. They make what limited use of it they have to make of it.

Now another area of the Minister's attention — and by the Minister I mean the Minister of Mines and Resources, Mr. Chairman — he argues that this measure will help employment, it will encourage employees to hire more people. Well, I would ask him what evidence again — and we're dealing here with a bill that has been addressed by people in the economic sector who are concerned with it — what evidence was presented before this Committee that the bill and the amendment that is now before us will do what the Minister says it will do? —(Interjection)— Most, if not all — the Manitoba Federation of Labour perhaps didn't take this precise attack, but most, if not all, stipulated very clearly that on the basis of their operations and on the basis of the tight requirements and unpredictable requirements under which they have to get into an overtime situation, that it will not lead to additional employment; it will not encourage them or persuade them to get into a broader employment operation because it is neither worth it nor is it practical for them to take people on and train them and using them on a sporadic part-time basis.

So, Mr. Chairman, when the Minister of Mines and Resources talks about looking at what's been said here, I suggest we do look at some of those things that he said and examine those comments in the light of the testimony we've heard before this Committee. I fail to see where he can support any of those contentions of his against that kind of testimony. I think there are two questions that have been asked here that deserves some answer from the Minister of Labour. One, with respect to the Minister of Industry and Commerce and where he stands on this legislation. We've heard nothing from the Minister of Industry and Commerce in this session but protestations in defence of the government's Special Employment Program, employment program . . .

MR. GREEN: Ask for a standing vote and you'll find out how he stands.

MR. SHERMAN: . . . and the question that was raised by the Member for Assiniboia as to who, if anybody of significant number, ever asked for this increased overtime rate. I think those questions are deserving of the Minister's response during this examination. Our position at this point — at least my position, I can't speak for my caucus — but my position, Sir, is neither to vote for nor against this amendment because I am against the bill. —(Interjection)— Well, if you'd permit me to explain. Or this particular amendment . . .

Industrial Relations
Wednesday, June 8, 1977

A MEMBER: We'll give you another half hour . . .

MR. CHAIRMAN: Order please.

MR. SHERMAN: . . . is to vote neither for nor against this amendment until I get a ruling from the chairman as to whether, if this amendment were defeated, it would be possible under the Rules to move the original amendment that we were going to move. It may not be possible to do that. If it isn't, then I will vote against the amendment. If it is then I would move my original amendment, which would be for deletion of Clause 1 because that's the point at which we start that if the clause and the provision are not acceptable the amendment merely muddies the waters by appearing to be a concession.

MR. GREEN: Mr. Chairman, if I may, on a point of order. May I suggest for the procedural sake, at the way of accomplishing what you want, depending how you feel about the amendment, is vote for the amendment and then against the total clause as amended. Or would you prefer it without the amendment? I mean that's something that I really shouldn't be arguing about. But you can vote for the amendment and then against the total clause as amended.

MR. SHERMAN: Well, in any event as long as the Chair permits us to move the type of amendment that we intended to move, even though the clause is already amended then I . . .

A MEMBER: It's not already amended, we haven't voted on it.

MR. SHERMAN: . . . even if the clause is already amended then I can proceed on that basis. But, for, otherwise because it is meaningless and because it would affect the kind of amendment we intended to move, I would have to regard it as something that I could not take a specific position on. As the way the bill in its original form presents us with a clear-cut approach that is rejectable the way it is ordered. That is the position that I would like to take.

Sir, finally on the particular subject in front of us I would only ask that the Minister and the Minister of Mines and Resources consider the question of the volition of individual workers. There has been considerable emphasis placed on the fact that an employer (?) will work, in Mr. Green's opinion, 80 hours a week if that's the request. I dispute that. I suggest to you that we've also heard before this committee that in many areas on many projects in this province, workers won't go on the job site unless they get 70 hours work guaranteed to them and that is a volition. That is a voluntary proposition. Since when did the government, through legislation, feel that they had the right to interfere in the volition of a person to work up to a reasonable amount of time? It's not a question of imposing limitations on people. It's not a question of a man's or a woman's not wanting to do it and being forced to do it, it's a question in many many instances of people wanting to do it to make the additional income that would accrue from that. That is an argument that has been emphasized here and that is steadfastly ignored in the legislation in front of us and that's one of the basic reasons why we find it unacceptable.

MR. CHAIRMAN: Before I get the next question, the honourable member asked me a question and I'm going to give him his answer. Now he can do one of two things: He can vote for this motion that is before the House or vote against it which again accomplishes what he requires. Then if the motion as amended is defeated, he then has the option of voting for the motion or, if it's passed, he has the option then of voting against it. But he can accomplish the same thing by not having to move a motion — just voting against the motion as amended because you'll just have a motion that is really meaningless.

The Honourable Mr. Paulley.

MR. PAULLEY: Mr. Chairman after listening to the Honourable Member for Fort Garry — I'm sorry I didn't hear. . . I believe there was a contribution from the Leader of the Opposition — I'm wondering really whether we're attacking the proposition the wrong way, that rather than considering a one and three-quarters time for overtime that in order to bring about a proper deterrent for the working of overtime we would suggest that only the minimum wage should be paid for overtime and that would involve the whole ruddy proposition because nobody would then work. Maybe this is an approach that the Honourable Member for River Heights in his industry would like to achieve so that time and a half time and three-quarters, whatever it is, is reduced to the bare minimum wage as a requirement in legislation. I think that would be the best method of achieving the desire of industry, some portions of industry, and the desire of the government to eliminate overtime.

I would suggest that that would be conceived as being almost as ridiculous as the arguments presented by the Official Opposition. But it might be something that the ongoing New Democratic government after the next election might consider as opposed to the propositions of the present Minister of Labour of having fringe benefits included in arriving at the base rate for computing overtime because my honourable friend, the member for Fort Garry made reference to the legislations that appear before us.

I wonder if he recalls the evidence that was given to us or the presentation given to us by one George Akins, the Personnel Manager, or whatever the dickens his title happens to be, of the Labour Relations Council which deals primarily with the construction industry when I asked him whether or not some of the collective agreements were based, insofar as computing overtime, were based on the

Industrial Relations
Wednesday, June 8, 1977

inclusion of fringe benefits and his answer to my question was, "Yes."

So the objective of the legislation is that where those fringe benefits are included in the rate considered for the application of punitive overtime, are within the one and three-quarters then they only are required to pay one and a half as they are at the present time, but it was because of differences in applying the base for computing overtime as between time and a half inclusive otherwise of fringe benefits that this proposition is before us.

The Honourable Member for Fort Garry talks about the outflow of the workforce in Manitoba. May I refer to statistics, to indicate that the total number of employed in the Province of Manitoba is at the highest record that it ever was and that there has been no outflow insofar as to numbers of employed in Manitoba, which refutes completely the arguments of the spokesmen on labour matters for the Official Opposition. It just isn't so. I presented evidence to this Committee to indicate that on average the incident of hours, weekly hours worked every industry, with the exception of highway engineering and construction, were less than the 40-hour workweek in the Province of Manitoba that I am proud that this government enacted over the opposition of the Conservative Party of the Province of Manitoba. So I say there's no validity at all in the argument presented by the Member for Fort Garry.

The Honourable Member for Roblin raised a question of a letter, a copy of which he received from some lawyer by the name of Holmes. Holmes, indicating the effect of the increase of one and a half to one and three-quarters even if we didn't take into consideration the purpose of the amendment and the effect insofar as the AIB is concerned. And I stated that I didn't think Mr. Holmes knew what he was talking about.

I want to refer, Mr. Chairman, to the latest anti-inflation regulations that I have before me, dealing with the changes in labour standards legislation. "Section 67(1) Subject to subsection (2) where employer in a guideline year, incurs increased compensation expenditures as a result of changes applicable labour standards legislation" — and that's what we're dealing with, Mr. Chairman — "such increase may be excluded when calculating increases in group compensation." Now is not that an answer to Mr. Holmes who appeared before us? And I believe that's dated as of March or April of this year. **Now where is the validity of the position of Mr. Holmes, supported by the Honourable Member for Roblin? I suggest to the Committee, we've heard all of the arguments — and I am not trying to curtail debate — we've heard all of the arguments of the Honourable, the Member for Fort Garry, it's repetitive, it has no substance, there is no validity in it and I think that in the interest of the conduct of the Committee, that we should consider as being read the remarks of my honourable friends to the extreme right wing in the Province of Manitoba and get down to serious consideration of Bill 6**

MR. CHAIRMAN: Mr. Johannson.

MR. JOHANNSON: Mr. Chairman, I'd like to also respond to some things said by the Member for Fort Garry. He has a strange concept of responsible government. At one point he states that he does not speak for his caucus. So we don't know what in the hell they stand for. He doesn't speak for his caucus and yet he is raising hell in Committee. We would like a position laid before the people of Manitoba so that they can make a judgment. We have a position. The Minister of Labour has stated very clearly, we are not asking civil servants to make our policy, we make the policy. We lay it before the electorate of the people of this province. We stand responsible for it and we're willing to be judged.

Now, I want the Conservative Party also to spell out its policy clearly. The Honourable Member for Roblin sounds like he wants straight time for overtime. He doesn't want time and a half. He doesn't want time and three-quarters. He wants straight time. — (Interjection) — Yes, he wants free labour. The Member for Fort Garry at times sounds as if he doesn't believe that there should be any limitation on hours of work. I'd like their policy spelled out.

The member talks about a stagnating economy and then accuses me of living in an ivory tower. Now that is just such arrant nonsense and so stupid that it is unbelievable. The budget of this province was laid before the House a short while ago and the Budget tables showed very clearly that not only is the province not stagnating but it is growing. The economy of this province is growing, it is flourishing at a far greater rate now than it did in the days of the Tory government. The figures, even for private investment, show that private investment is increasing rapidly in the province. These aren't old figures they're recent figures. Almost every economic indicator that the Department of Finance has shows that the economy of this province is in good shape. It's not stagnating it is expanding and growing rapidly, far more rapidly than it did when honourable friends opposite were in the government.

Just recently there was a study released by Statistics Canada which was done in co-operation with the provinces which showed that the growth rate of the gross domestic product for the province from 1961 to 1969 in Manitoba was 8.1 percent, the slowest growth rate of all ten provinces whose members opposite were the government, 8.1 percent, the slowest growth rate of all provinces. But from 1970 to 1974 the rate increased to 12.5 percent, Manitoba ranking fourth. So the growth rate was comparatively much better and in absolute terms much better when we became the government.

Industrial Relations Wednesday, June 8, 1977

at includes the period after we brought in our new labour code. And I can recall, Mr. Chairman, the debates that took place in this Committee when we were passing the labour code, the same bloody arguments were used, that we were going to chase industry out of this province, that companies would close down, that they would move to North Dakota, the same arguments. I can recall the same arguments being used when we introduced, in 1969, a measure to cut Medicare premiums in half and increase the Income Tax. The same arguments were used.

What do we have today? The Tory party now accepts the fact that we should have Medicare premiums paid out of the Consolidated Fund. They've done a flip-flop that is unbelievable, but they're still using the same hackneyed arguments, when we introduced this measure. Not only will this measure pass but it won't affect the economy of this province. This is an aggressive government, an expansionist government and when you have an expansionist government, an expanding economy, business will do well and this measure won't in any way harm business.

MR. CHAIRMAN: Mr. Dillen.

MR. DILLEN: Well, I want to follow up somewhat on some of the things that were said by the Member for Fort Garry, the Member for Wolseley and the insults that were thrown back and forth by the Leader of the Opposition. You know the Member for Fort Garry and the Leader of the Opposition make some very convincing arguments. They will argue that there is a stagnating economy that is a result of the socialists running this province, that they are dragging it down, and then you will have that argument, not destroyed by the members of the government, by the members on this side, but you'll have that very argument destroyed by the Member for Wolseley. So these guys have got to get their act together. You know you cannot keep destroying the argument of your Leader and the labour tactic on your side forever without going to get some scars for it.

Now let me tell you how you did it. You know when they are both talking about the terrible curse of stagflation on the province for the past eight years and to have the Member for Fort Garry say that the economy is stagnating and people are going to leave and so on, you have the Member for Wolseley telling us that there are planeloads of tourists going out of the province every day —(Interjection)— planeloads of people going for tourist trips to Hawaii, to Bahamas, to Cuba, to Las Vegas and that's not a sign of a stagnant economy. So get together with your Leader of the Opposition, get together with him and the Member for Fort Garry, and tell them that in your opinion when people are able to get into an airplane — you know it wasn't very many years ago if there was one airplane leaving Manitoba going somewhere, for a winter vacation somewhere, that was an unusual occasion. Just think back. They didn't leave because they didn't have shoes to wear. And those were in the good old days of successive Liberal and Tory administrations.

I can remember those days, it was a great thing for me in about 1958 or 1959, when I was living 165 miles from Winnipeg, to come to Winnipeg maybe once a year. You might go to Brandon, 30 miles away maybe once a month, and now we have the Member for Wolseley telling us that there are jet plane loads of people leaving the province for winter vacations. Well, tell the Member for Wolseley and the Leader of the Opposition that when people are able to leave a province on winter vacation that that is not a sign of a stagnant economy.

A MEMBER: It's a sign of Stagflation.

MR. DILLEN: I just want to repeat that I think you can go back in the history books and you can not read word for word everything, every argument that's being used by members of the Opposition. It draws me back you know when they say that nobody asked for this legislation. I think that when we're moving in the direction that we're moving that we will reach a point as we're progressing where people will accept the principle that it is only necessary to have a sufficient amount of earnings in an eight hour period to meet all of the requirements of life.

Let me give you an example just to refresh your memory a little bit. About 1970 or 1971, I'm sorry from 1968 to about 1970-71 in Thompson you could work every hour of overtime that you could possibly work. And there were people who were bleary-eyed zombies, just barely able to move but they were working the overtime. Then a terrible thing happened. I'll tell you why, there was a shift in economic conditions. Somebody may correct me, but I believe what happened was that the Russians eased a great deal of nickel onto the world market and at the same time the military stockpile of the United States of nickel and copper was also released onto the world market and International Nickel was forced into the position of purchasing that product in order to maintain the world price levels. And as a result of that they had a massive stockpile and were forced into a position where they had to almost stop operations completely. As attrition took place and people left and you couldn't work one hour of overtime and people wondered what are we going to do? It was really a terrible shock to the whole town. What were the merchants going to do without that extra overtime money that they had been so accustomed to, freewheeling money that would buy all of the things that they had for sale regardless of what the prices were. They had to, for the first time in their life, had to become competitive and they had to pay attention to the customers who come into the store and start treating them with a little bit of dignity and start to become more helpful.

There was a noticeable change in attitude almost immediately. People started to watch their

Industrial Relations
Wednesday, June 8, 1977

money a little bit carefully. And this went on for a couple of years — there was an absolute ban overtime.

We didn't have to pass a law to ban overtime. It was done through economic conditions. There was absolutely no overtime. So, when the world economic condition improved slightly there was maybe a need for a little bit of improvement, some improvement in plant equipment, some maintenance, some overtime and so on. When the time came for the company to ask somebody to work overtime nobody would work. They said "I've got enough. Eight hours is enough." Negotiations took place, wages were increased and people just weren't that enthused about working extra hours. They'd got other activities. They started going fishing. They've got skidoos, they were going skidooning. They were icefishing. There were other activities that they became involved in, other community activities and so on. It was made for a better community.

So, I believe that if you can curtail, eliminate, reduce or use whatever measures is possible to limit the amount of overtime worked, not only will you have a healthier society but you will have a more happy and contented society, and I believe that that is an objective that we should continue to move toward.

MR. CHAIRMAN: Mr. Spivak.

MR. SPIVAK: Well, I guess . . . in listening to the last remarks and in trying to understand what has been said, is to determine whether this really is a progressive measure or not, but whether really it has been introduced because of one particular situation and the response which is more political in nature than progressive in its thrust. Mr. Chairman, it becomes important because what I want to understand, and I haven't been able to understand, is the process of policy decision making that the government has gone through.

The Minister indicates that there has got to be a reliance on the bureaucrats, that is to say, they are not to furnish information to him upon which judgment should be made. —(Interjection)— Well, basically he said policy is made by the government. Nobody ever questioned that policy was made by the government but, Mr. Chairman, there is a need, Mr. Chairman, for consultation with the sectors of the economy that are affected directly by the actions of government and as it happens the industry and department personnel happen to be involved in one sector of the community and they happen to be involved on a day to day basis, and they have lines of communication, and the question at that point is, has there been some communication? And the Minister has essentially said — (Interjection) — Yeah, I'll keep going for more than four minutes. No communication, but that we will make policy. But, what's their policy based on? Is it facts? Facts or myth? Facts or myth? Now that really becomes important. —(Interjection)— Now, we'll come to poppycock and balderdash and all the other stuff later. But the fact is, Mr. Chairman, where are the facts? Where is the support of evidence to justify the actions of the government that what they are proposing will, in fact, be a disincentive to overtime. Because that's their objective. Mr. Chairman, the reason I don't believe that that's their objective is in the bill itself. The bill that was first introduced said that the Act would come into force insofar as those sectors relating to the one and three-quarters, which was a disincentive, by September 1st. The amendment says December 1st . . .

MR. PAULLEY: That's right.

MR. SPIVAK: . . . so if the government was really concerned about a disincentive for overtime, they would have introduced it immediately.

A MEMBER: Retroactive.

MR. SPIVAK: They would have done it retroactively or they would have done it the day of the announcement that the bill was introduced in the House which has been their policy. So I think that there is sufficient evidence, Mr. Chairman, to indicate that the presentation, the presentation, Mr. Chairman, that in effect this is a motivation. The motivation can be seriously questioned.

Now, there has been no evidence supportive of the position of the government that this, in fact, will accomplish the objective. As a matter of fact the discussions have taken place that somehow or other there may be new employees employed as a result of it. The Minister of Labour has said that tonight and his position essentially is that in effect if overtime is not available, and industry must continue, they will have to hire new employees and . . .

A MEMBER: Demand more money.

MR. SPIVAK: Well, I think that's the case. I think that that is true. I think that there will be a demand for overtime and well, and if the Member for Thompson suggests it, then we simply say if there is going to be a demand for more money, it simply means that costs will go up and in effect it will be passed on. —(Interjection)— Well, I wonder. The problem we face is very simple. It sounds like the proposal is progressive and it sounds as if what the government is introducing is something that, in effect, will realistically be both a disincentive and, to those who have to work overtime, will be of an additional benefit and I have no doubt that when the election literature is published and the election comes forward and the campaign literature is produced that the government will announce that we have brought in a progressive measure which will simply mean, not a disincentive to overtime but that you are going to get more money for overtime and the effect will be that for those who in fact have

**Industrial Relations
Wednesday, June 8, 1977**

MR. SHERMAN: I wish to move, Mr. Chairman, that sub-clause 1 of clause (c) of new section 1 of Bill 65 . . .

MR. PAULLEY: That's this one here.

MR. SHERMAN: . . . which is found on lines three and four of Page 2, that sub-clause 2 of clause (c) of new section 1 of Bill 65 be amended by deleting all the words after the word "work" in the second line thereof and substituting therefore the words, "done after the employee has completed the standard 40 hour work week of or".

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, perhaps the member wants to speak to amendment before . . .

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Well, all I . . .

MR. GREEN: I gather, Mr. Chairman, that what the honourable member wants to do is to have 1.75 apply after 40 and one and a half up to 40. And if he wants to do that, it requires many more amendments. It would require many more amendments to the Act, therefore it —(Interjection) that's right. You'd have to have a whole section up to 40 hours and a whole section after but I think you could accommodate the member by indicating that that would have to take place and he can speak it at this time and if he gets it passed, which I doubt, then we would have to go through the whole Act to start amending. We understand what the honourable member said because I raised it as a question the other day and I'm glad the honourable member perceived the question. —(Interjection)— Well, if this is defeated, then you won't have to go through the whole Act. We did consider this . . .

MR. SHERMAN: Well, in speaking to the amendment, Mr. Chairman, and I will make it brief —based on the point that was raised in Committee the other day by Mr. Ralph King in which he cited the example of workers who, for one reason or another, are perhaps absent one day of the week and they reach a point later in the week where they are doing work that qualifies for overtime pay but they still have not attained the 40 hour standard maximum of the workweek. That's the reason for the amendment. I'm not going to belabour committee members with a rehash of the point that Mr. King raised. I think they can all recall it.

MR. GREEN: Well, Mr. Chairman, I raised the question myself as to whether this would be a problem and it was given some consideration. But it would be a problem, Mr. Chairman, to have two overtime rates. A rate after eight hours and a rate after 40 hours and it really is a matter of small moment in the entire sphere of things. So, we did consider this, Mr. Chairman, and decided that there should continue to be one overtime rate, same as there is now. It would be much easier to administer. But I think the honourable member has a point, an interesting one, and I, myself, thought about it for some time but it is an administrative problem.

MR. SHERMAN: Well, administrative or not, Mr. Chairman, I would like to propose the amendment to the committee and I would call for the question.

MR. PAULLEY: Okay that's fine, as long as you . . .

MR. CHAIRMAN: Order please.

MR. PAULLEY: . . . feel it's in order. If we call it, it is not, but I'm prepared to give you a chance to go ahead.

MR. CHAIRMAN: Order please.

MR. GREEN: Oh he's accepted, he's accepted the amendment.

MR. JORGENSEN: He's not moving that the question be put.

MR. SHERMAN: No, I didn't move that the question be put.

MR. PAULLEY: That's quite all right my dear friend from Morris.

MR. JORGENSEN: He's not invoking a rule.

MR. PAULLEY: That's right.

MR. CHAIRMAN: Any further discussion on the motion as moved by the Honourable Member for Fort Garry? All those in favour of the motion.

MR. CLERK:

MR. CHAIRMAN: All those opposed to the motion.

MR. CLERK: Six.

MR. CHAIRMAN: I declare the motion lost.

Clause 1 as amended—pass. Clause 2—pass. Clause 3, 31(1)(a)—pass; (b)—pass; (c)—pass; (d)—pass. Clause 3 in its entirety—pass. Clause 4(a)—pass; (b)—pass; (c)—pass; Clause 4—pass. Clause 5—pass.

MR. PAULLEY: There's an amendment, Mr. Chairman, I believe on Section 5.

MR. BARROW: THAT Section 5 of Bill 65 be struck out and the following section substitute therefor:

Subsec. 33(1) rep. and sub.

5 An Subsection 33(1) of the Act is repealed and the following subsection is substituted therefor:
Overtime in emergencies.

33(1) An employee may be required to work overtime

Industrial Relations
Wednesday, June 8, 1977

(a) in case of work urgently required to be done to the machinery or plant of the employer whose employees are affected but only to the extent necessary to avoid serious interference with the ordinary work of the plant; or

(b) in the case of an occurrence beyond human control which affects the life, health or safety of individuals or which interrupts the ordinary provision of an essential service by the government or an agency of the government or a municipality, or a public utility or any employer who provides municipal or health services.

MR. CHAIRMAN: Motion as moved. Mr. Paulley.

MR. PAULLEY: Mr. Chairman, speaking to the motion, if I may, this is to overcome some of the culties that were drawn to our attention by the Deputy Mayor of Winnipeg and Mr. Crewson of the lth Services to make sure that in the case of an occurrence beyond human control which affects life, health or safety of individuals that the emergency provisions would be such that they would considered.

MR. CHAIRMAN: Mr. McKenzie.

MR. MCKENZIE: Mr. Chairman, I have a question. Those matters raised the other day under the n Machinery Act, does this cover those employees that must work under that Act?

MR. PAULLEY: The Farm Machinery Act, as far as I am aware, is an Act that only makes provision the delivery of farm equipment that is necessary during certain periods of time in order that the er may have available to him or her equipment necessary under the Farm Machinery Act of those rices and parts required for the purpose of putting their machinery back into shape so that they tinue their operation. I don't think that this is any conflict with that provision in the Farm hinery Act, as I understand the Act.

MR. MCKENZIE: I would like the Minister to bring that assurance to us on the Third Reading of the . There's two other points been raised to me. Those that like to moonlight, will this impose any rictions on them; and the other one I was wondering, if in the legislation if the government's now nding to put a 40-hour week on the farm communities of the province?

MR. PAULLEY: No, Mr. Chairman, this has nothing to do with imposing a 40-hour workweek on farm community. We have no legislation here and I haven't been able to find any legislation ically that would permit the moonlighting and I suggest that maybe even the Member for Roblin y be doing so by being a member of the Legislature at the same time, as I understand. he's rrating his store out in his community. Now, if my honourable friend can bring forward a proper inition of what he means by moonlighting, in the dying days of my political career, I would nsider as to whether or not I should bring in legislation to prohibit my honourable friend from ring, in effect, two jobs.

MR. CHAIRMAN: Motion as moved.

MR. SHERMAN: Mr. Chairman, the amendment to this section is certainly an improvement over section as it appears in the original draft of the bill but I would submit to the Minister that it still as not go far enough in our opinion, in terms of broadening the definition of emergency and I uld ask him whether consideration was given to the wording in the Saskatchewan legislation ich seems to be reasonable and was commended by many who appeared before the Committee. I ght say, Sir, that I am in the same position on this amendment as I was on the earlier one in that we re going to propose an amendment of our own have defined which would the situation referred to his section in the following way. "Any sudden or unusual occurrence or condition that could not, the exercise of reasonable judgment have been foreseen by the employer." And our proposal, our endment would have stipulated that the section state that an employee may be required to work ertime in that kind of situation.

I would like to put that to the Minister for his comment.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Thank you, Mr. Chairman. Mr. Sherman, I think that the purpose or the basis of the endment would cover the point raised by my honourable friend by the exercise of reasonable gment have been foreseen by the employer. We are attacking this proposition, in all due respect to katchewan, in a different way in this Act where we make provision for the reporting to the Labour ard the incident of overtime, and giving the Labour Board an opportunity to compile, and also to ce such action as they may be inclined to take, or recommendations where it appears that there has en an unreasonable judgment of the employers, and a report shall be made so that we have a ulation.

I think the same objective is here but the methodology of arriving at that objective is slightly fferent in this legislation than applies in the Province of Saskatchewan. So I would like to suggest to y honourable friend that we have that provision. Then there is a further amendment to Bill 65 aling with the definition of plant and emergencies that might overcome to a further degree the int raised by my honourable friend.

MR. SHERMAN: Mr. Chairman, I would just ask the Minister whether he views the term "sudden or usual occurrence or condition" as is used in the Saskatchewan legislation as being embraced by

Industrial Relations
Wednesday, June 8, 1977

the amendment he has proposed here. In his view does that embrace the concept of a sudden unusual occurrence or condition satisfactorily?

MR. PAULLEY: I think, Mr. Chairman, in answer to my honourable friend, it does in the proposed amendment to 33(1) (b) "In the case of an occurrence beyond human control which affects the health or safety of individuals or which interrupts the ordinary provision of an essential service think that's even better than the phraseology used in the Saskatchewan Act which talks about reasonable judgment and there always can be different interpretations of what the word "reasonable" means, so I think that we are achieving that in this amendment.

MR. CHAIRMAN: 5—33(1)(a)—pass; (b)—pass; 33(1)—pass. Second clause 5—pass. Clause 6—pass; Clause 7—pass; Clause 8. Mr. Barrow.

MR. BARROW: THAT section 8 of Bill 65 be amended by adding thereto, at the end thereof, the following subsection:

Meaning of "plant"

33(5) When applying this section to an employer or an employee of an employer, "plant" with the limiting or diminishing the general meaning of the word, includes any property or facility, wherever situated, owned or used by the employer in carrying on the business of the employer and where the employer provides facilities or services to the public includes those facilities, wherever situated, at any property, wherever situated, that is required to be maintained by the employer to provide the facilities and services.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Mr. Chairman, if I may just briefly explain the reason for this additional clause that there was some question presented to the Committee when we were considering Bill 65 as to what happened with a hydro line, say between here and Churchill or here and Gillam or where have you and there was no clarification or clear-cut definition whether that was part of a plant or not. The same would apply insofar as the water main services the home of the Minister of Labour in Transcona, if that water main happened to break down, whether that was considered in the definition of a plant and the purpose of this amendment is to make clear that in such situations it is a part of a plant for the rendering of services of an emergency nature.

MR. CHAIRMAN: Clause 8, 33(4)—pass; the new amendment 33(5)—pass. Clause 8 amended—pass. Clause 9. Mr. Barrow.

MR. BARROW: THAT section 9 of Bill 65 be amended by striking out the word "September" in the 2nd line thereof and substituting therefor the word "December".

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Mr. Chairman, may I explain the reason for this change of dates is because I realized that there may have been some difficulty administratively in the corporations with a strict adherence to September the 1st. Our desire in a delay in this is to give the industry an opportunity to set up their computers and the likes of that so that it comes into effect, that is in the inclusion of fringe benefits, etc. rather than September 1st, December 1st.

MR. CHAIRMAN: Clause 9 as amended—pass. Preamble—pass. Title—pass. Bill be reported. Mr. Sherman.

MR. SHERMAN: Mr. Chairman, we are opposed to the motion that the bill be reported and would like a recorded vote. The Member for St. Matthews asked where we stood on the bill. I think we make it clear on second reading, because we are opposed to the time-and-three-quarters provision and would like a recorded vote as to whether the bill should be reported.

MR. CHAIRMAN: All those in favour shall the bill be reported please raise your hands.

A COUNTED VOTE was taken: Yeas 6; Nays 5.

MR. CHAIRMAN: I declare the Motion carried. Bill be reported. Committee rise.