



Third Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

33 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Hon. Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Q.C., Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	IND
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Hon. Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 26 June, 1984.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

**MINISTERIAL STATEMENTS
AND TABLING OF REPORTS**

MR. SPEAKER: The Honourable Member for Wolseley.

MS. M. PHILLIPS: Yes, Mr. Speaker. I beg to present the Second Report of the Committee on Statutory Regulations and Orders.

MR. CLERK, W. Remnant: Your Standing Committee on Statutory Regulations and Orders beg leave to present the following as their Second Report:

Your Committee met on Monday, June 25, 1984 at 8:00 p.m. in Room 254, Legislative Building and heard representations with respect to the Bills before the Committee as follows:

Bill (No. 8) - An Act to amend The Securities Act, Mr. John Thresher, Association of Canadian Real Estate Syndicators Inc.,

Mr. Sandy Riley, Manitoba Bar Association.
Bill (No. 21) - An Act to amend The Law Society Act,

Mr. Edward Lipsett, Manitoba Association for Rights and Liberties.

Bill (No. 28) - An Act to validate an Expropriation under The Expropriation Act; loi validant une expropriation effectuée en vertu de la Loi sur l'expropriation,

Mr. Dave MacNeill, Russell L. Towle Enterprises.
WRITTEN SUBMISSION:

Bill (No. 16) - An Act to amend The Child Welfare Act,

Manitoba Association for Rights and Liberties.
Your Committee has considered:

Bill (No. 8) - An Act to amend The Securities Act,
Bill (No. 11) - An Act to amend The Clean Environment Act,

Bill (No. 14) - The Jobs Fund Act; Loi sur le fonds de soutien à l'emploi,

Bill (No. 21) - An Act to amend The Law Society Act,

And has agreed to report the same without amendment.

Your Committee has also considered:
Bill (No. 9) - An Act to amend The Liquor Control Act,

Bill (No. 16) - An Act to amend The Child Welfare Act,

An Act to amend The Civil Service Superannuation Act.

And has agreed to report the same with certain amendments.

MR. SPEAKER: The Honourable Member for Wolseley.

MS. M. PHILLIPS: Mr. Speaker, I move, seconded by the Honourable Member for St. Johns, that the report of the Committee be received.

MOTION presented and carried.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Yes, Mr. Speaker. I am very pleased to confirm to the House that the United States Senate has approved legislation amending the Appropriations Bill for Energy and Water Development, which includes the funding of the Garrison project for the fiscal year ending September 30, 1985.

The amending legislation requires the Secretary of the Interior to establish within 30 days a Commission of 12 individuals to review the water development needs of the State of North Dakota, and to develop modifications to the Garrison Diversion Unit. No portion of the funds being appropriated for the Garrison project for the 1985 fiscal year can be expended or committed for expenditures on construction contracts prior to December 31, 1984.

This is a formal recognition of Manitoba's concerns in respect to the authorized plan for the construction of the project.

I am pleased to table for the information of the members, a copy of the Congressional Record for Thursday, June 21, 1984. I would particularly draw your attention to the comments by the following:

Senator Andrews of North Dakota: "I wish to assure my good friends in Canada that this Secretarial Commission will be seeking alternatives that will be consistent with the findings and conclusions of the International Joint Commission, and consistent with the Boundary Water Treaty between the United States and Canada."

Senator Burdick of North Dakota: "This approach is another example of the willingness of project advocates to seek and accept alternatives in order to address the concerns of our northern neighbour."

Senator Proxmire of Wisconsin: "I expect the Commission to recommend a much cheaper, more environmentally sensitive project which answers the Canadians' objections, including objections to the Transboundary transfers of water."

Senator Percy of Illinois, and Chairman of the Foreign Relations Committee: "Since the International Joint Commission spent two years thoroughly investigating the international impact of the authorized Garrison project, my understanding is that under subsection (c)(2)(K) of the International Joint Commission's findings and conclusions will serve as a guideline for the Secretarial Commission's deliberations, and that the Commission will be developing alternatives that are consistent with the International Joint Commission's report."

We are confident that this amendment, which has been approved by the United States Senate, will also be approved by the U.S. House of Representatives. It represents an extremely important redirection of the nature of this project and a sincere attempt to find alternatives that will not only answer Manitoba's concerns and the concerns of the United States Environmental Agencies, but also provide the promised benefits to the State of North Dakota. Members will note that this major breakthrough was aided by the lobbying efforts which we have carried out and which have been assisted by individuals such as Gerry McKinney of the United Canadian/American Anti-Garrison Lobby and by members of the Action Committee on Garrison. The people of Manitoba and North Dakota will co-operate in any manner possible to assist the Commission in its review and studies.

I would like to record special thanks to Senator Mark Andrews and Senator Quentin Burdick of North Dakota for bringing forward this amending legislation. In addition, the efforts of the Members of the House of Representatives, particularly Representative Silvio Conte, and the Members of the U.S. Senate whose recognition and support of Manitoba's concerns has made the passing of this amendment possible, are greatly appreciated.

MR. SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Thank you, Mr. Speaker. We in the opposition also want to express our pleasure at the announcement that the Minister has made. Over the many years when we were in government, when the initiatives were started in trying to get fair treatment on the Garrison, and the continued pursuit by the Minister at the present time, at times it seemed as if we were a voice in the wilderness not being heard. I am happy that eventually the lobbying has paid off. A lot of time has been spent on trying to look after the interests of Manitobans and it's gratifying to see that we have the results here today. We would hope that the U.S. House of Representatives will also be passing this legislation that is before us.

So we compliment the Minister and we are supportive of the work that he has done. Thank you.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, I have two reports to file, The Annual Report of the Criminal Injuries Compensation Board for the year 1983-1984, that is, ending March 31, 1984; and the Annual Report for the year ending December 31, 1983 of the Public Utilities Board.

MR. SPEAKER: Notices of Motion . . . introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: Prior to Oral Questions, may I direct the attention of members to the gallery. We have 12 visitors from the Katimavik National Youth Programme under the direction of Mr. Migie. These visitors are from the constituency of the Honourable Member for Wolseley.

There are 70 students of Grade 5 standing, from the Hastings Elementary School under the direction of Mrs. Sigurdson. The school is in the constituency of the Honourable Member for Riel.

On behalf of all of the members, I welcome you here this afternoon.

SPEAKER'S RULING

Also prior to Oral Questions, I have a statement for the House. On Thursday, June 21st when the House had, by leave, dispensed with Private Members' Hour, the Honourable Government House Leader requested that two private members' bills be called for debate.

Following advice on the admissibility of calling the bills, I took the matter under advisement in order to review Hansard and the applicability of our Rules.

It has been pointed out before, that the House has exclusive control over its Rules, to adopt those requirements that it thinks advisable, and to make such modifications that it considers necessary. Thus the Rules constitute the will of the House, which expects them to be duly enforced with fairness and impartiality. Therefore, the first resort must always be to the Rules of the House.

Rule 1(2) provides for a second resort in cases for which provision is not made in the Rules, and that is the precedents and practices of the House.

The same Rule provides a third resort, that of practices in effect in the House of Commons on July 12, 1955, should the first two resorts be inadequate.

In this particular instance, our Rule 20 clearly applies, so there is no necessity of checking into further requirements.

Rule 20(1) says, "All items standing on the Orders of the Day (except government orders) shall be taken up according to the precedence assigned to each on the Order Paper," and refers to Private Members' Hour. Rule 20(2) says, "When government business has precedence, the government orders may be called in such sequence as the government thinks fit," and refers to government business.

It is clear that the Rule was adopted by the House in order to clearly differentiate and separate government business from Private Members' Hour. It prevents any encroachment by the government of the day into Private Members' Hour.

Rule 20 is a further move by the House to protect the rights of private members and ensures that items in Private Members' Hour are treated in an equitable manner as provided for under Rule 19.

It is obvious that if a clear distinction is not made, it will be possible for a government to favour some private members and disadvantage others by the selective calling of Private Members' items for debate during "government time."

In conducting its affairs, the House should be most cautious about adopting measures which seem to expedite a short-term situation without considering carefully the long-term implications and possibilities of such a move.

In this particular instance, the House had dispensed with Private Members' Hour and was thus on "government time." Private Members' bills, by definition, are not government orders, and thus Rule 20(2) makes it clear that they cannot be called as the government sees fit.

ORAL QUESTIONS

BILL 22 - The Labour Relations Act

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Thank you, Mr. Speaker. My question is for the Honourable Minister of Labour. Today's newspapers carry a full page ad entitled, "The Dark Cloud Over Manitoba."

MR. SPEAKER: Question.

MR. G. FILMON: That advertisement, Mr. Speaker, is in reference to Bill 22. Among other things, it's been put forth by a group of major employers or perhaps organizations representing most of the major employers in Manitoba, that there could be very serious adverse consequences of this bill including the destruction of job opportunities in Manitoba.

My question to the Minister is, will she reconsider her ill-starred course of action and withdraw this anti-employment bill for further consideration and consultation with the employers of this province?

MR. SPEAKER: The Honourable Minister of Labour.

HON. M.B. DOLIN: Mr. Speaker, I have to admit that I am impressed with the power of the Chamber of Commerce to bring a black cloud of rain over this city just as they put their ad in. That's exactly what it says. I am also impressed . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. M.B. DOLIN: . . . and I would remind the Member for Pembina that I am not his girl or anyone else's.

MR. D. ORCHARD: Nor did I refer to you as such.

MR. SPEAKER: Order please.

HON. M.B. DOLIN: The Chamber of Commerce has spent well over \$5,000 to put in those two advertisements, as the member so correctly called them. I do not believe and will not take the time of this House right now, although I may at a later date, to point out the errors that are contained within the very tiny fine print that I am sure many of these people visiting here yesterday would not be able to read. I had some trouble with it certainly.

I would also point out that the calls that have come to my office have been from the press, not from people responding to the ad itself; we've only had three. Those so far, as I have checked with my colleagues whose numbers were also listed, one has informed that most of the questions were about final offer selection. It's interesting it doesn't even appear in the bill, but that is the impression that is being given by the advertisement.

So there are a lot of errors being perpetrated out there and spread around and it's unfortunate that the

people of Manitoba have to read that kind of information, and have to find out for themselves what the truth is.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Mr. Speaker, I find it difficult to understand the Minister's reference to cost when she is the Minister who hired three lawyers at \$600 a day to draft this legislation.

Mr. Speaker, in view of the fact that these employer groups say: "This Act is going to mean fewer jobs and cause great damage to the economy and workers of our province." Will she not reconsider and allow time, in view of the fact that the major provisions of her act will not come into place until 1985, allow for sufficient time to have this matter reconsidered and discussed properly with the employer groups of Manitoba so that we can do something in the interests of the people of Manitoba, not an anti-job creation measure as this is?

HON. M.B. DOLIN: Mr. Speaker, it is quite clear that there has been probably more consultation surrounding the development of this bill than almost any other bill we have brought in, the same kind of consultation that occurred around the introduction of the initial Labour Relations Act in 1972. I find it most curious that I can match almost question for question the information coming from the other side with exactly what was asked in 1972 - the same questions - and now they are saying that act is the perfect one and we should not change it.

I believe that the changes after these 12 years are necessary. My colleagues agree that they are necessary. Many of the changes are agreed upon by both business and labour as necessary and desirable and I find it most curious that there has never been one single question that is specific enough to answer with regard to the effect on job creation. There is no negative effect on job creation in this bill.

MR. G. FILMON: Mr. Speaker, in view of the fact that consultation involves listening as well as speaking, and in view of the fact that she is so confident that her government wishes to consult and listen, will she and her colleagues then support a six-month hoist on this legislation so that it can be delayed until proper consideration is given?

HON. M.B. DOLIN: Mr. Speaker, it's not necessary to have a six-month hoist. We have spent more than six months consulting already.

Manitoba Hydro - back charges

MR. G. FILMON: Mr. Speaker, my question is to the Honourable Minister of Energy and Mines. It has to do with letters that are being sent out by Manitoba Hydro at the present time with reference to the collection of back charges on billings that date back 11 years, to January of 1973. My question to the Minister is, in view of the fact that these letters seek to collect from people based on an error that was made by Manitoba Hydro,

in charges, was he consulted in this decision and does he support this course of action?

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, the day-to-day operations of Manitoba Hydro are conducted by Manitoba Hydro. I've become aware of this situation and I've asked for a report from Manitoba Hydro as to what their past policy has been with respect to back collections; how long that policy has been in place; and what the circumstances have been in past instances where these types of bills have been collected. I'm awaiting a report on that to determine what all the facts are before I make a policy decision with respect to whether in fact that's a good policy or a bad policy. I certainly would like to get an explanation from Hydro as to why, in fact, they are proceeding with that type of a procedure.

MR. G. FILMON: Mr. Speaker, according to information on the report on the CJOB Action Line this morning, these charges date back to 1973, which goes beyond the statute of limitations. They involve interest charges on Manitoba Hydro's mistake and, in some cases, there's no opportunity for the ratepayer to collect from the people who were his tenants during that time.

In view of all of these considerations, will the Minister ask Manitoba Hydro to withdraw this request for funds and to cease and desist trying to collect something that was based on their errors and their wrongdoing?

HON. W. PARASIUK: Mr. Speaker, I did indicate that I've asked for a detailed report from Manitoba Hydro on this. I would like to get their explanation on it and I certainly would then be acting, once I've received that information.

I might point out to the Leader of the Opposition that we've been spending, I think, three days now in committee, Public Utilities, where Hydro people were there, where this matter could indeed have been raised. The Leader of the Opposition chose not to raise it at that particular time when we could have looked at the specifics of it.

I've asked for a report; I will get the report and I'll certainly provide the information at that time.

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Thank you, Mr. Speaker. Following along the same line, on June 1st I sent the Minister of Hydro a letter requesting consideration to be given to a constituent of mine who finds himself in the same situation. This particular case, as was stated in the letter, was a constituent who had the three-phase power installed by Manitoba Hydro, read by Manitoba Hydro, controlled by Manitoba Hydro, finds himself now being billed for some \$6,000 because of Hydro's error. Has the Minister had time to give consideration to that, seeing that he's had some three weeks notice?

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, it was when I received some preliminary information, that I asked for

a more detailed report. I certainly asked for a more detailed report with respect to the particular case that the member talks about. I certainly believe it should be looked into. It is a matter from Hydro's perspective, of that person having consumed \$6,000 more electricity than he was billed for, and it's a matter of their providing a very detailed explanation of that because that certainly is something that will be looked at, Mr. Speaker, as I indicated to the Leader of the Opposition.

MR. J. DOWNEY: Mr. Speaker, I appreciate the Minister has indicated he is looking for more information. Does he, as a Minister in his policy, believe that a citizen of Manitoba should pay for the error of Manitoba Hydro? Does he believe as a Minister that it's his responsibility to pay for a bill which he is, I'm sure, unable to pay?

MR. SPEAKER: Order please. Matters of belief are not proper items for Oral Questions. Would the honourable member wish to rephrase his question to seek information?

The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, is it the Minister of Hydro's policy to collect a bill from a constituent of mine which is none of his responsibility or his wrongdoing, Mr. Speaker?

HON. W. PARASIUK: Mr. Speaker, we are not talking here about wrongdoing. We are talking about a consumption of a certain amount of electricity. I've said we would look into the whole matter and get all the facts, look at them all and come back, Mr. Speaker.

Certainly there have been instances in the past - and I think this might continue - where you have people going out and getting approximations of energy consumption and then getting a fixed reading because the person hasn't been home. Those instances have been there where there has been overbilling, underbilling and then when the specifics are ascertained, there are adjustments made to the bill.

But I certainly do believe that a 10-year period is too long a period and that's one of the reasons why I asked for the detailed report and I'll get the information and act on it.

CN Rail - upgrading

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister of Small Business Development. There's an advertisement appearing in a business magazine recently under the name of Lloyd Axworthy. The advertisement says, "The Western Grain Transportation Act requires the railways to do local sourcing. We'll judge the railway's performance by the extent to which they perform those requirements."

Now, Mr. Speaker, in my constituency, a Regina construction company has a contract to do some upgrading on CN Rail. A local trucker who has asked for the opportunity to bid on some trucking work has been told that only truckers from Moose Jaw will be hired to do that work. Since this appears to be a

violation of Mr. Axworthy's directive, will the Minister contact the Minister of Transport and ask that CN be required to fulfill the commitment to use local sourcing, that has been given by the Minister of Transport?

MR. SPEAKER: The Honourable Minister of Business Development.

HON. S. USKIW: Mr. Speaker, the issue before us I would have to assume is premised on the fact that that was not a tendered contract. Wherever we have a tender situation, then I would expect that low bidders are going to prevail as the successful bidders. I would not want to alter that regardless of the kind of commitment that the member alludes to.

It is not our policy to encourage preferential treatment with respect to construction activities in the Province of Manitoba.

MR. SPEAKER: Would the Honourable Member for Turtle Mountain ensure that his questions are clearly within the administrative competence of the government.

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I appreciate your advice. My question is to the Minister of Small Business Development. This has to do with the possibility of whether or not small businesses are able to develop.

My question to the Minister is, will he not contact the Minister of Transport to see whether or not local, in this case, truckers can be given the opportunity to bid upon work being done in Manitoba, because the future of Manitoba business depends on being able to have some opportunity to carry out this work? Will he not simply contact the Department of Transport and determine whether those people can have that opportunity?

HON. S. USKIW: Mr. Speaker, not being familiar with the item in question I have no problem in giving that commitment that we will indeed research the facts. But if it is a bid system, then I couldn't imagine why local bidders are not involved. The logic escapes me, quite frankly.

Compensation re heavy rains

MR. SPEAKER: The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Speaker, I'd like to direct a question to the Minister responsible for MPIC. Given that some consideration is being given by the province and/or the City of Winnipeg, to assist those home-owners who've suffered flooding and sewer backups some four times in the past week or so, does the Minister have any practical suggestions for citizens who've experienced these terrible events?

For example, I'm receiving questions from constituents about whether they should be saving damaged furniture, etc., whether they should be photographing their basements, whether there's anybody they could call in who would be able to confirm that such-and-such damage took place. Does the Minister have any practical advice for people?

MR. SPEAKER: The Honourable Minister of Housing.

HON. J. BUCKLASCHUK: I'm not so sure what practical advice I could offer as the Minister responsible for MPIC. However, it would seem to me that in the event that there may be some assistance from either the federal or provincial levels of government, it would be prudent to those home-owners who have been affected by the flood to keep track of all expenditures involved in repairing or replacing items that may be covered eventually by some disaster fund, but in terms of the insurance corporation, I'm not aware that there's any involvement at the present time.

MR. R. DOERN: Mr. Speaker, perhaps the Attorney-General doesn't realize that the MPIC has home-owner policies as well as auto insurance. I want to ask the Minister whether MPIC in its general home-owner's coverage provides for flooding and sewer backup and if not, since this apparently is not available through various insurance companies, whether the Minister would instruct his staff to study and develop a home-owner policy that offers such protection?

MPIC - flooding and sewer backups

MR. SPEAKER: The second part of the question is hypothetical.

The Honourable Member for Elmwood.

MR. R. DOERN: I could rephrase it and simply ask this question. As an insurance company that provides home-owner protection for houses, does MPIC have in its package a component that covers flooding and sewer backup?

HON. J. BUCKLASCHUK: Yes, thank you, Mr. Speaker. I will have to take that as notice and take a look at our policy.

Attorney-General - defamation settlement

MR. R. DOERN: Mr. Speaker, I'd also like to direct a question to the Premier concerning insurance. In view of the fact that the Attorney-General's remarks have already cost the taxpayers of Manitoba some \$5,000 in an out-of-court settlement; and given the fact that the First Minister and the Minister of Health are subject to a law suit, does the province have an insurance policy to protect the provincial taxpayers from further ministerial indiscretions? If not, would such monies be taken from an existing allocation?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, that question's been asked and dealt with at least twice before this Session.

MR. R. DOERN: Mr. Speaker, I wonder if the First Minister would be so kind as to repeat the answer since I'm not familiar with the answer and I don't know whether other members are.

HON. H. PAWLEY: Mr. Speaker, the honourable member can read Hansard as well as anybody else. I

could get the page numbers if the honourable member would like.

VIA Rail - dispute

MR. SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I have a question for the First Minister which he may wish to refer to another member of the Treasury Branch. Can the First Minister advise us whether or not the province is involved in what appears to be a public dispute between the Federal Government and the City Government over a proposed \$2.7 million Via Rail service yard in the City of Winnipeg?

HON. H. PAWLEY: Mr. Speaker, it's my view that we were not involved in any dispute involving the City of Winnipeg and the location of the Via Rail yard I believe that is an issue that has directly involved the city and the Federal Government without, to my knowledge, any input from the Provincial Government. If the honourable member wishes, I can take the question as notice to check, but to my knowledge it's been a matter pertaining only to the two levels of government.

MR. G. MERCIER: Mr. Speaker, perhaps I could ask a question of the Minister of Industry. I wonder if the Minister of Industry could indicate whether his department is involved in what appears to be a public dispute between the Federal Government and the City of Winnipeg Government over a proposed \$2.7 million Via Rail service yard in the City of Winnipeg? If he is not, is he considering intervening in order to ensure that that facility is built in the city?

MR. SPEAKER: The Honourable Minister of Culture.

HON. E. KOSTYRA: Thank you, Mr. Speaker. No, we have not been involved in any alleged dispute between the City of Winnipeg and the Federal Government with the Via Rail facility here in the City of Winnipeg.

Mosquito control

MR. G. MERCIER: Mr. Speaker, a question to the Minister of the Environment, Mr. Speaker. In view of the heavy rainfall and the predictions of the city entomologist, Dr. Ellis, that mosquito population is increasing in the City of Winnipeg at a dramatic pace, can the Minister of the Environment assure members of the House and citizens of the City of Winnipeg that with the passage of the Clean Environment Bill before the House and the expanded authority of the Minister to pass regulations, that he will not stop in any way, shape or form the Mosquito Fogging Program of the City of Winnipeg.

MR. SPEAKER: The Honourable Minister for the Environment.

MR. G. LECUYER: Thank you, Mr. Speaker. I guess to that I can only say that I can no more stop them from spraying right now than I can stop the mosquitoes from multiplying.

Compensation re heavy rains

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Thank you, Mr. Speaker, I have a question to the First Minister. It follows on the federal-provincial situation, and due to the fact, Mr. Speaker, there was a request to the province for support for the city and as well indications by the Leader yesterday, the concern for rural Manitobans who have had an excess of rainfall and damage, has the province put a request forward to the Federal Government for disaster funding and for assistance?

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, we indicated to the city that further information would be required from the city prior to a request being made.

MR. J. DOWNEY: Well, Mr. Speaker, I'm aware of an indication from the Federal Minister of Agriculture that there would be consideration given to some of the rural areas of Saskatchewan. Will his government as well put a request forward for support for some of the areas of Manitoba, the areas that have been heavily hit by rainfall and excessive flooding? Will he as well put a request forward for support for them?

HON. H. PAWLEY: In order to ensure that any request is accepted with legitimacy on the part of the Federal Government, it's important to have the necessary data and information available. Upon it being forthcoming, and upon our being satisfied as to the nature of same, then an appropriate request will be made at that time.

MR. J. DOWNEY: Well, Mr. Speaker, is his government gathering that information through from rural Manitoba so that an assessment can be made as well? The city have the capability of doing it within the city but I would think it's the province's responsibility to do it on the broader region. Is he or are any of his departments doing that?

HON. H. PAWLEY: Mr. Speaker, certainly the province is quite aware as are municipalities in the province, of the importance of ensuring whether that kind of information is available. Dependent upon the circumstances in the given part of the province, communication would be made in a suitable and appropriate way in regard to any situation pertaining to rural Manitoba.

Grasshopper infestation

MR. J. DOWNEY: Mr. Speaker, I take it that it hasn't been done yet. I would request that the First Minister see that it be done.

Yesterday, Mr. Speaker, I made reference to an answer given by his Minister of Highways, asking him if he would support him. I would like, Mr. Speaker, to ask the First Minister if it is the policy of his government as stated by the Minister of Highways, and I'm referring to Hansard, Page 2210, where the Minister of Highways

indicated that the municipalities - or makes reference to the Department of Agriculture - he's indicated quite clearly that: "The same policy that has been in place for a number of years will be followed in this particular case. That is the case, that they are being reimbursed for the costs of the spraying."

Will the First Minister confirm that statement that the municipalities will be reimbursed for the cost of spraying grasshopper control chemical throughout the province?

HON. H. PAWLEY: Mr. Speaker, I thought the Minister of Agriculture, unless I'm mistaken, dealt with this question yesterday. I thought the Minister of Agriculture indicated very clearly, that insofar as chemicals were concerned, yes; insofar as the actual spraying was concerned, no.

The honourable member refers me to Hansard. I think if the honourable member refers to the answer by the Minister of Transportation, he referred the matter to the Minister of Agriculture for a more extensive response. The Minister of Agriculture provided that response yesterday.

MR. J. DOWNEY: Mr. Speaker, will the First Minister look at Hansard and indicate whether he supports what his Minister of Highways said or not? He said that they are being reimbursed for the costs of spraying. If that's incorrect, then I wish he would say so, Mr. Speaker, so that municipalities who are phoning me would know where they're at with this government.

HON. H. PAWLEY: Mr. Speaker, if any municipalities phoned the honourable member in respect to this matter, I would suggest the honourable member refer any interested municipality to the Minister of Agriculture who answered the question very definitively yesterday. I see no reason why there ought to be any doubt; chemical, yes; spraying, no. That question was answered very definitively by the Minister of Agriculture.

If the Member for Arthur has any difficulty in respect to questions from constituents, I would suggest that he could obtain the assistance of the Minister of Agriculture to provide any explanation to any interested constituents that he indicates have been contacting him in regard to this matter.

Fishing regulations

MR. SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Mr. Speaker, my question is to the Minister of Natural Resources. I wonder if the Minister can indicate whether he is planning to abolish the use of live bait for sport fishing in Manitoba.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, I have had vigorous representation to me on both sides of the question in respect to the continued use of live bait. There has been no change in policy recommended this year.

MR. A. DRIEDGER: To the same Minister, Mr. Speaker, permits or licences are required in this live bait business.

Is the Minister still issuing licences for users of live bait, people that catch the live bait and sell it? Are licences still required, and is he still issuing licences?

HON. A. MACKLING: There are strong views within the fishing community both for and against the use of live bait or the extension of it. In view of the concerns in respect to live bait, we have not authorized any new licences for the sale of live bait.

MR. A. DRIEDGER: Just a final supplementary, Mr. Speaker, to the same Minister. Is the Minister planning to cancel any of the existing licences at the present time?

HON. A. MACKLING: The honourable member well knows that if there is a policy decision that will be taken, it will be announced in the usual way.

Northern Union Insurance Company

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, on June 18th, I took as notice a question from the Honourable Member for La Verendrye with respect to the status of the civil action by the receiver in the case with respect to Northern Union Insurance Company and Toronto-Dominion Bank.

Just to provide those details very briefly, a Statement of Claim was filed on April 16th of this year. A Statement of Defence has not yet been filed. There have been some preliminary questions with respect to particulars. As of June 15, 1984, the Claim for Particulars by the defendant has been dismissed by the referee, and we're now awaiting the Statement of Defence.

Suppers - churches

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister of the Environment. The Minister of Environment and the Minister of Health have assured the House that Regulation 204/83 which governs food services establishments and such things as halls and places where food is prepared, those two Ministers have assured the House that those regulations do not apply in the situations of community halls, Legion halls, etc. The information from the Law Clerk of the Assembly is indeed that those laws do apply to those institutions.

In view of that opinion, is it the Minister's expectation that the regulations will be changed to carry out the intent of the regulation as expressed by the Minister of Environment and the Minister of Health?

MR. SPEAKER: The Honourable Minister of the Environment.

HON. G. LECUYER: Thank you, Mr. Speaker. The honourable member is lucky. He has got the word of two Ministers, not only one, so I don't know what he is fretting about. As the member is just indicating, the

intent of the act, and that is the assurance we have provided, that is what we intend to live by. In the meantime, I have also assured the member that I had asked staff to review the regulation in question to determine if, as he indicates, it goes beyond the intent of the regulation, or if there are abuses that can be carried out on the basis of the way it is written now, that we were going to review it with that in mind.

Now since he raised that question, I believe it was last week or perhaps the week before, I have to admit I haven't had time to follow it up since then.

MR. B. RANSOM: Mr. Speaker, a further supplementary then to the Minister.

In view of the opinion provided by Mr. Tallin, the Law Clerk of the Legislative Assembly, that indeed they do apply, can the Minister advise the House then under what authority the officers of the department are refraining from the enforcement of those regulations? Has there been some sort of directive go out to them not to apply the regulations?

HON. G. LECUYER: As far as I know, at least I can only talk in terms of the department since I have been responsible, there has been no direction. The last amendment that he refers to was passed in 1984. There has been no directive not to or to proceed to apply the regulation beyond a certain extent. No, the regulation is there, and we've been operating with the regulation as it is now.

Personally, I haven't received any complaints on that regulation. I know the member has perhaps heard from someone since that question has been raised in the House, or perhaps he even heard from before. I know he referred to me about a particular case which I have had research, a school in particular, and this matter goes back to 1980. Indeed, there were three inspections carried on and it's fortunate that we did, Mr. Speaker, because the standards were definitely not acceptable in terms of food handling in a school cafeteria.

Fortunately, we did intervene at that particular time because we might have had a number of food poisoning cases on our hands. That's the only one that has been specifically mentioned to me and it goes back to 1980 when the first inspection was carried out; there were two follow-up carried on afterwards; one in 1981 and one in 1982. Those are the only ones I'm aware of.

MR. B. RANSOM: A final supplementary to the Minister, Mr. Speaker. How does the staff of his department determine in which cases the regulations will be applied and in which cases they will not be applied?

HON. G. LECUYER: Mr. Speaker, as I've stated before, one of the complaints that was made earlier when we were dealing with the Estimates was that we did not have sufficient Public Health inspectors.

Mr. Speaker, we have indicated to the public that we are trying to protect the health of Manitobans when it comes to food handling. Therefore, Mr. Speaker, where food is handled on a regular basis and it's not the intent of the act or of the regulation, Mr. Speaker, to deal with the occasional fowl dinner, contrary to the fears that are expressed by the member.

Now, if the member says that, legally, they could interfere with fowl dinners or they could require that

they abide by certain standards in accordance with the regulation, yes, that is correct, but we're saying that is not what the intent of the regulation is there for. That is why I say I don't think he has any cause to fret.

MR. B. RANSOM: Yes, Mr. Speaker, a further question. Since the Minister has now acknowledged that, yes, the regulations do apply but that is not the intent, will he amend the regulations to reflect the intent?

HON. G. LECUYER: I don't know if the member is waiting for me to come here within a week's time and tell him that here's the amendment and we have changed the regulation. I said, Mr. Speaker, and I repeat, that we will review the amendment to see if it is open for abuse and if, indeed, what the member is worried about presents a problem. I have given him that assurance. I don't know what more he is seeking.

A MEMBER: We're not sure about you, Gerry.

HON. G. LECUYER: You should be as sure of me as I am of myself.

Workers Compensation Board

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker. I direct my question to the Minister in charge of the Workmen's Compensation Board and would ask him, since many employers have asked for the implementation of a merit/demerit rating system that would recognize employer and employee safety records in the workplace, will the Minister be implementing such a policy very shortly?

MR. SPEAKER: The Honourable Minister for the Environment.

HON. G. LECUYER: Thank you, Mr. Speaker. The member is aware, I believe, from some correspondence I've had with him in that particular respect, that the matter of merit system is something that is currently being considered by the Board. Although there is a merit system in place now, it's not one that we can describe as really abiding by that name. The Board is currently reviewing the merit system and has asked for input from the various employer groups and has received some briefs in this regard. They hope to have a revised merit system in place for next year.

Indeed, the intent of the compensation system, although it does provide for collective responsibility, it is our hope that through some kind of incentive merit rating system, we would be able to bring employers to a greater degree of consciousness so that if they are able to reduce the degree or the level of accidents in the workplace, that they will benefit to a certain degree from some reduced assessment rate.

Now this is what is currently being reviewed and when the commissioners met with the employer representatives earlier this spring, they also gave the employer groups that assurance.

MR. R. BANMAN: Mr. Speaker, a final supplementary. Is the Minister saying that in all likelihood for next year

there will be a system in place which will recognize the fact that an employer who takes the necessary precaution and the necessary steps to ensure a safer workplace, that that particular individual, because of lower accident in the workplace, will have a lower premium than someone that doesn't? In other words, to recognize that when an employer is taking safety measures, that is reflected in the rate that employer pays?

HON. G. LECUYER: Mr. Speaker, what will be the exact items considered in devising with that formula I cannot describe in detail at this point, but obviously this would be one of the features to be considered. When such a policy is to be implemented, as I indicated before, it is my hope and I know it's the hope of the members of the Board, to have that in place by next year. I cannot say at this point in time whether that will be possible. It is my hope, indeed, and it will be announced when that happens.

MR. SPEAKER: Order please.

The time for Oral Questions has expired.

ORDERS OF THE DAY COMMITTEE CHANGES

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Yes, I have a number of Committee changes, Mr. Speaker.

In Statutory Regulations and Orders, the Member for Burrows substituting for the Member for Wolseley, and the Member for Lac du Bonnet substituting for the Member for Flin Flon.

In Industrial Relations, the Member for Wolseley substituting for the Member for Burrows.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Speaker, would you please call Bill 23 for third reading? I believe there may be an inclination to deal with that third reading today so that we may proceed with Royal Assent.

THIRD READING

BILL 23 - THE QUEEN'S BENCH ACT AND THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES ACT

Bill No. 23 was read a third time and passed.

MR. SPEAKER: The Government House Leader.

HON. A. ANSTETT: Mr. Speaker, would you please call the adjourned debates on second reading in the order in which they appear on the Order Paper?

ADJOURNED DEBATES ON SECOND READING

BILL NO. 18 - THE STATUTE LAW AMENDMENT ACT (1984)

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 18, the Honourable Member for Minnedosa.

MR. D. BLAKE: Yes, Mr. Speaker. I don't want to speak at any length on this bill. There are one or two questions that, when the Minister closes debate, he might be able to answer for me. They were covered in part by some of the other speakers.

The section covering the Manitoba Public Insurance Corporation, I was asking earlier why it was necessary to change the Board of Directors from seven to eight, and the changing of the position of the general manager to that of president and general manager. We were wondering if this was a change in the act necessary to provide some salary increases or why this particular change was necessary.

Also, there were some questions regarding The Legislative Assembly Act and the telephone changes to members. I see there are now credit cards being issued to most of the members as a result of a study that was undertaken some time ago to provide some additional telephone privileges to members, which is appreciated, and will possibly enable the members to communicate a little better with constituents and to handle constituency problems; although another problem was presented by changing the telephone number to 945. Now that everyone has business cards and letterheads printed, we will have to change them all or have them reprinted.

Just on The Legislative Assembly Act, Mr. Speaker, it may be that some of the original obstacles of handling constituency allowances has been overcome but as we all know, it has become a fairly burdensome method of providing some additional assistance to members, necessitating a great and lengthy submission of reports by clerks and, I'm sure, has taxed the other staff that will have to follow them up and keep the necessary records that allocate the various expenses submitted by members in proper perspectives.

But this particular bill, Mr. Speaker, is a bit of a catch-all and there may be other members speaking to other sections of the bill, but those two particular items have come to my attention. I am sure, when the Minister closes debate, he might be able to answer those sections to some degree which will maybe assist in speedier passage of the bill when it does get into committee.

So with those few remarks, Mr. Speaker, that's all I wanted to say on the bill at this time.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Housing.

HON. J. BUCKLASCHUK: Thank you, Mr. Speaker. On a number of occasions, the question has been raised with respect to the amendments to The MPIC Act that are in the Statute Law Amendments.

The concern about the amendment that would now designate the general manager as the president is for the purposes of being consistent with the other executive officers in the corporation. You might notice that we do have vice-presidents of finance and vice-presidents of this and that, but in fact we have no president. It is basically an amendment to indicate that the general manager is in a sense, the senior vice-president - the president.

I am also told that when they do have conferences with the other insurance companies that although the general manager is the chief executive officer of the insurance company, in a sense, he has the same responsibilities as the president does of a private sector insurance company. It is - I would not want to use the word "cosmetic" - but basically that's what it amounts to. It is just to conform with titles that one finds in other insurance companies and in keeping with the vice-presidents.

The question was also raised as to the need for expanding the Board of Directors by an additional member. This is to allow us to be able to accommodate the representation of two worker representatives on the board. At the present time the act allows for a membership of seven directors on the board of directors. It is our intention within the next while to have two directors who are representative of the employees of the Manitoba Public Insurance Corporation on the board. Since the present act allows for seven and we would like to appoint two, then we will expand the board by one to accommodate those two representatives.

MR. D. BLAKE: It is obvious by the Minister's remarks that the change to president is strictly a status symbol to put him equal to others during conferences. At one time a general manager and his two ICs were always called assistant general managers and they got around it that way.

By elevating the board of directors to eight from seven, why wouldn't it be to nine? Because then you have the danger of tie votes in committee meetings; that's why the boards are usually consisting of 5, 7, 9 or 11. If you have eight, you can have a 4-4 split and you will be at an impasse in board meetings.

MR. SPEAKER: Order please. If there are to be questions on debate following a member's remarks, that question is supposed to be for clarification only. The honourable member should not make representation or enter into a debate in which case he would be speaking twice.

The Honourable Minister of Housing.

HON. J. BUCKLASCHUK: Thank you, Mr. Speaker. I will be very happy to deal with that in committee. Just to simplify things, one of the members is an ex officio member and doesn't have voting rights, so we still have that odd number.

MR. SPEAKER: Are you ready for the question?
The Honourable Minister of Culture.

HON. E. KOSTYRA: Thank you, Mr. Speaker. There was some discussion with respect to one amendment to the act regarding film and video that was raised in terms of amusement. That was raised by the Member for St. Norbert and he was interested in knowing what process was going to be in place in terms of classifying videos now, that if this amendment is passed they would come under the purview of The Amusement Act.

As I indicated in discussion during my Estimates, we are in the midst of a study with respect to the possible

classification of videos. At the present time there is no process in place, nor will there be until we are in receipt of that report and until we are able to make decisions based on the recommendations that may be contained in that report.

This amendment would merely clarify what was thought to be the case in terms of film when it was first put in The Amusement Act and clarify it so that it would cover video in the same way that film is covered and would merely be enabling legislation to allow for the classification, if we decide to proceed with it.

MR. SPEAKER: Are you ready for the question?

The Honourable Attorney-General will be closing debate.

HON. R. PENNER: Mr. Speaker, in closing debate, just two very brief observations as notification to the members opposite when they want to discuss it in committee.

There is a section in the bill, the last one, which deals with the United Health Corporation. I have been advised by my officials that this may raise certain questions that make the section inappropriate for Statute Law Amendments. I will be introducing an amendment in committee to remove that so that it could be discussed at greater length.

During my Estimates in Consumer and Corporate Affairs, I did advise the committee and the opposition that there would a change proposed to The Public Utility Board Act with respect to the chairperson who is now designated as being full time, to take out that reference to full time, to leave it open. That was inadvertently left out of the act as brought in on Second Reading and I will be bringing in an amendment at committee stage on Consumer and Corporate Affairs.

MR. SPEAKER: Are you ready for the question? Is it the pleasure of the House to adopt the motion?

QUESTION put, MOTION carried.

BILL NO. 20 - THE STATUTE LAW AMENDMENT ACT (1984)(2)

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 20, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I would only raise one matter that I would ask the Attorney-General and the House Leader to arrange to have answered at committee. That's with respect to the amendment to The Civil Service Special Supplementary Severance Benefit Act and the repeal of the clause requiring the government to pay the board the actuarial costs of providing these additional benefits.

I think the Member for Emerson also has a comment he wishes to make before the bill is voted upon and goes to committee, Mr. Speaker.

MR. SPEAKER: Are you ready for the question?
The Honourable Member for Emerson.

MR. A. DRIEDGER: Thank you, Mr. Speaker. I just wanted to raise some concerns about the aspect that

deals with The Water Rights Act and the amendments thereto in this bill, and would hope that possibly when the committee meets, the Minister can possibly clarify some of the concerns that I have about the transfer cost of licences being moved on to the new users in the one category, and also the authority that the Minister can assume in certain cases, which always concerns me when a Minister has that kind of power.

I indicated that yesterday in the committee as well to the Minister of the Environment in his bill that when you give that Minister that kind of total authority, I think it always leaves a lot of room for concern. That same thing is happening here. I talked to the Minister of Natural Resources indicating that I would like to possibly have some answers when we meet in committee and his undertaking that he will then try and provide some answers to it. I just wanted to flag these two areas in Bill 20 so that we can have some answers when we get to the committee stage.

QUESTION put, MOTION carried.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 22 . . .

HON. A. ANSTETT: Mr. Speaker.

MR. SPEAKER: The Honourable Government House Leader.

HON. A. ANSTETT: Mr. Speaker, perhaps we could delay proceeding with Bill No. 22 in anticipation of the Royal Assent which I believe is about to take place. I'll just verify that Her Honour is ready to enter.

MR. SPEAKER: I will call that bill after the Royal Assent.

ROYAL ASSENT

DEPUTY SERGEANT-AT-ARMS, (Mr. Myron Mason): Her Honour the Lieutenant-Governor.

Her Honour, P. McGonigal, Lieutenant-Governor of the Province of Manitoba, having entered the House and being seated on the Throne:

Mr. Speaker addressed Her Honour in the following words:

MR. SPEAKER: May it please Your Honour.

The Legislative Assembly, at its present Session, passed a Bill, which in the name of the Assembly, I present to Your Honour and to which Bill I respectfully request Your Honour's Assent.

No. 23 - An Act to amend The Queen's Bench Act and The Court of Queen's Bench Small Claims Practices Act; Loi modifiant la loi sur la Cour du Banc de la Reine et la loi sur le recouvrement des petites créances à la Cour du Banc de la Reine.

MR. CLERK, W. Remnant: In Her Majesty's name, Her Honour, the Lieutenant-Governor doth assent to this bill.

Her Honour was then pleased to retire.

ADJOURNED DEBATES ON SECOND READING

BILL 22 - AN ACT TO AMEND THE LABOUR RELATIONS ACT AND VARIOUS OTHER ACTS OF THE LEGISLATURE

MR. SPEAKER: Order please. On the proposed motion of the Honourable Minister of Labour, Bill No. 22, the Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, in rising to voice my opposition to Bill 22, allow me to remind members opposite that governments are well-advised to listen to any request for special treatment coming from any organization or groups of people or minority groups of people with a great deal of caution. There are instances where these kinds of requests can be accommodated, but only after the government satisfies itself that in so doing it is acting in the public interest. On other occasions, Mr. Speaker, and I suggest to you perhaps more frequently than otherwise, the government, while listening to these requests for special interests and after weighing the overall public interest, they are well-advised to deny them.

Mr. Speaker, as incredible as it seems, this government within the space of a short year is about to discard, ignore, set aside that very basic and fundamental principle of good government, of a good parliamentary, democratic government which I find, as I said, hard to believe and really stretches the imagination of certainly all members on this side of the House.

Bill 22, Mr. Speaker, is not a bill that can be described as being in the public interest. We know whose interest it is in; that interest is not hard to define. I can even understand why the bill is here because I did read, as did some of my colleagues, the glowing pats on the back that organized labour gave itself in writing in a publication shortly after the 1981 election that spelled out what a tremendous effort and what tremendous sacrifice and what hard work organized labour put in the 1981 election to secure the election for members opposite. That, Mr. Speaker, is all documented.

Now, I don't fault organized labour particularly for now calling in the IOUs that they picked up in November of 1981. They are, after all, composed of human beings, the kind that populate any other organization or group and are therefore subject to the same human frailties or same human kinds of expectations. If you really put out for somebody, if you really do somebody a favour, you expect that somewhere along the line it will be acknowledged; somewhere along the line that IOU will be called in. Mr. Speaker, Bill 22 is the Minister of Labour's and this government's cleaning off the slate, so to speak, for the support they received in 1981.

Mr. Speaker, while all that may be understandable in human terms, a government has the responsibility of weighing that kind of a request from a special interest group, in this instance, big, organized labour and big, international labour unions. They have the responsibility of satisfying themselves that by agreeing and accommodating that request, they are indeed acting in the public interest. I don't fault the Minister of Labour

or this government for listening to the request, even taking that request seriously and seeing to what extent they can accommodate it, but to act upon it violates that fundamental basic principle of good government that I mentioned in the earlier comments of my remarks and that is, Mr. Speaker, where this government falls down in being able to discern the difference, and being able to separate that very human frailty of, yes, wanting to accommodate a special interest request, a special interest favour from a friend, in this case organized labour, but still fulfilling the role of responsible government in a democratic society and saying as much as we would like to we are not satisfied that we can do so in the public interest.

Mr. Speaker, I read from that advertisement that was referred to by my leader earlier on in question period. Just the opening paragraph of this particular message that various employer groups, the Winnipeg Chamber of Commerce, the Manitoba Mining Association, and other employer organization have placed in today's newspapers.

It is as follows: "Up to now our management/labour relations in Manitoba have been in relative harmony. Indeed our record for solving problems through discussion - at the bargaining table - is outstanding compared to other provinces. Business and labour have co-operated, by themselves with little outside interference, in the important task of creating a sound economic climate that stimulates investment and therefore creates jobs."

Mr. Speaker, that could have been the Minister of Labour speaking. In fact, Mr. Speaker, I think I heard her make comments similar to that just a short while ago in this Chamber.

Mr. Speaker, those comments are being put in print for all Manitobans to see by the major employers of this province. What greater, what better endorsement could any Minister of Labour, could any government have coming from the Chamber of Commerce saying, and let me repeat "Business and labour have co-operated, by themselves with little outside interference, in the important task of creating a sound economic climate that stimulates investment and therefore creates jobs." What better endorsement could a Minister of Labour of any government ask for?

I know that my former colleague, currently up in Thompson working for a mining corporation, would have loved to have received that kind of endorsement when he was Minister of Labour a few years ago, Mr. Speaker.

Mr. Speaker, the major employers are prepared to give this government, as incredible as it sounds, this group of incompetents but nonetheless they're prepared to pay for spreading that message to the workers and to the people of Manitoba, that labour relations are in good shape in this province.

Mr. Speaker, they were further led to believe by the Throne Speech which devoted just 1.5 lines to the question of labour relations. The particular line, the one sentence being: "My Ministers will also propose measures to streamline and modernize labour relations procedures." That is all the Throne Speech refers to with respect to labour legislation, Mr. Speaker.

Mr. Speaker, further to that the Throne Speech of course dwelt at some length about how this government in their second, and going into their third year, would pay special attention to the concerns of the private sector.

Mr. Speaker, we have the better part of a whole page regarding the government's involvement and encouragement of the private sector referred to in this same Throne Speech. I'll just read one section of it where the Throne Speech says: "My Ministers firmly believe that no other administration in the history of this province has made a greater effort to be accessible and to listen to the concerns and suggestions of representatives of business, labour, agricultural groups and others on so many key development issues."

Now, Mr. Speaker, I simply can't understand why this government would be prepared to dissipate that good will that is being expressed by organizations and people that are often positioned in antagonistic attitudes towards an NDP Government, why they would bring in Bill 22 and throw that all down the tube. Wash all that good will down the drain and indeed to have the major employers now paying money as the Minister of Labour correctly pointed out to us. The difference, of course, it being their own money that they're paying to advise people that Manitoba is indeed under the verge of a very dark cloud with respect to the conflicting and confrontational attitude that is built into Bill 22 that will disrupt what has been described, both by the Minister of Labour and for the employer group, as being a harmonious labour relations seen here in Manitoba, and one quite frankly that can be supported by statistics.

Indeed the Minister of Labour has on occasion but the truth of the matter is that we don't lead the country and the number of hours, the number of workdays lost due to labour strikes, Mr. Speaker. The truth of the matter is, our record is good. Mr. Speaker, the truth of the matter is that even this government belatedly recognizes the all important matter of creating and maintaining and enhancing the climate for business development so that we can attack our number one priority which is jobs. Jobs, Mr. Speaker, and particularly jobs for our young people.

Mr. Speaker, the kind of actions that flow from Bill 22, and I might add, the kind of actions that will flow from Bill 35 are the kind that will only make it more difficult for our young people to find meaningful employment in this province.

Mr. Speaker, the other day or some days ago my colleague, the Member for La Verendrye, brought up the subject matter to the House having to do with the Careerstart Program, a job that a youngster had applied for, an employer had applied for the services of a young student. The job was accepted by the Careerstart Program only then to be turned down because of the rigid adherence to unrealistic requirements under the labour regulations, under the Labour Act generally.

So, Mr. Speaker, we have right now in that one instance but I assure you that can be multiplied by the hundreds if not by the thousands, in that one instance where an employer, I'm well acquainted with that employer - he happens to be in my constituency, the small community of Argyle - that employer was prepared and was looking for a student, a University student, was prepared to pay him a pretty decent wage of upwards between \$6 and \$7 an hour; a wage that he could afford to pay; a wage that would not disrupt the labour relations within his own shop; but was then told by the Labour Standards Division of the Labour Department - no, that employer had to pay him - I

believe it was something like \$13.60 or \$13.40 an hour. And the employer simply said, well under those circumstances I can't afford it, number one; number two, the student isn't worth it.

Quite frankly taking summer help at that kind of price tag, you know, let's be realistic about it. I don't want to hear shouts from honourable members opposite that we're back to child labour days, we want to do away with minimum wage. We're not talking about that at all. We're talking about finding jobs for kids that pay good money, but find the jobs. What's happening, Mr. Speaker, is we're ensuring that these jobs are not available.

In that particular instance, the employer could not pay the \$13.60. He was prepared to pay \$7 an hour. The government would not allow him to pay him \$7 an hour. The youngster didn't get the job, Mr. Speaker, so who wins, who wins? Some bureaucrat wins because we've kept the law, we've kept the letter of the law as it should be, Mr. Speaker.

Mr. Speaker, in this whole debate that has been raging for the last little while in the City of Winnipeg as to whether or not they can afford to cut the boulevards really hinges on the same question. The truth of the matter is because of a labour agreement, cutting boulevards by youngsters out of high school has to pay \$11, \$12, or \$14 an hour and the city simply can't afford that. So every year at finance meeting times, they come to the hard decision, look, we're going to have to try to cut that out of our budget.

Then because of the pressures of city pride, because of the fact that the lack of civic pride on the part of some citizens who refuse to cut their boulevards in front of the homes, the city finds itself kind of cornered back into cutting the grass again, but at what price, Mr. Speaker? Mr. Speaker, we are legislating out of existence thousands and thousands of jobs and particularly in the area where the need for jobs is most critical; 16-24.

Mr. Speaker, it is not by accident that you can hardly find a service station that will pump your gas anymore. It's not by accident that the convenience food shops that used to employ shifts on a 24-hour basis five or six students, the Salisbury Houses; that they are all reverting to cafeteria style where you employ at the most a couple of short-order cooks and you serve yourself.

Mr. Speaker, on the farm that used to be such a sure place for many hundreds of urban youngsters to come and find employment - I speak from my own experience. I've gone through a whole raft of nephews on my ranching operation over the years. — (Interjection) — That's right, nephews. I have a big family.

Mr. Speaker, all of that is becoming next to impossible because in the farming operations, most of them don't operate the kind of money or kind of cash flow that can afford current wages. It is just that simple, Mr. Speaker. What you have here is a continual drive forever and ever, bigger machinery, or farmers working co-operatively with neighbouring farmers to help resolve the labour question. But the fact of the matter is that these jobs are simply disappearing from the market and they're gone and will not return.

Mr. Speaker, the kind of direction that Bill 22 takes the province will only ensure that this happens at a faster rate. The kind of bill and the kind of reaction to

the situation that brought about the reason for the introduction of Bill 35 will only further accelerate that as well, Mr. Speaker. Where there is a common interest being served, where there is a mutual agreement on the part of the employer and the employee, Mr. Speaker, I remind you that in most instances again we are talking about, in some cases a very small to the small and perhaps the medium size, entrepreneurial operation. We're not talking about the Incos or the Versatiles or the larger industrial operations in this province. No, we're talking about the small operations where you have a very close relationship between the employer and employee, and where it is not at all difficult on the part of the employee to understand that, look, I would like the job in my little community of Lundar or something like that; I'm reasonably skilled at different crafts. Perhaps I don't have the journeyman papers to do it, so I don't qualify for the full rates, but the employer who is also from that same area says, I can use four of you fellows at \$8 an hour or at \$9 an hour, but maybe not at \$12.50 or \$14 an hour which is what the law prescribes.

Mr. Speaker, surely in a free-and-open society those kind of agreements have to be able to be arrived at. Mr. Speaker, I'd be the first one to stand on my feet, demand the full protection of the law if I thought there was any question of coercion being applied, that somebody was being coerced into working under conditions that they did not want to work under.

Indeed, Mr. Speaker, I'd be the first one to insist that basic minimal requirements be met. We are not talking about abuse of these minimal standards with respect to workplace, health and safety regulations that are being drafted and improved and enhanced in this province. We're not talking about minimal wages in themselves being abused, Mr. Speaker. We're talking about the ability of employers and employees to get together, create jobs and keep the economy rolling, Mr. Speaker.

This government made this statement in the Throne Speech, that never in the history of this province has a government made a greater effort to be accessible and to listen to the concerns of representatives of business, etc. Why then, Mr. Speaker, will they not listen now when this urgent request is being made of them by the major employers of this province? Let's take the time to inform Manitobans; let's take the time to tell Manitobans what the implications of Bill 22 are; let's take the time for further study and co-operation and begin developing legislation that is fair for everyone and promotes a sound economic climate and creates jobs, not destroys jobs.

Mr. Speaker, they can't have it both ways. They can't on the one hand tell us that no government in the history of Manitoba has ever listened and then have to force employers to put paid advertisements beseeching, calling upon this Minister to listen.

Mr. Speaker, if Bill 22 passes, it's not to become effective till January 1, 1985. What will six months of further listening do, Mr. Speaker? Well, Mr. Speaker, what it does, it stops advertisements like this in the newspapers of this province. What it does, it indicates to the major employers of Manitoba that this Minister and this government is prepared to listen to them as well as to Dick Martin; to them as well as the ones that contribute every month to their political survival by union checkoffs on their dues.

Mr. Speaker, this is not in the public interest, Bill 22. It should not proceed, Mr. Speaker, and we in the opposition will have a great deal to say about its further passage.

MR. DEPUTY SPEAKER, P. EYLER: Are you ready for the question?

The Honourable Member for Concordia.

MR. P. FOX: Thank you, Mr. Speaker.

Mr. Speaker, it has been 12 years since the late Russ Pauley introduced The Labour Relations Act to Manitoba and it has taken almost 12 years for some of the members opposite to change some of their rhetoric - but not all of it - some of it which they have changed is that they are now aware that The Labour Relations Act has created a climate of industrial peace, but what they have not changed in is the fact that they still decrying that this is going to be the downfall of this government. I sometimes wonder how they can be so two-faced, which is probably unparliamentary, but how they can use such indiscretion as wanting us out of office and at the same time trying to tell us what is going to take us out of office. I really do not think they are sincere in what they are trying to do.

Mr. Speaker, I recently was reminded of the remarks made by the Member for Roblin-Russell when this bill was here before us 12 years ago. He at that time cried woe and also decried the fact that this was an anti-business government. The members opposite are staying true to form. They are also decrying exactly the same thing today.

Mr. Speaker, I don't know why they cannot come to terms with themselves if this is the reason, The Labour Relations Act is the reason for industrial peace and a climate of good will amongst employers and employees, why they are so dead set against improving this particular area. — (Interjection) — Yes, improving it.

Mr. Speaker, they cry aloud, and I want to tell you some of the things that they said the last time. The Member for Roblin-Russell speaking at that time said we've got this anti-business element in government; exactly what the members are saying today and yesterday. He said we've got it in the church, we've got it in our educational institutions and now we've got it in Bill 81. The members yesterday and today and previously said we've got it in Bill 22. Well, I really don't believe they know what they are talking about.

Mr. Speaker, their hysterical predictions have not come true, because 12 years ago they decried that this was going to be the doom and gloom of Manitoba if Bill 81 passes and now they are saying the same thing about Bill 22. I really don't believe them. — (Interjection) — Well, you know, those people have a vested interest and they really have to try to protect it and they don't want to really have good negotiations or industrial peace. They want the workers to be at their mercy. That's why they have those kinds of ads. They have a particular vested interest.

Mr. Speaker, the labour critic of 12 years ago, Gabe Girard - he was the opposition labour critic - stood in his place to warn Manitobans of the evils of union organizers just like some of the members are doing today. He said at that time, and I quote, "70 percent of the workers in Manitoba will be unionized in some

five years because of this bill being probably very carefully planned with the union leaders whose main objective is to unionize as quickly as possible regardless of the wishes of the workers."

You know, Mr. Speaker, some of the members opposite have expressed the same kind of sentiments and it grieves me that they think that way because I have to tell them something. After being some nearly 40 years in the labour movement myself, having come up through the ranks and being involved at the executive level not only at the Labour Council but the MFL and my own union, I am one of those people that is one of the union bosses, one of those guys who's got horns on his head that you people are so afraid of. I have to tell you, Mr. Speaker, that . . .

A MEMBER: True confessions.

MR. P. FOX: That's right, true confessions - and I don't have any horns and I don't have any ulterior motives. We just want to make sure that the workers get a fair shake in this society.

Mr. Speaker, Bill 22, we would have to recognize what its concerns are and what it deals with. It's a bill dealing with specific concerns of the industrial relations community, a bill building on and clarifying the existing act and a bill providing a firm foundation for labour relations in the future.

Mr. Speaker, there are a great number of myths surrounding unions in this country and as I indicated, one of them is that union bosses are totally opposed to what is good for the workers. Unfortunately, that's not true because, as I said, I happen to be one of those and most of the members know me well enough that they cannot say that about myself.

A MEMBER: You're a rose among thorns, Peter.

MR. P. FOX: Unfortunately, I know the other people that are involved and I know them as well as I know the members, and since I can trust the members on the other side, I am sure I can trust the members that I am well acquainted within the labour movement. It's got nothing to do with roses or thorns; it's just a matter of approach.

Mr. Speaker, the myths encouraged by the opposition are perhaps the greatest hindrance to long-term harmonious relations or productive labour relations in this province, myths perpetrated to generate mistrust, conflict and fear.

One of the things that I have to talk about is the fact that the Honourable Member for La Verendrye the other day said that overnight, there is somebody can be confronted with a union. People will go in one night and the next morning they are all organized and they've already got certification. Well, I must tell the Honourable Member for La Verendrye, he doesn't have a clue about certification; he doesn't have a clue about organizing people. For one thing, he doesn't have a clue in respect to what people think and work like and how they operate. Unfortunately, what the members are indicating is that . . .

A MEMBER: But they won't say anything is wrong, though.

MR. P. FOX: . . . people in the workplace haven't got any intelligence, that they are going to be coerced, intimidated by others who are from them and amongst them in the labour force. I find it incredible that they have so little regard for other Manitobans, especially working people in Manitoba. They have no regard for them at all. They just think that they are gullible, that they can be talked into anything overnight. On top of that, they are not aware of the process that it takes to organize in a trade union.

We on this side, Mr. Speaker, have more confidence in and respect for the people of this province than the members on the other side. We believe that when a man or a woman decides to join or not to join a union, they have made an intelligent decision based on careful consideration, and that decision must not only be respected but it must be made free of threats or collusion.

The date of application system and other provisions in Bill 22 not only limit the opportunity for harassment of employees, but makes it clear that such harassment will not be tolerated. The board may dismiss any application where solicitation of cards has been conducted in an improper manner and, conversely, may grant certification even if there is less than majority support where there has been serious, unfair labour practice.

Mr. Speaker, any individual retains the right to change his or her mind up to the date of certification, and that's something else the Member for La Verendrye should realize; that it doesn't just happen overnight; that people still have a chance to change their minds right up to the very last date, and certification doesn't take place overnight.

The reality of union certification is that, with few exceptions, the application is made with support in excess of 80 percent of the workplace. This government believes that it is in the best interests of all parties for collective bargaining to be free of unnecessary delays and acrimony.

Bill 22, therefore, proposes that when majority support for certification is clear and the only outstanding issue is the matter of composition, the board be allowed to issue an interim certificate. We also recognize that there are occasions when employees are closely split on the issue. Under provisions of this Bill 22, a vote will be ordered where less than 55 percent but at least 45 percent of the employees have signed cards.

Mr. Speaker, we know that over the course of time, a particular group of employees, for whatever reason, may feel it necessary to apply for decertification. Bill 22 clearly provides a full and fair opportunity to do so. This bill also provides for decertification where there is proven evidence of fraud in the original application, or where the board has found the union has abandoned its bargaining responsibilities. So it cuts two ways.

Mr. Speaker, I believe these are fair provisions in Bill 22. I believe they are provisions that respect and enhance the rights of the employees and employers. As time proved the worth of this province's original Labour Relations Act, time and experience will prove the worth of Bill 22.

Again, I say to the members opposite, they were the ones who praised Bill 81, 12 years earlier. I think they should make up their minds and not wait that long, and stop their rhetoric about this being anti-work or

anti-whatever and get with it because, Mr. Speaker, I don't think it should take them another 12 years to make up their minds that what this government is doing is right.

Thank you very much.

MR. DEPUTY SPEAKER: The Member for Morris.

MR. C. MANNES: Thank you, Mr. Speaker. Mr. Speaker, I am encouraged to see that members opposite have finally begun to stand up and find it within their small bags of courage to defend this bill. We were wondering whether or not there might be a total debate on second reading without any input from members opposite at all.

I found it particularly interesting to listen to some of the remarks made by the Member for Concordia. He indicates he was a former union boss. Of course, I must defer in some respects to his experience. I have never been a union member. I don't anticipate that I ever will be one, but certainly what I have to offer in my presentation on Second Reading, Mr. Speaker, will be directed not to the large unions and to those numbers of people who are unionized at this point but, I dare say, to the vast majority of working Manitobans who are not unionized or are not part of bargaining units at this time.

I would hope that some time, members either on my side or on the opposite side would clarify for me what percent of Manitoba's non-public sector working force is unionized. I am led to believe that it's some 15 percent. If I'm wrong, I hope members on either side would correct me. I think that, using that as the base, then I would like to begin to develop some of my concerns as they relate specifically to Bill No. 22.

Before I do that though, Mr. Speaker, I would like to say that in my view of course, this is the crowning glory of those members of the NDP caucus who want to see brought forward some of the major, major labour reform. As a person who really doesn't and can't draw great meanings from these left-right connotations, I will fall into the same rut and say, obviously the left of the left of that particular caucus has won their day in the battle within their caucus to bring forward this type of legislation.

The Members for Kildonan and Seven Oaks and, of course, the invisible hand of one Dick Martin has come to the fore in this one. That's readily apparent, Mr. Speaker. This is the big political pay-off for the election victory of 1981. You can almost see the initials, D.M., behind every paragraph, behind every clause of the bill — (Interjection) — Obviously by some of the comments flowing back, we have hit some type of a tender nerve there.

Mr. Speaker, the Minister who proposes Bill 22 recites the labour-management harmony over the last couple of years. Of course, she uses that as the main launching pad for bringing forward, in her view, the required changes under this act. I suppose, one who is a few steps removed from understanding the political pressures that the NDP particularly go through when they go out and solicit support from people involved in the labour movement as they fight political battles - if an individual wasn't totally cognizant of that type of process that their political party goes through and

if that same person accepted the argument of the Minister that we've had a stable labour-management condition in this province over the last number of years, I think that person would ask the question, why do we need this bill? Why is Bill 22 required?

Mr. Speaker, I think the answer to that comes very close to one of the comments I made just a few moments ago and that is that unions within this province have not succeeded in unionizing, by what I hear at least, any more than some 15 percent or 20 percent of the labour work force. Therefore, Mr. Speaker, that becomes the goal, to bring forward legislation that would allow, not only in my estimation, Sir, but I dare say in the minds of many others, easier access to a much larger number of people. That is why, at least I take the view, that the NDP so strongly want Bill 22 passed so quickly.

Mr. Speaker, my purpose for addressing Bill 22 on second reading isn't to convince the House and members opposite that I have a strong history in labour relations or labour legislation. I don't have to argue too strongly that my background in this area possibly is lacking. My main concern for debating Bill 22 is my concern for the economy, particularly small businesses throughout this province.

Mr. Speaker, the government and members opposite, and particularly the Minister of Finance and the Minister of Small Business, have taken every opportunity available to them to point out on almost every occasion, economic indicators that suggest that this province in some areas is doing better than our sister provinces east or west. They try to use the political ploy that if the indicators are favourable, they then should garner for themselves the political thank you's that come with that type of information.

Mr. Speaker, I have been heard to say on a number of occasions that the numbers are hanging in, in spite of government policies and government action. I have said that, because I feel I have as sound an understanding of the make-up of the economy of this province as any individual in this House. Because of that, I believe that Bill 22 has such a potentially serious impact on the type of stable, small manufacturing base that creates the very stabilized economy within this province.

Mr. Speaker, within my constituency and, as I address Bill 22, my greater concern is the large number of smaller businesses within my constituency. My concern is that the Minister and the government want to do one or two things. Firstly, they want to see disrupted this harmony they talked about, so that they will be the political benefactors in any type of disruption that comes forward; or secondly, they believe that there is something wrong with the small business as it is constituted in this province at this time. Because when you realize that such a large proportion of the employees of this province work under conditions of non-unionized situations where there are no bargaining units; when you realize that the productivities within those areas are basically of high levels, you can come to no other conclusion as to why the government wants to come forward with this particular legislation. It is on that basis that I will be using some of the argument put forward by my colleague, the Member for La Verendrye, when he talked about some of the possible impact upon a smaller business.

Mr. Speaker, throughout it all, I ask the members opposite what they have against total freedom. We were chastised by the Member for Concordia who spoke to us and said, you haven't changed your mind in 12 years. You are arguing the same way that you did as a political party in 1970, the last time or maybe one of the last times that this bill was dealt with.

Mr. Speaker, if what you're saying is that we don't change our minds, if you're saying we have the right and we should be able to change our minds, why isn't that same basic philosophy incorporated in this Bill 22 to allow employees to change their minds, to be given some time after they sign their names on a card to change their minds? We'll move into that in a little bit more detail a little later on. Mr. Speaker, why isn't that allowed?

So let not the members opposite chastise us for where we stand in some of these areas — (Interjection) — Mr. Speaker, I'll move into that, into the challenge from the Minister in a few moments as I move into a little bit more detail with regard to the bill. All I ask is, specifically, where is the freedom?

Mr. Speaker, what about the process? I have some quarrel with the process that the government seems to be using in a number of areas and particularly in this area. I suppose after the language issue of a year ago, they have now realized that nothing is going to come forward of a contentious nature unless it goes through a number of mock hurdles.

First of all, the Minister will put feelers out through the industry to try and have some input come forward; then she'll commission a study, paid for either internally or otherwise, to seek additional information; then, of course, out of that study will come forward a White Paper which again is to solicit additional information and, coming from that then, will come the legislation. Mr. Speaker, nobody can argue with that specific process. We were quite critical of the government just a year ago when they chose not to use that type of process in dealing with the language issue.

But what we have detected, Mr. Speaker, on this case and on a couple of others since that time, particularly in some areas of education, where the government appears and says that they are prepared to listen, they're prepared to speak in great depth with all people who have vested interests, really, there are no compromises struck. Really the government has their mind made up totally. Their blueprint of action is set, and they follow it right to the nth degree, Mr. Speaker, and nothing is different within this particular process as regards Bill 22.

Throughout the introduction of the bill and on the occasion of almost every utterance of the Minister, she talks about the primary goal of Bill 22 being to enhance harmony within labour-management fields. I haven't read specifically the preamble to The Labour Relations Act. I have had it read to me, but I haven't read it. Of course, it dwells very heavily upon, as you probably are aware, Mr. Speaker, some of the motherhood statements of what has to happen to bring forward these harmonious relationships.

Nobody can quarrel with that type of preamble but, I dare say, one could bring forward a major new act or major new legislation in total support of the rights of employers and probably use the same preamble. So I ask particularly members of this House and press

people to not be caught off guard when the Minister introduces, by way of her meatiest statement introducing Bill 22. In introducing it, she says: "The measure of its quality . . . "and she's talking about 22 ". . . must be in its contribution to industrial harmony and economic growth."

Mr. Speaker, how many variations of bills could be brought in under that type of guideline? The combination of bills covering the rights of employers and employees at any number of groups of people is massive in number, so let's not be led up that path by that type of statement, Mr. Speaker.

Again, if there is such harmony at this time, then why do we have the major ads in the paper that we do today? I'm not going to move into the area just covered in fair detail by my colleague, the Member for Lakeside, but if the harmony is at such a high level, why is it that large numbers of employers, all sizes, and I would say my greater concern, the smaller employers in the sense of numbers of people employed, why are they so concerned? Well I think, Mr. Speaker, once a large number of us on this side have had an opportunity to offer our views, the Minister and the members opposite hopefully will realize why small employers within this province are so vitally concerned as to some of the conditions and some of the proposals brought forward under Bill 22.

Mr. Speaker, this bill is broken basically into five sections of import to our way of thinking. The one area dealing with the Manitoba Labour Board, there seems to be some broad area of consensus between those individuals and those groups speaking for business interests and those ranks of labour people. I won't make any passing comments on that particular area, although I know there will be some other of my colleagues who may want to question specifically the removal of an opportunity to appeal a decision of the Labour Board to the Court of Queen's Bench.

Mr. Speaker, the certification process is a second area, and a main area which is of great concern to me. It's of great concern to me because of the fact that there are at least a couple of hundred small businesses within my constituency, virtually all employing somewhere between five and 25 people. I once had a large business in my constituency by the name of Superior Bus, but it no longer will exist, supposedly, after August 5th. I may use that as some evidence or as an example of a concern I have under another part of this bill, Mr. Speaker. Nevertheless, there are, as I indicated earlier, large numbers of small businesses in the province. I can tell you, I have a large number within my constituency.

The scenario developed by my colleague, the Member for La Verendrye, has some genuine concern to me. In spite of the assurances from the Member for Concordia that bargaining units do not come forward overnight, that indeed everybody knows, everybody that is an employee of a business knows whether there's talk of a union coming into place or of the development of certification of a bargaining unit. I say that may have been the case in the past.

He even went further to say that 80 percent - and I want to quote properly his figures - I think he indicated that of all, there was 80 percent support of all employees, generally speaking, of newly-certified bargaining units, and I accept his figures.

Nevertheless, Mr. Speaker, if you're concerned like I am, that the goal is now going to be amongst the labour and labour movement, to move quickly to approach many many smaller businesses, then I think the scenario developed by the Member for La Verendrye is given total opportunity.

Now, the Member for Concordia throws his hand at me. He says that that can't happen. I would want the Minister or the next speaker from the side opposite to tell me that the example used by the Member for La Verendrye, the small proprietor in Beausejour, can't happen in exactly the same sequence of events as he indicated.

Well, I would hope the Minister of Labour would dispell our concern in this area because certainly, all the advice that we received is that it can happen overnight, and to so many of us who have small businesses where there are 7, or 8, or 9 people employed, the thought that 45 percent of those employees, or whether it's 4 out of 9, or 6 out of 13, may not have any knowledge whatsoever that somebody is trying to bring forward a bargaining unit within that employee group without their knowledge, to me is incomprehensible. — (Interjection) — I would hope the Minister would tell us where we're wrong so then I could agree with her that it's utterly ridiculous because it's of great concern to me, Mr. Speaker, that four people out of seven, for instance, might indeed be the prime motivators of that type of a process and, yet, not even impart that knowledge and what they're preparing to do to the other three employees and, therefore, in effect, shutting them out of the decision whatsoever.

Well, Mr. Speaker, the Minister says I'm saying something. Well, all I'm doing is asking her to tell us why the development of the scenario that we've developed is incorrect and why it's utterly ridiculous because it's a genuine concern, not only to me, but to many members on this side.

We all know that there's an effective date, that once membership cards are turned over to the Labour Board for consideration or when an application for certification is filed with the board that, in fact, everything is frozen, absolutely everything. I guess I wasn't aware in the past that an employer had to be very careful of whatever statements he made to employees, but I suppose once that's filed, he can't say anything. Some people would say that he can't say an awful lot before that point in time either.

So, Mr. Speaker, it's with this type of new understanding that I have about some of the labour relations that I become very vitally concerned when people point out to me that by this new process, in effect, 55 percent or 5 out of 9 employees, for instance, can bring forward a bargaining unit, one that's locked into place for a minimum of two years without the other employees having, not only any knowledge, but I dare say as badly, at not having any input.

So, Mr. Speaker, that's my major concern with the certification process and hopefully the Minister will shed some greater light upon that.

Mr. Speaker, the decertification process, I'll only make a brief comment upon that. It seems that the union has guaranteed a minimum 12-month duration, collective agreement, which if obtained through application to the board does not even allow for decertification in a three-month period immediately preceding the last three months of its operation.

I suppose my major concern in this area is how does an employer by virtue of this act if it's brought into place, at what time is he free to even talk to employees to try and present the other side of the argument, the other side of the potential benefits to them, if there are some, potential benefits to the company? Of course, when we say the company or the corporation, that benefits all, workers and employer and owner.

When is he afforded the first opportunity to sit down with the employees to present his case, or is there never one? Or does it all have to happen internally from the employees? Again, a majority of them by vote, or whatever reason, or by whatever method, being able to convince to come to the conclusion that whatever bargaining unit is in place is not to their advantage. Well, these are major concerns we have in this area and I think our labour critic will be expanding upon these in greater detail as this bill proceeds.

Mr. Speaker, the fourth area is collective bargaining. I won't say an awful lot about that. I think the Member for La Verendrye did indicate his concerns about the first contract legislation and how it ties into this bill and how, in fact, now in his view in the mind of other people involved in labour negotiations, how this particular area now will cause a greater preponderance of bad-faith bargaining. I would hope that the Minister would again make comment upon that particular assertion of our critic.

Mr. Speaker, the grievance arbitration area, honestly I don't fully understand and I will leave that to others.

The last part of it comes very close to home and that's the sale of a business, Mr. Speaker, and under this bill, of course, provision is allowed that will keep in place bargaining rights and collective agreements that have been forged under former ownership. Well now the provision of this bill will allow that these agreements be carried into the hands of the new owner.

Mr. Speaker, having just watched closely what's happened at Superior Bus in Morris whereby, I think, some portions of this legislation was challenged or, at least, brought forward to the Labour Board, I must say I have some very real concerns in this regard. Of course, the concern is, in my mind, potentially annihilating to a business, a business that is trying to regain not only its composure, but trying to grasp for life, whereby former agreements are not reopened.

Mr. Speaker, whatever the reasons are for a business finding that it cannot any longer remain viable, whatever those reasons are, the instituting of Bill 22 and the provision dealing with the sale of a business isn't going to in any way help that particular concern. — (Interjection) — Well, the Minister says it can be renegotiated. Then, I ask her why, in fact, that wasn't the case at Superior Bus? Why couldn't that one be renegotiated? — (Interjection) — Well, Mr. Speaker, here we have a situation where the Minister says, and I can't quote the specific reference, but many of the people that we have asked to give comment on this particular bill indicate that sale, the key to these changes contains a new definition of the word "sale" as including a lease, transfer or other disposition of the business.

By this definition, Bill 22, in effect, will enlarge upon the circumstances under which bargaining rights and agreements will be deemed transferrable along with the transfer of the business. Potentially, circumstances will include not only a normal purchase and sale but

also situations where the deemed seller and deemed purchaser have no relationship at all with each other.

For example, it is possible, as has occurred in the federal jurisdiction, that where one business enters into a contract to provide goods or services to a third party and the contract comes up for renewal and is obtained by a competing business, the original operation may be deemed for labour relation purposes to have been sold to the competitor.

Of course, of even greater concern is the potential effect on would-be rescuers of a failing business operation. A business that is bankrupt or has been put into receivership is nevertheless subject to provisions which will require the person who eventually takes over the business to adhere to the provisions of a collective agreement or be subject to bargaining rights.

It is generally conceded that bargaining rights should not be lost except in clear circumstances, Mr. Speaker. The same, however, should not necessarily apply to the terms of a collective agreement. A valid argument can be made that a collective agreement should be reopened for bargaining on the occasion of a purchaser taking over a bankrupt or defunct operation. Otherwise, obviously, it will not be possible to save businesses which might otherwise be turned around.

Now, if the Minister is indicating that there are opportunities by way of her legislation to allow just that, a renegotiation, well then, fine, I will withdraw the information. Our advisors tell us, in fact, that collective agreement is to be maintained.

Mr. Speaker, those basically are my concerns with the bill. I see it again, in summary, as a ploy by this government to go after that large group of small businesses within our province which have afforded a tremendous stable economic climate; indeed, the very basis for which this government today lauds some of the economic indicators.

Mr. Speaker, in my view, anything that damages that stable group of small manufacturers, or anything that in any way affects the harmony of relations between management and employees must not be brought forward. We don't need to take the risk for the political expediency of this government.

Mr. Speaker, I hope that the Minister and the government will see fit to withdraw this bill. It's not required in Manitoba. Thank you.

MR. SPEAKER, J. Walding: Are you ready for the question?

The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, my main worry with this proposed legislation has to do with the concerns that have been voiced by various very responsible spokesmen for the business and commercial communities and the employer communities in this province which seem to have been brushed aside in a very cavalier and insensitive way by the Minister and the government.

It's not a case so much of concern and worry about the kinds of measures contemplated in some aspects of the legislation itself, although I deeply worry about those too, Sir, but it is for me, in large part, a concern about the attitude of the government where criticism and evaluation of controversial legislation is concerned.

There is a very very serious warning, a very serious range of warnings that have gone out to Manitobans on this legislation, and we have all been in receipt of many of those warnings. I know the Minister and her colleagues have received them all. Yet, they seem totally unconcerned by the arguments that are being put forward, Sir, by representatives, by spokesmen for a community in this province that is essential to all the programs that all of us want in the field of social services as well as the field of economic services. They seem totally unconcerned by the worries of that community of persons who are at the root and the base of our economy, the small employers, the small businessmen, the spokesmen for business and commercial organizations. That is the most disturbing thing about the legislation for me, Sir.

We had on the 24th of April in the Budget Speech brought down in the House by the Minister of Finance, a proud declaration of an intended direction by the current government, that was aimed at concentrating on economic growth, at developing full-scale economic recovery for Manitoba. We had a proud claim to be bringing in a budget that was going to create jobs and job opportunities.

The government's propaganda machine at that time, Mr. Speaker, churned out reams of paper which spoke of a program to ensure sustained economic growth, new job opportunities and maintenance of essential public services. We had references in page after page of government informational material to this consolidation and development Budget that was brought in by the Minister of Finance.

In a direct quote from a News Service release that followed the tabling of the Budget, Sir, the thrust and approach of the government as expressed through the Finance Minister was put this way: "Calling his third Budget both a consolidation and development Budget, the Finance Minister, Vic Schroeder, said the restructured Manitoba Jobs Fund, with a \$210 million support program for 1984-85, will be the catalyst for long-term economic growth and enhancement of job opportunities."

Throughout the Budget Debate and, in fact, reaching back to the Throne Speech introducing and opening the Session on April 12th, Mr. Speaker, we have had continual references by the government and continuing insistence by the government to the fact that it is determined to build long-term, sound economic recovery here. It is determined to build jobs here. It is determined to reopen a climate and atmosphere of economic opportunity.

None of us on this side of the House have put much faith in that rhetoric because it has flown in the face of the expressed philosophy and the stated rhetoric of the New Democratic Party as we have known it over the years, and it certainly has flown in the face of the kinds of practices that they have brought to bear through their taxation policies and other policies where the economy is concerned.

But, Sir, nonetheless, to give the devil his due, the promises were made, the proposals were put forward and insistently repeated, the pledge was repeated again and again, and I guess many Manitobans perhaps at least took at face value that insistence that the priority for the government in 1984-85 was going to be job creation and economic growth and economic recovery.

Now, Sir, we have a proposed measure of legislation in the labour relations field that debunks that entire sermon.

MR. SPEAKER: Order please. The time being 4:30, when this bill is next before the House, the honourable member will have 35 minutes remaining.

Private Members' Hour. The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, I believe there was concurrence and leave to forego Private Members' Hour and continue debate on this bill.

MR. SPEAKER: Does the Honourable Minister have leave to dispense with Private Members' Hour today? (Agreed)

Leave has been granted.

Bill No. 22, the Honourable Member for Fort Garry has 35 minutes remaining.

MR. L. SHERMAN: Thank you, Mr. Speaker. As I was saying now we have in this proposed labour legislation in front of us, Bill 22, a direction that defuncts that entire sermon and betrays that whole message.

Again and again in the representations that have been made to all members of this House by spokesmen for the small business and employer community, Mr. Speaker, we have the plea to the government to refrain from introducing some of the measures and constraints proposed in this bill for the sake of business survival. Again and again we have references to the impact that it is going to have on business, on employment, and on job creation. I know that the Minister of Labour is fully familiar with those appeals, Mr. Speaker.

The Chambers of Commerce combine, the Manitoba Chamber of Commerce and the Winnipeg Chamber of Commerce, have been in unanimous agreement for the most part in their concerns about the legislation and their criticisms of it. They have said in a statement that's familiar, I would think, to most members of this House, perhaps all members of the House, and I would hope would be familiar to the Minister of Labour, Mr. Speaker, that Bill 22 in their view is a complete contradiction to the positive ideas contained in the Throne Speech. That is the position that the combined Chambers take. So, Mr. Speaker, when I say that my concern with this legislation is for those unheeded warnings, that is the background and the climate for that statement of mine.

The warning that has gone out has been very severe and one wonders, Mr. Speaker, how a government can be so insensitive to it, and how a government can operate in the arbitrary way in which it is operating where this legislation is concerned. There is no question that the Minister has retreated somewhat fractionally from the initial positions that she and her colleagues took.

Under pressure she backed off on her proposal calling for final offer selection to resolve impasses in the bargaining process, Mr. Speaker, and there had been some modifications in addition to that from the original position that she put forward. Spokesmen for the employer community, the entrepreneurial community concede that, in fact, the government can claim to have consulted with business.

But the problem, Mr. Speaker, is that the consultations were limited and to a considerable degree they were specious because they did not include references to new material that the Minister intended to introduce into the final legislation, into the legislation in its final form, and those spokesmen to whom I refer from the employer community, from the business community had been shocked at the legislation as it's proposed in its final, or next to final form, that is, as it exists in Bill 22 in front of us at the present time.

The Chambers have said, and again I quote from representations that they have made - that although the government has indeed consulted with business to a degree, and although as I noted a moment or two ago, it has removed some provisions that engendered early objections - it has, the government has introduced new material never before proposed, discussed at all, or discussed in any detail; and that is a serious indictment of the attitude of the Minister and the government as it approaches this entire field, Mr. Speaker. The Chambers and their spokesmen, and other individual representatives, legal council for various business and commercial communities, commentators at the small business level who have been in contact with us, and I know have attempted to be in contact with the government, have expressed shock and dismay over the attitude reflected in the legislation, of the manner in which the Minister and the government intend to proceed with it.

So, Mr. Speaker, I find it extremely difficult to permit this stage of examination of this legislation to reach its conclusion within the next day or two without putting my concerns, and my objections, and my worries on the record. I've been one in the past who, over the past several years, has had considerable involvement in labour legislation introduced in this House in the early 1970's, and in the late 1970's, and along with my colleagues past and present in this Caucus, in this Chamber, I've expressed concerns about some of the measures and some of the ingredients of past labour legislation.

I think perhaps some of those concerns although at the time they perhaps conjured up difficulties that to some degree didn't materialize, some of those concerns, many of those concerns have demonstrated and proved their justification in the economic conditions and the job creation conditions that we have in this province today. I think that if some of the difficulties and impediments that have been placed in the way of employers by New Democratic administrations in this province over the past decade had not been put there, that we well might not be facing some of the hardships in achieving economic recovery that have been our lot in the past three years.

Indeed economic pressures generally, external and internal, worldwide and national conditions contributed, of course, in substantial part to the difficulties of many of our employers. But I think conditions have been exacerbated for many of them by some of the difficult impediments that have been placed in their way in the past by labour legislation introduced by this government. Now we have the heirs and successors of the NDP administrations of the 1970's, the current NDP government, introducing additional measures that will impede the development of small business and ergo the creation of jobs.

The primary objective it seems to me here, Mr. Speaker, is almost an ideological one. It is difficult to escape the conclusion that this legislation is really a response on the part of the government to the leadership of the Manitoba Federation of Labour and its sense of frustration over this government's record to date.

If one reviews the setbacks that this government has endured since it was elected in November of 1981, the setbacks in terms of image and in terms of conduct, and in terms of attempted legislative policy, one can understand how its members and its supporters could be feeling very serious frustrations at the present time. It seems to me that in large part the legislation that we're discussing at this juncture, Bill 22, may well be a response to that frustration, may well be a reflection of the unhappiness of some of the officials and leaders of big labour in this province over the fact that their government has been so unassertive and so unsuccessful in so many other things that it has attempted to do. So here now we have the Government of the Day and some of those around the leadership of the Manitoba Federation of Labour attempting to assert themselves and flex their muscles very vigorously in what is almost an ideological way, without regard, unfortunately, for the impact that it can have on our economy and the health of our economy.

Mr. Speaker, there are references in the government's comments on this legislation in the Minister's presentations and in some of the two-way discussions that have been held to the fact that through this legislation the government is perhaps attempting to improve the lot and the earning ability of Manitoba wage earners. But it's amazing logic, if that is the logic, Sir. It is incredible that they would on the one hand profess to be or attempt to convince themselves that they are moving to improve the lot of the wage earner and on the other hand be bringing in legislation that is going to act to the detriment of small business and therefore to the creation and maintenance of jobs. Where is the logic in that kind of an approach, Sir?

I have to ask the Minister whether she will pause at this juncture and consider some of these very serious complaints and warnings that have been raised, some of these very serious concerns. One of them is the concern that small businesses and employers have raised with respect to the new constraints that are placed on them in the area of unfair labour practices and the difficulties that they will have and the very costly situations that they will face in keeping themselves fully informed of those labour practices that are acceptable and those which could land them in hot water. That's only one concern, Sir.

There is the removal of the prohibition against the use of undue influence by unions, and the fact that that appears to be very unfair in the light of the additional favours which the legislation proposes to proffer to trade unions themselves. Where the present legislation cites unions as being guilty of unfair labour practices if they use undue influence in securing negotiating rights, that will no longer be the case, Sir. So you've got legislation where additional opportunities and leverage are being provided to the party on one end of the equation, but existing leverage and protection is being taken away from the party, i.e., in this case, management, at the other end of the equation.

All of this, Sir, adds up to the creation of a potentially volatile atmosphere for labour-management relations and for small business and medium- and large-size business for the economy in this province. For the government to do that at the time when most Manitobans are working urgently to produce an economic recovery and at the time when their own Minister of Finance and their own First Minister and many others in the Treasury Benches claim to be concentrating as their No. 1 priority on economic growth and recovery, it seems to me, Sir, to be highly bewildering to say the least. It is totally unacceptable as a course of action and must be highly bewildering to all Manitobans. So one can only ask, Sir, that the Minister take to heart and review some of these legitimate concerns and worries that have been raised.

As I say, there are many provisions in the legislation that disturb me, and they have been examined in some considerable extent by many of my colleagues who have spoken on the legislation to date. I don't intend to review them, but I do want to place on the record my primary worry, that is that we have a government here that is faced with legitimate questions, legitimate concerns raised by that legitimate sector of the community that is so important to economic recovery, and they seem to be brushing them off. The Minister seems to be brushing them aside, paying no heed and no consequence to them. That, Sir, is not acceptable, that is destructive.

For a government that has already littered its track record over the past two-and-a-half years with considerable error and a considerable number of mistakes, this would seem to be politically suicidal, Mr. Speaker. On those grounds, you might say to me and others might say to me, well, why object? Let them go ahead and commit political suicide. But we must object, Sir, because unfortunately if they commit political suicide through measures like this, they aren't the ones who suffer and die, it is the province and the health of the province and the health of the economy that suffers and dies.

If it was just political suicide for politicians in a party or a government hellbent on pursuing its own ideology, we would be prepared to let them commit it, Sir, but we can't permit them to do it when it means strangulation of the economy of Manitoba at the same time. That, Sir, it seems to me is what Bill 22 in its present form means.

I would hope that the Minister will review the concerns that have been raised, re-examine her position and refrain from attempting to push through a piece of legislation that appears to satisfy an ideological objective, and fly in the face of and undermine all the professed objectives of economic recovery that have been stated by her colleagues.

MR. SPEAKER: Are you ready for the question?

The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker.

Mr. Speaker, I will admit from the onset that I am not an expert or an individual who has studied extensively labour law in Manitoba. I must admit from what I know of the content of this bill neither is the Minister of Labour. Because, Sir, this bill is a working

example of how a government can propose legislation that they don't know the results of that legislation, what those results will be, and what this legislation will do to the private sector community in this province that recently - even this government has admitted - must and will be the economic engine for recovery in the province and the major source of new jobs in the Province of Manitoba.

I suppose, Mr. Speaker, when we look at legislation such as Bill 22 and the implications of it, we shouldn't on this side of the House be very surprised that this government is bringing it in because, as I have mentioned on numerous occasions before, this government's record on bringing forward good legislation, good constitutional amendments, is abysmal. This, Sir, is another example of just how out of touch with legislative reality the New Democrats have really become.

Mr. Speaker, my honourable friend behind me seems to have some problems with clearing his throat, and he may want to clear it in the course of debate and add his semblance of wisdom to debate on Bill 22.

Mr. Speaker, why are we dealing with major amendments to The Labour Relations Act right now? I know this has been dealt with by my colleagues already. We are given a brief labour history from previous speakers in the government, from the Minister, that, indeed, Manitoba over the last several years has had an exceptional climate of industrial peace, that there hasn't been major strikes, and I suppose one could attribute that to a number of reasons. I think first and foremost is, today the person in Manitoba who is employed and has a gainfully paying job is thankful of that fact because there are some 8, 9, 10 percent of his fellow Manitobans that don't have that opportunity, so that job security is very foremost in most peoples' minds.

Now, given that that is the reality of the Manitoba labour scene today, one really has to question why we're bringing in major and substantive changes to The Labour Act. My colleague, the opposition House Leader, this afternoon laid out the exact reasons as to why we're here today.

This, Sir, is no more than the repayment of an election debt to the major unions in the Province of Manitoba. Union workers, union door-to-door people, the many election workers that are employed by the unions that come from province to province during elections, were here in Manitoba in 1981. There were numbers of them. They put on a concerted effort to elect this New Democratic Party to government and, unfortunately, for the people of Manitoba, they were successful in that effort. They delivered a government which has brought this province to its knees and put the community into a shambles.

My honourable friend from Wolseley cackles from her seat, but that is exactly what this government has done. There has never been so much social disharmony in this province over a number of decades caused by this government in a constitutional amendment which was badly worded, badly drafted, and not even considered as to its implications.

Once again, Mr. Speaker, we've got this government bringing in labour legislation which they claim has been discussed with the major employer groups, the Chamber of Commerce, and other interested parties, but yet

when this bill was finally tabled, we find those same spokesmen who the government claims to have consulted with extensively using terms such as being "hoodwinked, zapped," and other very very harsh terms of description of the government in terms of their introduction to this legislation in that they have brought in provisions that were never discussed with the employer groups, the Chambers of Commerce.

Now, I suppose in the New Democratic mentality of bringing forth legislation, that's the way you do it. You use the union bargaining technique which is fairly common practice of demanding two worlds, giving up one and having a whole new world in the final selection. They talked about their final selection offer and said that was going to be the centrepiece of the legislation, met with serious well-reasoned objections from the business community, and the government attempted to leave the impression by pulling that from the legislation that they had given major ground, which they did, and the unions, no doubt, are not satisfied with that. But the balance of the bill is equally as onerous on the business community and, besides that, contains things that were not part and parcel of the discussion.

Mr. Speaker, I realize that the Minister of Labour considers herself an expert in all aspects of labour negotiations, but everyone in this House can learn by listening from time to time. I would hope that she's listening, not only to ourselves, but to literally hundreds and thousands of Manitoba employers who are greatly concerned about the impact of this legislation.

Now, Mr. Speaker, I have to indicate to you that one of the honourable gentlemen opposite indicated when my colleague, the MLA for La Verendrye was speaking on this bill last week, that the kind of scenario that my colleague, the MLA La Verendrye laid out as to how a small employer in Beausejour could now be certified with the provisions under this bill, he said to me he had organized for years, and he had never used that kind of a system or those kinds of tactics. I told him then privately, as I'm telling him now on the record, when he was organizing for the unions, he never had those provisions in the labour code to do it with. That is the major difference.

This new certification procedure is something that is brand new and will pit many small business people in Manitoba against the major unions in certification for bargaining units in their businesses, something they are entirely unfamiliar with. They have no experience in union negotiations and they are going to, indeed, be at a disadvantage.

Now, do they solve the problem? That means now that some of the needed effort that businessmen must put forward today just simply to survive and to keep their heads above the water are going to have to do anticipatory work to prevent some of the provisions of this act from being inflicted on their business. That is a diversion of effort and time and money that Manitoba business can ill afford at this stage in their economic life. Business is tough enough today without adding more road blocks. That's what we're talking about, Mr. Speaker, is road blocks to Manitoba business.

I think the Minister of Industry and Technology - with the tri-partite approach - there I have difficulty assigning the proper name, but the Minister of Culture would be the safe way to put it - but the Minister of Culture indicated that, I believe, some 80 percent of Manitoba

jobs are in firms of less than 50 and a higher percentage less than 30, I believe. Now, given that is where Manitoba's major employment is and given that the larger firms, the Selkirk Rolling Mills and other major industrial enterprises like Simplot Chemical in Brandon, mining enterprises like HBM&S and Inco, are already unionized. That means that this bill is targeted at those 80 percent of the employers who are small business and small employers, less than 50, often less than 10 in the Province of Manitoba.

Mr. Speaker, why do we need it? Why are we putting small business in Manitoba in a position where they have to fight not only the economic times to keep their employees' wages paid through the profits of their business, but now they've got to concentrate effort on Bill 22? It's ill-timed to be doing it at this stage of the game. There's no need for it, there's no demonstrated need for these amendments, because labour relations, as I've said and as the government has said, have been good in the Province of Manitoba.

The Member for Ste. Rose at Laurier Welding doesn't need the Steelworkers' Union organizing his people in Laurier, working for Laurier Welding at this stage of the game. I'm sure Laurier Welding is no different from any other short-line manufacturer in Manitoba. — (Interjection) — Mr. Speaker, the MLA for Wolseley asks a simple question. What if the workers want it? Could the workers not certify now under the present labour legislation? Of course they can. Then why are you changing it and making it simpler to do in a midnight skulk by a Bernie Christophe, which is what this legislation will allow you to do?

From 4:30 in the evening, visiting five out of nine employees, he can have a business in the Member for Ste. Rose's constituency certified by 9:00 o'clock the next morning. They can't do that under the existing law. So don't give me the argument - the Member for Wolseley - that what about the employee's wishes.

The employee's wishes can be met if they wish to certify right now. The employees of Laurier Welding in Ste. Rose can certify right now. There is the framework to do it right now. I would like to know if the Member for Ste. Rose ever asked any questions on behalf of his businessmen and his employers in his constituency as to whether this is a good legislative amendment for the small business people in his community that create the jobs, that provide the wage income that supports many other businesses in his community. Did he ask the questions as to whether his business people and indeed his employees in Ste. Rose will be well-served by these changes?

You know, Mr. Speaker, I suspect the Member for Ste. Rose didn't ask those questions. I suspect the Member for Ste. Rose doesn't know the implications of this legislation. I know for certain that his major employers in his own constituency don't know what the implications of Bill 22 are and furthermore, if they did, they would be telling the Member for Ste. Rose, do not pass this legislation now. We are having a tough enough time surviving in the marketplace today without you bringing in further problems to my business in my hometown and my community. That's what the Member for Ste. Rose would be getting if his employers knew the content of this bill.

I know that because I am getting this as more businessmen at home get to know the provisions in

this bill. They are saying to me, we do not want this kind of legislation. It is too one-sided, it is too balanced in favour of the major unions, the international unions. We don't need it in Manitoba to afflict our small local businesses. They are right, Mr. Speaker, they are perfectly right.

But unfortunately, Mr. Speaker, this government that attempts to tell the people of Manitoba that they listen to what they desire and what their wishes are and will respond to them has not once again been communicating truthfully with the people of Manitoba because they are not listening to the business people in their concerns on Bill 22. They are not doing what they say they are doing. This government is not listening to the people once again.

Now, Mr. Speaker, once again the simple question has to be asked and the Minister, I don't think, can answer. Why are they proceeding at this time with these kinds of amendments? I could appreciate her wishing to proceed with these kinds of amendments if we had the untenable situation where you had a statistic like half of the work force on strike at any given time because labour management negotiations were in an absolute shambles in the Province of Manitoba, that there was animosity, no trust, no faith between management and employees in the Province of Manitoba, and that the record of strikes and lockouts proved that was the case. I could see where maybe the Minister might be able to make a weak case for bringing in some of these amendments, but you can't make the case now and the government can't make the case now for these amendments at this time.

The problem boils right down to one thing. You know, Mr. Speaker, the Minister of Labour keeps nattering from her seat, and she said there is consensus on this bill. Consensus where? Consensus among 31 New Democratic MLAs? Is there even consensus within your own caucus that this is good legislation?

HON. A. ANSTETT: Absolutely.

MR. D. ORCHARD: And our good friend, the expert on rules, says "Absolutely." Well, Mr. Speaker, I don't believe that's fact. I believe there is some semblance of wisdom over there amongst the back bench and even some of the Cabinet that understand the problem with this legislation. I don't even believe there is consensus within the government caucus on proceeding with this bill. Why else would it have taken over two months of this Session to get this bill before the floor when this was the only major piece of legislation purported to be brought forward by the government this time? If there was consensus, why did it take so long to get it here?

So, Mr. Speaker, there is no demonstrable need for this legislation at this time. There is no labour unrest in the Province of Manitoba. Small business is and wishes to remain the major employer in the Province of Manitoba. Small business wishes to continue without undue influence and interference by government legislation to negotiate with their employees who live in the same community that their business is in, in the majority of cases. They don't need in Swan River, in Ste. Rose, in Dauphin, in Morden, in Carman, in Beausejour, in Virten, the union bosses from Winnipeg

coming out to do an organizing effort, an organizing drive in their businesses in those communities.

The employees and the employers have done quite well, thank you, without union organizer influence in their business and interference in their business. They have somehow managed to survive over the years without major problems. I am not going to say no problems because no business operates without problems. But the problems in the past have been resolved equitably and fairly between the employee and the employer without the heavy hand of government interfering in the process of industrial relations in the small business community throughout Manitoba. Quite nicely, Mr. Speaker, that has gone on.

But here we have a government, mid-point in their term of government, knowing that they are in desperate political straits, knowing that the next election cannot be won, Mr. Speaker, and particularly cannot be won unless they are able to bring in those hundreds of organizers from the unions across Canada to focus on their campaign in Manitoba two years from now or whenever they have the courage to call the election. They know they can't survive an election without that kind of support from the unions.

What they are trying to do, Mr. Speaker, is bring forward this legislation as their sop to the unions, as their payoff to the unions - whatever you wish to call it - in order to get the unions back onside to help them improve their political fortunes in the next election. That is the only reason, Sir, this legislation is before this House at this time. It is the quid pro quo from the 1981 election in return for continued support in the 1985 or 1986 election. That's what this legislation is. Let us not attempt to hide the fact that is what it is and nothing more, because there is no demonstrated need for this kind of legislation now in Manitoba.

Once again, Mr. Speaker, — (Interjection) — oh, Mr. Speaker, there is more chattering from the back bench.

The one thing that bothers me, and I am not going to refer to any specific clauses in this bill, but the amount of discretionary power given to the Labour Board in this legislation is high onto phenomenal - it's almost unbelievable - the discretionary powers here, if the Labour Board, in its opinion, believes that an employer has committed an unfair labour practice, it can automatically certify a bargaining unit for those employees even if they haven't met the minimum 55 percent for automatic application for certification or fall anywhere between the 45 percent and 55 percent which under ordinary circumstances would stimulate a vote amongst the employers to determine if certification would take place.

"In the opinion of the board," an unfair labour practice has been perpetrated by the employer. That, Sir, is incredible discretionary powers. That would work if you had reasonable people possibly, and I say possibly only, but given the record of this government, which I have referred to before and I'm sorry if I keep repeating myself, but given the record of board appointments of this government, we have no faith that the Labour Board will exercise intelligence and common sense in determining "in their opinion" whether an employer has undertaken an unfair labour practice.

A further section, this legislation gives to the Labour Board some incredible further discretionary powers. Once again, "in the opinion of the board," if an employer

is deemed to have an undue influence on the union which represents his employees or if that union is theoretically dominated by the employer, that bargaining unit, the act allows that the board shall not certify that bargaining union.

In other words, you've got an existing union. It is working well with management. Things are going along well, but one of the international unions decides that it wishes to take over as bargaining agent for those unionized employees. All they have to do, according to this legislation, is make the case that the existing union, which is working quite well on behalf of the employees and the employers theoretically - because the business is doing quite well, thank you - all that new union, international or otherwise, has to do is prove to the board in the board's opinion that the union representing the employees is dominated too much by the employer.

So you see, Mr. Speaker, this doesn't just allow new unions to be brought into Manitoba businesses. This allows the international unions to now take out bargaining unions which have worked well, if in their opinion the employer has too much influence on that bargaining union. This is the most incredible discretionary power granted to the Labour Board that one could envision.

Why is it there? Why are they afraid of a union representing the employees, theoretically elected by the employees - because I think that's how it happens, and maybe the Minister of Labour could straighten me out - but if that union representing the employees, elected by the employees is deemed by another union to be influenced too much by the employer, then bingo! If they can establish in the opinion of the Labour Board that there is too much employer influence on that bargaining unit, it can be decertified by decree of this appointed Labour Board, this government's Labour Board - incredible powers given to a Labour Board appointed by people whose record has not shown the people of Manitoba they know what they're doing, and that they can do anything with the degree of competence that Manitobans expect.

So, Mr. Speaker, we hear all kinds of chatter from our good friends on the back bench, some of our former union employees. Why is it in there? The Member for Kildonan, maybe he explained it this afternoon when he addressed this bill. If his old union, that he was a member of when he was working outside of the Legislature, maybe another union decided that the union of the Member for Kildonan's was too much employer-influenced. There is a clause in here to allow the Labour Board to decertify his old union and allow certification of a new bargaining unit. Incredible — (Interjection) — I'm sorry. The Member for Concordia was the one that said that, and I apologize to the Member for Concordia for referring to him as the Member for Kildonan.

MR. P. FOX: You're living in the past and . . .

MR. D. ORCHARD: Mr. Speaker, the Member for Concordia indicates that I'm living in the past. You know, Mr. Speaker, that's quite a statement for the Member for Concordia because if anyone is living in the past it is this group over here who are trying to survive on

the coattails of the Schreyer Government and at the same denying that they're not the Schreyer Government, that they are indeed the new Pawley people, that they are the new look in New Democratic Government. If anybody is living in the past and surviving as a result of the past it is this government that got elected by the people of Manitoba expecting even a semblance of the competence that may or may not have been part of the Schreyer Government. And the people of Manitoba are sadly disappointed in this new group, Mr. Speaker, because they recognize clearly that this government has nothing to offer constructive to the people of Manitoba. — (Interjection) — Mr. Speaker, I beg you're pardon? Did the Government House Leader say something from his seat? I thought I heard him use unparliamentary language from his seat, and the Government House Leader of course has got a bit of a problem from time to time in terms of the truthfulness of statements he makes on public platforms.

So, Mr. Speaker, I want to assure honourable members that I am opposed to this legislation, and I am opposed to this legislation on the basis of being able to genuinely reflect the mood of my employers and my constituency. They are not in favour of this kind of an intrusive bill into their harmonious labour relations with their employees. They consider this to be bad legislation brought forward by a bad government, further incompetence by the most incompetent government that has ever been elected to the Province of Manitoba.

Mr. Speaker, my advice to the Minister of Labour, and I know she will take it in the spirit of good will that it's offered, is withdraw the legislation. Your proclamation date, if I have read the legislation correctly, is not to come into effect until January 1, 1985. By then we may well be into another Session, depending on whether the government has the will to call one in December. You don't need to pass this bill now. There are too many areas in this bill that were not discussed with the employers of Manitoba, that were not discussed with the Chamber of Commerce and other interested parties in the Province of Manitoba. There is no need for this legislation at this time.

What is needed, Mr. Speaker, is further consultation with the people of Manitoba, the employers of Manitoba and the employees of Manitoba. This bill does not need to proceed now. This bill should be withdrawn for intersessional hearings, meetings and more discussion with the people affected by the contents of this bill. It should not proceed now, it should be withdrawn and set over to the next Session of the Legislature by this government. It would not be a major backdown, as this government is so prone to do, it would be proper action by a government that was finally listening to the people of Manitoba.

So I urge the Minister to withdraw this bill to avoid the damage to the private sector and to the economy of Manitoba that can ill afford further government intrusion, further government interference and further government incompetence. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Thank you, Mr. Speaker.

I've commented, Mr. Speaker, on a number of occasions on the fact that some of the speeches made in this Assembly on various bills have a certain familiar ring to them. I've commented in that regard to previous speeches made by particular members, and I think all members have had a bit of a feeling of déjà vu at times, as if a certain standard speech was used time and time again by certain members.

This time, Mr. Speaker, the members opposite are stretching even further than I thought was possible, because the speeches they're making today are reminiscent, almost word for word, of the speeches which were made in 1972, I believe, 12 years ago. The Member for Concordia remembers those speeches, Mr. Speaker. They're almost identical, the same references to doom and gloom and how terrible the changes are going to be. If one looks at what happened in the 12 years since those original amendments were made and compare the statements made by members of the opposition in those days, compared to the actual impact of those changes, and if you now compare those statements to the fact that the Chamber of Commerce, the Conservative Party, and various others who are now concerned about the passage of Bill 22 seem quite happy with the status quo as it is, one will see just how false those statements are again today.

I think, if you want to see how hollow those statements are, all one has to do is read some of the speeches that have been made thus far. Peruse some of the comments made today because you will see that there are very few consistent arguments, very few arguments that have much relevance to the bill as a matter of fact. It's almost as if the members opposite had written their speeches several months ago when they heard that there were going to be some changes to this act and that they decided to use them irregardless of the content of this act. In fact, I wonder if some members opposite have even perused the bill. I realize it's a lengthy bill, but when I hear some of the comments made by members opposite, then I really wonder if they have looked at it.

I suspect that it's the same phenomenon we saw in 1972, the same phenomenon we're seeing again today, and that is the knee-jerk reaction of members opposite to any changes in regard to this particular legislation, the knee-jerk reaction of members opposite.

If you look at their speeches - let's look at it - one of the consistent arguments they bring up is they say, well, the NDP got support from Labour, that's why they're bringing in this bill. Now, who did they get support from? In my constituency, my constituents know that Inco, for example, gave them \$30,000.00. They've been regular contributors to the Conservative Party, they haven't given a cent to the NDP. Does that mean that when those members opposite get up they're speaking for Inco?

How about the many other corporations, how about the banks? When they get up, do they speak for the banks? Well, Mr. Speaker, I'm not suggesting they are. I know some of my constituents wonder sometimes, but for them to get up now and accuse us of doing the same thing the other way, for them to say that, Mr. Speaker, is just as ridiculous. There are shared values between the labour movement and the NDP. Everybody knows that, we've made no bones about it, that is the structure of the party. The structure was built in 1961

on that basis. They must surely recognize their corporate ties. — (Interjection) — Where? Your Leader, Brian Mulroney, look at his corporate ties. Look at the consistent record of your party. — (Interjection) — It's obvious which side you're on.

As I said, Mr. Speaker, we could trade insults, each of us could get up for 40 minutes and trade insults of that nature, but I think it would really distort the actual situation that has occurred here. If you look at it, if you talk the people in the labour movement, they will tell you that they see some positive changes in this act. You will even get that same feedback from people in the business community, because not all changes in this act are opposed by the business community. That's one fact that has not been brought up in this debate by members opposite; of course, that's not convenient to their overall thrust.

If you talk to members of the various unions in this province, I think you'll find that they are somewhat pleased with some things, but they're not happy that certain things were left out, I know that. They would like to see additional changes, there's no secret about that.

Where does this scenario develop from members opposite that it's somehow a political payoff? That it's somehow some crass political payoff? Well it's obviously not the case, Mr. Speaker, it's obviously not the case at all.

Now I could suggest perhaps that they think in that way because that's the way they operate. I could do that. We could counter time and time again the same sort of accusations but that is not really the way that we should look at a bill of this nature. It's a serious bill, it's an extensive bill that makes a number of important changes.

Let's discuss those changes. You know, I think if you look at the debate thus far there hasn't been very much discussion on the specifics of that particular bill. You know, I must say too that I'm disappointed not only in the attitude of members opposite but also of the Chambers of Commerce, certainly the Manitoba and Winnipeg Chambers of Commerce for their ad, "The Dark Cloud Over Manitoba", because if you read this particular act too it does not explain what the bill does. It makes a lot of references to things which aren't happening, Mr. Speaker. It talks in pretty obvious rhetorical forms which we often hear from members opposite. But if you read what it says in Bill 22, where it says what's it all about, I think if you were to compare that with the actual bill you would find that there's very little similarity at all in this ad in what is represented as being the government's proposals and what the Chamber of Commerce is representing it as being. — (Interjection) — As one member on this side says it's just scare tactics.

You know, if you get down to it, if you boil it down you will see why the business community for example, the business community is attempting to argue that this shifts the balance in some traumatic way. They are attempting to argue that. Well does it, Mr. Speaker? Does changing and improving the grievance mechanism, bringing in expedited arbitration, does that really shift the balance?

Today for example when some people have to wait as long as a year when they're dismissed from their job; when they grieve that dismissal; when they have

to wait as long as a year because of legal delays and technicalities, does that really benefit anybody? — (Interjection) — Well, a lawyer on this side says it benefits the lawyer. I wonder perhaps if he's speaking from personal experience, I don't know. But this is the kind of thing that is included in this bill. This is the kind of thing that is included. An attempt on this side to solve some particular problems with previous legislation. It's not an attempt to shift the balance dramatically one way or the other. While the member opposite questions it's not — (Interjection) — where is anti-scab legislation for example in here?

You know at the present time we talk about the imbalance between labour and management. Well management today has the right to lock out, and the union has the right to strike, but management also has the right to hire replacement employees. One way of changing the balance would have been to bring in anti-scab legislation and many have suggested that be done. But it is not being done in this bill. That, I think is the crux of what we get at in the debate opposite, and that is the members are debating something that isn't even being proposed. Next time I speak, Mr. Speaker, I will be outlining exactly what is being proposed because I think members opposite should find that out.

MR. SPEAKER: Order please. The time being 5:30, when this motion is next before the House the honourable member will have 32 minutes remaining.

The Honourable Government House Leader.

HON. A. ANSTETT: Yes, Mr. Speaker. I intend to move the adjournment of the House so the House will sit only in committee this evening but I would like to just briefly recap what is planned for the balance of the week and also announce the possibility of some additional committee meetings, Sir.

The Standing Committee on Statutory Regulation and Orders will be meeting in Room 255 this evening, at 8:00 p.m. to consider Bills No. 6, 18, 20, and 28. Sir, it is proposed that subject to passage in second reading of Bills 22 and 35, which I believe may pass tomorrow afternoon, that the Standing Committee on Industrial Relations, if second reading is attained, would meet at 8:00 p.m., tomorrow evening, 10:00 a.m., Thursday morning, and 8:00 p.m., Thursday evening, again in Room 255.

For the benefit of members, I believe at the present time there are 14 individuals or organizations who have expressed an interest in appearing on that bill or those two bills, I believe mainly Bill 22.

With regard to the five items remaining on Supply, Sir, it would be our anticipation for the benefit of members that we may be able to deal with those Thursday afternoon.

Sir, there is another Condolence Motion to be placed before the House with respect to the late Charles Greenlay, the former Member for Portage la Prairie. He passed away within the last month, and it's proposed that condolence would take place Friday morning immediately following question period.

Sir, it's also proposed that we would, following on your ruling earlier today, move by leave some time later this week to deal with all the bills in Private Members' Hour so that they can be called, but I would propose

to do that by leave with the unanimous consent of all members at an appropriate time.

Mr. Speaker, I am advised by the Clerk that there may well be another Condolence Motion on Friday. I don't have the information on that. I'll try to have that for members tomorrow.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, before the Government House Leader moves the adjournment motion, I wonder if he could indicate whether or not he is prepared to give us an indication of the scheduling of the next Public Utilities meeting to conclude the consideration of the Manitoba Hydro Board's Report.

The Honourable Government House Leader.

HON. A. ANSTETT: Thank you, Mr. Speaker. I appreciate the member's question and his indication that it may only take one additional meeting. Mr. Speaker, if the indication from the Opposition House Leader wasn't correct, I withdraw my thanks.

I consulted with the Minister of Energy and Mines and staff, and other obligations related to the National Energy Board application and other power negotiations make certain members who should be present for that committee hearing unavailable during the next short period of time, and I expect we would not be able to call that meeting till after the conclusion of the present Session, possibly in the latter half of July.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. G. FILMON: Mr. Speaker, I wonder for clarification if I could ask then that means that the National Energy Board hearings will be concluded by the time our consideration of the aspects of the Hydro Report are still before us.

HON. A. ANSTETT: Mr. Speaker, I'm not clear on the exact timetable for the National Energy Board hearings, whether they will be completed or whether they will continue on beyond the summer after initial presentation of documents. Those questions might be more appropriately addressed to the Minister of Energy and Mines during question period tomorrow.

MR. G. FILMON: I appreciate the recommendation of the House Leader and certainly I'll make that attempt tomorrow. I would hope that the petulance of the Minister of Energy and Mines with respect to our taking longer than he chooses to consider the Hydro Committee is not forcing him or requiring him to force upon us a timetable that we're unable to meet. I hope that he will not utilize this kind of petulance as a means of preventing us from having due and full consideration of the sale to NSP before the National Energy Board hearings.

HON. A. ANSTETT: Mr. Speaker, I wish to assure all honourable members that committee meetings to date have been scheduled at times that were mutually agreeable. I intend to continue that practice. It just so happens that with regard to scheduling this meeting

we have not been able to find the time in the immediate future that will accommodate all of those who are required to be present. I find that unfortunate, but to date we have tried to do that, avoided sitting at certain times that one side or the other couldn't attend. I hope that we can continue that practice and it's unfortunate that in this particular instance the arrangements appear to be unsatisfactory.

Mr. Speaker, I am pledged to continue on that basis, and will continue to order House business in a co-operative way so that the purposes of members on both sides can be attained. I think that's what we have

attempted to with regard to business for the balance of the week, and that's why I advised members on what I thought would be the schedule for the balance of the week.

If there is no further discussion on that, Mr. Speaker, I would move, seconded by the Minister of Government Services, that the House do now adjourn.

MOTION presented and carried and the House adjourned and stands adjourned until 2:00 p.m. tomorrow.