

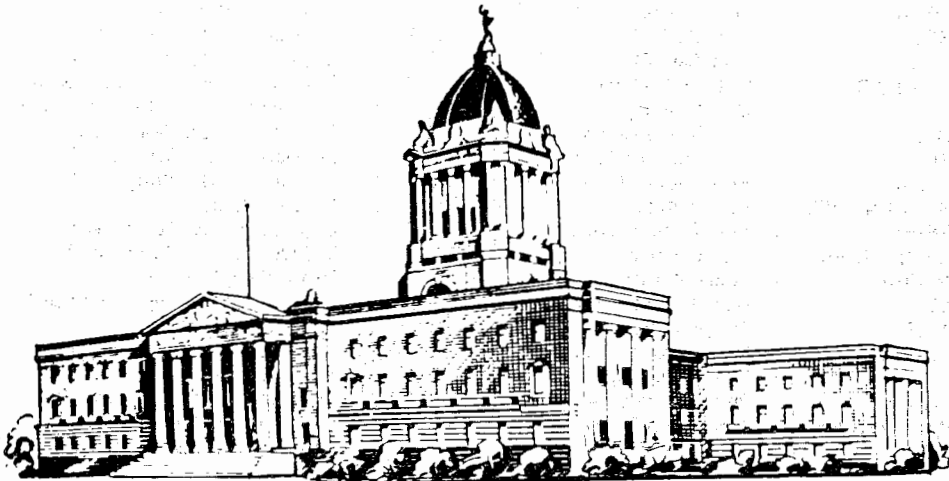


Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

Speaker

The Honourable Peter Fox



Vol. XIX No. 152 10:00 a.m., Saturday, July 8th, 1972. Fourth Session, 29th Legislature.

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THE LEGISLATIVE ASSEMBLY OF MANITOBA

10:00 o'clock, Saturday, July 8, 1972

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports; Notices of Motion; Introduction of Bills. The Honourable Minister of Education.

INTRODUCTION OF BILLS

HON. BEN HANUSCHAK (Minister of Education) (Burrows) introduced Bill No. 111, an Act to amend The Public Schools Act.

MR. JOHN C. GOTTFRIED (Gimli) introduced Bill No. 114, The Convention Centre Corporation Act.

MR. GOTTFRIED introduced Bill No. 113, an Act to Validate an Agreement made between the Provincial Exhibition of Manitoba, the City of Brandon and the Government of Manitoba.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, I have a question for the First Minister. It relates to answers given yesterday with respect to the Tantalum Mine transaction. I understand that we have a statement, but there's just one point of clarification and I would appreciate it if he would convey it, and there may be a misunderstanding on my part in asking the question. This deals with the liability of the province in the event there's default and the ultimate acquisition of 100 percent of the equity. Will there be then an additional payment or a guarantee by the province of an initial \$3 million to the people with whom the company has now made its settlement, or that Chemalloy has made its settlement? In other words will at that point the liability, assuming it was to happen now and obviously we're not, be a \$5 million plus a million and a half for the shares as well.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Well, Mr. Speaker, this will of course be a matter touched upon in the report referred to in which the Minister of Industry will have ready sometime early next week. I can advise the Honourable the Leader of the Opposition that it is my rather definite understanding of the matter that in addition to the \$1.5 million which brings with it 15 percent of the equity in the enterprise, that the putting of the guarantee for \$2 million brings with it 10 percent additional equity for a total of 25 percent. If the guarantee of \$2 million should have to be evoked then that would bring with it to the Crown 100 percent of the ownership of the mine, of the operation. The evoking of that \$2 million guarantee will mean that the Crown will have to put up the \$2 million which will then go to reduce the \$5 million indebtedness and bring it down from 5 down to 3 million and the \$3 million will then be an assumed liability that will be of course owned by the Crown, by the company. --(Interjection)-- Yes, of course it should be noted too, Mr. Speaker, that if the Honourable Leader of the Opposition is assuming the \$2 million, there's \$2 million that is to be put into further development of the mine and its operating capital requirements.

MR. SPIVAK: Mr. Speaker, then I have another question to the First Minister. I wonder if he can indicate whether the government received an evaluation of the assets prior to the completion of the transaction?

MR. SCHREYER: Yes, Mr. Speaker.

MR. SPIVAK: I wonder if the First Minister can indicate whether the evaluation of the assets would put it at its book value on its balance sheet?

MR. SCHREYER: Mr. Speaker, that will be dealt with in the report next week. I'm not sure that I get the full import of the honourable member's question.

MR. SPIVAK: Well, Mr. Speaker, may I frame it another way. In recognizing that it will probably be taken as notice in the statement that is to be delivered to the House. I wonder if he could indicate whether the evaluation, the independent evaluation that I assume he must have of the assets, would find that the asset value is equal to the book value of the assets on its balance sheet?

MR. SPEAKER: Orders of the Day. The Honourable Member for Gladstone.

MR. J. R. FERGUSON (Gladstone): In the absence of the Minister of Agriculture I direct

(MR. FERGUSON cont'd) my question to the First Minister, and ask him if the government is supplying grasshopper poison to the municipalities at cost now, and if it's for sale at the present time?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, the last conversation I had with the Minister of Agriculture I was advised that the department was making systematic arrangements to ensure the supply of the required insecticide. But I cannot advise my honourable friend as to what arrangements are being made with respect to distribution of this chemical on a regional basis. What the Crown was attempting to do was to ensure the adequacy of supply at the wholesale distributor level.

MR. FERGUSON: A supplementary question now. Would the government then be prepared to accept the inventory that the private dealers have on hand as they are having considerable difficulty moving it now in competition against the product being supplied at cost?

MR. SCHREYER: Mr. Speaker, I really should take that question as notice. One of the problems of course in giving any undertaking of the kind asked for is that we've discovered there's such a price differential as between different retail outlets with respect to the price that is being charged for pesticides, insecticides.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. EARL MCKELLAR (Souris-Killarney): Mr. Speaker, I would like to direct a question, in absence of the Minister of Agriculture I'll direct this to the First Minister. What plans have the government to assist the farmers in the shortage of hay which was caused by grasshoppers, drought and frost. Have they any plans to help assist the farmers in the Red River Valley or in western Manitoba in the dry areas?

MR. SCHREYER: Mr. Speaker, that question was taken as notice just yesterday. I would hope an answer would be available Monday.

MR. SPEAKER: Orders of the Day. The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, my question is to the Minister of Finance, and it relates to his meeting with the Federal Minister of Finance. I wonder if he can indicate whether the proposed program that I believe is called "Canada Manpower Opportunity Program", which was discussed in the House I think just two days ago which is to be the new federal program for employment - was discussed with him?

MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK, Q.C. (Minister of Finance) (St. Johns): Mr. Speaker, I feel somewhat limited in what I can report on our discussion due to the fact that I don't know whether the Honourable the Federal Minister of Finance felt that any information given was confidential. However, in regard to the - and I just give this as an introduction to anything else that may be asked - but on this particular item may I say that we were disappointed that we have absolutely no indication of the federal government plans on the employment proposal. All we had was, we did discuss it, but the indication was that the federal government was still studying and developing various alternatives if they were deemed to be necessary and there was not yet a recognition of necessity.

MR. SPEAKER: The Honourable Member for Souris-Killarney.

MR. MCKELLAR: Mr. Speaker, I direct a question to the Minister of Highways. Is the Minister planning on making any changes in operation of the Motor Vehicle Branch to correct the problems that are associated with Autopac?

MR. SPEAKER: The Honourable Minister of Highways.

HON. PETER BURTNIK (Minister of Highways) (Dauphin): Mr. Speaker, we are always trying to improve the situation as we go along.

MR. SPEAKER: Order of . . . The Honourable Member for Souris-Killarney.

MR. MCKELLAR: Have you any plans on amalgamating Autopac and the Motor Vehicle Branch?

MR. BURTNIK: Mr. Speaker, if that is to come about that's a matter of policy.

MR. SPEAKER: Orders of the Day. The Honourable House Leader.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Second Readings, Mr. Speaker.

GOVERNMENT BILLS

MR. PAULLEY presented Bill No. 104, an Act to amend the Civil Service Superannuation Act for second reading.

MR. SPEAKER presented the motion. The Honourable Minister of Labour.

MR. PAULLEY: Most of the bill is tidying up in some respects, Mr. Speaker, but there are a couple of provisions contained within the bill that would give the Lieutenant-Governor-in-Council permission to bring in producer boards or other boards under the Civil Service Superannuation Act without the necessity in each occasion of amending the act. And also it provides that in computing annual retirement pensions that the amount of money now being paid in respect of part payment for hospital premiums will not be considered in the total salary for the year. It was felt that the amount is rather insignificant and that the bookkeeping and the additional entries would be far more costly than the benefits that would be derived as a result of the addition in the annual total salary for the purposes of arriving at the amount of the superannuation.

Also, Mr. Speaker, there is provision making more clear that an employee who is given leave of absence in government work or by agreement between as a result of the agreement entered into on a temporary basis, such as an employee who is seconded to FRED Programs or ARDA programs clarifies that that employee for the purposes of superannuation does not sever his employment and he is able to make a contribution during his absence on leave. There is also a number of items contained within the bill, Mr. Speaker, changing the wording to make it sure that in each instance the employment is with the government with the exception of the likes that I've just mentioned. Another provision of the bill will allow for integration of the Old Age Security and Canadian Pension Plans to spell that out more clearly as to the rights of integrating the Canadian Pension as well as the Old Age Security Plan with the superannuation plan. Then there are some other relatively minor provisions following this, Mr. Speaker, that where an employee who is eligible to make an application for superannuation is unable to do so because of impairment, disability, a solicitor or other person may act on his behalf.

The other major, I suggest, clause in the act refers to an Order-in-Council that was passed by a Lieutenant-Governor-in-Council way back in 1940. An Order-in-Council was passed and it was confirmed in the Civil Service Superannuation Act that a certain employee who was disabled at that time and was given employment was debarred for all time receiving any basic disability pension. And I'm sure that the Honourable Member for Riel is well aware of this situation, we've had discussions pertaining to the same, and because the Order-in-Council of 1940 was approved and confirmed by the Civil Service Superannuation Act the Lieutenant-Governor-in-Council today could not rescind that Order-in-Council and it's required that it be done by an act, so that this employee will be able to receive all of the benefits that he would be entitled to receive because of his service with the government and it would not be restricted as it was by the Order-in-Council away back in 1940. There are the major provisions in this Act, Mr. Speaker. If there are any technical questions, I'm sure they could be answered at Law Amendments Committee.

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, I move, seconded by the Member for Souris ...

MR. SPEAKER: The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, I move, seconded by the Member for Sturgeon Creek that debate be adjourned.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: The Honourable House Leader. The Honourable Minister of Finance.

MR. CHERNIACK (on behalf of the Attorney-General) presented Bill 110, The Statute Law Amendments Act, 1972, for second reading.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Mr. Speaker, has it been passed?

MR. SPEAKER: Not yet.

MR. CHERNIACK: It passed.

MR. SPEAKER: Order, please. May I conduct this meeting please? I asked, is it agreed? The Honourable Minister of Finance stood up, the Honourable Minister of Finance has the floor.

MR. CHERNIACK: Mr. Speaker. I'm sorry. I just didn't hear properly, I wasn't -- not

(MR. CHERNIACK cont'd) . . . alert yet this morning. May I say that if honourable members will review the Act I think they will see that it's in the usual form dealing with various statutes as has been presented year after year traditionally. The only point I did want to make on behalf of the Attorney-General is that he has arranged that there would be a distribution made of the notes of his department on each of the sections elaborating on them and explaining the purpose, and they will be available as soon as they are printed, I suppose Monday for members to deal with in committee, in Law Amendments Committee.

MR. SPEAKER: The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, I'd like to move, seconded by the Member from Gladstone, that debate be adjourned.

MR. SPEAKER put the question and after a voice vote declared the motion carried.

MR. PAULLEY: The second reading on Bill 81, Mr. Speaker, please.

MR. SPEAKER: Proposed Motion of the Honourable Minister of Labour. The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I beg to move, seconded by the Honourable Member for Souris-Killarney, that Bill No. 81 not now be read a second time but read six months hence.

MR. SPEAKER: Moved by Honourable Member for Rhineland, seconded by the Honourable Member for Souris-Killarney that Bill 81 be not now read a second time but read six months hence.

Is it the pleasure of the House to adopt the motion? --(Interjection)-- The Honourable Member for Rhineland has spoken. Order please. The Honourable Member for Rhineland has already spoken on the motion, he is not entitled to speak.

MR. FROESE: No, I haven't. I haven't spoken.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I am making this . . .

MR. SPEAKER: Order please. The Honourable Minister of Labour.

MR. PAULLEY: Well, Mr. Speaker, I don't want to prohibit the member from speaking, but I do think that we should adhere to the rules of the House, because in presenting the motion for the six months' hoist he has spoken on the debate. Now this is the rule, Mr. Speaker, that has been historic in this Assembly. The time to move the motion for six months' hoist is at the expiration, or at least the conclusion of his speech on the main motion. Now I'm . . .

MR. SPEAKER: Order please.

MR. PAULLEY: I'm prepared, Mr. Speaker, if the honourable member would like to withdraw his motion temporarily until he's made his remarks on the main motion, so that we are in conformity with the rule of the House.

MR. SPEAKER: Order please. I would indicate that my first remarks were correct, and I concur with the Honourable Minister of Labour in respect to an amendment. A person makes the amendment, speaks to the motion, and then makes the amendment, and that is his particular contribution. Unfortunately it being a little early, and the Honourable Member for Rhineland probably being in just the same condition as I am, assumed that he could speak on any motion after he had made the motion, which is not correct in this instance because it happens to be an amendment and not a motion. So I must, as I said, indicate that the honourable member has spoken on the motion, unless by will of the House itself we withdraw the motion and the honourable member speaks. Is it agreed?

MR. FROESE: I will then withdraw it.

MR. SPEAKER: Is it agreed that the honourable member have permission to withdraw the motion?

The honourable member . . . Order please. I should like to indicate that this is Saturday morning and those people who wish to speak should stand up. If they have no desire to speak except to shout from their seats, I would appreciate it if they would leave. The Honourable Member for Rhineland on Bill 81.

MR. FROESE: Bill 81 is the Labour Relations Act as it is termed, and I think that's the proper title given to it. Naturally it deals with the whole realm of labour, and in specific terms with labour unions, their practices, and the various sections deal with the authority given under the act as to how these practices are to be carried on. Mr. Chairman, the term "union" as such I think I will dwell on a little later, but we have other forms of association, not necessarily termed "union": We have associations, we have societies, we have corporations, we have companies, and we also have unions. And the purpose more or less of forming

(MR. FROESE cont'd) associations of the various kinds is to gather strength, and in most cases to mobilize for action to exert influence, and on occasion also to lobby, and I think in some cases even it goes farther to, especially to the leaders of such groups. sometimes to dominate an organization. Now, I think between the various types of groups when we speak of societies, we generally speak in terms more or less of benevolent associations, societies that group together having a common bond, having a common purpose, and trying to be of value of society, and within society, and this I think applies to many of the organizations in existence today. I certainly appreciate associations or societies that have a noble aim, or noble objectives, and try to advance society, to make advancements, and are there for the benevolence of the people. Certainly there are many organizations that have very worthy causes and are to be congratulated. If we didn't have these different associations we as people, we as a society as a whole would certainly be the poorer for it.

Now what are the purposes of a union? We have different types of unions. I know some of their aims are to bolster, to help the downtrodden, those who are unable to do anything for themselves, and who by themselves are not able to do certain things that other members of society can do. Certainly we have many people who are not enjoying the same status; we have many people who are not enjoying the same privileges as of others; we certainly have people who haven't the ability to develop themselves, and in conjunction with others. These are some of the reasons why we see unions and organizations being formed. Naturally it also involves the raising of standards in different areas, standards of living, standards of income, and various other realms.

We have in this province various associations that have come before the Law Amendments Committee for purposes to strengthen their organization. We have heard from them, where they would like to see their powers being widened for various purposes, some for discipline, others to be more powerful. We have, let's say, for instance, a teachers' society in this province. It's still termed a society. It's not got the name of union attached to its name as far as I know. This is becoming a very powerful organization in this province. They have much more in the way of funds at their disposal today than they've ever had; certainly they exercise much more powers as a result of this strength, and also in relation to their counterpart The Manitoba School Trustees Association, which I feel is relatively much less powerful for several reasons. One of them is the changing membership in a trustee association. You have continually electing new members to the various boards who do not have the knowledge, who do not have the experience, who cannot counteract certain proposals of the Teacher's Society which could be termed a union as well, and which are exempted from this act, however, they are not included in this act, but certainly they have been organized for a purpose. And I'm not saying that what they're doing isn't good, I'm sure they have noble and good objectives, but I also feel in cases of this kind that the counterpart should be strengthened so that we would have more equality.

We have organizations such as the Medical Association. We've heard from them from time to time. They are now subject to certain legislation that was passed by this House and yet they are more or less a self-determining body, to a large extent a closed shop because only so many doctors are being trained in a given year so that the membership in their organization is to a certain extent controlled. Here again the doctors, the medical people in this province, are performing a very valuable service, and I'm not saying that they shouldn't have the right of an association, that they shouldn't have the right to group together for certain purposes, and to promote their profession.

We have another society, the Law Society, which I feel is very strong in this province; certainly they are the ones that actually write the legislation that we pass, that they have their hands in the structuring of the legislation of this province. Often I think that because they are the ones that are writing it, they are also making sure that there are loopholes so that it can be used to their advantage from time to time, and that they will not be put out of business. But again, here again I think they have a noble cause, I'm sure they have a purpose, and without them I don't know how we would manage in many instances, and that we certainly need them. Again, their membership is limited. I imagine, to those that have taken their proper training and called to the Bar, and as such qualifies them to be a member of their Association.

We have another association that I want to refer to, the Bankers Association of this country; I think this is the most powerful of any association in this country. And probably not only of this country but also of the world. They determine to a large extent, the economy of the province. They control the lives of many many people because of the purchasing power that

(MR. FROESE cont'd) will be made available, because of the money supply that will be made available to the people of this country and that will be put to their use. And therefore this is a very strong organization.

I'm not saying that they shouldn't have the right to associate, that they shouldn't have the right to group together, but I certainly think that as far as parliament is concerned that we as a people should have a greater right in determining the course that is to be followed in this country than what is presently the case. This may be not in the realm of the province - provincial jurisdiction, but we have other organizations dealing in finance that are under provincial jurisdiction, and here I would like to bring in another union, that of the Credit Union which was up until recently anyway, termed a society, but we're getting away from using the word "society" and shortening the name to "union". I, for one, don't like this, I think I like the term society attached to the name because this means, in my opinion, a much wider sphere of operation taking in a much wider sphere of influence, and that I don't really like the name "union" only for that purpose.

However, this is a union that is voluntary, one that I think almost anyone in this province can belong to. The charters of the various credit unions that were once very narrow have been widened so that most people in this province if they so desire may belong to one or another credit union. I think this is the way it should be. I think unions should be voluntary organizations. I personally have worked for such organizations for the principles of such a union which is one of self-help, one of self-determination so that people have greater control over their own finances, which in my opinion is very very important. But let me stress once more that I feel that the cause of these various organizations are good. We need societies, we need organizations to further the welfare of these people.

We have another union that I would like to mention and that is the Farmers Union of this province. This union was recently re-organized, I think two years ago, and we now have a new leader of that union from Saskatchewan, which I think many people not only have suspicion but have a certain amount of fear because of the constitution that he came up with and that has been approved, which in my opinion is much too strong; a constitution that I could personally never subscribe to especially when we see this particular leader speak out, I have the feeling that I am listening to Castro - people of that kind a determination to dominate, a determination that certain things must go a certain way and that we just have to follow.

This is not a type of union that I can see, that we have big bosses at the top and that other people just have to fall in line. And I think this is also what - especially in the rural areas, the impression that many people have that labour unions are controlled by their bosses and that they are a very small part of it, very insignificant part of it, and that they have very little say. I think the union movement, the labour union movement, has a certain stigma attached to it today because of this very fact, not only because of what happened here, what happened in Canada, but what happened in the United States. I think we all recall John L. Lewis when he was the big boss in labour in the United States. He called the shots and governments were afraid to touch him. And what did we hear yesterday on the news in respect to the Democratic Convention that is just coming up? They were very concerned that a certain Mr. O'Brien who has been the chairman, will not accept that position now, because apparently he has had very good relations with past and present unions, and that if they don't get his chairmanship, or him to come into office that they will lose a certain amount of support and that this will cause a division. So this is the great anxiety that they have at the present time right there in that convention right now, and this just shows the type of influence that big labour has. And when the Honourable Member for Inkster the other day mentioned and dwelt on the matter of unions, and international unions, I certainly don't subscribe to what he said. I certainly cannot subscribe because the way he put it, it meant that you just go down the line and your local is just as important and can give the same amount of direction.

On the other hand, where do we stand as far as the ... is concerned. I feel that unions, the labour unions, should divorce themselves of the international movement and that we should have Canadian unions separately. I had a very good friend in the city here, who for years was active in the labour union movement. He attended international conventions. He told me of many of the instances of the things that went on, of the practices that were carried on, and that if anyone stood in the way he was done away with in no uncertain terms. There was no room for anyone who would not go along with ...

MR. SPEAKER: Order, please. Will the Honourable Member for Thompson state his point of order.

MR. JOSEPH P. BOROWSKI (Thompson): Mr. Speaker, my point of order is that the member is making a very serious allegation that union objectors are done away with almost in Mafia style, and if he has such information I wish he would quote it and specify times and dates. That's a very serious charge to make.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, I indicated what this other gentleman told me, and he had been in the union for many years. He just passed on a short while ago. --(Interjection)-- No, no. He was not, at least not by the unions. And he stood up for unions - he was a very strong union man. But he disliked some of the practices that were carried on, very much so; and he told me of these things that did go on. And I'm just wondering, when this bill is passed, who will be the boss. Will the big boss of the labour unions in Manitoba control this labour department here in this province? How much is the Minister of Labour going to have to say? And how much control is there presently already, or how much of the legislation that is before us has already been dictated to the Minister in the bill we have before us. We don't know at this time and maybe the Minister could enlighten us on it at some later time.

I think the points that have been raised in this connection with unions - and I personally have a friend, a very good friend whose brother was involved in unions in the administrative part, in the executive part, and he too related what was happening, the intimidation that was carried on from time to time, and that he just had to leave his job because he could not stand it any longer; he couldn't go along to see what was happening, he thought that his life was endangered. And I'm sure that when I speak of this I don't mean that this applies to every union, but I was stating before that as far as many people are concerned there is a certain stigma at the present time that labour unions I think should do something about in trying to get rid of and that needs to be eradicated and I don't know whether the bill, the legislation before us does this. I rather believe that the bill before us, the legislation, will not do it and probably in certain instances hurts it.

Let's take a look at some of the sections or some of the provisions, and I won't mention the section number, Mr. Speaker. What about the payment of dues or before the payment of dues, the compulsory check-off. Now every one belonging to a union will have to pay his dues, there will be no way out for him. I have received a number of letters in that regard taking very strong exceptions to this very thing because they don't believe in this type of union; they don't believe that this is right that they should be called on to contribute either through a union or, if that money is not going to a union, for other purposes. They don't feel that this is proper, even for this legislature to bring legislation of this type. And does this mean now, Mr. Speaker, that if I belong to a union and I don't pay my dues, that I've committed a crime? This is what it amounts to and, Mr. Speaker, I don't subscribe to it. Some of the letters I got were taking exception on other grounds, on the grounds of conscience. They mentioned the scripture Second Corinthians 6, 14 and 15 which points up the matter of: "Be ye not unequally yoked together". I could continue with that particular scripture read it out in total, I think I have it somewhere because it was given to me. But they take very strong exception to this matter of having to pay dues under this legislation. And what are these dues going to be used for? -- (Interjection)-- The Member for Winnipeg Centre said it's strengthening Communism. I didn't say so, I wouldn't say so if I was the Member for Winnipeg Centre because I feel that moneys of this type should go for a good purpose and should not be used to disadvantage.

On the other hand again, if the dues are paid or must be paid, they say that they should go to some, what is it, charitable organization? I think it should be the right of the individual to decide for what purpose he is giving money. In fact sometimes I take exception to what the United Way does and that the organization decides for me to what organization I give my money and I have to donate money. This is the same principle, and I take exception to that. Because I don't mind giving donations, and I give donations, but I'd like to support those organizations that I feel are worthy of support, that I feel that contributions should go to, not someone else decide for me that I go and pay donations for such and such a purpose. The Member for Inkster takes so strong exception to the matter of aid to private school, that he will have to make a contribution through taxes or otherwise to the support of some school that he doesn't believe in - well what difference is that principle from this one? Yet he subscribes to this one. Where is the consistency? He's not in his seat now but certainly I think this discredits to a large extent his logic and his explanation in his speech the other day. And I feel sorry that he's not in his seat, otherwise I think I would have enlarged much further on this particular aspect but I

(MR. FROESE cont'd) will have to wait until I speak on that particular resolution to get this point home more to him. I feel very strongly that this section should be removed, amended or that exemptions be made for those who do not want to contribute and who feel that there are certain things going on that they don't want to support and that they have a lever in their hands so that they don't have to support certain matters.

Mr. Speaker, I want to come to another point, that is of the non-union member working at these various plants. Here again under this bill under the labour practices in the Right section, we find the rights spelled out for the union member. But what about the non-union member, does he have no rights at all? What about the employer that does not belong to an employee's association or union has he no right? I feel that these people should have a right as well and it should be so stated in the bill. We provide certain things under this legislation for the union member - for instance, provides free transportation to representatives of a union for purposes of collective bargaining. We're going to provide free transportation for the union member but not so for the non-union member. The non-union member have to pay his own way, he will have no way of getting support financial support for his cause. What about the use of premises? Again it spells out that the union member has a right to use the premises for purposes of union matters, but where is the non-union member? And, Mr. Speaker, this certainly is discriminating in the worst way. While we consider this a labour bill, the non-union member will have to comply to a large extent to the laws set out hereunder, but he has no recourse and he has no rights. I would ask the Minister to think twice about this whole thing and make provisions for those people who don't want to subscribe or who do not want to be members of the union.

There are also fines even in the act listed, that if you don't comply that there are fines. And I'm wondering - and I shouldn't even say that I'm wondering, because I don't think that the leaders of the unions in this province have the support of the rank and file in the legislation that is before us. Look what happened in British Columbia. We have many many unions in British Columbia, where the union leaders came out strongly for certain things. What happened in the election? The rank and file did not support them, did not support the party that was so outspoken for the unions and wanted certain things to happen. They didn't get the support so this means that the rank and file does not necessarily support the bill before us.

MR. SPEAKER: Order please. The Honourable Member for Pembina on a point of order.

MR. GEORGE HENDERSON (Pembina): We can't hear what's going on because there's too much chirping from the back seat over there, and I wish you would keep those people in order.

MR. SPEAKER: Order please. I would suggest that the point the Honourable Member for Pembina raised is well taken. If the Honourable Member for Crescentwood has another point of order, I'll hear him. Otherwise I think I prefer the Member for Rhineland, he has the floor.

MR. FROESE: I was just dwelling on the point of whether the unions had the support of the legislation that is before us, and in my opinion that in so many occasions the leaders of unions do not have the support of the rank and file of their membership and that many of them are intimidated. Many are not subscribing to the ideals - I probably shouldn't say ideals; but some of the things, the practices that are going on and I take strong exceptions. I mentioned my friend before that took strong exception to certain matters, and I feel that when the members of the unions have a right to express themselves in a general election - and a vote, a free vote. They do not support a lot of the measures that the labour union leaders endorse and that they bring forward. I would like to hear from the government benches on this very point if they can prove that this is otherwise because in B. C. it certainly didn't bear out what they believed to.

MR. SPEAKER: Order please. The honourable member has five minutes.

MR. FROESE: I certainly won't be completed in the few minutes that are left to me. I had a number of other matters that I wish to bring to their attention on the -- there is provision here that a person, a union member is not to make financial contributions to support the employer's organization. I think this is a right taken away from the individual. If the person, a member of the labour force wishes to support an employer's organization why shouldn't he do so. This is a denial of a right. --(Interjection)-- This is on page six. What about discrimination against union members? Union members are protected against discrimination, but what about the non-union member, where do we leave him? It's all right you discriminate against

(MR. FROESE cont'd) the non-union member because he is probably not with him and therefore they feel that he deserves it.

I have other items that I wish to discuss and one of them is what about company profits? So often when companies have big profits then union members or unions feel that they're not getting a proper share, that really their salaries should go way up; and I don't say that they shouldn't get their proper share, that they shouldn't get a good salary, I'm not saying that at all. In fact the people working in B, C, under the labour or under the legislation there are getting much higher pay than they do here in Manitoba. And I think very often they are jealous if corporations make profits and I feel that we in Social Credit really recognize this. We feel that profit sharing should take place but not at the local union level. I think this should take place at the national level through a national dividend so that the gross national product in this country would have some effect on all the people in Canada and that they're entitled to a dividend according to the profits that are made as a country as a whole. This is what I have been advocating, this is what I have said before and also indicated that the national election, certainly our national leader will put forward a program of this type which will provide for a national dividend to all the people in this country.

I certainly would like to see much more purchasing power in the hands of the common people. I feel that this is a great need and I think if our economic system was working properly we wouldn't require a lot of the legislation that is presently before us in this labour bill. It's a matter of economics, if we didn't have to operate under the system that we do presently, a lot of these problems, a lot of these requirements would fall by the wayside and would not necessarily have to come to bearing. I also see a need for lower working capital, or lower interest working capital. Why should workers have to pay for a house that they buy three or four times over because of high interest rates. This is ridiculous, this is not necessary. We have the machinery in the Federal Government, we should put it to use to the people of Canada so that this requirement wouldn't be there. --(Interjection)-- I was just stating that because of our economic system that we work under, this is a principle of it, that a lot of the legislation wouldn't be required that's in here today and we wouldn't have many of the situations arise today that are arising because of this. I would like to mention the freedom of speech. There is provisions in the act which deny the person the freedom of speech. When you come into a company's office, the company is not to ask the person applying whether he's a union member. Well what's wrong with asking that question; that's denying freedom of speech and there is a penalty for it if you do so. Certainly matters of this type should never be in legislation passed by this House denying the freedom of speech.

MR. SPEAKER: Order, please. The honourable member's time is up.

MR. SPEAKER put the question.

MR. SPEAKER: The Honourable Member for Fort Garry. There is no amendment at the moment. It's the main motion. Order, please. The Honourable Member for Fort Garry.

MR. L. R. (BUD) SHERMAN (Fort Garry): Mr. Speaker, it's my turn to comment for the next few minutes now on Bill 81 which is a piece of legislation which although I have tried to look at it objectively, Sir, adds up in my view to some of the most specious, some of the most misleading and some of the most potentially iniquitous legislation that we've had before us in the lifetime of this Legislature. And I say that, Sir, because it purports to do things which it does not do and the person who suffers as a consequence in my reading of the bill, in our reading of the bill and in the reading applied to it by those to whom we have turned for counsel, in both areas of the economy - labour and management - it purports to do good things for the workingman and in fact it does nothing of that sort for him.

I have not had any friends who have been associated with the kind of activity, the kind of possible dangerous activity where unions are concerned that the Member for Rhineland referred to when he talked about his friend who told him certain rather violent and unethical activities might have been carried out. He then went on to say that that particular individual who told him of those events had passed away and one is left wondering whether or not the member's friend had said too much to him. I have not any incidents or had any acquaintanceship with that kind of suggestion, that kind of activity, that kind of danger where union work and union organizing and union membership is concerned whatever, but I think that the basic objective of the labour movement must surely be, and must surely always have been to help the individual working man and a piece of legislation which has been awaited as eagerly as this has for as long as this has, drafted by a man with a lifetime, or piloted by a man with a lifetime of labour experience,

(MR. SHERMAN cont'd) should help the working man and working woman of Manitoba. And this is our basic objection to it, Sir. Members on the government side have said there is nothing wrong with the anomalies and the inequities that we believe exist in this bill. They have said there's nothing wrong with the bill as it stands right now, there's nothing wrong with it as a code. Well, Mr. Speaker, there's nothing wrong with it unless one happens to be a democrat - and I'm not talking about a New Democrat, I'm talking about a democrat in the universal sense of the word. There's nothing wrong with it unless one happens to be interested in preserving the principles of British justice on which our society and our system is founded. There's nothing wrong with it unless one happens to be interested in individual rights. And since we are, at least on this side of the House, democrats interested in the preservation of the system of British justice on which the entire codal and ethical system of our society is based and interested in an individual's rights, there is a great deal wrong with the bill in our view. Fundamentally it's legislation that abrogates and abridges the rights of the individual.

I was particularly interested in the remarks of the Honourable Member for Flin Flon who spoke sincerely and with considerable depth of knowledge the other day about the difficulties that labourers and working men have experienced through the years in winning for themselves a fair and equitable treatment from management and ownership, and I say despite the inconsequential interruptions by the Member for Ste. Rose that I appreciated the sincerity and the depth and the knowledge with which the Member for Flin Flon spoke. But I cannot help but ask - and if the Member for Ste. Rose had the same concern for the individual as he professes to have, he would ask - has the Member for Flin Flon approached the question of equity and fairness for labour and for the workingman from the point of view of the rights of that individual as an individual citizen in society, has he thought the propositions in this legislation through to the ultimate conclusion, or are his views on this legislation preconditioned by his own labour training, by his own labour environment, by his own labour conditioning all his life. He can see only the good in this legislation it seems to me, Mr. Speaker, and on one level it appears to be good legislation, that's why I described in my opening remarks as specious, because it does appear on the surface to be good legislation. But if one looks into it from the perspective of the foundations of British justice and individual rights it quickly becomes apparent that it is misleading and fallacious and iniquitous legislation. So the Member for Flin Flon, I suggest, notwithstanding the sincerity and the experience that he brings to it has not looked beyond what his early conditioning in the labour movement has taught him to look for, has not looked through to the effect and the impact on the individual workingman and woman.

Mr. Speaker, there's been a fairly thorough going dissection of this legislation in the last week since it moved to second reading stage in this Chamber and the public has been listening very acutely to the examination that has gone on, in fact the climate at the present time is reminiscent of that surrounding Bill 21 earlier in this session when as debate developed the public became more tuned in to the ramifications of Bill 21 and the legitimate opposition to it, the legitimate criticism of it only began to mount to the kind of level that was competent of making any kind of an impact on the community at large when we were at a point in the debate where the government was overanxious to close off discussion and to ram it through, and we are in the same position precisely now on Bill 81. The public's knowledge, public's concept and understanding of what Bill 81 entails was minimal, was fragmentary if in fact it existed at all a week or two ago. Now with the debate that has taken place in this Chamber, with the reporting that has begun to emanate from the media on this legislation, the public is beginning to understand what is involved, and we're at a point now where to arrive at a responsible and a constructive scrutiny of this legislation and what it means, further consideration, further debate, further study of the most comprehensive nature is necessary in fairness to the individual workingman. Otherwise, what happens in the legislation in print is going to happen in legislation in fact and that is that his rights as an individual are going to be abrogated and abridged.

Mr. Speaker, one of the most difficult things about this legislation for us to accept is the uncompromising manner and in fact the undemocratic manner in which the Minister of Labour is proceeding with it. There are many many inequities and anomalies and loopholes and weaknesses in this legislation and it would take hours to cover them all thoroughly and fairly, and it is not my job to do that, but in the few minutes available to me, I want to identify and confine my remarks to three or four basic areas, Mr. Speaker, which I find of particular concern, three or four basic principles in the bill which I find particularly offensive; and these are not

(MR. SHERMAN cont'd) necessarily in order of importance: The question of guilt until innocence is proven which is implicit in many sections of the bill having to do with the offences and the penalty sections for employers and others who violate the provisions of the bill. The punitive aspect of the legislation itself where penalties for offences are concerned. And on that question incidentally, Mr. Speaker, I understand that there are legal opinions in the country who believe that the bill may be vulnerable to attack on constitutional grounds because it invades the field of criminal law when it prescribes the penalties that it does for employers who are found guilty or who are judged guilty of committing an offence and then are not fortunate enough to be able to extricate themselves by establishing innocence. And thirdly, the whole aspect of compulsion where the individual workingman or workingwoman is concerned, the whole aspect of compulsion with respect to union membership and check-offs.

Mr. Speaker, another area -- and I touch on it briefly in passing because I don't intend to spend much time on it, I will leave it to colleagues of mine to deal with more thoroughly -- is the aspect of the bill having to do with hot goods and how they are to be handled and how the handling of them is to be avoided if the employer is to avoid prosecution and penalty. This is an area of the legislation which I feel once again weights itself heavily and its effects and its benefits heavily on the side of the large U.S. based international union and heavily against the individual working person here in Manitoba who belongs to a small local union. The question will always inevitably arise when you're dealing with the hot goods aspect of legislation controversy and difficulty as to who is blowing the horn and whether the goods will be handled by a work force or not. In this case the large U.S. based international unions will be blowing the horn and the people who belong to small local unions and function in the distributive trades here in Winnipeg and in Manitoba will have to pay the price and dance to that tune. And when the orders come down from the big unions, from the union leadership at the top in Washington or Chicago or wherever, that certain workers are not entitled to carry out duties and functions of their jobs in companies that are involved in industries where other companies are struck, it is the local union here and the local union member who will suffer, who will pay the price for that, and it is the other individuals all through our society who is looking for a job and job security, is looking for a secure and a productive economy here who will suffer. And the horn will be blown as I say and played at the other end and we will dance to it.

There is no evidence at all in this legislation, Mr. Speaker, of an interest on the part of this Minister or this government in the individual employee; everything is subordinated to the union and to the union's will and wishes. The individual workingman is overlooked and ignored to a degree that is striking to anyone reading the legislation with care. There is in fact in the preamble to the legislation, Mr. Speaker, an almost total lack, a total absence of any reference to the rights of individual employees excepting as they may be union members willing or otherwise.

The interests of the workingman are only advanced in this legislation if one equates those interests with the interests of the big U.S. based international unions. The interests of the workingman in Manitoba are only advanced if you see those two as parallel - the interests of that man and the interests of the big international union. And the basic difference, Mr. Speaker, where this aspect, this fundamental aspect of this legislation is concerned between a member of the NDP evidently and between a member of the Progressive Conservative Party is that the New Democratic Party evidently does equate the interests of the individual workingman with the interests of the powerful U.S. based international union, and we have the testimony of the Honourable Member for Inkster in fact to support that view.

The Honourable Member for Inkster speaking the other day on the bill said unequivocally that he believed in international unions; he did not go on to elaborate on the remark but one can only assume from the kind of emphasis with which he made it that he believes that international unions are good for Manitoba working people. Well I say, Sir, that the Progressive Conservative Party does not hold to that view, that what is good for the international union, the U.S. based union, is necessarily good for the Manitoba workingman. We do not equate the interests of that workingman with the powerful labour barons of the U.S. highway and the powerful labour barons of the U.S. waterfront and their colleagues. In fact, Sir, the Conservatives' view sees those two interests as being almost diametrically opposed, almost diametrically hostile to each other. We don't see any mutual interest whatever.

The Member for Inkster also said in speaking on the bill the other day, Mr. Speaker, that the only things that are prohibited by law are what we enact here in this Legislature, and I say

MR. SHERMAN cont'd.) to him that by enacting this legislation and by being consistent with the philosophy implicit in that statement of his, he and his colleagues and the Minister of Labour are going to be prohibiting the rights of an individual to do what he or she wishes to do in terms of membership and check-off and dues and allegiance in the work force. --(Interjection)-- Well the Honourable Member for Inkster asks me whether I reject the whole act, the whole --(Interjection)--Where this stricture is concerned, I most certainly would, yes, I most certainly would.

Mr. Speaker, the Honourable Member for Flin Flon and the Honourable Member for Inkster actually take a differing view on the role of the individual workingman and the responsibilities that government and society has to him and the kinds of effect and impact that this legislation could have on him, although they may not intentionally take that differing view. The Member for Flin Flon spoke, as I said, with passion and with sincerity about the role and the accomplishment to the unions and nobody disputes that, nobody on this side has challenged the accomplishments and the achievements of the union movement, what it has done for working people in the broad sense; divorcing it from specific major unions that can be identified as entities and forces in themselves and taking the union movement in general as a concept and as a social movement, nobody on this side challenges or disputes the postulate of the Member for Flin Flon that that movement has done a tremendous job - not only for labour but for management, for society. But the Member for Inkster has spoken with equal fervor and passion on two or three occasions in recent topical debates in this House on two different bills anyway, Mr. Speaker, Bill 70 and Bill 81, on the value of free choice and freedom of choice and the rights of the individual, and I think he has to be challenged on that point when he stands up as he did and commits himself as fully as he did to this Bill 81, because I cannot see where the consistency is or where it could even be suggested to exist when he talks about the free choice being so sacrosanct in an individual's life and then says that the bill before us, the Labour Code before us and the Labour Code existing now, enshrines or guarantees or in any way supports the kinds of freedom of choice and free rights that he talked about on an esoteric level in those two other debates.

MR. GREEN: Mr. Speaker, would the honourable member permit me . . .

MR. SHERMAN: Yes I will.

MR. GREEN: Did the honourable member not hear me say that I would be happier if we eliminated both of those bills in my remarks and did he not hear me say that this is not my type of bill?

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Well, Mr. Speaker, I suppose the crunch will come when the vote comes. He may be --(Interjection)-- Well it's pretty difficult to separate the kinds of individual ideals the Member for Inkster and I may have from the basic principle of the bill. And the principle implicit - the over-riding principle implicit in this bill as we read it and we interpret it, Mr. Speaker, is that the wishes and the objectives of the union come first and that the individual's wishes are subordinated to that. And the Member for Inkster may be happier if that were taken out of the bill but if that were taken out of the bill there would be no bill. In any event, Mr. Speaker, I'm glad to have the Member for Inkster repeat the statement that he made on that point, I'm glad to have that on the record again because we may look to him at some future time for support in the direction of a labour code that we feel would be equitable and consistent with the principles of individual freedom and free choice and British justice, and British justice we suggest is lacking here. So if I missed the Member for Inkster's comments in that regard the first time around I'm glad to have them now and I accept them with considerable enthusiasm.

Mr. Speaker, if there is anyone then, the Member for Inkster or any of his colleagues, who believes that the interest of the individual workingman is in any way enshrined or guaranteed or furthered by this legislation I wish to disavow him and disabuse him of that misconception at the present time, because on the contrary this legislation undermines that freedom and diminishes it, and if the Member for Ste. Rose and the Member for Flin Flon look through the tunnel to the end they will see for themselves how the rights of that individual are abrogated and diminished. It deprives, this legislation deprives the individual worker, Sir, of the right to make the free choice as to whether he or she wants to be organized into a union and as to whether he or she wants to pay dues. So the position of those who argue that this is in somehow enlightened progressive legislation which defends the position of the individual workingman and which is supportive of any concept of freedom of choice is totally inconsistent and illogical and will not stand

(MR. SHERMAN cont'd.) up under examination. Those who argue that way. Sir, cannot persist in the argument, they cannot win the argument with the people of Manitoba, because you cannot insist on the one hand that you believe in an individual's right to free choice and say on the other hand that he or she should be compelled to join certain things whether they be unions or any other organization.

Mr. Speaker, there is provision in the legislation that says that all employees in a given unit must have regular monthly union dues deducted from their pay by the employer whether or not they belong to the union and whether or not the collective bargaining agreement provides for this. That's a provision, Sir, that clearly represents a major benefit to unions, nobody argues that point. I return to the original point I made in speaking through you to the Honourable Member for Flin Flon, it clearly represents a major gain for unions, but what about the interests of the individual employee who may not wish to have his bargaining rights with his employer carried on for him or conducted for him by a union. What about those individual rights and wishes? Have they not been completely overlooked and ignored? The act provides, Sir, for no exceptions for compulsory check-off of union dues in spite of the fact that there is some religious groups as everybody in this Chamber knows who are unable to accept employment where they would have to pay dues to a union or to any other collective group. Ontario legislation provides for this, it provides that in such cases people can have an equivalent contribution made to a charity of their choice or to a suitable charity, but here there is no such provision.

Mr. Speaker, so much for individual rights and freedom, and in that respect I refer to a letter which I received and no doubt many members of this Chamber received - perhaps all members have received - but I think it's important that one or two paragraphs of it at least be put on the record. It is written by a Mr. James D. Lennox who is unknown to me, on July 6, 1972, and he talks about the fact that he is writing in relation to the latest proposed major changes in the Labour Relations Act and he goes on to say that he is a believer in Christianity and cannot according to his interpretation of the Bible accept some of the strictures and some of the regulations laid down upon him as a workingman by this legislation. I don't think it's necessary to read the references that he makes to the Biblical injunctions but I certainly will table the letter with the Clerk so that everybody in the Chamber has access to it if they have not already received it, but I want to read one or two excerpts from the letter, Sir, which outline the predicament that he finds himself in in terms of his conscience and in terms of his religious conviction. He says and I quote directly from the letter beginning at the fourth paragraph: "The government presently in power in this province supported the Human Rights Act which provides that an employer shall not discriminate against anyone regarding employment or any condition of employment because of race, creed, religion, sex, color, nationality, ancestry, or place of origin. That a trade union, employers organization or other occupational associations shall not discriminate against anyone because of race, religious beliefs, marital status, color, sex, ancestry or place of origin. The present proposed labour changes are indeed a complete contradiction to this Act. The proposal to place the obtaining of union certifications in such a small percentage i.e. 35 percent, is certainly unfair as less than half of a given group are being consulted. The proposed compulsory check-off provisions to be introduced after January 1, 1973 compels an employee to contribute union dues that he or she may not want to due to a conscience being governed by the word of God. In relation to the right to strike of employees of Crown agencies including police such a strike would throw open the doors to a lawless society. This is contrary to the principle of government as established by God. These proposed labour changes would threaten my way of life and of my generations and of those who share with me such convictions." That letter is signed James D. Lennox, 1024 Downing Street, Winnipeg, Manitoba.

Mr. Speaker, as I suggested, I don't think I'm in any way unique in the position that I enjoy as a recipient of that letter; I think it probably went to everybody in the Chamber. More than that, it represents a series of letters in the same vein that I'm sure have gone to everybody in the Chamber; it's only one of a dozen letters of that kind that I've received up to this point. And I ask the Member for Inkster and the Member for Flin Flon and the Minister where individual rights and individual freedom of choice is protected in this circumstance, in this situation. Well the Member for Inkster perhaps is off the hook, perhaps I shouldn't keep referring to him because he's already said to me that he doesn't accept and is not comfortable with those kinds of provisions either in this Labour Code or the existing one. But I ask the Member for Flin Flon and the Minister of Labour, neither of whom have dealt, while I've been

(MR. SHERMAN cont'd.) in the House at any rate, with the individual aspects and the ramifications for the individual of this legislation where individual rights are protected and guaranteed in a situation such as is outlined in that letter. They're not, they're abrogated and so I say so much for the individual rights and freedom where this legislation is concerned.

--(Interjection)-- Yes.

MR. SCHREYER: Mr. Speaker, I didn't hear if the Member for Fort Garry answered the question asked by the Minister of Finance but in any case it is directly germane. When the Member for Fort Garry was referring to what I understand to be the Rand Formula, although he didn't call it that. Does the Member for Fort Garry then advocate in effect that there should be a prohibition, an injunction against the Manitoba Law Society. Well let us deal with the Law Society charging the 100 or 120 dollar per year union dues for which there is no provision whatsoever for a contribution in lieu of to a charity of one's choice.

MR. DEPUTY SPEAKER: The Honourable Member from Fort Garry.

MR. SHERMAN: Well, Mr. Speaker, I'm not a bencher and I'm not a member of the Law Society but I must say that I am not happy or comfortable with the kinds of conditions imposed on members of the Law Society that have just been outlined by the First Minister. And my reply would have to be in the form of a question as to whether it is government statute, whether it's legislation that has made that necessary. If it is then I am distinctly opposed to it, I am not in favour of it. If that is the case then the Minister of Finance and the Attorney-General and others who have a responsibility for the conduct of the legal affairs in this province in the operations of the legal profession, I think should address themselves to that particular situation which I think does reflect an inequity. I think it is an inequity. --(Interjection)-- Well if that's the case, Mr. Speaker, the Minister of Labour has just given me a reason now for reversing my position. Keeps him out of the practice of law then I say maintain the regulation.

Mr. Speaker, another aspect of the bill that concerns me is that there is a new definition of employee, and it does not exclude management people or those who are employed in a confidential capacity in matters relating to labour relations. Except as in the opinion of the Board, the Labour Board, it might be unfair to have some of these people included. And that's a change that has widespread ramifications, Sir. With that change in definition, it could possibly be argued in the future that all union certifications, that all union certifications now apply to all the formerly excluded people, and it would presumably require each employer to approach the board for a variation in their certification to include people who historically had not been included in the unit. Not only that, but they would be approaching the board to include people who had no common interest with those who had previously constituted the unit in its entirety.

For further certifications that definition, Sir, coupled with the compulsory check-off provisions that I've already referred to would give the union a right to demand union dues from a whole long list of management personnel. And that definition it seems to me opens up avenues for abuse and for distortion of intent that is once again inconsistent with the principle of individual rights and with the principle of progress for the individual workingman. Mr. Speaker, I'm not sure how much time I have remaining but I know that I'm probably racing the clock.

MR. DEPUTY SPEAKER: The Honourable Member has four minutes.

MR. SHERMAN: Four minutes, thank you, Mr. Speaker. Let me say that the other aspect that I referred to at the beginning of my remarks and I want to just dwell on a little more deeply, is the provision implicit in the legislation that we now are moving into a society where at least in the field of labour management difficulties, a person is presumed to be guilty until he establishes his innocence. And, Sir, this has to be interpreted and understood even by the most sincere and the most charitably thinking member on any side of this House as a direct violation and a direct repudiation of those principles of British justice, regardless of what countries of origin any of us came from that constitute the framework of law and order and ethics in our society. That's the whole foundation of our system right there, that one is not guilty until proven so, that he is innocent until proven so. And there are provisions in this legislation which mean that almost any allegation by almost anyone against an employer could result in that employer's, in that accused, being faced with the necessity of proving in a court of law that he isn't guilty. Not only that, but the whole provision is excessively punitive in terms of the penalties that it prescribes, such as penalties ranging all the way up to two months' imprisonment for alleged violation of the provisions of the legislation. The bill means that an employer is faced with the need to prove his innocence if he refuses to continue to employ, lays off, transfers, suspends or alters the status of an employee who is a union member at the time that the

(MR. SHERMAN cont'd.) union is seeking to be certified. Once again the implicit suggestion of guilt until proven innocent. But worse than that in this case, it places the employer in a position of being subject to complaint for any action affecting any of his employees since there is no way he can know who is a union member and who is not. Where was the Attorney-General when this legislation was being drafted, Mr. Speaker? And where was it drafted? It reads like something that was drafted in a society with no traditions of British justice at all.

Mr. Speaker, there are numerous other inequities in the legislation to which I would like to address myself, but because of the clock I realize I do not have time, and I will have to conclude my somewhat cursory and superficial examination of the legislation on this note and at this point, Mr. Speaker. But I return to the original point that I made that basically it abridges and abrogates the rights of the individual and that's what's wrong with this legislation. It's directed against the individual workingman, and that being the case, Mr. Speaker, I wish to move, seconded by the Honourable Member for Riel that Bill No. 81 not now be read a second time but be read six months hence.

MR. SPEAKER presented the motion.

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MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, this has been one of the most interesting, this has been one of the most interesting discussions that I have heard in all of my political career. I heard my honourable friend the Member for Fort Garry talk about British justice and the rights of the individual, the freedoms of the individual. I refer him to the commencement of the trade union movement once again if he wasn't in the House the other day, when I went back to 1834 where in the course of British justice insofar as the trade unionists were concerned or the attempt of individuals to band themselves together at Topuddle in Dorsetshire in England. That because of British justice at that time they were banished to the high seas, because they dared to become an association, band themselves into an association for the advancement of their rights so that their two shilling a week could be increased. And the magistrates of that bastion of democracy and of justice decided because of the fact that people got into a union, a half a dozen or so agricultural workers, that they were banished. I think, Mr. Speaker, that if we consider what the Honourable Member for Fort Garry said this morning, aided and abetted by his new found colleague from Rhineland, that this was the type of justice that they would go back to, but I doubt that upon quiet reflection even the Honourable Member for Fort Garry would think again. I'm not so sure of the Honourable Member for Rhineland.

I call to mind of more recent date that as a result of the banding together of workers to improve their lot in 1919 in the Winnipeg general strike, that we then had a further exhibition of British justice and the sending of many of those who participated in that general strike, and they were banished to Stony Mountain. But the people of Manitoba --(Interjection)--oh, without trial, certainly. But, Mr. Speaker, the average citizen of Manitoba - apart from the legislators of the day and the courts of the day - decided that notwithstanding the fact that they were inmates of Stony Mountain, decided that a few of them should become members of this august Assembly and they were elected. The people spoke then and elected about half a dozen of them. And they are now hallowed in history as being among the founders of democracy here in Manitoba that was attempted to be cast aside in 1919 in the calling out of the troops. I remember as a boy, Mr. Speaker, many of the happenings of that day. But they overcome the type of justice that the Member for Fort Garry talks of. During the last regime of the Conservative Party, they honoured one of those fellows that was banished to Stony Mountain because of his viewpoints on labour, by naming the Russell School, the Bob Russell School after him. What a change, Mr. Speaker, with the attitude today of the Member for Fort Garry. And that was recognition given to one of those that was banished, R. B. Russell. The citizens of Winnipeg elected as their first citizen as their mayor, another one that was banished, John Queen. What say you of the recognition? J. S. Woodsworth was concerned, and biblical descriptions given today by the Member of Rhineland and attempted to by the Member of Fort Garry were used against J. S. Woodsworth and Fred Dixon to persecute him and them.

This is the attitude, Mr. Speaker, of these individuals. The Member for Fort Garry stood up here and proposed or presumed to be the spokesman for the freedom of the rights of expression. And what has he done by his motion of a six months' hoist? If adopted by this Assembly it would deprive the rights of the people to be heard on this bill outside of the Chamber, because it would not come up, it would die. I want to say, Mr. Speaker, it's not going to damn well die as far as I'm concerned in this House. I am going to suggest to honourable members of the Assembly that they put their words in the mouths that they use to give the people the opportunity of speaking.

My honourable friend from Fort Garry seems to presume that he is the oracle of freedom, and deprives the individual of the right to be heard. I know, yes you were speaking and you were only speaking and saying nothing, that will enhance the forward thrust of the relations between management and labour. And I can understand the stance of my honourable friend, Mr. Speaker, because I believe he is captain insofar as the business community in Manitoba is concerned. I have read frequently his articles in a brochure called, "Manitoba Business", and he was enunciating the same philosophy here this morning so I guess, Mr. Speaker, I can't fault him because he wasn't out of context really. I give him the benefit of being at least partially sincere this morning because he was only giving lip service to those that pull the thread. He accuses me as others do on that side of the House on being a tool in the hands of the trade union leaders. Well, what guff. What stupidity. I doubt, Mr. Speaker, whether the Member for Fort Garry or the Member for Rhineland has read Bill 81. You haven't had time. Well others have had time, Mr. Speaker, others have had time because my honourable friend from Fort Garry kept on

(MR. PAULLEY cont'd.) . . . every now and again in his discourse talking about the people who are appealing to him, who are writing to him in connection with Bill 81. They must have had some time to take a look at it. I can appreciate the Member for Rhineland not having time to read it - he admits that he didn't, but he gave a 40-minute oration to the point.

MR. SPEAKER: Order, please. The Honourable Member for Rhineland state his point of order.

MR. FROESE: I certainly have read the bill, most of it, and I could quote him sections but we were not allowed to - sections on second reading, and I think the Minister should retract.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: But others, Mr. Speaker, have read it. I am aware that there may be some sections of definitions and the likes of that in the bill that have to be amended in order to make them clear, but it's very rare that there are some amendments insofar as language contained within bills in this House. My honourable friend from Fort Garry showed his absolute lack of any knowledgeable ability of the structure, first of all of a union - and I'm sure the whole trade union movement would resent his statements that the union members don't know what they're doing or why they're members of the unions, that they're led by the nose by the leaders. Of course maybe it's appropriate for my honourable friend from Fort Garry to say that because apparently he is led by the nose by his leader. --(Interjection)--

MR. SPEAKER: Do you have a point of order?

MR. SHERMAN: A point of privilege, Mr. Speaker. I made no such statement and Hansard will testify to that.

MR. PAULLEY: I'm sure that Hansard will confirm it. What is a union? My friend says that this legislation forces people into becoming members of a union. There is no such provision in this legislation as referred to by my leader in the Law Society Act or the Medical Act, and I'm sure that you're well aware of the provisions of the Medical Act, and they have to become a member of a union in order to practice. And there's no provision in this act, Mr. Speaker, there's no provision in this Act to compel anybody to belong to a union through the act itself. And what is a union but an association of workers who band themselves together in their common interests. And even within the provisions of the act itself, Mr. Speaker, on the matter of certification, before even a union can become certified under this act it must receive support of 50 percent plus one. Reference is made to 35 percent in the act. It doesn't say, as some people inside and outside of this House would suggest, that 35 percent of the workers supporting a union automatically becomes certified. That statement has been made by the labour expert from Emerson. --(Interjection)-- It does - there again, may I admonish my honourable friend from Emerson to take under consideration this weekend and take a time-out from school, now he's out of school, to read Bill 81 so that he knows what it's about. And as to the Leader of the Official Opposition in the tripe we listened to him utter yesterday, I'm more than ever convinced that he was also fighting for a call.

One of the reasons of this bill being before the House, Mr. Speaker, is to give to every worker who desires without persecution by the employer the right to band themselves into a trade union. I've had case after case after case of employees, particularly in the service industries and in the hotels, who have been dismissed simply because they utter the word "union". The same in other organizations or other business, the retail trades and others as well, talk of compulsion. The clauses in the present Labour Act contain more compulsion than the suggestions made by the Member for Fort Garry or the Member for Rhineland. I am being criticized as the sponsor of this bill, Mr. Speaker, because I suggest freedom for the right to strike but, Mr. Speaker, I wonder how many of the critics opposite know of the provisions contained within the present Labour Relations Act. Do they know, Mr. Speaker, that under the provisions of the present Labour Act the employee of the Manitoba Government Liquor Store cannot go on strike? Do they know, do they know that the hospital workers in Manitoba can? Is there any logic and sense in that? Does the Leader of the Opposition who was a Treasury Bench member of the Conservative Party who's become so knowledgeable in the affairs of labour overnight, does he know --(Interjection)-- I'm trying to complete your degree, so you'll know a little bit about something. Mr. Speaker, does my honourable friend know that the Hydro worker in the City of Winnipeg can go on strike, but the Hydro employee working for the Government of Manitoba cannot unless he goes through a very complicated process and then he can have the right. providing it's right given here. Is this freedom? Is this logical and sensible? I don't think that all of my successors or predecessors as Labour Ministers in the Conservative regime ever took the time

(MR. PAULLEY cont'd.) out to read about labour relations in the Province of Manitoba.

The Honourable Member for West Brandon, I'm sure eventually will be making a contribution to this debate because he's so expert in the field of business, the rights of the individual. I wonder if he took the time out, Mr. Speaker, to read the editorial of the Brandon Sun of two weeks ago. And I want to read that editorial. My honourable friend from Fort Garry wanted to quote scripture, I want to put on the record too the opinions of a newspaper that is not in an area where one might consider it to be an industrial area and this is what they said in Brandon.

--(Interjection)-- Brandon Sun. I'll talk about Morris in a minute. And this is what the editorial, two weeks ago now, my honourable friend, the oracle of Conservatism says that he hasn't had time to consider Bill 81. I now quote from an editorial of two weeks ago that they could quote from Bill 81

MR. SPEAKER: Order, please. The Honourable Leader of the Opposition state his matter of privilege.

MR. SPIVAK: On a point of privilege, Mr. Speaker. The Honourable Minister of Labour said that I didn't have time to understand the bill. Mr. Speaker, what I said is that the worker and the people of Manitoba have not had time.

MR. PAULLEY: I guess in that context I'll agree with your point of privilege, that you're not a worker, you've had no relationships with workers so - but don't decry the intelligence of the worker, because I say that the workers do know and their representatives joined with us last October or last November to make representations to the Industrial Relations Committee to give us the benefit of their experiences, as did the representatives of business. --(Interjection)-- What's that? --(Interjection)-- I can't hear my honourable friend but - Oh, I'll talk to him about it in a minute.

But back to Brandon, back to Brandon, and this is what their editorial said two weeks ago. --(Interjection)-- I don't know but I would imagine it would be the editor of the Brandon Sun. But this is what it said: "In a year of strikes, wildcat walkouts, whopping wage demands and fast paced inflation, it takes nerves of steel for any government to extend the right to strike to yet another large group of workers. But that is exactly what the Manitoba Government intends to do according to proposed legislation unveiled this week by Labour Minister A. R. Paulley. There is good reason for the move." --(Interjection)-- Brandon Sun. "There is good reason for the move. For one thing labour unrest which has caused considerable public hardship in Quebec, Ontario and British Columbia has left the less populated provinces relatively untouched, so that the argument that an extension of the right to strike to Manitoba Hydro, Telephone and police workers that it is an invitation to trouble simply will not wash. On the contrary the legislation may serve to ease any bitterness which does exist between government and the groups affected." Labour and management, of course - "for the right to strike is a long standing request mainly because it is felt necessary to be a necessary tool in the collective bargaining process. And since it is a tool which workers in private industry already possess, public employees rightfully feel there is no reason why they should not be denied the right to a similar tool. Justified or not however, the government is assuming a considerable risk in introducing the proposed bill, for now the government has suddenly shifted responsibility for harmonious relations to employees and management and as has been found elsewhere inexperienced negotiators are bound to have difficulty in making the necessary adjustments. Mr. Paulley, if he values his office" and then in quotes "the new legislation' should therefore be prepared for the worst. Mediation may not be necessary for some time but it would be of some comfort to know that the Labour Minister's office was ready to move quickly and effectively when needed" - and I said that is the opening statement that I made on introduction of Bill 81. Mr. Speaker, under our present legislation there is a clause which calls for so-called compulsory conciliation for a period of seven days. --(Interjection)-- Sure.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, while the Minister is on the subject of the Brandon Sun. I just wonder if he's read the editorial of yesterday on the same bill which says in effect to the government, what is the hurry?

MR. PAULLEY: There is no hurry, Mr. Speaker, there is no hurry at all. We have said that on this side, it is those members on that side who have said what's the rush. I say there is no rush, I have stated and I repeat there is no rush. I don't give a continental if we have to sit in this legislature for the balance of the summer. But the suggestion of the Honourable Member for Fort Rouge is like the ostrich sticking its head in the sand and leaving its posterior open

(MR. PAULLEY cont'd.) for shots because he's suggesting, he's suggesting that we bury it. - Fort Garry, I'm sorry, my apologies. --(Interjection)-- Maybe she doesn't agree with him. The Leader of the Liberal Party had a little better approach, because he suggested that the bill go through second reading and go into committee and be considered there - and possibly as the result of the deliberations there, held over. but not the labour expert or the third or fourth labour expert of the Conservative Party, the Member for Fort Garry, that exponent of business.

Again another editorial that I wish to refer to is an editorial contained within the Winnipeg Tribune of Tuesday, July 4th, which also indicated their lack of any knowledgeability of the contents of Bill 81 - because they say in their editorial: "One hopes that when the Legislature comes to consider the Schreyer government's progressive labour code it will keep in mind what happened in Yarmouth, Nova Scotia over the weekend." The Tribune article then goes on to say, "that one of the changes proposed in the labour legislation will give policemen the right to strike, a right they do not have." What utter nonsense! Because this Assembly passed the bill last session to give policemen the right to strike. That here, similar to the expounding of the Member for Fort Garry, the Winnipeg Tribune, at least in my opinion, have deliberately attempted to give misinformation as to the contents of this bill. Because the police have the right to strike, the hospital workers have the right to strike, the Hydro worker for Winnipeg has the right to strike, but the liquor commission salesman has not. --(Interjection)-- I don't care whether you voted against it or not, this Assembly voted for it and it was passed - and it was passed. And that's

It's all very fine for my honourable friends to be continuously against something, because they are. I think, I think it's about time. they started to be a little constructive. I don't mind them being opposed to sections in this bill, but I'd like to have the benefit of their contributions. I'd like them to also hear what the public has to say. --(Interjection)-- You're not? Oh you're not, you're sitting on your fanny in here, and you won't, and you're going to deprive, Mr. Speaker, by this very resolution, if it passes - and I doubt that it will - to deprive the ordinary citizen of of being heard on this bill. Because my honourable friend surely - he may be politically immature, he may not know the rules of the House, and this becomes more evident every day - but surely to goodness he knows the effect of a six months hoist.

But most of the provisions, Mr. Speaker, apart from all of that, is the Minister of Labour so wrong in the contents of this bill, because much of it and many sections of it are patterned after the federal legislation, the Federal Labour Code. Would one say that the Honourable Minister of Labour of the federal authority is a tool of the trade union movement at the federal level, like some have accused me of being in this House? Would anyone accuse the federal authorities kowtowing or being under the thumb of the federal labour movement? I say, Mr. Speaker, that this is not crisis legislation. Manitoba has no labour-management crisis demanding heavy-handed legislation and this is not. We don't require in Manitoba in our industrial disputes the heavy-hand of government. What is the major change insofar as collective bargaining is concerned? The major change, Mr. Speaker, is that when a union and an employer sign an agreement today for a two year period they know at the end of that two year period either one will have the right to lockout or the other the right to strike. Present legislation simply says but no, not until a conciliation officer has been appointed and seven days after he makes his report to the Minister of Labour. Seven days. By adopting this bill, Mr. Speaker, it's not a question of seven days, it's a question of knowing that two years, if that's the lifetime of the contract or one or three whatever the case may be, that that is the day, not seven days after a conciliation officer has made his report. Is there anything wrong in that, Mr. Speaker? Is not that giving a longer period of notice to both parties concerned instead of relying on the heavy-hand of government? This is where properly, in my opinion, negotiations should take place without third party interference. Lest anybody have the idea, the suggestion that as Minister of Labour or the Minister responsible for labour legislation lest anyone think that we're going to cut off and condone the conciliation branch of the Department of Labour, let them think again because there is no intention of doing so. They will be available as they always have been available to management and labour to iron out their difficulties. There will be no change, we'll continue doing it.

It was as a result of the conciliation officers in the hospital workers dispute that whereas the union had the right to strike and management the right to lockout on a certain day, they showed their responsibility one to the other and aided by conciliation officers of the Department

(MR. PAULLEY cont'd.) of Labour and a conciliation board, after having the right to strike for over 30 days neither one of them - there was no strike or lockout because of the responsibility exhibited by both management and labour. And I take my hat off to them because they so did. There was no compulsion by a third party such as Ross Thatcher introduced into Saskatchewan.

I don't know if my honourable friends are aware of what happened in Saskatchewan because there was a hospital workers strike. He rushed through emergency legislation in Saskatchewan for the purpose of declaring that particular industrial dispute an essential service. But do you know what happened, Mr. Speaker? That before Ross Thatcher, the late Premier of Saskatchewan was kicked out of office, that through that innocuous piece of legislation that any and every single strike in the Province of Saskatchewan was considered an essential service. My honourable friends opposite speaking on this bill are concerned with the rights of the individual. Did they have it there? Is this the type of legislation that the Conservative Party aided and abetted by the Social Creditor would have adopted in the Province of Manitoba? I say, Mr. Speaker, to my honourable friends, start thinking with your brain and start really looking into the provisions of Bill 81, because it's not bad legislation at all. I said publicly on a number of occasions and I repeated it in the House that no good employer need to worry anything about the contents of Bill 81. What is the reason for the shifting of the onus in the bill insofar as responsibility with the trade union movement and the rights of the employee? Under our present legislation an employee really in many instances, unless they have a union formed, have no rights to band themselves together because they can be subjected to almost instantaneous dismissal. Called into the office, called into the office and told by the boss, I hear you're considering joining a union. We don't want it around here, so at . . . day, you're out. This is happening today because under our present Labour Relations Act the onus of proof of such an incident rests with the employee, Mr. Speaker. Time after time employees have been in touch with me and have told me this. I've had documentation of case after case affecting particularly the retail and hotel trades where this has happened.

I would like my honourable friend the Member for Fort Garry to come into my office and read the evidence of the case of the Retail Clerk's Association and Gambles Limited as to the situation in that case. And it's happening. The employee has a difficult job and the union has a difficult job too because of present legislation. All I'm suggesting, Mr. Speaker, in that part of the act is to place the responsibility on the so-called free enterpriser so that the little fellow, the clerk in the chain stores where necessary, the clerk, night clerk or any clerk in the hotel industry, the bartenders, the girls that make up the beds, the waitresses in our restaurants, have the rights of freedom under a free democratic system that we brag about to belong to unions of their choice. This is the purpose of this legislation. --(Interjection)-- You haven't got it. The only places where you have got it is in the medical profession and the ancillary professions, the dental profession, the Law Society, that's where you've got the rights of the individual to join, or, if they don't join they don't work. This is the type of legislation supported by my honourable lady friend from Fort Rouge. --(Interjection)-- Yes.

MR. SPEAKER: The Honourable Member from Fort Rouge.

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, I wonder whether the Minister realize that in the professions which he listed the powers of licensing have been delegated by the government to the association and that what they pay is a licence and they must by law be compelled, by the government statutes.

MR. PAULLEY: Mr. Speaker, I thank my charming honourable friend for confirming what I have said. This is what I'm asking for the worker. This is what I'm asking, Mr. Speaker, for the apprentice who has been indentured for five years in order to become a pipefitter to fix your plumbing in your home; for the electrician to wire your home, your house. This is the same thing that I'm asking in this bill, Mr. Speaker, that my honourable friend wants to know whether I realize that this is by legislation with them having the opportunity. The druggist, the dentist, the doctor, of course it is by legislation. And that is Bill 81, Mr. Speaker.

I wonder, as I look at the fourth estate how many of them would like to be able to freely join a union of their choice. I wonder how many of the individuals who have sat over the years in the galleries of this House who were fired because they attempted to form a guild or a union in the press. I wonder how many of you in this House, Mr. Speaker, realize today that the Typographical Union have in effect been on strike with the Winnipeg Free Press and the Winnipeg Tribune for about 40 years, --(Interjection)-- 43? - 1946, because they were deprived and

(MR. PAULLEY cont'd.) kicked out by the old lady on Carlton Street and others because they dared to suggest that they should band themselves into a union. This is the approach of the legislation, to bring an essence of democracy. Of course, Mr. Speaker, there has been consultations between the Minister of Labour and representations made to him by trade unionists as to the legislation. I also want to say representations by the Manufacturers' Association, the Chambers of Commerce Association and others have come into my office to give me the benefit of their wisdom. But I can say without equivocation, Mr. Speaker, that insofar as the drafting of this legislation it was within the walls of the Minister of Labour, without the attendance, without the attendance of the so-called union leaders that apparently all of you or most of you on that side of the House hate so much because they have the opportunity given to them by their membership to conduct the affairs of the respective trade unions.

My honourable friend the other day there, the lady from Fort Rouge, mentioned the allied trade and Alex Tkach. I wonder if she really knows what she's talking about. Of course there are rebels in every camp, I'd like to see a couple of rebels over there. It's not 98 percent at all, and if the young lady would like to come into my office, I'll show her - oh, she'd have to be accompanied, I know - but I will show her. I'll show her the full picture as to the situation prevailing in Gillam. So I say, Mr. Speaker. I note that the hour is the hour of adjournment, I do want to say again . . .

MR. SPEAKER: The Honourable Member for Charleswood state his point?

MR. ARTHUR MOUG (Charleswood): Are members of the Legislative Assembly allowed to bring the daily papers in here and read them at their desks? For clarification.

MR. SPEAKER: The honourable member has the rules of this Assembly as well as any other member. I'm sure he will find that particular item.

MR. PAULLEY: I don't even know what he said, Mr. Speaker. So seeing as it is 12:30, I suggest that the House do now adjourn until we meet again and I'll carry on at that particular time. So I move, Mr. Speaker, seconded by the --(Interjection)-- Pardon?

MR. SHERMAN: . . . if you would permit one brief question? Just ask the Minister whether he would agree that he was not in the Chamber the other night when the honourable lady member for Fort Rouge made her address on this bill?

MR. PAULLEY: I read very carefully, Mr. Speaker, what my honourable friend said. It made very interesting reading, but not factual. So therefore, Mr. Speaker, I beg to move, seconded by the Honourable the Minister of Finance that the House do now adjourn until 2:30 on Monday.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Monday afternoon.

MR. PAULLEY: If I may, Mr. Speaker, I remind honourable members that the Industrial Relations Committee meets Monday morning at 10:00 o'clock. (Agreed)