

INDUSTRIAL RELATIONS COMMITTEE

8:00 p. m. Monday, June 3, 1974

CHAIRMAN - Mr. W. Johannson

MR. CLERK: The hour of 8:00 o'clock has passed. The meeting then, I hope, will come to order. The first item of business will be the election of your Chairman. Are there any nominations? Mr. Dillen.

MR. DILLEN: Yes, I'd like to nominate Mr. Johannson.

MR. CLERK: Mr. Johannson. Are there any further nominations? If there are no further nominations, I would ask Mr. Johannson to take the Chair.

A MEMBER: I think we're being railroaded but we'll go along with it.

A MEMBER: That's the way it works.

MR. CHAIRMAN: Gentlemen, the first matter of business is the decision upon a quorum, to have a motion on this. There are 12 committee members. Motion? Mr. Green moves that there be seven. All in favour? Carried.

Before we deal with the matter of briefs, Mr. Sly is concerned with preserving your remarks for posterity, so when committee members are speaking would you please speak into your mike.

Now would those who have briefs to present, either as individuals or on behalf of an organization, please come up to the mike, indicate your name and the name of the organization for which you are speaking.

MR. McCORMICK: Mr. Chairman, I'm Evan McCormick, representing the Winnipeg Chamber of Commerce. We have a presentation to make on Bill 44, the Act to Amend the Workmen's Compensation Act.

MR. CAVANAUGH: Mr. Chairman, I'm H. L. Cavanaugh, Canadian Manufacturers Association, appearing on behalf of the same bill, Bill 44.

MR. McBAIN: Mr. Chairman, I'm C. R. McBain, appearing on behalf of the Association of Professional Engineers of the Province of Manitoba, to speak on Bill 33.

MR. HUTA: Mr. Chairman, I'm John Huta, on behalf of the Injured Workers Association of Manitoba Incorporated, and I would like to make a presentation on Bill 44 amending the Workmen's Compensation bill.

MR. CHAIRMAN: How do you spell your name, please?

MR. HUTA: H U T A.

MR. CHAIRMAN: Bill 33 or 44?

MR. HUTA: Bill 44.

MR. JOST: Mr. Chairman, my name is F. A. Jost, J O S T. I'm the President of the Manitoba Hydro Professional Engineers Association. I want to present a brief on Bill 33.

MR. CHAIRMAN: Pardon me - Manitoba?

MR. JOST: Hydro. Manitoba Hydro Professional Engineers Association. Bill 33.

MR. CHERNICK: Mr. Chairman, my name is Neil Chernick. I'm appearing on behalf of Canadian Pacific Limited and I have a presentation to make in regard to Bill 44.

MR. SLOGGETT: Mr. Chairman, my name is Peter Sloggett. I'm the Assistant Executive-Director of Victoria General Hospital, and we have a presentation to make on Bill 33.

MR. CHAIRMAN: How do you spell your name please?

MR. SLOGGETT: S L O G G E T T.

MR. NERBAS: Mr. Chairman, my name is Grant Nerbas. I'm an employee of Canadian National Railways and Air Canada, and I'd like to speak in respect of Bill 44.

MR. HAYES: Mr. Chairman, my name is Gerald Hayes, H A Y E S, appearing on behalf of the Manitoba Health Organizations. I'd like to speak on behalf of Bill 33, please.

MR. COULTER: Mr. Chairman, Art Coulter.

A MEMBER: The face is familiar, I know I won't get the name.

MR. COULTER: Joe Blow - for the Manitoba Federation of Labour, speaking on Bill 44, 33, and if you're going to proceed with 73 . . .

MR. CHAIRMAN: No.

MR. COULTER: No. I didn't think you would.

MR. CHAIRMAN: Mr. Coulter, I should have mentioned this previously. The Committee is dealing with Bill No. 33, the Power Engineers Act, and Bill No. 44, An Act to Amend the Workmen's Compensation Act. We'll hear briefs on those two.

MR. COULTER: We'd like to speak on both of them.

MR. SMITH: Mr. Chairman, George Smith, International Union of Operating Engineers Local 827. I'd like to present a discussion on Bill 33.

MR. RICHERT: Mr. Chairman, my name is Carl Richert. I'm Chief Engineer of Winnipeg Cold Storage, and I'd like to speak on Bill 33.

MR. CHAIRMAN: I missed that.

MR. RICHERT: Carl R I C H E R T. I'm Chief Engineer of Winnipeg Cold Storage. I'd like to speak on Bill 33, please.

MR. GUNNLAUGSON: Mr. Chairman, my name is Harry Gunnlaugson, G U N N L A U G S O N, representing the Institute of the Power Engineers, and I'd like to speak on Bill 33.

MR. KELLAR: Mr. Chairman, my name is Ernie Kellar, President of the Winnipeg Builders Exchange. Comments on Bill 44.

MR. NELSON: Mr. Chairman, I'm Dennis Nelson, International Rep for the Oil, Chemical and Atomic Workers. I'd like to speak on Bill 33.

MR. HAYES: Mr. Chairman, my name is Bill Hayes, Vice President of Levi Service Industries. I'd like to speak on Bill 33.

MR. PLOTKIN: My name is Louis Plotkin. I'm Vice President of the Manitoba Association of Architects, and I'd like to speak on Bill 73.

MR. CHAIRMAN: 73 is not up tonight.

MR. PLOTKIN: Oh, not up tonight? Oh.

MR. CHAIRMAN: No. It was only given second reading today, so come back . . . It could conceivably be up tomorrow at Law Amendments Committee. Order. Order.

MR. ENNS: . . . advice to the honourable gentleman - I told him to come back in four days, and of course I'm not at liberty to say when the next Law Amendments meeting would be.

MR. CHAIRMAN: The Honourable Member for Lakeside has a sense of levity.

MR. SHERMAN: Mr. Chairman, just for my information and the information of others here, will 73 be going to Law Amendments rather than Industrial Relations?

MR. CHAIRMAN: That's the instructions of the House today.

MR. GREEN: I just was wanting to indicate that. It will be at Law Amendments Committee and the Law Amendments Committee is sitting tomorrow night at the same time.

MR. CHAIRMAN: Tomorrow night here?

MR. GREEN: Same time, same place.

MR. CHAIRMAN: Thank you very much. Gentlemen, thank you. Are there any other people who wish to speak to these two bills? If not, we can proceed in the order that these gentlemen appeared at the mike. --(Interjection)--Well, perhaps we had better settle this immediately. Do the members of the committee want to take the briefs in the order that they deal with the bills, 33 and 44, or do they simply want to take the briefs as the gentlemen appeared at the mike? It's a question of procedure. What do you want? What's your . . .

MR. ENNS: Mr. Chairman, if I may, I believe it's been somewhat of a tradition with committee meetings, and certainly a courtesy to those persons taking the time to come and speak to us - to appreciate their time in coming to us and to hear the representations - and I would suggest, Mr. Chairman, that we hear the representations as have been listed by the people coming forward, regardless of the bill that they choose to speak on.

MR. CHAIRMAN: Do you so move?

MR. GREEN: Mr. Chairman, I wonder if Mr. Enns is understanding the - or if we both understand the same thing. It has been suggested that we hear all representations first, which is agreeable. The question is whether we should have them as relating to different bills. I wonder whether it wouldn't be better to have them with regard to one bill first, the other one second, since we even get mixed up as between one bill and this way we could at least have the representations on the same . . .

MR. ENNS: Mr. Chairman, it happens to be one of those rare occasions where I find myself in agreement with Mr. Green.

MR. CHAIRMAN: If it's agreeable with the committee then, we'll deal with the representations on Bill 33 first, then on Bill 44. (Agreed) Fine. Then it will be Mr. McBain, the Association of Professional Engineers. If you have a written copy of your brief, could you give it to the Clerk, please, for distribution?

MR. McBAIN: I believe these were handed out earlier, Mr. Chairman. They have been given to the Clerk, Mr. Chairman.

MR. CHAIRMAN: Could you hold it for a moment while we get them located? Would you proceed then, Mr. McBain?

MR. McBAIN: Thank you, Mr. Chairman. The Association of Professional Engineers of the Province of Manitoba is pleased to have the opportunity to present its views on Bill 33 to this Committee. I, by the way, Mr. Chairman, am the Past President of the Association. Both our President and Vice President are out of town on business, so they've had to resurrect an oldtimer to present this brief.

The President of our Association, together with several Association members, met earlier with the Hon. A. R. Paulley to discuss Bill 33. This discussion indicated that the Association of Professional Engineers of Manitoba supported the general intention of Bill 33, but that A. P. E. M. did have concern for two areas of the Bill. A letter outlining our concerns was sent to the Hon. A. R. Paulley on April 18, 1974 and our presence here tonight is to explain these concerns to you.

We are concerned first and principally with the title of Bill 33, that is "The Power Engineers Act," and with the title "Power Engineer" which certificate holders under this Act would be allowed to use.

The Association of Professional Engineers, together with its sister Associations in other provinces and with our national co-ordinating body, the Canadian Council of Professional Engineers, are naturally and rightfully concerned with the title Engineer, Professional Engineer, or any variation of a title embodying the word 'Engineer' in it.

The A. P. E. M. exists to administer The Engineering Profession Act of the Province of Manitoba. This act, under Section 28 (b), states that "no person shall assume verbally or otherwise the title 'professional engineer' or any abbreviation thereof or any name, title, designation or descriptive term that may lead any other person to believe that he is a professional engineer or entitled to engage in the practice of professional engineering."

I quote from our President's letter to the Hon. A. R. Paulley of April 18, 1974:

"It has been obvious to those responsible within the Association for some time that a need exists for a clear understanding in the public mind of just who is an 'engineer' and who is professionally qualified to provide competent design and technical leadership. We are concerned that the wording chosen to describe Power Plant Operators in the new bill, i. e. Power Engineer, may be confusing to the general public in that it does appear to establish yet another branch of engineering and thereby contributes to a lessening of general understanding of who is and who is not an engineer. We request, therefore, that consideration be given to the deletion of the word 'engineer' from the new bill and suggest as an alternative the words 'Power Plant Operator' to take the place of the chosen description." And that ends the quote from our President's letter.

In Canada, the abbreviation of P. Eng. is used by registered Professional Engineers. In the United States the abbreviation used is P. E. The A. P. E. M. submits that the title "Power Engineer" or any abbreviation thereof would tend to conflict with the title Professional Engineer and thus cause confusion to the public. We respectfully suggest that the introduction of this Bill creates an opportunity to do away with this confusion and duplication of titles by deleting the word "engineer" from the new Bill and we would suggest "Power Plant Operator" as a suitable title.

The other Associations of Professional Engineers in Canada are making representations to their Legislatures similar in nature to this. We are advised that the term "Power Engineer" could not be used in Quebec as it would be in violation of the Quebec Engineering Profession Act and we are also advised that the title "Power Engineer" is not likely to be accepted by the Ontario Legislature. Thus with the name Power Engineer not likely to be accepted in the two jurisdictions in Canada in which are employed the majority of people who would hold this title, it would seem that the desire for standardization implied in this Bill is not going to be met. Thus it would seem to our Association that a change in title away from "Power Engineer" would best serve the interests of all concerned, including those who now wish to use the title, by giving them an opportunity to select a title that would be recognized in all of Canada.

I mentioned, Mr. Chairman, that we had two concerns. The foregoing dealt with our primary concern. Our second concern is of a different nature and arises from the fact that from time to time a P. Eng. must commission, operate, maintain and train others on pressure equipment. This situation does not appear to have been covered in the proposed bill in a way which would exempt Professional Engineers from obtaining the Operator's Certificate. We

(MR. McBAIN cont'd) believe that a clause inserted into Section 7 (2) specifically exempting Professional Engineers from the requirement to take an examination under Clause (c) of Section 7 (1) would clear up this deficiency.

Mr. Chairman, the Association thanks you for the opportunity to present our concerns to you and your committee. As noted earlier, we are in general agreement with the intent of the Bill but are deeply concerned with the two items noted. Thank you.

MR. CHAIRMAN: Thank you, Mr. McBain. Are there any questions by Committee members? Mr. McKellar.

MR. McKELLAR: Mr. Chairman, I'd just like to ask a question. That's the one real concern you have, is the title of the Bill eh?

MR. McBAIN: It is our main concern, Mr. McKellar.

MR. McKELLAR: With that correction then, that would pretty well satisfy the demands of your association.

MR. McBAIN: Yes, Sir, we are in agreement with the intent of the Bill, the standardization of the Act respecting these people in Canada. We are fully in agreement with this.

MR. CHAIRMAN: Mr. Doern.

MR. DOERN: I'm not sure I follow the exact sequence, but did you have objection to the designation "stationary engineer" at that time?

MR. McBAIN: No, Mr. Doern.

MR. DOERN: Why didn't you?

MR. McBAIN: It is specifically excluded in the Insurance Professional Act as a title that was in existence and is recognized.

MR. DOERN: So in other words you accept "stationary engineer" but not "power engineer".

MR. McBAIN: We do, we accept it of course, because it is shown in our Act, and we cannot question that. I would have to say, though, we are anxious to try and segregate the title Engineer or the forms thereof to the various associations in the various provinces of Canada.

MR. DOERN: But you did not at any time protest the use of "Engineer" and "Stationary Engineer".

MR. McBAIN: We did not protest the use of the "Stationary Engineer" title, Mr. Doern. We are not happy with the plain title "Engineer". This is a common designation that is used by members of the various provincial associations.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Mr. Chairman, to Mr. McBain, I understand, Mr. McBain, that there's no real difference of opinion or opposition to the Bill other than that contained in your brief, the matter of the name; and also, as I understand it, the certain latitude - if you use that term, Mr. Chairman, very very broadly - for the requirement to take an examination of those who have their degree as a professional engineer. So my question, Mr. Chairman, to Mr. McBain - do I understand, Mr. McBain, that your Association has and is following similar legislation either enacted or in the process of being enacted in the other provinces of Canada to bring about a uniformity of examinations and rules of operation in this very important field of endeavour, that you have been following this and you find general support for the contents of our Bill as being applied universally across Canada.

MR. McBAIN: I think I can say "yes" to that, Mr. Paulley. It was rather a long question.

MR. PAULLEY: Sorry it was long-winded, but that is typical, Mr. McBain of the Minister of Labour. Many people appreciate that, and many object to it. But my main point is, Mr. Chairman, that the association that Mr. McBain has represented has followed across Canada endeavours to bring about uniformity in that field.

MR. McBAIN: Possibly, Mr. Chairman, I can answer Mr. Paulley by saying that the Manitoba Association is a member of the Canadian Council of Professional Engineers, which is the national co-ordinating body of the Provincial Associations, and the Canadian Council certainly has no objection to this bill or bills similar to it presented in other jurisdictions in Canada; they do object to the title, as I have indicated.

MR. PAULLEY: But as far as the contents, Mr. Chairman.

MR. McBAIN: We support the intent of the Bill.

MR. PAULLEY: You support the intent, you support the principle as being a methodology or a direction in order to bring about uniformity of standards right across Canada.

MR. McBAIN: That is correct, Sir.

MR. PAULLEY: Thank you kindly.

MR. CHAIRMAN: Thank you, Mr. McBain.

MR. McBAIN: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Jost, Manitoba Hydro Professional Engineers Association.

Would you hold your presentation for a minute until we get the copies distributed? Would you proceed, Mr. Jost.

MR. JOST: Thank you, Mr. Chairman. Mr. Chairman, Committee members. As the President of the Manitoba Hydro Professional Engineers Association, I would like to present to you the following brief with regard to Bill 33, the Power Engineers Act.

The Manitoba Hydro Professional Engineers Association, a voluntary employee engineers association representing the largest single body of Power Engineers in the Province of Manitoba, would like to express strong opposition to the use of the words 'Power Engineer' in Bill 33 now before the legislature.

The term "Power Engineer" has been applied to a group of Professional Engineers, who are engaged in designing, constructing, placing in operation and maintaining of Electric Power Generating Stations and their associated transmission systems.

To qualify for the title of Power Engineer as presently recognized, a University Degree Course in Electrical Engineering with Power Option is mandatory in addition to a training period of several years under the supervision of a professional power engineer. Furthermore the individual has to be registered to practise engineering in the Province of Manitoba under the Engineering Profession Act.

At present the Power Engineers are organized in a trans-national "Power Engineering Society" with ten regions throughout the world with headquarters in New York. They form a chapter of the Institute of Electrical and Electronic Engineers with a worldwide membership of 16,000 engineers. For these reasons it is submitted that using the title "Power Engineer" within Manitoba to identify a group of "Power Plant Operators" will be confusing to the public, who have come to associate the term "Power Engineers" with professional engineers engaged in electric power utility work.

We, therefore, strongly recommend that any reference to the term "Engineer" be deleted from Bill 33. The title "Power Plant Operator" already correctly describes the function of those intended to be covered by the new Bill. Thank you.

MR. CHAIRMAN: Thank you, Mr. Jost. Mr. Paulley.

MR. PAULLEY: Mr. Jost, I note your brief deals with the matter of the title of the Bill. As a professional engineer, and as one who is representing Manitoba Hydro Electrical Engineers Association, has your Association, or have you as an individual, any objections in general to the major contents of Bill 33, apart from the title?

MR. JOST: No, Mr. Paulley, I have not.

MR. PAULLEY: Mr. Chairman, to Mr. Jost. May I then, as the sponsoring Minister, gather from that that the bill generally speaking has your support?

MR. JOST: Yes, Mr. Chairman, to Mr. Paulley. The bill has our support.

MR. PAULLEY: Thank you kindly, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Jost.

MR. JOST: Thank you, gentlemen.

MR. CHAIRMAN: Mr. Sloggett, Victoria Hospital. Do you have copies of the brief?

MR. SLOGGETT: Mr. Chairman, I'm sorry, but I was not prepared to distribute copies. I phoned for information I was unable to obtain as to whether I should bring anything down.

MR. CHAIRMAN: Okay, let's proceed.

MR. SLOGGETT: Mr. Chairman, with respect to Bill 33, the Power Engineers Act, the Hospital is concerned that the Act specifies in Section 1 (m) the rating of horsepower based on connected horsepower; and our concern is that it should be based on rated horsepower, on generated horsepower. Other than this, we are basically in agreement with the Act.

Of concern also, however, is that with respect to the regulations; that before the regulations are struck, we suggest that they be considered by the Advisory Committee. We believe that the Advisory Committee should be made up of representatives from the Institute of Power Engineers of Manitoba, a representative from the interested unions, an individual representing management in the commercial and industrial sector of Manitoba - and here we suggest possibly someone from the Manitoba Chambers of Commerce, a representative from management in the public sector and a chairman to be selected by the above four. We believe that the

(MR. SLOGGETT cont'd) Advisory committee has a real purpose and we would like to see it have some representation from each of those groups.

With one last item, Mr. Chairman. I refer again to the regulations, and I would request that before the regulations are struck, or once they are struck, that the interested parties should have access to them for further consideration. Thank you.

MR. CHAIRMAN: Thank you. Are there any questions? Mr. Enns.

MR. ENNS: Mr. Chairman, through you to Mr. Sloggett. You are the first person appearing before us who is not speaking on behalf of the professional engineers or the power engineers, but the other engineers in this province. Could you in a few moments, you know, give the Committee some feelings about why you are particularly hung up on the word "Engineer" in terms of your entitlement?

MR. SLOGGETT: I don't believe I am hung up on the term "Engineer".

MR. CHAIRMAN: Mr. Enns, remember, questions are for the purpose of clarification of the brief . . .

MR. ENNS: Presisely; precisely.

MR. CHAIRMAN: . . . not extending the discussion into new areas.

MR. ENNS: Mr. Chairman, I think the central point raised by obviously a good number of the delegations here is the question of other use of the word "Engineer" in one form or another. There has been a suggestion made as to the appropriate use of that word, and I'm asking the representative appearing before us whether or not he is hung up on the word; he says he is not. Then would you have any objection to the suggestion that was made that your group or people that are occupied in the vocation that you are, be called Power Plant Operators, for instance.

MR. SLOGGETT: I'm a chartered accountant, so I really wouldn't know what you're talking about. I'm sorry.

MR. CHAIRMAN: Mr. Enns, that was my original question; that's why I was a little puzzled about your line of questioning.

MR. SLOGGETT: Mr. Chairman, I'm appearing on behalf of the Victoria General Hospital as Assistant Executive Director concerned about the rating of plants, concerned about its effect on the operation from a management point of view of Victoria Hospital.

MR. ENNS: I apologize, Mr. Chairman.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Mr. Chairman, to Mr. Sloggett. In your presentation, Mr. Sloggett, you made reference to the Advisory Board, and also expressed the desire that in the regulations before they are formulated, that there be information sought by various organizations. You mentioned I believe, Mr. Sloggett, unions; you mentioned other professional engineers, and others as well. My question, Mr. Chairman, to Mr. Sloggett - are you aware that this type of consultation has been going on now for two or three years prior to the bill being produced for the consideration of the Legislature and this Committee?

MR. SLOGGETT: No, I was not aware of that, Mr. Paulley.

MR. PAULLEY: I must apologize, Mr. Sloggett, that as the administrator of the hospital I could presume that rather than a technical person you may not have been aware of the answer to the question - at least to my questions.

MR. SLOGGETT: Oh. Okay.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Thank you, Mr. Chairman. Mr. Sloggett, you imply or suggest that because you are a chartered accountant you may not have some of the technical expertise required to understand all provisions of this legislation, but you probably have more technical expertise and more qualifications for comprehension of it than many of us do. I just wondered for clarification, Mr. Chairman, if I could ask Mr. Sloggett to expand on his point with respect to section 1 (m) having particularly to do with the rating of plants. I didn't grasp your point. I don't grasp it from the wording of section 1 (m).

MR. SLOGGETT: Mr. Chairman, I'll try to be as brief as possible. I have to use our own operating plant as an example. We have a 1400 h.p. connected plant, better than that, at the Victoria Hospital, and yet for the most part we generate somewhere between 600 and 800 h.p. in the coldest months of the year. Because the horsepower rating is based on connected horsepower, the hospital is rated as a First Class plant at that level. Our concern is that the plant was constructed, giving consideration to adding approximately 200 more beds and also a

(MR. SLOGGETT cont'd) school of nursing and residence, which were never built - and as a result of that, the power plant is somewhat over-rated for the size of the hospital. Now, with respect to the shortage of First Class Stationary Engineers at the present time, we are concerned that from time to time we would have difficulty in acquiring a First Class Stationary Engineer to operate the plant, when in fact it is really operating most of the time as a Second Class plant. That is our concern.

MR. SHERMAN: Well, Mr. Chairman, I don't see what the connection is with Section 1 (m) which is a definition of "steam plant". Right? That's the section in the bill, 1 (m) is a definition of the term "steam plant", and I'm just out of step with the witness in terms of what he's talking about, related to that particular section.

MR. SLOGGETT: Mr. Chairman, to Mr. Sherman, "steam plant" under Section (m) in the last two words, indicates "connected therewith" and we suggest that that should be "generated".

MR. SHERMAN: Oh. Okay, thank you. Thank you.

MR. CHAIRMAN: There are no further questions? Thank you. Mr. Hayes, Manitoba Health Organizations. This is Mr. Gerald Hayes. Do you have copies of your brief?

MR. HAYES: No, Sir, I came to perform a watching brief function for the Manitoba Health Organizations in support of Victoria General Hospital's presentation. But, Mr. Paulley, the Minister of Labour has, I believe, answered the concern that we did have, and that is pertaining to the regulations under the Act before they are put into effect. The rating of the plants is really our principal concern, I'd say, primarily from the standpoint of the safety of the people within the institutions that we're responsible for - to ensure that we do have adequate coverage and the other things of course that are connected with the rating of the buildings. I think Mr. Sloggett has raised the point in his 1 (m) suggestion for review by the committee, which we would endorse as well.

MR. CHAIRMAN: Any questions? Mr. Enns.

MR. ENNS: At the risk of appearing to be very slow - but, you know, I think we are somehow being snowed with a lot of gobbledegook - what are we really talking about? We are talking about economic matters on behalf of the administration of the Victoria Hospital that want a second - you know, I understood Mr. Sloggett saying that the rating of the "connected therewith" is not realistic to its actual use. In other words, the power plant was originally built for 1400 horsepower unit and 600 or 700 is the actual use, which would permit it to be classified second-rate requirements. Right? Second Certificate . . .

MR. CHAIRMAN: Order. What's your question?

MR. ENNS: Well, my question to these two honourable gentlemen - and I put it to them - is what is the purpose of this questioning? Is it an economical question? Is it a question of a fiscal, you know, responsibility on the hospital to run and pay for First-Rate . . . ?

MR. CHAIRMAN: Mr. Enns, you are the one who should know what the questioning is about, because you're supposed to be asking questions for clarification.

MR. ENNS: All right, then, I'm asking the question - what does it mean to Victoria Hospital to have that change recognized?

MR. HAYES: Mr. Chairman, if I could answer Mr. Enns, not on behalf of Victoria General Hospital specifically, but on behalf of institutions that we do represent; the rating of the power plant in an institution is the determining factor by which we must ensure that Stationary Engineers with the proper qualifications are responsible for those plants. And in Victoria General Hospital's situation, for example, the connected rating of the plant at the moment, if I'm correct, Mr. Sloggett, would require the employment of First Class Engineers. In further answer to Mr. Enns' question, Mr. Chairman, I'd say that it is both the availability of the competent staff in certain areas of this province which is a problem, outlying areas particularly; but in the City here even, there are problems to recruit sufficient First Class Stationary Engineers, and when the plant is not operating beyond the capacity which would rate that plant to be looked after by a Second Class Engineer, Victoria General Hospital and others would like the regulations, Mr. Minister of Labour, to cover such situations. I think this is really our principal concern.

MR. ENNS: So, Mr. Chairman, it's not just a question of dollars and cents.

MR. HAYES: No, it's not just a question of dollars and cents, Mr. Chairman.

MR. CHAIRMAN: Order. Order. Mr. Enns, hold it. Order! Mr. Enns, would you kindly hold yourself, restrain yourself for a minute. I just wanted to explain the rules of the

(MR. CHAIRMAN cont'd) committee to the audience. Now, I appreciate that people in the audience may have different views than the gentleman who is speaking, but the rules of the committee don't permit that kind of exhibition of feeling. Now if it's . . .

MR. ENNS: Well, Mr. Chairman, on a point of order, I think you're quite in order if you're suggesting that, you know, a degree of decorum is maintained in the Committee, that's certainly your responsibility as a chairman of this Committee. But I'm having some difficulty, Sir, in just cutting through some of the representation that is being made - and one of the reasons why we have this kind of a committee setting is that we can deal with less formality and we can try to cut through some of the formalities of the House to find an honest question. Now I have absolutely no connection with either hospital administration nor with Stationary or Power Engineers, or whatever they're called, but as a reasonably, you know, honest member that is trying to ascertain what the honourable gentlemen are telling us at this committee meeting, I like to know when I'm being hornswoggled. I want to know whether it's a question of hospital administration coming before us trying to cut corners, or whether they're concerned about safety - and that's the simple question I'm asking.

MR. CHAIRMAN: Mr. Enns, let me save you a lot of discussion. Ask your question.

MR. ENNS: Well, my question is this - that you would then put it to me, Sir, that the question is: No. 1, difficulty in availability of personnel that can man the stations as they are presently qualified; or the other side of the question is, from a hospital administration point of view, the willingness to pay the kind of money that is necessary to operate those kind of stations.

MR. HAYES: Mr. Chairman, to Mr. Enns in all honesty the answer is "yes" to both questions.

MR. ENNS: Well, that's fine.

MR. HAYES: If we were not to have regulations under the Act which would specify the ratings of these plants, and it was left open-ended enough to insinuate that a First Class Engineer had to be operating these plants, we would close I'd say 90 percent of our institutions because of the fact that we could not find sufficient men to operate at the higher classifications if they were not specified.

MR. ENNS: Well, Mr. Chairman, I have no further questions, but I now believe both Mr. Chairman and I have a better understanding of clause 1 (m) of this bill.

MR. CHAIRMAN: That's very nice. Thank you. Mr. Doern.

MR. DOERN: . . . if the gentleman could give us the figures, the difference between existing and proposed, as to how many hundreds or thousands of dollars this is, per person.

MR. HAYES: Mr. Chairman to Mr. Doern, I'm sorry, I did not come equipped with that information. The ratings as well for Stationary Engineers run the full gamut from First to Fourth. Mr. Pauley, is that correct? And depending on the rating of the plants - it would certainly take quite a bit of investigation to get all that information. We're not primarily concerned about that, it's the satisfactory ratings under the Department of Labour regulations that we're concerned about and then the responsibility of management to secure qualified staff to operate them.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, can I ask the witness, for our information again, is there a wide discrepancy between the salary rates as between a First Class Engineer and a Fourth Class Engineer? How wide a discrepancy?

MR. HAYES: I couldn't give you the figures, Mr. Sherman. The rates though for the most part in the Province of Manitoba in our institutions are scaled according to union contract, and depending of course on the requirements of the plant again, if it comes right down to it, the rates are those which are common throughout the stationary engineering industry and certainly we want to see sufficient incentive between the ratings of Fourth, Third, Second and First Class Engineers to encourage men to go on to take the necessary training to upgrade and qualify, so that when the plant requirements do call for the higher ratings we have got qualified men on the spot to fill those positions.

MR. SHERMAN: Mr. Chairman, did I understand the witness to say earlier, that if this classification is not changed, that 90 percent of the installations and the facilities that we're discussing here are going to have to close down for lack of available supervision?

MR. HAYES: Mr. Chairman to Mr. Sherman. No - I inferred that if it was left open-ended and it could be inferred that a higher qualification such as First Class Engineer was required, that the regulations didn't spell out the requirements of different plants, then we

(MR. HAYES cont'd) could be faced with a very difficult staffing situation.

MR. PAULLEY: Rigid adherence to the present.

MR. HAYES: Correct. Right.

MR. CHAIRMAN: Any further questions? Thank you, Mr. Hayes. Mr. Art Coulter, the Federation of Labour. Just so that we keep procedures straight, Mr. Coulter, could you talk to Bill 33, and then I'll call you again when we go through the list on Bill 44.

MR. COULTER: That's fine, Mr. Chairman.

MR. CHAIRMAN: Is there a printed brief for distribution?

MR. COULTER: No, there is not, Mr. Chairman.

MR. CHAIRMAN: Okay. Would you proceed, please?

MR. COULTER: I will proceed by saying that most of what I will be relating to you I have already communicated to the Minister in a letter dated . . .

MR. PAULLEY: Was that letter distributed, Mr. Coulter?

MR. COULTER: If you wish, that would be fine with me.

MR. PAULLEY: I think it would be interesting. I will get copies made.

MR. COULTER: Very, very interesting. I will quote from it then fairly extensively . . .

MR. PAULLEY: Yes, do please.

MR. COULTER: . . . so that you will understand what we are trying to get at.

MR. PAULLEY: That's fine. And in its entirety.

MR. ENNS: No leading of the witness, Mr. Minister.

MR. CHAIRMAN: Order. Gentlemen, would you reserve your comments until the brief is finished, please.

MR. COULTER: You know I need help, Harry. Well, gentlemen, this is to advise that after reviewing Bill 33, the Power Engineers Act, at a very well attended meeting of operating engineers this past week - at which we had Mr. L. A. O'Morrow, the Chief Inspector and the top administrator in the Department of Labour there to explain the relevant matters as best he could - there was a unanimous decision taken right after to make strong representations to have this bill withdrawn or hoisted, as in its present form it is totally unacceptable to us.

This new Act is seen as stripping those presently in this trade of any job security they may have had, by removing all the present standards and ratings and to deal with them under regulations where this can be done without any public knowledge or consultation. Making this concern more pointed, is the fact that the recent work of the administration in preparing for this change has gone on without any meaningful dialogue or involvement of those working in the trade. And I refer to here as people working in the trade, as those that are covered under the Labour Relations Act and designated as employees under that Act. This certainly does not auger well for such to happen in respect to dealing with regulations in the future. Proper consultation and involvement as far as we are concerned are vitally necessary in any such decision making, and we are very disappointed this has not been accommodated under the present Minister's administration.

We recall that we have raised this matter with the Minister a number of times before, as well as having at least one employee representative on the present Board of Examiners, but to no avail. We had correspondence with the Minister in January 1972, where we understood that one of the members on that Board was - his term was up, and he did not represent employees as we define them, that is employees under the Labour Relations Act. The composition of that Board was made up of people in the management category as far as employers are concerned, and no doubt they had some qualifications, but they were all from the one side.

Some weeks ago, we did have - and this was on advice of the Minister when we were inquiring, that Mr. O'Morrow would call on us - and all we got at that time was the marking of an old Act to indicate what was coming out and to be placed in the regulations, and that there would be an advisory committee to the Minister rather than the present Examining Board. Mr. O'Morrow could not advise or discuss the matter further, and still on Wednesday evening last week he could not say what may be done or contained in the regulations. And here I might indicate the type of communication was the old Act, and drawn in the margin as an indication that 2 (1) subsection (a) referring to the Board is out; the big grouping regulations, another section out; regulations - it's all marked up. Most of it is being transferred to regulations, a number of sections are going out, no indication what is going to replace the parts that are going out. There is nothing to indicate what's going to be in regulations, other than when we are presented with Bill 33 - and we'll speak a little bit more about that later. This we say is to ask

(MR. COULTER cont'd) us to accept a pig in a poke, and our people can't buy it, particularly in that the present administration is operating a secret society, with no appreciation that dialogue or any opportunity to exchange information or ideas is important. We must say in contrast, under the previous administration with Mr. O'Morrow's predecessor - and there were two chaps before him that we had very good communication with - meetings were held with wide representation involving 12 to 15 people, with suggested changes to the Act, and regulations were drafted and redrafted following a meeting of minds. This we feel must be done before this bill proceeds any further, and I'm going to give you an indication of what kind of communication we were accustomed to before. I referred to the letters wishing representation on the Examining Board, where we understand these people have been in dialogue with the chiefs of the department on what is going on, and suggestions for the regulations, but we haven't got any communication back.

On May 15, 1964 the Federation got a letter from the Chief Inspector proposing some changes, and went into fair detail, and asking for representations to meet with him. He was good enough to include a draft of those changes in pretty voluminous form, you can see; and we responded to that a few weeks later, and meetings were held subsequent to that. There was another communication from the same gentleman on July 16, 1964, where the second draft was circulated for those that attended these meetings, including the Federation and its representatives. And further dialogue went on that second draft and, I say, a meeting of minds took place between the administration, the employer representatives, the employee representatives, and it ended up with a third draft which was circulated on the first day of October, 1964 - the same thing, very nicely done, and I can say that at that time that everybody was in agreement what was going to happen and how it would affect our people and so forth.

We had a communication on the 20th of January indicating that the regulations would be brought into effect on February 1st, and that was done. Subsequent to that, we had discussions with the same gentleman with regard to qualifications for Refrigeration Engineers, and that exercise went through and there was changes made in the same manner; I refer to these here to indicate that we're a little uptight - and I guess you can see that from the comments we're making, and we've made to the Minister, we're a little concerned about it, plenty concerned about it, and we're looking for some time and some fair thought to go into this thing before this thing is proceeded with. It is obvious to us that the administration are running on their own and intend the Minister to be a rubber stamp - and if you look at the bill, you will see that the Minister does all things that are necessary, and naturally he is going to be guided by the administration. There is no Board any more to even be concerned with what the Department is proceeding with with the Minister, but that's the way this thing is designed.

There's a committee suggested in this bill, and it appears to be nothing but an ad hoc committee with no responsibility and with any degree of authority or real purpose. The appeals procedure is worthless as far as we're concerned, and depend on the technical competence of the administration, the same people that would be initiating any action to the Minister. Then there is a further appeal to the courts, where a judge would be involved, and we question whether the judge would have any competence of a technical nature to deal with any matter that would come before him at that time. We think that a proper committee or board - we think it should have a better title than just a committee - of technical people properly represented, could be a better means of dealing with appeals. If there is to be an appeal, it must be to one's peers, and that's where we think that the committee should come in, and a function for this committee that's going to be set up, and we suggest a board.

The same goes for dealing with safety standards and regulations not solely left to the administration, and I think that there you've had some discussion from the employer's side - they're wanting a wholesale movement on the regulations to allow them to employ engineers of a much lesser standard or qualifications, and this is what concerns our people. Our people have been in this trade for a long time, they've studied and got qualified. We respect the fact that there are real safety factors involved, and therefore we're concerned that this matter will be left in the hands of the bureaucracy. And with all due respect to the process of dealing with regulations, which is by the Lieutenant-Governor-in-Council, if there's no provision for representation - and the way things have been going so far, we doubt that that - and that's the area that we have real strong concern about.

It is our view that in the best interests of all concerned it would be better to withdraw the bill at this time. We should say that our people recognize change is inevitable and we

(MR. COULTER cont'd) encourage progress. In our view operating engineers' livelihoods are important and that safety must be paramount. It is our sincere desire and purpose to work constructively towards satisfying these objectives, if only given the opportunity. I think that you've heard from other people - I should have a word of opinion here with regard to the name, we haven't got any hang-ups with regard to the name. Operating Engineer has been in place for many many years, we think it should stay there, rather than having the word Engineer stricken altogether. Even the Engineers Society, professional engineers understand and respect that that has been there for some time, and I think everybody appreciates the meaning and it shouldn't have any conflict. Therefore, I kind of feel the same as what other representations here is, that giving the designation of Power Engineers, you're going a little further afield and it could have many interpretations. Power Engineers - one interpretation of power would be electrical power, Power Engineer. I think concern was raised with that. We don't wish to be part of any further complications, but we don't want to see the word Engineer removed.

I can say that the department has been very busy, as well as the Government, Department of Education and Red River Community College, in providing courses for Operating Engineers. There's one of one year duration. They're trying to make it so that it will be a little further with two years' term, so that the longer period would give better possibilities of improving the qualifications and as well to give certain further time credits with regard to being able to write for examinations.

We appreciate the fact that there has much been going on across the country to have engineer's certificates respected in other provinces, and we think that this is good. This is one of the reasons, they tell us, that they want to put these things into regulations so they can deal with them. Well that's fine, and we don't want to indicate here that we don't want to see this happen; we want to see it happen; but at the same time what is going to happen we would like to have some part in determining what that is, and we're sorry to say that to this date we've had actually nil opportunity. When a bill comes of this nature before your Committee and before us, when we look at it, that this strips the present Act of all the standards which the employers are required to uphold.

Here I might say that I think to some degree you can take what some of the employers are saying with a grain of salt, in that many of the employers that are wanting to save a few dollars would prefer to hire less qualified people, and we regret that, because I think it's self-defeating in that if this is the way the trend is going to be - lower wages and lower qualifications and less therefore to interest people to come into the trade and they're crying because they haven't got enough qualified people - I suggest to you that that is the wrong way around to get them. You have to respect the trade as being an important one and I think the hospital administration that was represented here indicated that it is an important trade and very very important as far as safety is concerned. Our people are trained in this respect and we think that it's regrettable that certain employers can wait on the administration and play poverty, or indicate that they have difficulty in hiring proper qualified engineers with the hope that they can get away with lesser qualified people, and we think that too much of this has gone along already under this administration which has not been called for as far as we're concerned. If they would insist about having proper qualified people on the job and live up to the Act, these people would be there if they're prepared to pay the price. And that's the big question. And I suggest to you they've got to pay a fair wage if they want people to be in the trade.

Our people are most interested in maintaining this as a respectable trade and prepared to work constructively towards doing what we can to improve the trade, to attract more people into the trade, and particularly to have some say in what type of regulations, what kind of Act they're going to be working under, because I can tell you that if this was to proceed and no opportunity to have representation in having change, that jobs would be going right out the window.

I think that we have with us here a number of engineers that were at a meeting last week - I referred to that before - of people working in industry in this province and we have them from far afield in the province represented here, and we are concerned with this bill. We suggest that it will not be too damaging to hoist this bill - there's some talk of having a fall session. I would like to see this bill hoisted to have at least the department, and people, have an opportunity to sit down and discuss what the regulations are going to be. The regulations are antiquated - we don't doubt that - and they need updating. But for goodness sakes we don't want to see the administration doing this on their own; we want to see our people involved in doing it.

(MR. COULTER cont'd) We've done it before, and we did a good job on it before, and I suggest to you that we give you a reference to what was done before, and we want to see that happen again before this bill proceeds. Thank you, Mr. Chairman.

MR. CHAIRMAN: Gentlemen, I would like to remind you once again the rules don't permit applause or boos. Now I would appreciate it if we could keep things calm and cool and reasonable. It may be difficult, but let's try. Are there any questions? Mr. Sherman.

MR. SHERMAN: Well, Mr. Chairman, this may be a little out of order but I'm just wondering if the Minister

MR. CHAIRMAN: Well if it's not in order don't proceed.

MR. SHERMAN: Well if it's out of order you can rule me out of order, Mr. Chairman. My first question would be doesn't the Minister have any questions?

MR. CHAIRMAN: Well that's not in order. If he has questions he'll indicate he has them.

MR. PAULLEY: I have some comments to make at the appropriate time, Mr. Chairman, and it is not the Minister's purpose tonight to get into any confrontation with Mr. Coulter, who's representing the Manitoba Federation of Labour, but it is my intention to furnish every member of the Committee with a firm documentation as to the history of the Act that we have before us, and I think when that is done members of the Committee will be in a position to properly assess or at least to assess the documentation and the record, as I have them, which indicates an involvement by the Manitoba Federation of Labour and its appointee from the year 1964 by one, named Mr. J. Hotson, who has continuously been one of the advisors to the department, and my understanding is that up until recently has been an advisor in the field of operating engineers and the Examination Board.

MR. CHAIRMAN: Mr. Paulley do you have a question?

MR. PAULLEY: No.

MR. CHAIRMAN: Well the period is for questions. Mr. Jenkins.

MR. JENKINS: Mr. Chairman, the question was asked of the management section what would be the rate differentials between Fourth and First Class certificates; you know, the rates in between, and the class rated plants which would call for a First Class or Second Class or Third Class or Fourth Class Certificate? I mean, as a former operating engineer and one who is the Secretary-Treasurer of the Manitoba Federation of Labour, could you give us an idea of what the rate differentials are? As an average.

MR. COULTER: Well I don't really think it's that pertinent here at this time because the new bill doesn't include any of those differentials in it. If the bill were to, I think we would be able to be in a position to make some constructive contributions. We know what's in the present Act and regulations and that's what we want to assign ourselves to. What's in the Act, there's nothing there. That's the problem.

MR. JENKINS: My question is, well as you say under the old Act, the Act that's in force right now, could you give us an idea?

MR. COULTER: Idea of what?

MR. JENKINS: Of what the rate differentials are between First, Second?

MR. COULTER: Salary differentials?

MR. JENKINS: Salary differentials.

MR. COULTER: Oh God, I've never made any study of it at all. And each union negotiates that on their own, separately for each particular employer, and you'll find quite a range, I'm sure; but what we do know is that many of the rates for operating engineers are lagging behind other tradesmen. There's no question about that. But I don't think that that is something that this Committee can deal with, or whether the regulations or the Act can deal with it, it's a matter for negotiation. It's a question here of deciding what size of plant requires a certain classification of engineer, and these are not in the present Act, they're going to be dealt with by regulation - that's the meat of it - but we want to have an opportunity to deal with that before it's going to be approved by the Lieutenant-Governor-in-Council. I explained to you the type of involvement, dialogue and consultation we had before. We would like to see that type of a dialogue and consultation again before this proceeds. We think it's important enough to do so, and we're surprised that under this particular government that that's not happening, particularly in this particular field.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Would it be correct to say, Mr. Coulter, that whatever the regulations say, once they would be enacted, if presumably they were enacted, that it would still be open

(MR. GREEN cont'd) to the people involved to negotiate wages that the regulations would not fix wages?

MR. COULTER: Well you're getting into that area that I think is irrelevant as far as this particular exercise is concerned. If you want to run a First Class plant with Fourth Class engineers that haven't got the qualifications to do it, and do it safely, then that's something that you do by regulation. But God help you when it comes to the question of whether a Fourth Engineer is going to get the salary of the First Class Engineer; is something for us to negotiate.

MR. GREEN: Well I appreciate that there is some difference of opinion here. I'm only trying to understand myself that I am correctly thinking about the Act. I gather that what the regulations would do would indicate what class engineer could operate what particular piece of equipment, with what capacity, etc., and that has always been something which has been legislated. In other words, it's been in legislation.

MR. COULTER: Yes, Act or regulation.

MR. GREEN: I rather expect, Act and regulation.

MR. COULTER: Yes.

MR. GREEN: Yes. And that what is now being suggested is that more be done in regulation than is now in regulation. Now once it is in Act or regulation, let us assume that following lengthy discussions the Department of Labour came to the conclusion that it wishes to pass a regulation that was with regard to a certain level of pressure, with regard to a certain capacity, with regard to certain other categorizations, that what is required is a Second Class Engineer, and despite the fact that it didn't meet the agreement of, let us say of yourself or the people whom you represent, that there would be the capacity to do that either by a regulation or subsequently by statute, that that is what is now being done, and then wages, in terms of what would be earned by the people who are doing those jobs, would still be the result of collective bargaining as between the employees and the institution. In other words you may have an institution who thinks that they are now getting a Second Class engineer where before they needed a First Class one, who may find that they'll have to pay First Class engineer's wages to that Second Class engineer if that was bargained for.

So your main objection, your principal objection, is that the categorization of where this person is going to be is left to regulations. If it were in the statute you may still object, and if it were in regulation you may still object. But in any event object or not it would still remain for the employer to bargain collectively with either the individual or the union, if he's represented by a union, as to what the wages would be?

MR. COULTER: No question. Wages are not a part of this at all, it's all bargaining.

MR. GREEN: Do you accept the principle that the qualifications that you're referring to, be the prerogative of the public, either through statute or through regulation?

MR. COULTER: Most certainly.

MR. GREEN: So then you are accepting that. What you're saying is that at the present time you are worried that the regulation is not going to reflect your views. I mean, if you accept the principle that it's going to be the prerogative of the public certainly, then your chief concern now is that it's not being spelled out in the statute, and that you don't feel confident in yourselves that you're going to have sufficient responsiveness if it's done by regulation.

MR. COULTER: You said it; that's for sure. And that's determined by the fact that we've had no involvement consultation with regard to what's in this Act at the present time, this draft. The Minister has mentioned that we've had a member recommended, or nominated, from the MFL 1964 to sit on the Advisory Board or the Examining Board, and he has sat as supernumerary with no vote; he has had an opportunity to sit in and express himself. This gentleman has retired some years back and we moved, and I referred to communications in January, 1972, where we wanted a current employed qualified First Class engineer coming into the category of an employee as the one coming under the Labour Relations Act to sit on that board, so that we would feel confident that we had a proper representative there that would correspond and communicate with us what was going on. The Minister has indicated that the one that we did have may not be functioning in that way. I can tell you that he has not corresponded with us, or advised us at all in the last number of years. As a matter of fact since we discussed this thing in 1972 where we thought for sure that we would now be getting a new person that would be younger and he would have a proper position on that particular board, one of the three members, but that never materialized, and we had a letter from the Minister indicating on January 31st that he would give consideration to that, and that came about from

(MR. COULTER cont'd) our discussions and involvement with the department. We had a communication from the Deputy Minister on January 12th indicating that one of the terms of the individuals was up and we acted accordingly, but we never got any response. So can we feel that we've been properly represented on what's being transpired behind the scenes here in the department? I can say no we haven't, and that's the problem.

But irrespective of that, I've indicated to you what happened before where the Federation had five or six different people represented on a committee that explored the various drafts of the changes to be made, and they all contributed, so did the management representatives on it, and we came to one mind and that we recommended. We're only saying that we want to see this happen again, and we don't want it to be sloughed off in the way that the preparation of this particular bill was dealt with, because if that's an indication we haven't got much hope of having what we want in the bill. Sure we can make representation to the Cabinet at any time and at their pleasure they will change it but . . .

MR. PAULLEY: But not the Minister.

MR. COULTER: Well, the Minister can only recommend, and we're sure that he would do what the administration wanted in recommending. We're not always satisfied with the opinion of the administration, and that's why we want an opportunity to have dialogues when those recommendations are being discussed. I know it's a touchy matter with some people here with regard to how open their government can be in framing legislation, and regulations particularly. There should be no hang-ups on it, and I think that's the area that we want to see opened up so that we have some confidence and respect for what's going into it instead of having to battle after the fact to try to get things changed. We don't think that that's the proper constructive way of doing it.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: Well would you agree, Mr. Coulter, that a certain amount of flexibility is required when you are dealing with identifying the proper category with the proper classification of engineer? It's sometimes desirable not to have this so that it requires a change in the legislation, but that it sometimes is something which requires change mid-session and requires some flexibility, or would you not agree with that?

MR. COULTER: I would agree and, you know, flexibility, yes, but after mature thought. And this is what we're trying to get across there, that surely to God we can afford the time to have the opportunity to put that thought together with others. We're not always correct, neither is the department, neither are the employer representatives. We've had people from the university involved before in some of these matters in making recommendations. We appreciate all their contributions towards it, but we are more happy when we arrive at some ending where we have felt at least, we've got some of our ideas imbedded in the regulations and the Act, and in that way we can prepare to live with it. When something's slammed down your throat that is something that we can't accept, and I think that any human being would have the same particular reaction.

MR. GREEN: Well, Mr. Coulter, there is provision in the legislation for an advisory committee. Now it is not very detailed.

MR. COULTER: It sure isn't.

MR. GREEN: If it was indicated that the advisory committee would be of a certain size, or things of that nature, and that if there was some policy statement which you were satisfied with, which indicated that the advisory committee would be consulted relative to the regulations that are going to be drafted under Section 16, is that the kind of process that you're looking for?

MR. COULTER: Well we think it does to some degree, yes. We think that that committee is very important so that the people working in the field, and employers likewise, will have some opportunity to live with this Act, and to see where change is necessary and work constructively for that change. We're thinking that that Section 15 should be fairly set out to say where representation will come from, that it is a mandatory statutory committee, or board, and that when changes are being made, or variants are given in the day to day operation to altering the standard grade of engineer that can operate, or whether machinery or equipment is properly rated, that that particular board would have a useful purpose and function. And we would have some confidence in what came out of it as a result of that; we can't when it's left to the administration. That's the part.

MR. GREEN: You know, I appreciate your point, and I'm just asking you. There is, I will indicate, and this is from my own point of view, there is and has been a difficulty with me

(MR. GREEN cont'd) suggesting that an advisory committee of government have representations from various groups and we discussed this in other committees - but if a policy statement was indicated to you, saying what the Minister's intentions are relative to seeing the kinds of representation that there would be on the advisory committee, and also that before changes in regulations were made they would be discussed with this committee, is that the kind of thing that you're looking for?

MR. COULTER: Not really. We would like to see it in the statute and we know that we have a Minister today - it doesn't mean to say he's going to be here next year . . .

MR. SHERMAN: That's what he's afraid of.

MR. COULTER: This government may not be here, and another one might be here three or four years from now.

MR. GREEN: They would probably be just as reasonable as we are . . .

MR. COULTER: No, no. We've said before that really there should be a statutory committee and they should have the responsibility of dealing with questions of variance of the particular regulations, or interpreting what sizes of plants are concerned when there is a conflict between the employer and the employees as to what the proper rating of a plant is, the department will go out now and they'll make an evaluation themselves. I've said before that they are allowing a number of plants to operate understaffed, or underqualified staff, and we think that that's the type of thing that should go before that board. The other thing that should go there is an appeal procedure . . .

A MEMBER: . . . by regulations.

MR. COULTER: . . . appeal procedure for anybody who has their certificate lifted. They would be going before a body of their peers who understand what the damn thing's all about. We think that that is the type of appeal procedure we should have instead of through the Minister. And we think that that is constructive and required. I think that if you're going to deal with this bill, put things of that nature in it so that we know that we have a chance of things going along and being managed under the eye, and under the common-sense of employee representatives, employee representatives through a proper board, instead of the suggested ad hoc committee that has no purpose really unless the Minister wants to call it when he feels like it to deal with any particular matter, which doesn't mean a thing.

MR. GREEN: Mr. Coulter, would I be correct in saying that the things that are prescribed for in this Act relative to regulations are in large part very similar to what is now the case relative to regulations? That the present Section 16 and the new Section 16--and I haven't looked at each one but they deal with the same kind of thing in any event.

MR. COULTER: We don't dispute that. I think that there is much in the regulations now that's going to be in this present regulation. The only thing we're saying, that a lot has been taken out of the old Act and put in regulations. Now I don't think necessarily we would quarrel with that, if we knew that those regulations were going to be the kind of regulations where we had some part in determining what the regulations are going to be . . .

MR. GREEN: I appreciate that.

MR. COULTER: . . . and that's the big question.

MR. GREEN: And I gather that . . .

MR. COULTER: And without having that, or any indication that we're going to get it that way, then that Act is something we don't want to see passed.

MR. GREEN: I understand that, Mr. Coulter, and I'm just trying to see whether there isn't a way of overcoming your feeling that somehow it's not going to be that way, because I gather the old Act doesn't provide for an advisory committee.

MR. COULTER: No.

MR. GREEN: So the new Act has sort of an additional consultative feature except I believe that you're just feeling now a little insecure as to what is going to happen with this Committee.

MR. COULTER: Very very insecure.

MR. GREEN: All right. Now if there could be, either through legislation, or through some policy statement, some assurance with regard to the fact that your people will have a consultative role to play in dealing with these regulations before they come into effect, that is what you're interested in?

MR. COULTER: Sure.

MR. GREEN: Okay.

MR. COULTER: And I might say that, you know, this type of function and involvement is something surely this Government is trying to encourage in labour-management relations. You know this is the thing, if we've got to live with something let us have a part to play in determining what that is, and we'd be prepared to live with it a heck of a lot better.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Well, Mr. Chairman, I just have a couple of questions, but I can't help observing that what Mr. Coulter has been saying is fairly reminiscent of the, I think, the case that I tried to make against this bill on Second Reading when I suggested to the Minister that my information was there hadn't been consultation with the trade union movement, with the labour movement generally, certainly not to its satisfaction, and for that I earned a fairly severe torrent of abuse from the Minister. And I just make that observation in passing. I just want to make that observation in passing.

MR. CHAIRMAN: Order. Mr. Sherman could you cut down on the preambles and perhaps get to the question. Mr. Enns.

MR. ENNS: He was just going to ask a question, Mr. Chairman.

MR. SHERMAN: That was just by way of introduction, Mr. Chairman.

May I ask Mr. Coulter, through you, Mr. Chairman, whether he had assurances that there would be this kind of consultation before the bill was drafted? Did the labour movement as represented by you and your peers, Mr. Coulter, have the feeling or the assurance that there would be proper consultation on the legislation?

MR. COULTER: Yes, I think we did.

MR. SHERMAN: So that you're not coming before the committee and crying after the horse is stolen and the barn door is locked after the horse is stolen, you were operating under the impression that there would be that kind of consultation.

MR. COULTER: As a matter of fact, I think it was last session, there was indication there was going to be a bill presented, and on our inquiry of it, that it was an indication of the Minister that we would be able to have some opportunity to discuss it, and I indicated to you what opportunity we had this time.

MR. SHERMAN: Well just to straighten out my own impression of your presentation, because there seems to be some different aspects of the question introduced by Mr. Green, your basic objections to the legislation really are that there has not been the kind of consultation that you feel is desirable; and point two, too many rules of the game are going to be made by regulation.

MR. COULTER: Right. May I be specific? Section 3 (2) Exemption by the Minister. Notwithstanding Subsection (1), the minister may, subject to subsection (3), exempt any plant or class of plant from any or all of the requirements of this Act or the regulations, where in his opinion the exemption is not contrary to the interests of safety.

Now here's an indication that the Minister is making the decision. All we can see from it here is on the recommendation of the department. To us that's not good enough. We want to have that to go before the committee, or a board, and they would make some recommendation to the Minister that it be altered, they do the altering, allow it. Because otherwise you know we're dealing with some highly technical matters, and we think we should have our people that are qualified involved in those determinations.

MR. SHERMAN: What about the Advisory Board itself? Do you have any suggestions, or ideas, as to the kind of representation from the labour movement, the trade union movement there should be on that board.

MR. COULTER: Well we think that it should be broader than it is now. There's three people on it now, and the chairman of that particular board is the Chief Inspector, which is the Head of the Department, and we think that two other appointees to that, and one is expected to be, so-called, he is an employer representative, the other is the employee representative, who have said for well over 10 years that the employee representative never represented employees in our terminology, that he was in fact management, so that they've had it going all one way. We've had efforts to try to change that, we've had an advisory member attached ad hoc, he sat in on the meetings, without vote. When the representation on lesser appointments came up, we thought two years and a half ago we were going to get a bona fide representative on that particular board. I think that the board should be at least five, because we would like to have more than one person. One person really can't, you know, be relied upon to communicate or be in a position to communicate as broadly as what we would hope. Two people would be

(MR. COULTER cont'd) much better, from our point of view, and we think that the chairman of that particular board should be somebody outside the department, a university person, or something of that nature, with qualification. So that when you're bringing it before that committee or board, then we would have knowledgeable people, independent, representing those two particular things, but all of the same qualifications at least to be able to deal with these matters.

MR. SHERMAN: Thank you, Mr. Coulter. Mr. Chairman, just one final question, I'd like to direct to Mr. Paulley, if I could.

MR. CHAIRMAN: I'm afraid you can't. That's not the procedure of the committee.

MR. SHERMAN: Well could I direct it to you, Mr. Chairman?

MR. CHAIRMAN: You can direct it to the Minister during Third Reading, and there are other procedures within the House.

MR. PAULLEY: When we're considering the bill he can direct it to me when we're going through clause by clause.

MR. CHAIRMAN: Yes and clause by clause.

MR. PAULLEY: He can direct it to me. It won't be mislaid; it's going to be proceeded with.

MR. SHERMAN: Well I'll direct it to you, Mr. Chairman. There's been reference made by documentation . . .

MR. CHAIRMAN: Well you can't direct it to me; you can direct it to me, through me, to the gentleman appearing before us, but not otherwise.

MR. SHERMAN: Then I'll direct it to . . .

MR. ENNS: Now, Mr. Chairman, pardon me. On a point of order. The Minister indicated earlier on, to the committee as a whole, as a matter of committee procedure that he was to take a certain course of action, namely the provision of some documentation. I think the question that my colleague is asking is not of the kind of question that perhaps you, Sir, Mr. Chairman, is anticipating, it's simply a general question for committee information, and is one of whether or not this kind of information would be made available to the committee.

MR. CHAIRMAN: Do you have a point of order, Mr. Doern?

MR. DOERN: I'll pass for the moment.

MR. CHAIRMAN: I thought Mr. Paulley was going into a preamble to a question, just as I thought Mr. Sherman was some time ago, . . .

A MEMBER: He usually does.

MR. CHAIRMAN: . . . and I found that there was no question. There was a question eventually from Mr. Sherman after some time.

MR. SHERMAN: Well, we'll grant him a preamble, Mr. Chairman, if he'll tell us when he's going to supply the documentation he's referred to.

MR. CHAIRMAN: Well I'm sure he can do that on clause by clause. Now Mr. Pawley has a question.

MR. PAWLEY: Mr. Green covered most of my questions. I was just wondering what you meant, though, Mr. Coulter by your statement to the effect that there had been an employee representative who in fact did not represent employees. If you could tell me just what do you mean by that -- on the board, what was the method of selection?

. . . . continued on next page

MR. COULTER: Well this particular gentleman has been on for donkey's years and is a chief engineer of a plant which is predominantly operated by the First Class Engineer and he doesn't come under the employee definition under the Labour Relations Act that's for sure, and this is what we wanted replaced with somebody that did. I said that we have been on that for over ten years, ten years at least, and we had Mr. Hotson, who is a First Class Engineer, name submitted at that time hopefully to be properly appointed to that Board but he was never appointed. The person that's been on it for donkey's years the government of the day never saw fit to replace him. There's no question his term had been up time and again.

In 1972 his term was up once again and we had correspondence with the Deputy Minister, and the Minister; we submitted a nominee and we never got any response, we never got an appointment from that particular individual. So there is the background of it; that for over ten years we have never had a proper representative of employees on that particular board. We have over most of that time a person ad hoc that we did nominate; they allowed him to sit in on the meetings but not to vote. But this last number of years he's been retired and indicating that he would prefer to be off and I understand that he hasn't really participated that greatly in this last while and we are a little incensed that we never did get an employee to that particular board, some two and one half years ago. So that you can understand why today we come here when that particular Board or Committee of Examiners no question have had some dialogue with the Department as to what is transpiring in the way of suggested new legislation and regulations, but that hasn't been communicated through to us at all, nor did we have any real opportunity to get it not having our representative on the Board.

MR. PAWLEY: Are you proposing a board of five with a neutral chairman and two from management and two from labour?

MR. COULTER: Right. I would think that that would be more appropriate than what we have now.

MR. CHAIRMAN: Mr. Enns.

MR. ENNS: Thank you, Mr. Chairman. Mr. Coulter, I really only have one question of you at this time. I must admit that during the long discourse you had with my friend and colleague Mr. Green, who is an astute lawyer and you yourself as a very capable labour leader, this boy from the farm just about got lost in all the goings-on, but I do believe that most people that we pass laws for, like this law, whether it's for farmers or for professional people or for labour people, they like to by the largest extent possible know what the rules of the game are going to be. Ministers come and go, governments come and go, but I believe your sincerity in speaking for the livelihood of people that are affected by the laws that we pass, and I couldn't help but notice - and this is my question, Mr. Chairman, before you cut me off, that in looking at this bill that I see section 3 (1), 3 (2), 3 (3), 5, 6 (1), 6 (2), 7 (1), 7 (3), 7 (5), 7 (6), 7 (8), 8, 9, 9 (3), 9 (4), 9 (7), 9 (8), 10 (1), 10 (6) and 15 (1) pretty well dealing with Minister's discretion or cabinet discretion or Lieutenant-Governor-in-Council discretion; and if I'm not mistaken, Mr. Coulter, that really is the gist of your representation before us today, that there is, without attempting to put words in your mouth or without having to suggest that you don't have a degree of confidence in the Minister or this administration, but from a person that is representing a group of people that have to work and negotiate labour contracts, there are just too many unknowns in this bill, and that really is the request that you have why this Bill should not now be considered. Is that a fair summation of your position?

MR. COULTER: I think it is Mr. Enns. You have indicated before that you were snowed in with a lot of gobbledegook but I can say you're right on in that particular question and I agree with it.

MR. ENNS: Thank you, Mr. Coulter.

MR. CHAIRMAN: Mr. Enns for a person who is not a lawyer that was a remarkably skillful leading question. I would remind the committee members before we proceed there are 12 briefs yet to go. It's quarter to ten and just in the interests of finishing some time before dawn could you keep the questions and answers relatively short? Mr. Doern.

MR. DOERN: Mr. Chairman to Mr. Coulter. I just wanted to understand his use of one phrase or word which he used a number of times - "administration" - are you using that to apply to the cabinet or to the department from the DM down?

MR. COULTER: From the department - no question, yes.

MR. DOERN: From the department? Your concern about the administration then is your concern about the department not the cabinet.

MR. COULTER: Yes.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: I just have one question. In the letter you sent to me Mr. Coulter dated May 31st, which I appreciate most sincerely, in your second paragraph you say this new Act is seen as stripping those presently in this trade of any job security they may have had by removing all the present standards and ratings and to deal with them under regulations where this can be done without any public knowledge or consultation. My question, Mr. Chairman, to Mr. Coulter, knowing his long association with the process of legislation, you are aware I'm sure, Mr. Coulter, that every regulation as passed by Order-in-Council of the Executive Council is public knowledge and must be made available to the public, so it cannot be done without public knowledge.

MR. COULTER: We get it after the fact in the Manitoba Gazette.

MR. PAULLEY: That's all I want to know.

MR. COULTER: We read it sometimes to our dismay.

MR. PAULLEY: That's fine, but it's still public knowledge.

MR. COULTER: Oh, yes.

MR. PAULLEY: That's fine. That's all I want to know.

MR. CHAIRMAN: Thank you, Mr. Coulter, and I'll call you again when we're dealing with . . . Oh just a minute, Mr. Dillen.

MR. DILLEN: Mr. Coulter I view your letter sent to the Minister on May 31st deals primarily with condemnation of one person in his department, but throughout this letter I can find no specific reference to any particular portion of the bill that you take exception to. Have you reviewed the Bill in its entirety?

MR. COULTER: I sure have; lots of notations, there's lot of exclamation marks.

MR. DILLEN: Well then could you give us, you know, other than the question that you dealt with so far, give us some indication of those sections of the bill that you take exception to, whether you do this on a personal basis or on behalf of the people that you are representing, I would like to know just exactly what sections that you find that you couldn't live with.

MR. COULTER: Well maybe I should correct you in one of your early statements when you indicated that our criticism seems to be directed at one person. I think that this is unfortunate if you make that particular interpretation. We dealt with one particular gentleman who happens to be the man responsible and who the Minister asked to meet with us to explain what was in this bill, what was contemplated. We have every respect for the gentleman, he's got a difficult job, but if he's not instructed how to communicate with us and what he will divulge to us, then we're in the dilemma we are now. And this is the point, that there seems to be a secretive approach to these things when you get changes in legislation that you mustn't talk to anybody, you mustn't involve anybody, and this is the area that we were concerned with, and if we used Mr. Lloyd O'Morrow's name we did it because he happened to be the man that we were to deal with. He came and seen us and I showed you exactly what he gave us and I have every respect for him - that was the latitude that he was given evidently.

I took this up with the Deputy Minister of the department and there's no question in my mind that that is the modus operandi of the department. And I might say on top of that, that I've been advised also that the operation of the department is the way in which the Minister wants it to operate, so I don't want to have any criticism given to the administration because I have every respect for him and we deal with him on a day-to-day basis.

MR. DILLEN: With the Minister?

MR. SHERMAN: On a point of order, Mr. Chairman, we've got a situation here where we have a representation being made by an individual and a member of the committee discussing some information, some material that's not available to anybody else.

MR. CHAIRMAN: Your point of order is well taken and Mr. Dillen's question really wasn't in order and shouldn't be dealt with. We're dealing with . . .

MR. DILLEN: You can make a copy of this copy of the Bill.

MR. CHAIRMAN: Yes, but not a letter that you were discussing. Now the question should be directed to clarification of the brief made by the person before us and when you start moving away from that, you are going beyond the rules of the committee.

MR. PAULLEY: But Mr. Chairman, on the point of order, the brief presented by Mr. Coulter in essence was a letter sent to me as Minister responsible for the department. Because if you recall, at the offset of listening to Mr. Coulter, a question arose as to whether or not he had a brief and I made mention of a letter I had received, so to all intents and purposes Mr. Coulter, subject to being corrected when I re-read the Hansard, indicated that basically his brief was the letter to the Minister of Labour.

MR. SHERMAN: Well on the same point of order, though, Mr. Chairman, on the same point of order, that may be so but Mr. Coulter only made reference to the letter and the minister only made reference to the letter. A member of the committee Mr. Dillen is now dealing directly from the letter with references to individuals. We'd be willing to accept that as the brief if we could have mimeographed copies.

MR. PAULLEY: You will have them, Mr. Sherman, I promised . . . with other documentation to the committee.

MR. SHERMAN: But we won't have them tonight, therefore I respectfully suggest that Mr. Dillen shouldn't be able to deal with these specific letters.

MR. CHAIRMAN: Your point is well taken and I would ask members to please stick to questions of clarification on what has been said by Mr. Coulter.

MR. DILLEN: Okay, then I won't make reference to the letter. After studying this Bill do you consider that the people who are now in the trade would be worse off with this new Act than they were under the old Act? I'm asking for an opinion, Mr. . . .

MR. COULTER: We can only give an opinion with very limited sketchy material that's in the bill. There is nothing in the bill that gives us any indication of security and that is the problem. We have indicated to you that the exemptions are by the Minister. If you want to note the sections I'll give them to you, and I think that Mr. Enns recited a number of them but what we're saying that the way the thing has been approached, we didn't come here with any real constructive proposition to writing this particular act, and we don't think that we could do that without proper opportunity for dialogue and discussion with other people knowledgeable in the trade, from management, from the department, and from our own ranks and then we might be able to do so. You can't agree to sections in the Act that go elsewhere to give the operative part about it, the regulations, and the Minister may do this, the Minister may do that, and everything else. --(Interjection)--

Well, sure all those sections, you recited them and I don't think I should have to do them again but they're all there and I think that they are dangerous as far as we're concerned; they may not be so if we had the whole thing worked out and the regulations paralleling them at the same time, then we would have some common understanding and knowledge and some reasonable assurance that job protection or what was contemplated could be there.

I might say also that this could be considered as in the field of technological change. Many things happen; due to changes of this nature or with a stroke of the pen people can be out of jobs and I think that coupled with this there should be some provision for redundancy or severance arrangement by employers so that employees that have been working for an employer for 20, 30 years tomorrow they don't wake up with a new Act or regulations and they have no more jobs. We think that there should be some provision for that type of thing, whether it's in this particular Act or some indication that there is going to be other legislation that would give them that protection.

We think that they deserve proper redundancy provisions and that way I don't think that they would be that fearful of change. That's the way we face technological change, that surely to goodness one way to get change and to induce change is to see that the workers are properly taken care of. There is no indication in here that that will be so, and that is the big area of concern that we have.

MR. CHAIRMAN: No further questions? Thank you Mr. Coulter. Mr. George Smith, International Association of Operating Engineers. Do you have a brief?

MR. SMITH: I have no brief, Mr. Chairman. I represent as business manager of Local 827 a large number of operating engineers. We also have a local in Flin Flon, Manitoba, Local 828 and Local 901 right here in Winnipeg. They have asked me to come before this committee and give our views and opinions of this Bill. And awhile back I was listening to you, you asked that the membership be calm and cool and I found it increasingly difficult to be calm and cool with this type of a bill coming before us.

This bill as we understand it, and the way we interpret it at the present time is a rape

(MR. SMITH cont'd) of the present Operating Engineers & Firemen's Act, and we are concerned, we are very concerned about this bill.

Now I'm not going to stand before this committee and criticize what has been done. With all due respect to the honourable members here I don't really think you people know what you're passing. And do you know why you don't know what you're passing? - because we have not had any representation on the drawing up on this thing, and you're damn right we're concerned about it. We're scared and all of the professional people that came here, they were concerned with what? The name of the people, the name. Sure, why the hell should they care what the content of the bill is? They're not any way influenced. The employers have made representation here. You know why they're concerned about this bill? They can see it as an avenue to getting rid of operating engineers, and I think Mr. Coulter made that quite clear. We'd like this bill at this time withdrawn so that we can have proper representation, so that we can offer constructive criticism where we feel it's necessary. We're concerned with a major part of it and I think Mr. Enns outlined the parts that we are concerned with, specifically 5, 6 and 7, elimination of standards and factors that are used to rate power plants throughout the province and certification.

At the present time I can cite you numerous examples of power plants that are being operated with people that are not qualified to operate them. There is no teeth in this bill and the little bit of teeth that we had in the former Operating Engineers and Firemen's Act is not being upheld. We represent a lot of employers and a lot of employees and we go to these employers and we say, "You should have Second Class Engineers operating that plant. Why are you advertising for Third Class operating engineers?" Because they don't want to pay the wages. Sure the employers would like to get this through. I had a case just recently this year when we were in negotiations at the Victoria General Hospital who was represented here, where during labour negotiations we reached an impasse in negotiations, the hospital applied to the department to have the plant reclassified.

MR. PAULLEY: And you won.

MR. SMITH: Were we wrong, Mr. Paulley, when we won? Yes, we won. Because we were on our toes and we had something to refer to. Is this not correct? But with this present legislation there will be nothing that we can refer to to question any decisions that are made. Now we recognize technological change. I've only been in this trade for ten years and I'm a First Class Engineer and some of the educational aspects and standardization is a good thing for this trade, but we'd like to be in on what the hell goes on and what is decided in this trade. We want equal representation on any advisory board and I think it's only justly right. Where did this thing come from? You say stay calm and cool. It's nearly impossible.

I wrote a letter to Mr. Paulley over a year ago asking that should such a committee be set up that we have representation being that we represent close to 500 operating engineers, and that's a lot of operating engineers. Now this bill came forward and I heard nothing of it. Where was my representation? We'd like this bill withdrawn at the present time so that we can have time to present briefs and sit down and have some meaningful discussion with the administration of the department and with Mr. Paulley as to our feelings on this bill. That's all I have to say.

MR. CHAIRMAN: Thank you, Mr. Smith.

MR. ENNS: Mr. Chairman, I don't believe I can add anything to what the--other than what the representative here has already said insofar as his concern about his group. But he did mention a point that I had asked earlier to a wrong person and I take this occasion to ask it I think to the right person. You indicated a little while ago that the people representing the professional engineers here had little other concern other than perhaps a protecting of their title - and I don't say that disparaging to them, it's an important matter. I ask you the question though, Sir, as a representative of the - up to now referred to as operating engineers - are you particularly hung-up about the question of title?

MR. SMITH: No, we are not.

MR. ENNS: There's been some representation made that the title, and I really find it a little difficult to believe that the title of the bill would be that paramount. You're much more concerned with the actual working statutes that spell out the kind of working operations, regulations that you'll be working under?

MR. SMITH: That is correct.

MR. ENNS: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Dillen.

MR. DILLEN: Maybe this is the place where we can ask the question what the differences are between the present rates from a Fourth to a First Class engineer. Could you give us some idea? I know they vary according to collective agreement but give us some kind of an average.

MR. SMITH: I think I can give you that average, but first I'd like to clarify one point. When a plant is rated as a First Class plant, under the present regulations only one First Class operating engineer is required to act as a Chief Engineer, and so on down the line. If you have a plant rated as a Second Class plant, you require only one Second Class operating engineer, and generally these positions are outside of our bargaining units because they form part of the management team. But in contracts that we presently have, I can quote you one: At the University of Manitoba the Second Class operator is making approximately \$7.00 an hour. Now should this legislation go through and they are able to hire people of less qualification, they could get away with paying a man \$3.50 an hour. This is a real good thing for them but it's not good for our people that we represent. I'm not saying that this is what would happen but this is something that we have no way of preventing because there's no teeth in this bill to prevent such a thing from happening or taking place. What recourse do we have?

And the rates between a Fourth Class Operating Engineer - the approximate rates at the present time vary between \$4.00 to \$4.50 an hour, and for Second Class people between \$6.50 and \$7.00 an hour. First Class people are generally, like I reiterated before, are on the management team and they rate anywhere from \$15,000 to \$18,000 a year. Sure they'd love to get rid of them. I imagine a lot of you would too.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Mr. Chairman, just one question to Mr. Smith. I'd like to ask Mr. Smith whether he had any assurances from the Minister or from the Government that there would be consultation?

MR. SMITH: Yes, I did. Maybe I misunderstood the assurance, but the assurance that I received was that should an advisory board or committee be set up that we will have representation.

MR. SHERMAN: And up to this point in time - this point in time being the third reading stage of this bill before this committee - you haven't had any of that consultation offered you?

MR. SMITH: None whatsoever.

MR. SHERMAN: Do you feel that representation on the advisory committee would be meaningful in any real sense of the word if it only came after the bill was passed?

MR. SMITH: None whatsoever. There's no teeth in this. I mean, what power is there -- it's a very short proportion on the advisory committee - what powers has this committee - I don't like the word "committee", it should be a board - what powers does it have? There is none outlined. So this is why we're so afraid that everything is going to go into regulation.

MR. SHERMAN: In other words, being offered a representation on the advisory committee is really a kind of a farce?

MR. SMITH: Sure it is. I have to agree with you on this particular point.

MR. CHAIRMAN: Mr. Green.

MR. GREEN: I think you stated that under the new bill an employer that was previously classified as having to pay \$7.00 an hour could pay \$3.50 an hour.

MR. SMITH: Well, we see this as a possibility.

MR. GREEN: Now I'd like to ask you whether that is - I mean to the same extent that it's true under this bill, the new bill, is that not true under the old bill?

MR. SMITH: No.

MR. GREEN: Well, the old bill says that the Lieutenant-Governor-in-Council may make regulations setting out the various classes of plants requiring the supervision of persons holding certificates, and specifying the kind of certificate required for the operation of each class.

MR. SMITH: Yes, Mr. Green, but also in that Operating Engineers' and Firemen's Act it gives the standards and the specifications and the factors to be used in determining the plants, and this is what's not apparent in this bill.

MR. GREEN: But I am looking at those standards because I see it says, "Rating a plant. For the purpose of rating a plant for determining the kind of certificate, where all the power used is generated from steam, the horsepower of all boilers used in the plant that operates subject to pressure of over 15 lbs. to a square inch shall be included." It may be there but I don't see it, but it doesn't say how the Lieutenant-Governor-in-Council is to use these determinants . . .

MR. SMITH: Because whichever is the greater - if you continue reading, Sir.

MR. GREEN: Well I am reading it. You know, I'd finished reading the part that I was looking at "where all power used is generated" . . .

MR. SMITH: Are you reading the new one? Excuse me . . .

MR. GREEN: I'm reading your existing Act, Section 7.

MR. SMITH: If you look under--I think you're looking in the wrong . . .

MR. GREEN: I'm looking at Operating Engineers and Firemen, Section 7, Rating a Plant. And you're probably looking at 2 (1) (c), which again has some qualifications but it merely says, "means the rating of a boiler, determining by allowing one horsepower for each unit in the greatest of the following numbers" - and then proceeds.

MR. SMITH: If you go to Section 7; Rating of a Plant . . .

MR. GREEN: Yes, I've been at Section 7 and I say that Section 7 says "certain things are to be considered" but, in considering them, it then goes to 16 and doesn't say what you do when you consider them, and all that the new Act does is indicate that the same things can be done under 16, and I suppose by deleting the ratings and the other things, it doesn't mean that you cannot use those ratings, it means that you can use those ratings and others.

MR. SMITH: Well isn't that just a little inconsistent?

MR. GREEN: Well, you know, I'm really trying to understand and make sure that I understand your grievance.

MR. SMITH: A first class plant is presently rated by one of the three factors in Section 7. Now a first class plant is anything over--that's any plant that develops 750 horsepower or over.

MR. GREEN: But that is by regulation, is it not? That that rating that you are now talking about, a first class plant being rated in that way, is done by regulation. Therefore the same complaint - and I'm not saying it's not a legitimate complaint, I'm just asking you - the same complaint that you have to the new Act applies equally to the old Act; that the old Act says that you consider certain things in rating, and the new one doesn't, but both, after you have considered those things in any way you want to consider them, both of them subject you to the setting out the various classes of plants requiring the supervision of persons holding certificates and specifying the kind of certificates, you're subject to the regulation of the Lieutenant-Governor-in-Council.

Now I understand what you seem to be concerned with is that these regulations and the manner in which they're going to be made are going to be changed and you feel that you will not be consulted, but isn't that - and I'm not saying that's a good idea, don't misunderstand me - but isn't that the same under the new Act as under the old Act? And if it isn't, then of course I want you to indicate that it isn't, and I'll have to check with the Legislative Counsel, because I admit that I've just picked this up and have tried to compare the two, and it seems to me that under both Acts the kinds of thing that you are complaining about are permitted to be done by regulations. The only difference is that under the old Act it says that he's to "consider certain things."

MR. SMITH: But I don't see it anywhere in the new Act. What are the regulations?

MR. GREEN: Well the same thing; well almost the same thing . . .

MR. SMITH: Are they? Do we know what the regulations are?

MR. GREEN: But under the old Act when it was passed, or at the present time, the regulations under the old Act - let me at least bring this to your attention - can be changed at any time by the Order-in-Council. In other words, the thing that you're worried about, and I'm not suggesting that you don't have a proper worry, but the thing that you are worried about applies equally--in other words, the Minister needn't pass the Act that you're referring to. He could, like you say, withdraw it. The next day he could make regulations setting out the various classes of plants requiring the supervision of persons holding certificates and specifying the kind of certificate required. He could pass the series--now I don't think the Minister would do that because I think he would consult with you.

MR. SMITH: Provided he does it not inconsistent with the Act.

MR. GREEN: Well there is nothing in the Act which requires him to, in his consideration, come to any particular conclusion.

MR. SMITH: Oh yes there is. Section 7.

MR. GREEN: Section 7 says that he shall consider certain things, but it doesn't say that he, when he finds that the power is generated from steam, the horsepower of all boilers used

(MR. GREEN cont'd) in plants that operates subject to a pressure of over 50 lbs. to the square inch, shall be a First Class Engineer. It just says that he'll consider those things.

MR. CHAIRMAN: Gentlemen, can we keep the questions brief and avoid acrimony?

MR. GREEN: You believe that under the old Act the Minister is required to do certain things or that you had a protection as to what will be contained in the regulations, and under the new Act you don't.

MR. SMITH: That's correct.

MR. GREEN: And if you're wrong in that, then your submission is based on an incorrect assumption.

MR. SMITH: If I'm wrong in that, but one thing I am not wrong in is that we were not consulted at all.

MR. GREEN: I'm not really going to argue that question. I'm saying that that is the basis of your submission.

MR. CHAIRMAN: Order. Order.

MR. SMITH: When we heard that there was a new Operating Engineers' and Firemen's Act in the wind, frankly we were pleased about it because we thought it would be improved, that there would be some teeth placed in this Act by which we, who represent the employees, could go to the Department of Labour and say, "Listen. These certain people are breaking a certain section of the Act." But I don't see any of this.

MR. GREEN: Well, you are aware that under the new Act there is a provision for an advisory committee.

MR. SMITH: Yes, Sir.

MR. GREEN: And under the old Act there is not. And under the new Act there is penalties for breaking of the regulation.

MR. ENNS: Mr. Chairman, on a point of order. You know, I respect Mr. Green's rights to question the witness but there is, after all, a procedure established in these committees. We hear representations; we deal with the bill later on as we see fit. The purpose for questioning witnesses is for clarification of the briefs that they have represented or the position they've represented. I believe that we're coming very close to the point of instructing the witness, or guiding the witness into those kind of answers that Mr. Green wants to hear. I think if there's anything in the instruction or in the representation that the witness has given us, we have the right and we exercise the right to ask clarification of those rights, not to instruct him in the statute as he sees fit.

MR. CHAIRMAN: Yes, Mr. Enns, your point is well taken. There are a lot of experts in guiding witnesses.

MR. GREEN: Well, Mr. Chairman, I will agree that I am not to try to instruct the gentleman, and as a matter of fact I'm trying to receive instruction from the gentleman, and that's why I asked . . .

MR. ENNS: A lawyer's definition.

MR. CHAIRMAN: Order. Order.

MR. GREEN: . . . that's why I ask him where under, where the old Act provides him with the protection that he says does not exist under the new Act, and he has told me that that is in Section 7.

MR. SMITH: That is for rating of plants, we felt that this was . . .

MR. GREEN: You feel that that is a protection, and that if that Section 7 was put into the new Act, then you would feel at any event that you have the same type of protection as you had under the old Act.

MR. SMITH: No comment.

MR. GREEN: No comment?

MR. SMITH: No comment on that.

MR. GREEN: Now I ask you whether under the new Act you have looked at Section 17, which says that any person who contravenes, or refuses, or interferes, etc., is guilty of an offence and liable on summary conviction to a fine of not less than 100 or more than \$500.00. Are the penalties under the old Act stronger than that? The penalty under the old Act as is defined in terms of teeth, a fine of not less than 20 or more than \$100.00 under Section 18.

MR. SMITH: Well, Mr. Green, the answer is self-evident. Mr. Green \$500.00, if it's the maximum . . .

MR. GREEN: But if Mr. Paulley withdrew the bill it would only be \$100.00?

MR. SMITH: We're not asking for a complete withdrawal of the bill in its entirety, we're asking that the bill be withdrawn at this time until we have time to confer and add some meaningful, have some meaningful discussion with these people so that we know what these regulations are.

MR. GREEN: But in the meantime the bill will have less teeth than the new bill.

MR. SMITH: Well \$500.00 to an employer who can get away with paying a man \$4.50 an hour as opposed to \$7.00, is a paltry, is nothing, it's a drop in the bucket; if it was \$500.00 a day, or \$100.00 a day, maybe then he'd make sure that he had the proper type of people to operate that plant, and that's what we're concerned with.

MR. GREEN: Well the existing Act is \$100.00.

MR. SMITH: Has there ever been a fine under the existing Act?

A MEMBER: That's a good question.

MR. CHAIRMAN: Any further questions? Thank you, Mr. Smith. Now we have four more presentations on this bill. Mr. Richert, Winnipeg Cold Storage.

MR. RICHERT: Thank you, Mr. Chairman, members of the committee. I too am a First Class Engineer in the Province of Manitoba, but I feel that I and my company are not going to be as popular as Mr. Coulter and Mr. Smith. We strongly believe that the soul reason for an Act of this nature existing is safety. It should not be designed to create jobs, neither should it be designed to protect property. These are responsibilities which should be outside the scope of Bill 33. However, and I repeat, it should insure safety to the public, and the technology of accomplishing this is growing very rapidly.

In the light of this state of flux Bill 33 must allow the Minister great powers of discretion and flexibility. We note that there is provision to apply to the courts, so any decision made by the Minister is not without recourse.

Labour representation argues that Bill 33 will eliminate jobs, and this is an observation we cannot agree with. In fact, Bill 33 takes the position it automatically controls steam, air and refrigeration plants are unacceptable and that operating engineers must be in attendance at all times, we will lose that edge that may be the deciding factor in attracting industry to Manitoba, industry which in the long run will create many more jobs. My company ran two large refrigeration complexes in Winnipeg as guarded plants - as guarded plants I mean we qualify under Section 5 (a) of the Operating Engineers and Firemen's Act - and qualifying under that clause we do not have to have the constant attendance of operating engineers. We have run under this clause for approximately five years without an adverse incident. The engineers on our staff have a much more responsible job, and take more pride in their work than in the past when merely putting their eight hours in was sufficient. Under this system our operating engineers are productive, and we feel there is no need to have their jobs protected by legislation.

There is a poor supply of both Second and Third Class Operating Engineers in Manitoba, in fact in Western Canada at this time. Many qualified people are employed at jobs where they are not needed and they could be employed productively in other plants and/or industries.

Now Mr. Smith and Mr. Coulter have stated that they did not have representation when this bill was drafted; however I am given to understand the contrary. There was representation from the Canadian Manufacturers' Association, organized labour, Mechanical Engineering Division of the Department of Labour, and I'm sure that these people went back to their various constituents to check whether they were serving their best interests, and since Bill 33 has progressed to this advanced stage the answers they received must have been in the affirmative.

In conclusion may I state that it is imperative that Bill 33 passes as it is now published, and the subsequent regulations reflect advancement in technology, and thereby insure a healthy industrial climate with more and better jobs in this province.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Richert. Mr. Green.

MR. GREEN: I would like to ask the gentleman in what way Bill 33 will permit regulations which are more advanced, or different, than those that are now permitted under Bill 50? Under the previous legislation.

MR. RICHERT: We don't suggest that they will.

MR. GREEN: Then why do you feel that . . .

MR. RICHERT: If I may . . .

MR. CHAIRMAN: Order please. Let the gentleman answer the questions.

MR. RICHERT: . . . Let me suggest this gives the Minister and his officers a degree of flexibility whereby when some technological occurrence happens, when something is developed that progresses the industry, that they don't have to, or we don't have to go through this whole thing again, go before the Legislature to have it changed, it can be changed by an Order-in-Council.

MR. GREEN: Well can you tell me in what way it cannot now be changed by an Order-in-Council?

MR. RICHERT: As I understand, Mr. Green, this bill if it's not flexible and it's all put down firm in black and white, there's no allowances for technological change, that you have to go all the way back through these various committees, through the stages of drafting of the bill, etc., etc., etc.

MR. CHAIRMAN: Any further questions, Mr. Green? Mr. Enns.

MR. ENNS: Mr. Chairman, through you to the gentleman before us. I am bothered a little bit by your representation, Sir, insofar as that most existing labour, general labour legislation, and most labour organizations I think, recognize the problems of technological change, and while they may, you know, approach them from slightly different sides of the fence, management perhaps looking for full advantage of technological change in terms of manpower reduction, labour from their very legitimate position of concerning themselves with the effect on the manpower, but I have been led to believe that the whole problem of technical change has become very much a kind of a major subject of negotiations, of collective bargaining, and the fact that we have passed labour legislation just recently that acknowledges that that's the proper area where it should be. I'm a little disturbed that in a relatively, you know, minor bill like this, I don't know whether I would want to be party to interfering with that established position. In other words, I don't particularly want to pass legislation that circumvents what has already been accepted.

MR. CHAIRMAN: Question, Mr. Enns.

MR. ENNS: You seem to read in this bill a method of accepting technological change.

MR. CHAIRMAN: Order please.

MR. RICHERT: Mr. Enns, what I am saying is that our neighbours to the east and the west are in fact getting away from the restrictions of saying 750 horsepower, and they're getting more flexible. They're allowing things in like coil through boilers, etc., that allow them perhaps to reduce their staff of engineers.

Now my concern, and our company's concern, is that if we don't take this direction that many industries that perhaps would locate here in Manitoba and, as I say, create jobs, not only as operating engineers but what have you, that they would in fact by this perhaps 50 or 60 thousand dollars a year lever locate in other areas.

MR. ENNS: Well just one question, Mr. Chairman. Do you think then that's a fair request to ask that this kind of change be legislated, or that it be left to the collective bargaining process?

MR. RICHERT: What I am saying, Sir, that it should be done I feel through an Order-in-Council, that we establish the groundwork, and the committee that was discussed by my predecessor, and that I think that they can handle it quite capably.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Thank you, Mr. Chairman. Mr. Richert, you said that to your knowledge there was representation - I assume that when you say representation and I say consultation, we're talking about the same thing. To your knowledge there was representation or consultation from - and you mentioned two or three agencies or organizations. One of them was the Canadian Manufacturers' Association, and I missed the others you referred to.

MR. RICHERT: Institute of Power Engineers.

MR. SHERMAN: The Institute of Power Engineers.

MR. RICHERT: Canadian Manufacturers Association, and I am given to understand, and this evening is the first I've heard about it, I was under the impression that organized labour had a representative. I think his name was Jim Hogson, if I'm not mistaken--(Interjection)--Hotson.

MR. SHERMAN: Well reference to that representative has already been made in a previous representation tonight. The gentleman making that representation indicated that it, you know, wasn't the kind of representation that he would have liked to have seen. But what I'd like to ask you is, what do you mean that there was consultation with these particular organizations?

(MR. SHERMAN cont'd) How meaningful was the consultation? Did they sit down to your knowledge with the Minister, or with his department?

MR. RICHERT: To my knowledge, and I'll stand to be corrected, I believe that they in fact, the four parties, sat down together, and in fact drafted this bill in its rough form, if I'm not mistaken. Then of course the rough edges were smoothed over by legal people, and I think that's what you have before you.

MR. SHERMAN: Well are you not surprised to hear of Mr. Coulter's representation on this point?

MR. RICHERT: Yes, Sir, I am.

MR. SHERMAN: It seems that your opinion is at sharp variance with positions he took.

MR. RICHERT: Yes, it is.

MR. SHERMAN: Do you speak for or represent stationary engineers in your company, or do you speak for management?

MR. RICHERT: I speak for management, Sir. --(Interjections)--I said my position would not be popular.

MR. CHAIRMAN: Order please.

MR. SHERMAN: What about the professional stationary engineers at your company, at your place of employment, did they make any representations to you on this subject or did they have an opportunity to make representations?

MR. RICHERT: I have not discussed it with them.

MR. SHERMAN: So when you say that you know of representation and consultation that was undertaken, it did not include the Manitoba Cold Storage, or it did not include your company and the stationary engineers there.

MR. RICHERT: Winnipeg and Manitoba Cold Storage.

MR. SHERMAN: I'm sorry. Winnipeg and Manitoba Cold Storage.

MR. RICHERT: How I know this, previously I was Past President of the Institute of Power Engineers in Winnipeg, Past President of the Manitoba Institute of Power Engineers, Past National Director of Institute of Power Engineers. At the time that this bill was drafted I was well aware, and had many talks with our representative to these proceedings, to the drafting of this bill.

MR. SHERMAN: When you say your representative, without identifying him by name, would he represent the stationary engineers at your plant, at your company?

MR. RICHERT: No, Sir, he represented the Institute of Power Engineers and the Universal Craftsmen's Council of Engineers.

MR. SHERMAN: But the stationary engineers at your company as far as you know did not have an opportunity to make representation, or to be consulted on the subject. Is that correct?

MR. RICHERT: The stationary engineers at my company had the opportunity that any private citizen has to come here, or to any other forum, and make their plea or state their case.

MR. SHERMAN: Those are my questions, Mr. Chairman.

MR. CHAIRMAN: Okay. Mr. Dillen.

MR. DILLEN: I have a couple of questions. You referred to your plant as a - I think you used the term "secure plant" or . . .

MR. RICHERT: It's termed "guarded". If you'll look under Section 5 (a) of the existing Operating Engineers' and Firemen's Act it is covered in there.

MR. DILLEN: And that section has been eliminated from the new Act?

MR. RICHERT: Yes, Sir.

MR. DILLEN: Did you operate your plant on a - well now you'd have to explain this a little more to me because I don't know what this means, you know, a "guarded plant".

MR. RICHERT: It means that during the time - if you have a copy of that Act it's very well spelled out in there - during the time that there is people in the plant gainfully employed, in other words in our case when we are accepting product at our dock and we have somebody working in any area of the plant, we have to have a qualified operating engineer on the premises. However after 12:00 o'clock when our doors close, or if they close at 9:00, whatever the case may be, during the weekends when there's nobody there, we hook it up to an alarm system which rings to a downtown central station, and they in turn will phone somebody who is designated to accept such calls.

MR. DILLEN: That's one of your employees?

MR. RICHERT: One of my employees, right.

MR. DILLEN: Did you ever operate your plant on a full-time basis?

MR. RICHERT: Yes, Sir.

MR. DILLEN: My next question rather - well okay.

MR. RICHERT: I operated the plant; I came up through the ranks to my present job.

MR. DILLEN: What I mean then, you operated it on 24-hour basis with only . . .

MR. RICHERT: Yes, Sir. Yes, Sir.

MR. DILLEN: How did you come to get authority to . . .

MR. RICHERT: The section of the Act Sir is well documented. If you put in approved safety features that is demonstrated to, well in this case Mr. O'Morrow's office, that it in fact causes no danger to the public; there is no reason to keep the people there 24 hours a day. If equipment fails, if something goes wrong that cannot be termed detrimental to the public that cause any accidents, and in fact it costs us dollars, this is, I believe, no concern of anybody but our company. However, as I say we've gone five years without an incident, all the safety equipment is checked out thoroughly daily, and we have never had a condition that was detrimental in any way, shape, or form.

MR. DILLEN: Has there ever been a fire in the Cold Storage?

MR. RICHERT: The plant is a reinforced concrete and it's very difficult to burn. But there was a fire at one time, yes.

MR. DILLEN: It wasn't attributed to the plant being unattended?

MR. RICHERT: No, Sir.

MR. CHAIRMAN: Mr. Paulley.

MR. PAULLEY: Mr. Chairman, if I might to Mr. Richert. The question of the authority to operate in business premises without an engineer is contained in the present Act, Section 5 (2), and it must be done with the authority of the Minister.

MR. RICHERT: That's right, Sir.

MR. PAULLEY: So the Minister then under the present Act would have the arbitrary right to accept or reject, and the difference between the present Act and the suggested Act is, that this be included in regulations rather than spelled out in the Act.

MR. RICHERT: Yes, Sir.

MR. PAULLEY: But, Mr. Chairman, the question then is, regardless of the present Act, or the proposed Act, it still is done by Ministerial authority.

MR. RICHERT: That's right, Sir.

MR. PAULLEY: Thank you.

MR. CHAIRMAN: Mr. Patterson.

MR. PATTERSON: Mr. Richert, do you have any complaints concerning the present method of classifying operating engineers?

MR. RICHERT: No, Sir.

MR. PATTERSON: Do you have any objection to the prevailing rates of pay for operating engineers?

MR. RICHERT: No, Sir.

MR. PATTERSON: Thank you.

MR. CHAIRMAN: No further questions? Oh, Mr. Dillen.

MR. DILLEN: I just want to know . . .

MR. ENNS: Ask him who put the fire out.

MR. CHAIRMAN: Order. Order.

MR. DILLEN: . . . seriously, I want to know when you received permission, or when you changed over from the old system that had you maintain an operator on a 24-hour basis and the new, this new safety system that you've introduced, what year did that take place?

MR. RICHERT: First let me answer Mr. Enns rather facetious question. The same people that would have put it out in the case of my home when I went down to the beach for the weekend. The fire department.

Now your question. We went into this system, I believe it was 1969, which makes it five years. I think it was the spring of the year, but I'd have to go to my records . . .

MR. CHAIRMAN: Order. Thank you, Mr. Richert. Mr. Gunnlaugson, Institute of Power Engineers.

MR. GUNNLAUGSON: Mr. Chairman, committee members. I don't have a brief as such. Our primary concern is with the title "Advisory Committee" and "power of the Minister".

Now the title was changed on our suggestion from "operating engineers" to "power engineers". Now this is something that the Institute of Power Engineers, which is a national

(MR. GUNNLAUGSON cont'd) organization, would like to get across Canada. It's already been accepted in some provinces, and we would like to see it in our province.

The second part of the title "engineers". James Watt invented the steam engine. He was known as an engineer but did not have a degree in engineering. Now the word "engineer" probably originated at that time, and it's been used by people operating engines over a good long period of time and we would not look favourably on removing the word "engineer" from the title and replacing it with some other word.

The Institute of Power Engineers is registered under Part No. 2 of The Companies Act from Ottawa, so we have national recognition as power engineers. Professional engineers have not had their title established through such a long period of time as the operating engineers, the people which have been operating the equipment. At one time this wording covered the people operating the machines quite well because they operated the machines, but at the present time there are operators and there are engineers which are in management capacities, they maybe never go in the powerhouse more than once a week or so, so they can't be very well classified as an operating engineer.

We are wondering how the people from the Hydro Professional Engineers Association got their title, and how they came about using the word "engineer". Maybe someone can enlighten us on that question.

Another question which we are concerned about is the professional engineers: they design, and they say they instruct people on the operation of these plants when they're first installed, but they don't have any examinations on safety of operation of the power plants. We wonder why this is not the case. Over the past few years - in fact the first letter was written on February 16th, 1972, to the Honourable A. R. Paulley regarding the proposed legislation that we expected would be coming before the House - the three western provinces were working towards standardization of certificates, and we recognized that if this came about then regulations would have to be changed to a certain extent in each province so that they would all dovetail in and be more or less the same, therefore the Board of Examiners which had been used over quite some number of years would not be required after the new legislation went through and the standardization of certificates across the three western provinces.

We requested at that time that a board of advisers be established on which the Institute of Power Engineers should have representation of not less than 50 percent of the total board membership. We feel that there should be an advisory board, and that the advisory board should be noted in the Act and possibly three . . . five, the members on this board representatives from the different parties or groups concerned, like manufacturers, labour, and so on, and this advisory board could advise the Minister, or the department, from time to time for which the old examining board was used from time to time as advisers on different subjects. This advisory board could also be used as a recourse; if for some reason the person's certificate was suspended he could go to the advisory board, and there'll be representation, as I said, on the advisory board from the different interested parties which would give a fair ruling on the question at hand. And possibly if the legislation was not satisfied with any advisory board, maybe they could continue on in the Court - let's see just how they word it - Court of Queen's Bench of the Eastern Judicial District.

So we feel that an advisory board would be something that would be well worthwhile to place in the Act, rather than having a board that may be appointed from time to time, make a permanent board, and have power to add if they wanted to consult with people in a specific field, on a certain subject.

There was correspondence over the period of time from February 16, 1972. April 10, 1972 there was another letter written and regarding - I'll read the resolution: "BE IT RESOLVED THAT all provinces or territories within the Dominion of Canada having jurisdiction of the qualification of Power Engineers using the identification of Power Engineer on all certificates of qualification; The Province de Quebec retaining the pension identification as engineer select. Since the Operating Engineers and Firemen Act are strictly autonomists to your office and since Manitoba is being regioned, and I, as Manitoba President of the Institute of Power Engineers am particularly concerned with, may I add, and on behalf of the Operating Engineers in Manitoba, the term Operating Engineer presently used in Manitoba is as non-descriptive of our position in the industry as is the term stationary engineer. Many so-called operating engineers have little or no part in the actual operation of equipment. All however have a direct connection with power, i. e., as teachers, designers, administrators, instructors, etc., as well as those who are actually operators of equipment in the power engineering

(MR. GUNNLAUGSON cont'd) field." So as you can see the word operating engineer does not include these other people.

We also have letters of acknowledgement from Mr. Paulley. The most recent proposal was concerning the title of Bill 33, and I've gone into that fairly well I think.

Additionally to the above, "We are somewhat concerned as to further authority than heretofore given to the Minister relative to classification of plants. But since 19 discussions have taken place on this point, we are prepared to go along with it. We have been consulted or informed over the past six months, or so, as to what they propose to present to the Legislature." We did put in a couple of submissions before and then we were sort of expecting that they would come up with a bill and then give it to the parties concerned and let them read it, and suggest what they thought might be improvements in the bill, but this wasn't done. I think that's about all I have to say.

MR. CHAIRMAN: Thank you, Mr. Gunnlaugson. Mr. Dillen.

MR. DILLEN: I have to get more information on what a term power engineer, stationary engineer, or whatever, just what is this cat we're dealing with? I want to know how long it takes to become a First Class Engineer; if I was a kid getting out of school with a, say, with a Grade 12 education, you know, how long would it take me to become a First Class Engineer if I were to apply myself diligently to the task?

MR. GUNNLAUGSON: I believe it would be, if you did it as quickly as possible, I believe it would be about six and a half years.

MR. DILLEN: Six and a half years?

MR. GUNNLAUGSON: Well I haven't added it up lately as to--because you get certain time periods off for certain studies that you do. If you don't do any qualified studying, it would take about nine years.

MR. DILLEN: Up to nine years? And it could take more.

MR. GUNNLAUGSON: Oh yes, more. But I mean if you don't do any studying and just work at it in the plant. Of course, you wouldn't be able to pass an examination if you didn't do any studying, but what I mean is study like the Southern Alberta Institute of Technology course, which is a recognized study course for engineers across Canada.

MR. DILLEN: I'm trying to develop some relevant importance to various job classifications here. How long would it take me, if I were a student who completed Grade 12, to become a Power Engineer related to electrical power?

MR. GUNNLAUGSON: I couldn't answer that question.

A MEMBER: Four years.

MR. DILLEN: Four years? Well, so we've got a case where it could take up to 6-1/2 years to become a First Class stationary engineer and four years to become a Power Engineer, and I was just wondering if, in your opinion, if there was to be a stoppage of work by a stationary engineer and an electrical engineer, who in your opinion would be missed first?

MR. GUNNLAUGSON: Well, in my opinion, it would be the operating engineer, I think.

MR. CHAIRMAN: Are there any further questions from committee members? Fine. Thank you, Mr. Gunnlaugson.

MR. GUNNLAUGSON: Thank you, Mr. Chairman, and the committee.

MR. CHAIRMAN: Mr. Nelson. Oil, chemical and atomic workers.

MR. NELSON: Well, Mr. Chairman . . .

MR. CHAIRMAN: Could you hang on a minute? Do you have a written brief?

MR. NELSON: No, I do not have a written brief.

MR. CHAIRMAN: Okay; would you proceed?

MR. NELSON: Well, Mr. Chairman, without reiterating a number of things that have been said already here, I'd like to endorse the comments made by both Mr. Coulter and Mr. Smith, and make a few brief comments.

The basic fact of life is, and the concern of this legislation is expressed here tonight by the number of operating engineers that took time out to come here and protest Bill 33. We dealt with Bill 33 in British Columbia and we'll deal with it in Manitoba as well. There is a general favoritism towards reciprocal agreements in the various provinces as far as steam engineers or stationary engineers or power engineers are concerned. I think there is general agreement in that area. We want to see the kind of legislation that's going to make plants safer, that's going to . . .

MR. CHAIRMAN: Mr. Nelson, I'm sorry to interrupt you . . .

MR. GREEN: I'm sorry to interrupt you, Sir, but it would appear that it's not likely that we would go on to the representations after Bill 33. Now, that's unfortunate for those who have waited on 44, but it's almost 11:00 and there are still some representations here, and I'm making this interruption sort of to help those people on 44 to tell them that they probably would not go on today and that they'd have to wait for the next meeting of the committee. So if that's a help to them they needn't stay, and that's why I interrupted the gentleman.

MR. CHAIRMAN: When is the meeting . . . ?

MR. GREEN: Well I couldn't tell at this point when the next meeting is but I am sure the Clerk will inform those people who have indicated that they are making representations. So if the people who are on 44--I apologize, but it sometimes works out that way, that they'll just have to attend the next meeting of the committee.

MR. McCORMICK: Mr. Chairman, could I ask, is this not the last representation on this bill?

MR. CHAIRMAN: Well there's one more. I hope the Clerk will make sure that he has the addresses or the telephone numbers of those who indicated they wanted to talk to Bill 44.

MR. PAULLEY: Well they can speak to him after anyway.

MR. CHAIRMAN: Yes, they can speak to the Clerk. I'm sorry to interrupt you, Mr. Nelson. Would you continue?

MR. NELSON: Well, in dealing with the legislation itself, I think the greatest concern of the operating engineers is the discretionary powers that the Minister has, and in fact taking the regulations out of the present Firemen's Act. He has the complete discretionary powers to, as Section 3 (2) states, to exempt any plant, or class of plant, from any or all of the requirements of the Act.

MR. PAULLEY: For safety purposes.

MR. NELSON: Right, if it is not considered contrary to the interests of safety. There's no question in our minds that immediately upon this bill being passed you're going to get numerous applications from employers, particularly exempting the package boiler, which is fitted with safety devices and the rest of it, that many employers feel that they don't require a steam engineer on the premises. And package boilers can range up to 200 or more thousand pounds in . . . steam. As well as that, if you look at Section 10, the appeal to the Court of Queen's Bench, our feeling is that we should have an advisory board and it should be similar to an arbitration board with a neutral chairman, and that it's final and binding at that stage. We don't have very much success in the Court of Queen's Bench, as many people are aware; have many arbitration cases that have been reversed. As well as that, there's been a great deal of discussion here on Section 16. The fact of the matter is, that just simply says that the Minister "may" appoint a board and he may select whoever he feels to serve on the committee. It doesn't say we're going to have an advisory committee; it says that there "may" be one. And really, what's the committee going to do?

Our position was stated quite clearly that we feel we should have an advisory board with some input and some guidelines as far as power goes. What's the point of having a board if they don't have any powers or they're just going to sit and you don't know who it is and it may or may not be appointed. That's our point on Section 16.

You know, when I first started in this steam engineering racket I thought that all that steam was water that went crazy with the heat. But, you know, after awhile you get in and you find that it's a little more involved than that, and this is the whole purpose of steam engineers. We want a bill with some teeth in it. We wan' to have some strict legislation as far as horsepower ratings and the rest of it goes. But what we don't want is this type of thing. If we could have had some input - and I think this is the big complaint here of labour. Regardless of whether you said we had a man on a committee that was supposedly labour or an employee, the fact of the matter is we haven't had the input that was necessary into this type of legislation, and we feel on that basis that this bill should be withdrawn. Thank you. (Applause)

MR. CHAIRMAN: Order. Order. Would the audience please . . . ?

MR. NELSON: They're just acting the same way you do in your Legislature. That's where we get a few hints.

MR. CHAIRMAN: Well you have a point, but the problem is that when the members do this in the Legislature they're also out of order. They make things difficult for the Speaker in that case. Any questions? No questions? Fine. Thank you.

MR. McCORMICK: Mr. Chairman, could I . . . and ask if there could be a . . . decision

(MR. McCORMICK cont'd) from the committee that they will or will not proceed after they've finished with Bill 33? . . . might go home, but . . .

MR. GREEN: I thought I replied to that, that we finish with 33 and then go to the --(Interjection)--Yes. Okay?

MR. CHAIRMAN: Mr. Hayes. Mr. B. Hayes. This is the final brief on Bill 33.

MR. HAYES: Mr. Chairman, members of the committee, I'm speaking in support of Bill 33. It's quite hard for me to understand why there's so much objection to it. At present and now, and in the past, the Minister administrating this Act has had to deal with the application of rules and regulations which he cannot apply because of the changes which are taking place in respect to manpower and technology. Quite frankly, the present legislation makes his job near impossible and of course leaves both industry and labour with no guide as to how to do it, what to do, or what's best for both.

I've heard the arguments that we're stripping the engineers of their jobs; we're decreasing the labour force. I submit to you that it's decreasing itself for the simple reason that the young people interested in this field of endeavour have and are orientating themselves, through studies, to cope with new methods and better ways of doing things. I think we must encourage this type of individual and, whether it be directly with the operation of a plant or the supply of a service to it, they must be given the opportunity to work in industry and support industries to in fact increase the labour force albeit in another way, and those people that will be increased, I suggest, will be directly connected with the operation of plants as we're discussing tonight.

Safety and efficient operation, of course, are everybody's main objective. I don't think that's any problem. It's been proven that unmanned plants in operation, at present find that they're safer and in effect better-operating than plants where an employee sits and watches it. The monotony of such a job is unbearable. I've come up through the ranks and I've done it, and I recognize it's unbearable. We find employees sound asleep on the job. I don't blame them but I can't condone it. (Boos)

MR. CHAIRMAN: Order.

MR. HAYES: There is a serious lack of people available under the old Act. We can't hire First Class, Second Class or Third Class Engineers today. We can, however, hire people that are technically oriented, people that want to better themselves through more study, and I suggest to you if we can do this it will make more gainful employment - for the existing engineers that are booing me back here, as well as for people that study. And I suggest to you that maybe the engineers face a challenge in the technological change where they have to study more and become more familiar with automatic plant operation, because this is where their bread and butter will lie in the future, I think.

In short, I say we shouldn't eliminate jobs; I'm not in favour of that; but we should set our goals to realign the jobs to suit the new set of conditions, which will make us more productive and improve the working conditions. I'm sure that anyone here at the present doesn't relish the thought of working a 4 to 12 shift or a 12 to 8 shift, day in and day out for the rest of his life, when in fact I am suggesting it can be avoided. I submit that technological change will improve and enhance the complete field of the stationary or power engineer. Of course, they will have to up-grade themselves to adapt to new conditions, and because of this challenge they and everyone else will be much happier in their employment.

I've been connected with other countries and other areas and I might say to you that all these people are advancing, and I think so must we. We must develop more expertise and be in a position where we cannot only use this expertise but export it to other countries, because this is exactly what I am doing now. The Department of Industry, Trade and Commerce encouraged this type of thing. I say that comparable legislation in other provinces demands that we keep pace with them, because they will attract the industry and not us.

Finally, I'd like to say that I've come up, as I said before, I've come up through the ranks and I'm a First Class Engineer and I know many of my friends are stationary engineers, and I think that they have a big job to do to re-educate themselves with this change that's taking place and we must conform to. Thank you very much.

MR. CHAIRMAN: Thank you. Are there any questions? Mr. Green.

MR. GREEN: Yes. Mr. Hayes, I haven't studied carefully the bill but I sort of put to another person previously that I didn't see what could be done by regulation under this bill that could not be done by regulation under the previous bill. You appear to think that there are things

(MR. GREEN cont'd) that make the new bill more flexible than the old. Could you indicate what those are?

MR. HAYES: Mr. Green, all I'm saying is that the bill should allow plants to progress, and I don't think there's any change at the present, but I think the Minister has the power to allow us to carry on with a guarded plant within certain limitations.

MR. GREEN: Well but you appear to think that he needs the new bill, and that may well be, and . . .

MR. HAYES: No, I'm saying I'm in support of Bill 33.

MR. GREEN: That's not my question. My question is: could he not provide the same flexibility under the legislation as it now is, or is there something . . .

MR. HAYES: No. I'd say not.

MR. GREEN: I'm sorry?

MR. HAYES: I'd say he couldn't.

MR. GREEN: Can you tell me why?

MR. HAYES: Because at the present moment if I asked the Minister to supply me with a Second Class Engineer he couldn't do it. We've already asked him. Is that an answer to your question?

MR. GREEN: No. Is it possible that the specification that he's referring to is under the regulations and not the Act, the reason why he couldn't supply you with a Second Class Engineer?

MR. HAYES: No, I think I explained that my contention is that young people coming up in the ranks are not interested in spending four years in an engine room to become a First Class Engineer.

MR. GREEN: I'm sorry, Mr. Hayes, maybe I'm not getting through to you. I just would like to know what there is under the old Act which restricts him from doing what he can now do under the new Act, and it may be that there is - and I don't know about it, which is quite possible because I haven't read the bill very fully - but can you tell me what there is under the old Act which denies him the power to do what he's asking under the new Act?

MR. HAYES: Well a case in point is - I think it was mentioned here - that the acceptance of coil-through boilers will not allow him to accept the installation of a coil-through boiler regardless of whether it's safe or not, without the attendance of an engineer.

MR. GREEN: And you say that that is presently under the present Act or the regulations?

MR. HAYES: The present Act and regulations.

MR. GREEN: The present Act and regulations. Okay. So then the gentleman who appeared before us representing the operating engineers and who said that the old Act gave more protection than the new Act, you would think that from his point of view he's correct? From his point of view, not from your point of view.

MR. HAYES: Right. Yes.

MR. GREEN: Thank you.

MR. CHAIRMAN: Mr. Sherman.

MR. SHERMAN: Thank you, Mr. Chairman. I just have one question. Mr. Hayes, you speak like a man of initiative and enterprise and I admire that, but I was just wondering why you don't seem concerned at all by the kind of power, arbitrary power, vested in the Minister and in the Cabinet under this legislation. I'm just wondering if you can explain that; whether you don't feel that that would have an inhibiting effect for the very kinds of things that you seem to stand for.

MR. HAYES: Right. Well, Mr. Sherman, I think that if the Civil Service Commission, or the Government, aren't capable of hiring the knowledgeable and capable people in this field to direct the Act, and to suggest changes, then God help us, because we're all in trouble. And I suggest that the Minister's department and his people have to be capable. They have to be knowledgeable and they have to be capable, because after all, they're the people that we as plant operators have to atone to.

MR. SHERMAN: Well of course it is to be hoped they are capable regardless . . .

MR. HAYES: As I said, if they're not, God help us.

MR. SHERMAN: Well the question I ask is, in the context of any government, any party in government, whether you can--I'd just like to know whether you can satisfy yourself in your mind that there aren't going to be abuses, that there aren't going to be displays of naked pressure and naked power, and that you don't need protection against that kind of thing. You're satisfied in your own mind that those problems won't occur under any government, eh?

MR. HAYES: No. I'm satisfied they wouldn't, because I'm satisfied that the people who are administering the Act understand the profession and the operating engineers and the work they do, and certainly they're not going to sacrifice safety or any other part of the public welfare to abuse.

MR. SHERMAN: Well you have more faith than I do, Mr. Hayes.

MR. HAYES: Thank you. I don't know whether they're clapping for me or for Mr. Sherman but take it all.

MR. PAULLEY: It seems, Mr. Chairman, that that's all the representations.

MR. CHAIRMAN: Yes, that completes the briefs on Bill 33. The suggestion was that we adjourn following the completion of those briefs. Do I have a motion? Committee rise.