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**VERBATIM REPORT**

Thursday, October 25, 1973

SPEAKER: THE HONOURABLE JAMES M. RUSSELL



October 25, 1973, Tape 1 -- apb

The House met at 3:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order! The honourable the Minister of Health.

HON. A.T. ROWE (MINISTER OF HEALTH): Mr. Speaker, I would like to make a ministerial statement.

The operation and day to day functioning of the health system in the province is the responsibility of the Department of Health and myself. I am alarmed at this latest action of the Lab and X Ray Technologists and technicians in their mass resignation which is a callous and wanton action which can only be condemned in the strongest terms.

As Minister of Health I have deliberately avoided public statements on this issue in order not to aggravate a situation fraught with public peril and because it is primarily a labour-management problem and was and is being conducted by experts in that field.

Nevertheless I have all summer been watching closely each step of the way and have assisted hospitals and the Hospital Association with all the resources of the Department of Health.

However, the withdrawal of all diagnostic services, including those to emergencies, on the short notice of a few hours, is a lawless act and jeopardizes the health and perhaps even the lives of every man, woman and child in this province, including indeed the wives and families of the technologists and technicians themselves, and this occasions me to speak.

It would appear that N.A.P.E. has no control over its membership for in a communication addressed to the negotiating team a few days ago it was specifically stated that emergency services would be provided and it was stated that any hospital unable to cope with the situation could call on N.A.P.E. and further assistance for emergency care would be provided. Indeed, only yesterday a committee with medical personnel and technologists was set up to identify which cases should be classified as emergencies.

N.A.P.E. has not lived up to nor met this commitment and by totally depriving the province of their services they put at risk the health of each of us. Surely this cannot be the wish nor desire of any of the technologists who must of themselves have some human understanding, some deep sense of responsibility and loyalty, not only to their association but certainly too to the patients they have been trained to serve.

It is, of course, possible and right that we should single out for praise and commendation those technologists who have remained at their posts and who will remain at their posts, and indeed, as a survey today shows, there are a number of technologists who have not submitted their resignations.

For example, as at noon today of the thirty-one hospitals in the province some twenty-one hospitals are functioning normally. I would like to take time out to read the list, Mr. Speaker, if I may. No service is withdrawn at the M.C. Boylen Hospital; the Buchans Hospital; the Charles S. Curtis Memorial Hospital at St. Anthony; The Churchill Falls Hospital, the Happy Valley Hospital; Notre Dame Bay Memorial Hospital, and the Government Cottage Hospitals at Bonavista; Bonne Bay, Botwood; Burgeo; Burin; Come by Chance; Grand Bank; Harbour Breton; Markland; Old Perlican; Placentia; Sir Thomas Roddick; St. Lawrence Hospital; Springdale Hospital and the Dr. Walter Templeman Hospital.

The second category - hospitals not operated by government - general services withdrawn by all members of the bargaining unit but they are providing emergency services. The Central Newfoundland Hospital; the Capt. Jackman Memorial Hospital in Labrador City and the James Paton Memorial Hospital, Gander, and the Carbonear Community Hospital. All X-Ray services are functioning as usual with the exception of one technician. Emergency laboratory services are being provided in these hospitals I have mentioned.

Now we come into the other six main provincial referral hospitals where all emergency services have been withdrawn and the only services are those provided by management and supervisory personnel. These are the St. John's General Hospital; the Grace General Hospital; The Dr. Charles A. Janeway Child Health Centre; St. Clare's Mercy Hospital; the Western Memorial Hospital and the Waterford Hospital where some resignations up to now have been received.

This, Mr. Speaker, represents the critical area of the hospital situation in the province. The major referral hospitals, the Grace, the General, the Charles Janeway, the St. Clare's, the Western Memorial and the Waterford Hospital. That is the situation as of noon today.

Whatever may be the outcome of this infringement of humanitarian principles it does indicate that the government's removal of legislation giving the health workers the right to strike has not been accepted by the union with the responsibility that the concession demands.

In the name of humanity as a doctor and as a Minister of Health, I call upon the technologists to return to their posts and allow the normal process of bargaining to proceed before the crisis worsens and before a single life is lost.

Thank you, Mr. Speaker!

HON. E. M. ROBERTS, Leader of the Opposition: Mr. Speaker, under the rules of the House we are not allowed to debate a ministerial statement so I shall not attempt to, but I will say simply that I think the minister's statement is the most despicable and provocative statement that I have heard in this House in a long time.

The fact remains, Sir, that the government have been dealing in bad faith with the x-ray and laboratory technologists.

HON. J. C. CROSBIE, Minister of Finance: That is a lie.

MR. ROBERTS: Mr. Speaker, the honourable gentleman will either prove that statement or withdraw it under the rules of the House. I have made a statement, Sir, he has called it a lie. I call upon Your Honour to protect, to give the protection every member is afforded by the rules of the House.

MR. CROSBIE: Sir, I wish to speak to that point. What the honourable gentleman says is not true, it is an untruth, it is a nontruth, it is a lie but since the rules of the House require me not to use that expression and since I expect to be speaking later in the afternoon when I will deal with his statement in detail, I will withdraw what I just said.

MR. ROBERTS: Mr. Speaker, I thank the honourable gentleman for his usual gracious withdrawal, another final offer until the Premier pulls the rug out from under him again. As I was saying, Mr. Speaker, the government have been dealing in bad faith with these technologists. They have been driven to the very unsatisfactory position where today every major hospital in this province is closed effectively. That cannot be tolerated. I am glad the Minister of Health has finally said something. It is the first thing he said all summer other than a pious platitude about sick people in the middle of a strike.

I call upon him now, Mr. Speaker, as I have before, to take some measures, to show some leadership. The important thing is that these people are treated justly and that the people of Newfoundland are treated justly.

Now the Minister of Finance, stone wall as he is, has said he will be speaking. I too shall have the pleasure of a few words to the House when he finishes. I shall then go into it in a little greater detail. But let me repeat what I have said, Sir, the government have been dealing in bad faith with these technologists, there have been under the counter assurances made and that is what has caused it. That is what has caused this absolutely unprecedented situation today and a serious one it is.

The medical advice I have had is that the hospitals cannot function in any degree at all without the x-ray and laboratory technologists, and they have quit. They have quit their jobs. They have given them up.

MR. CROSBIE: And you are delighted.

MR. ROBERTS: That is what I expect from the Minister of Finance.

MR. SPEAKER: Order please! I would like to remind all honourable members that the member speaking does have the right to be heard in silence, and request all honourable members to follow that order.

MR. ROBERTS: Thank you, Mr. Speaker, the Minister of Finance has said exactly what one would have expected of him and it will be treated with the contempt it deserves.

Mr. Speaker, as I said, the Minister of Health has finally made a statement. I hope now he will take some action. I hope he will go to see the Premier and see if the Premier can bring some sense to the Minister of Finance or perhaps once again we will have to have the hospital boards threatening to close the hospitals, the action that brought them to their senses when the CUPE workers were on strike in Grand Falls and Corner Brook and the NAPE workers were on strike at St. Clare's. We will come back on it later, Mr. Speaker, and I hope we will have a good hard look at this legislation.

MR. SPEAKER: The honourable Minister of Public Works and Services.

HON. J. ROUSSEAU, Minister of Public Works and Services: I have a statement:

Mr. Speaker, I am pleased to announce the awarding of a contract to Seabord Construction Limited for the construction of an extension to the Waterford Hospital. The contract was awarded

for \$4,983,700.

The extension will provide 200 new beds on four levels to the existing facility. The services to be extended include maximum security, minimum security, adolescent care, day care, rehabilitation, active treatment and associated services. Ward as well as semi-private and private accommodations will be available.

The extension will provide the latest services for treatment of mental and nervous diseases. Construction will be steel frame, concrete block and brick. The project is due for completion in approximately eighteen months.

PETITION:

MR. J.A. CARTER: I beg leave to present the following petition:

This petition is presented on behalf of some seventy odd members of the CNR railway here in St. John's and the petition reads:-

"We, the undersigned, are opposed to the proposed school tax on property by districts. With the present high price of housing and building lots, high mortgage rates and municipal taxes, any further increase in property taxation would present an insurmountable obstacle to prospective and a disaster to present householders and tenants.

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"We suggest the following methods of raising the amounts required for schools be explored: (1) an increase in educational grants from the federal government; (2) a stumpage fee on pulp wood; (3) a fee per barrel on refined oil; (4) a fee per ton on raw materials".

Now, Mr. Speaker, some of these suggestions are too complex to go into at this present time and I certainly would not support them all unreservedly. I do not feel competent to debate the merits and demerits of those four proposals because I do not have the relevant legislation at my finger tips. However, it has become abundantly clear that any proposed school tax put upon the present property taxes in St. John's would be manifestly unfair because of the great difference in treatment of a property holder and a person who pays rent. Now many years ago when this taxing device was first developed I have no doubt that the rents were much lower and that it was probably six of one and a half dozen of the other. However, it really did not matter. Now you pay a much higher tax if you are renting than if you are owning and therefore by increasing this type of taxation, which is unfair to start with, naturally the end result is even more unfa

The other thing that upsets a great many people is that the school tax is unevenly applied. I was talking a couple of days ago to some workers of one of the larger firms in Bonavista and they tell me that whereas deductions are made from their salary, civil servants working in the same town are sent a bill, which they may or may not pay, and all of them do not pay. The collection rate is bad.

Now let me say at the very outset and to be perfectly clear, I firmly believe that there should be some form of school taxation. The schools cannot exist on air, even on hot air. Therefore, I also feel that the expense of schools should be dragged out into the open. In my view school tax should be a poll tax. It should be low. There should be generous exemptions. I think that the prime value of this

is to drag the costs of education out into the open. Very few people realize that two of the seven per cent S. S. A. that we pay was originally earmarked for education. Now I know you cannot earmark tax money, so much for this and so much for that. It all has to go into the pot I realize. All the same I think that it is high time that the public were aware of the staggering costs that education involves. I think, for instance, if such a scheme had been in effect many years ago, many of the expensive mistakes that have been made in the past would have been avoided.

I merely conclude by saying that I feel that I echo the concern of the signatories of this petition, although I do not support all their suggestions. I merely would like to say that any tax however imposed should not only be fair but be seen to be fair. I, therefore, would like to table this petition and refer it to the department to which it relates.

HON. GERALD OTTENHEIMER: (MINISTER OF EDUCATION): What I was going to say was that the representation of the Hon. member of St. John's North, obviously I and the government shall take note of it as we have taken note of various presentations and expressions of views during the statutory period during which the publication of intent is in effect. More than that I can hardly say because that period has not expired.

MR. ROBERTS: Mr. Speaker, I would like to say a word or two and give my thanks to the gentleman from St. George's who will get his licks in in a second or two.

I am glad that the minister is taking this attitude and that he will take this into account. I am glad also to note that he has not termed these representations ludicrous as one of his colleagues did in a singularly unfortunate phrase. I am glad to know he will be giving them due consideration. I hope and I feel, knowing the honourable gentleman, that these representations, Sir, will be given the same sort of consideration that have been given to the representations from the St. John's Board of Trade, a group with whom I do not have a political love affair but a group whom I feel should be taken seriously and not have their well-thought-out brief described as ludicrous and utterly unacceptable. I am glad the minister at least, for one on that side, is open-minded.

MR. A. DUNPHY: Mr. Speaker, I ask leave to present a petition on behalf of the residents of St. Theresa's, Journois Brook and Flat Bay in my district, the District of St. George's. The prayer of the petition asks that all concerned in government give consideration to the matter of paving, upgrading and putting the road in such condition as to relieve the heavy burdens this brings on the residents to maintain their vehicles, including trucks. The road is used extensively by the people of Flat Bay, going to and from work and the bussing of the school children, etc.

I do not know how familiar members of the House are with the Flat Bay Area out on the West Coast of my district. Perhaps, Mr. Speaker, you would permit me to dwell just a little on it under the circumstances which they have suffered over the past twenty odd years. Hopefully, when you hear a few facts in regards to these roads that exist

here today, then we can get something done about it. These are the people, if I may say, that have been just about forgotten by governments in this country. They were the last to receive electricity. It is only in the last number of years that electricity has come there. Through the efforts of this member and the telephone companies, we have finally got telephones in there this year.

Now the roads have been a case of neglect. I do not know how familiar my government is with bad roads but maybe, if I may take the House's time, you will let me inform you what a bad road is.

The roads which I am referring to are in the Flat Bay Area. When it is warm or dry or when the sun is shining, it is an area where you cannot breathe with the dust, where you cannot see. When it is wet it is almost impossible to navigate through the potholes, the mudholes and the water. In winter time you cannot get through at all, as most of the time they are blocked. They are not receiving the service nor the maintenance they should. So I am asking the Minister in his Department of Transportation and Communications to give this consideration this year, give these people upgraded roads and pavement. I think it is high time.

It has been neglected long enough because after all, when this new government went into office eighteen months ago, I for one was hoping that by offering myself to work for my district that these things could be done. Government always encouraged me to think this way. I think this policy still exists. I would like to see the proof come spring with the initiation of this project going ahead. That is paving and upgrading in the Flat Bay Area.

Mr. Speaker, I ask that these petitions which I have to present with the signatures of over 300 names of people in the Flat Bay, St. Theresa's to Journois Brook Area will be placed upon the table and sent to the department to which they relate.

MR. SPEAKER: The honourable member for Bell Island.

MR. S. A. NEARY: I support the petition presented by the member for St. Georges on behalf of his constituents in the St. Theresa's-Flat Bay Area in the District of St. George's. I would gather from the introductory remarks made by the honourable member, Mr. Speaker, that this is another unfulfilled promise made by the Tory Administration in the last two provincial general elections. I have a suggestion for the honourable member for St. George's, Mr. Speaker. This is given in all sincerity and good faith, as a positive suggestion, Sir, that if the member is unable to get the kind hearted Minister of Transportation and Communications, who is always most co-operative, if he is unable to get him to upgrade and pave these roads, Sir, that he do the same as his seating companion did, the member for Port au Port, in the rental dispute in the District of Port au Port, that he threaten to resign.

AN HON. MEMBER: It works every time.

MR. NEARY: It works every time, Mr. Speaker, the honourable member for Port au Port got action. If the honourable member for St. George's will do the same thing I am sure that that is the only way he will get action, because this crowd have no intentions, Mr. Speaker, of -

AN HON. MEMBER: On a point of order.

MR. NEARY: this honourable crowd -

AN HON. MEMBER: On a point of order, Mr. Speaker.

MR. SPEAKER: Order please!

MR. STAGG: Mr. Speaker, the honourable member for Bell Island well knows that debate is not allowed on a petition. He has certainly meandered into a far field from the point that was brought up by the member for St. George's.

MR. ROBERTS: On the point of order, Mr. Speaker, I would like to welcome the gentleman from Port au Port and to know he has not resigned and to say that the honourable member for Bell Island is not debating he is merely offering a helpful hint to the gentleman for St. George's as to how to go about getting the prayer of this petition granted. In saying all he said, Mr. Speaker (it was not a debate) was if the honourable gentleman for St.

George's does not get the prayer of this petition granted, all he has to do is threaten to resign and the government will do it for him. We put that forward as a helpful thing. It is not debate. A very helpful thing. The gentleman for Port au Port showed that it worked.

MR. SPEAKER: I am not prepared to say if the honourable member for Bell Island was entering into a debate on the petition but, I think he can be a little more relevant to the prayer of the petition.

MR. NEARY: Thank you, Mr. Speaker. I see Your Honour is just as keen as ever. Summer months have made him sharper than ever. I certainly concur with your ruling, Mr. Speaker, but I do want to say, in all sincerity, Sir, that I hope, I sincerely hope that the people down in the Flat Bay Area will not have to be dragged off to jail as they were in Carmanville for trying to get their roads upgraded and paved down in the District of Fogo. I hope, Sir, that -

AN HON. MEMBER: They got them paved finally.

MR. NEARY: They finally got them paved but not what they wanted.

AN HON. MEMBER: Inaudible.

MR. NEARY: Well it will not take long. But, Mr. Speaker, I do hope that the prayer of this petition will be granted. I doubt if the government will have time to do it this year, Sir, because all the paving equipment is down in the District of Hermitage at the present time. If the honourable the Premier does not soon call the by-election down there, Sir, it will be there until the snow comes on the ground. So I would not hold my breath if I were the honourable member for St. George's, waiting to get it done this year. But I do hope, Sir, that this is one promise that this crowd will keep.

MR. ROBERTS: Well, well supported.

MR. SPEAKER: Are there any other petitions?

HON. W. G. DAWE (Minister of Provincial Affairs and Environment): Mr. Speaker,

MR. SPEAKER: The Honourable Minister of Provincial Affairs.

AN HON. MEMBER: Inaudible.

MR. DAWE: I am sorry he was not.

MR. ROBERTS: I am sorry he was.

MR. DAWE: The honourable member was looking the wrong way.

MR. SPEAKER: Order please!

MR. DAWE: The honourable member should be looking this way instead of that way.

Mr. Speaker, I wish to present a petition from the residents of Fowler's Road in Chamberlains. These people are looking now for the extension of Fowler's Road from its present terminus to the Trans-Canada Highway, with upgrading and if possible, paving. Last year in this honourable House we presented a petition from other residents of Fowler's Road which was followed through by the Honourable Minister of Highways and which subsequently saw the upgrading and paving of that road.

Some years ago I personally recall that the former Premier promised us that this road would be upgraded and extended to the Trans-Canada Highway and would be an access road to the Conception Bay Highway. This was never followed through. As a matter of fact, a bridge, which was at that time existing and which was serving its purpose and the purpose of the travelling public who desire to use the road, has since deteriorated and fallen into the river and is now inaccessible. That happened about four years ago, and it was never reconstructed. So the people in this area have been prevented from using this access to the Trans-Canada Highway. This petition proposes that the Department, Transportation and Communications, upgrade the road, reconstruct the bridge and make an access to the Trans-Canada Highway for the convenience of people who work in the area and who would find it more convenient to use such a road and the Trans-Canada Highway as a means of expediting their travelling to and from work.

Mr. Speaker, I wish this petition to be presented to the department which it concerns.

MR. E. W. WINSOR: Mr. Speaker, I beg to present a petition on behalf of 440 voters in the Joe Batt's Arm, Tilting Area of Fogo District. The prayer of the petition is for the upgrading and paving of the roads around Tilting and Joe Batt's Arm - the prayer is that the road be upgraded and paved in the Tilting, Joe Batt's Arm Area. The roads are in a terrible, deplorable condition and the petitioners say that the only solution is for the upgrading and paving.

Mr. Speaker, in supporting this petition, I recall in 1971 or 1972 there was work done on the upgrading and some paving done on the roads on Fogo Island. It is a great pity, Mr. Speaker, that a continuation of the upgrading and paving of other roads on Fogo Island was not carried out while the equipment, machinery and the contractor were there. There is sufficient crushed stone on the island and every day or every week now it is becoming less and less. I am afraid that if the government do not see fit within the next year to upgrade and pave that road, then they will have to go ahead and crush more stone.

I ask the Hon. Minister of Communications and Transportation to give this petition a very sympathetic consideration. Perhaps his name will get just as well known on Fogo Island as it is around Carmanville.

Mr. Speaker, I ask that this petition be tabled and referred to the department to which it relates.

MR. F. B. ROWE: Mr. Speaker, I beg leave to present a petition on behalf of the citizens of Bartlett's Harbour in St. Barbe North. Sir, the prayer of the petition is that the Bartlett's Harbour Development Committee construct a one hundred foot long by five foot high wooden dam across the outlet from a water supply called "Big Pond" in that particular community; and that the intake of the presently existing



community water line be relocated to a more suitable location in the lake and that a pump house be built and an electric pump and pressure tank be installed and that the Government of Newfoundland and Labrador be requested to provide the financial assistance to carry out this particular project. The estimated cost of the project is just about \$10,000.

Now, Sir, there is a long report from the Bartlett's Harbour Development Committee that has been sent along to me in association with this particular petition. The Hon. Minister of Fisheries has a copy of that report and obviously it would take too long a period of time to go through that particular report now but it is a very well prepared report. The essence of it is this:-

Under the previous administration a community water supply was begun or initiated under the Department of Community and Social Development and upon the election of the present administration the continuation or the completion of that particular water line was stopped. Consequently, there are a number of homes in the particular Community of Bartlett's Harbour who are still without water and there are two herring plants or two herring processing facilities in Bartlett's Harbour that have been closed up by the Federal Fisheries Authorities because of the fact they do not have an adequate water supply coming to these two plants for the purposes of processing the herring. Consequently there are at the present time sixty to eighty fishermen who are unemployed during the fall herring fishery in Bartlett's Harbour and there are thirty to forty women of that particular community who would ordinarily be employed in the two herring plants in Bartlett's Harbour.

Sir, I brought this to the attention of the Minister of Fisheries and the Minister of Municipal Affairs and Housing to see if

they could get together and work out some sort of a plan to straighten up this problem in time for the fall fishery and nothing has been done. Sir, I contacted the President of the Salt Fish Corporation to see whether something could be done to assist, with respect to getting water to these plants, and notice was too short for the Salt Fish Corporation to do anything about it this year. They are hoping to be able to do something about it during the coming winter. Sir, I also contacted the Minister of Rural Development and the minister did promise to send a fieldman into the Community of Barlett's Harbour to assess the situation there. I am not aware as to whether or not the fieldman has arrived yet but I have no reason to doubt the minister's word.

Sir, the important thing is that there are approximately eighty fishermen and forty ladies in the Community of Barlett's Harbour who are basically without employment this time of the year, with a good herring fall fishery going on, who would otherwise be employed if this water system had to be extended to the herring plant as requested over a month ago. Sir, I beg the Minister of Fisheries and the Minister of Municipal Affairs and Housing to get together and try and rectify this despicable situation as quickly as possible so that these good people can salvage something out of the fall fishery, Sir.

Mr. Speaker, I ask that this petition be placed on the table of the House and referred to the department to which it relates.

REPORTS OF STANDING AND SELECT COMMITTEES:

HON. T.A. HICKMAN: (MINISTER OF JUSTICE): Mr. Speaker, I table the report of the Royal Commission to Enquire into the Magistracy of Newfoundland and Labrador as presented by Mr. Jeffery L. Steele, Q.C. This report was delivered to all honourable members and the press and the public a couple of weeks ago and I simply do this for the records.

NOTICE OF MOTIONS:

MR. J.A. CARTER: (St. John's North): To move:

WHEREAS labour disputes abound in our Province, in spite of established procedures for resolving such disputes, and

WHEREAS it appears that there have been grave inconveniences caused to uninvolved third parties by such disputes, and

WHEREAS we are in an inflationary situation where satisfactory settlements cannot long remain so,

THEREFORE BE IT RESOLVED that a Committee of this Legislature be set up to enquire into the possibility and/or desirability of setting up a branch of the judiciary to be known as a labour court which would have the power to hear and settle labour disputes of all kinds both individual and communal and which would be so constituted as to build up a tradition of confidence and trust with both labour and management; and

BE IT FURTHER RESOLVED that such a committee be required to hold public hearings at convenient locations across this Province to hear and access the views of concerned individuals and groups.

MR. SPEAKER: I shall accept the honourable member's resolution under advisement and rule on it later.

ANSWERS TO QUESTIONS:

HON. J. ROUSSEAU (MINISTER OF MANPOWER AND INDUSTRIAL RELATIONS AND PUBLIC WORKS AND SERVICES): I have the answers to questions number 215 and 216 and 217, 285, 286, 288, 363, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 393, 394, 395, 396, 397, 398, 399 and 400.

ORDERS OF THE DAY:

MR. ROBERTS: Mr. Speaker, I beg leave, Sir, to move the adjournment of the House under Standing Order 23. I move that the House do now adjourn

for the purpose of discussing a definite matter of urgent public importance. Perhaps if one of the pages could step along, Sir, I have a written statement for Your Honour. Namely, that the House deplores the failure of the ministry to honour the promise made by the Premier that a by-election be called in the District of Hermitage which has been without representation since March 29, 1973 in sufficient time to return a member before this sitting of the House of Assembly.

HON. F.D. MOORES: (PREMIER): Mr. Speaker, with all due respect, the emergency which the Leader of the Opposition now puts on by-elections certainly was not obvious during his years in government.

MR. ROBERTS: May I ask under what Rubicon of the rules the Premier or anybody else is allowed to comment until Your Honour has made a ruling on whether this matter is in order or may be debated. Is the Premier not subject to the rules in this House, Sir, or does he not know them?

MR. SPEAKER: Order please. I feel that while this is of great interest to the general public and all members of this honourable House, with regards to a by-election in the District of Hermitage, I feel that it is not of such importance to warrant adjournment to debate same at this time.

MR. MOORES: Regarding that subject, Mr. Speaker, which I am now unable to speak on due to the ruling by Your Honour, I would assume and would hope that the opposition would ask a question so that it can be answered properly.

MR. NEARY: I have a question for the Hon. the Premier. Let us see how properly he can answer this one.

Because of the conflicting statements made by various ministers in the government concerning the disposal of Canadian Javelin shares, 84,172 shares -

MR. SPEAKER: Order please. I feel that the Hon. member for Bell Island is making a statement and his question should be more precise.

MR. MOORES: On a point of order. As this particular matter is now in the courts, the judicial courts, Mr. Speaker, I do not think it is the

business of this House.

MR. ROBERTS: Mr. Speaker, to that point of order, in what matter is it now before the courts? That matter before the courts, Sir, is an application by the government for permission or making Canadian Javelin transfer the shares. That has nothing to do with the matter which my honourable friend is referring to.

MR. NEARY: No, Mr. Speaker, what I want to ask the Premier is if in fact the shares have been sold, what price were they sold for and is the money deposited in the public treasury?

MR. MOORES: As the Hon. Minister of Finance is in charge of the disposal of stocks held by the government, I would ask him to respond to that question, Mr. Speaker.

HON. J.C. CROSBIE: (MINISTER OF FINANCE): Mr. Speaker, I am delighted to see that the hon. gentleman has such a keen interest in the subject. There should be a written question. Just to try to ease his mind a little, the shares that he mentioned as owned by the government in Canadian Javelin Limited were disposed of in July or August of this year and arrangements were made for their sale. They were sold by the government's fiscal agents, Burns Brothers and Denton Limited. The actual share certificates representing the shares - I think there are two share certificates - were presented to the transfer agent of Canadian Javelin Limited, Canada Permanent. Canada Permanent refused to transfer the shares because they were directed by Canadian Javelin Limited not to transfer them. Canadian Javelin Limited alleging that they could not be sold. Consequent upon that the government took action in the Supreme Court of Newfoundland against Canadian Javelin Limited and Canada Permanent Trust Company, the transfer agent. The pleadings have now been closed and the trial date has been set for November 26, I think it is. It is in that week. So, the monies received from the sales of the shares are still being held in trust until the matter of the litigation is concluded. Until the matter of the litigation is concluded there is no more information I can give them on that aspect of the matter.

MR. NEARY: Mr. Speaker, a supplementary question. The honourable

minister did not state what price the government received. I do not know whether he wants notice of that question. I am sure he has the information right in his head, Mr. Speaker, because this is a hot, red-hot issue with the minister.

MR. CROSBIE: Mr. Speaker, this is not a red-hot issue, it is not even a warm issue. I cannot remember. The shares, Mr. Speaker, were sold over a period of seven to ten days so that the market would not be disturbed, the market price of these shares would not be disturbed. I assure the hon. gentleman that the market price of the Canadian Javelin shares was not disturbed while the government shares were sold. I think the average price is about twelve dollars a share. I would have to - if the honourable gentleman wants to put down a question in writing, then of course I can get exact details. There are various shares sold at various times with the prices veering a little bit each time. The average is around twelve dollars, in some cases more than that. I am going strictly by memory.

MR. NEARY: I thank the minister for the information, Mr. Speaker. I would certainly welcome his invitation to put down a few questions. I do have a few that I want to ask about this matter.

Now, Sir, I have two or three other questions.

MR. NEARY: I want to direct a question to the Minister of Transportation and Communications. Would the minister indicate to the House if the experiment on the Bell Island-Portugal Cove Ferry Service sponsored by the provincial government was successful or unsuccessful? I want to know what yardstick the minister used to gauge whether or not these extra trips which were paid for by the province were successful, why they were not continued and how much did the experiment cost the taxpayers of this province?

MR. SPEAKER: I feel that the honourable member's question is one that requires a reasonably lengthy answer and as such could be placed on the Order Paper.

MR. NEARY: Well, Mr. Speaker, I wonder if I could direct a question to the Minister of Social Services, the minister responsible for gassing.

HON. A.J. MURPHY (MINISTER OF SOCIAL SERVICES): Smiling "Ed."

MR. NEARY: Will the minister inform the House what steps the department have taken to alleviate suffering and hardships of some forty families who are being evicted in the City of St. John's during the month of October? Have accommodations or shelter been found for these families? If so would the minister tell the House if his department rented accommodations or is purchasing the houses that are being offered for sale by the Newfoundland Rental Agency?

MR. MURPHY: I would have liked to have notice of that question, Sir. I know the great concern of the honourable member. That was evidenced during his term in the same department. If I could get notice I would...

MR. NEARY: Obviously, Mr. Speaker, we are not going to get very much information here today. Perhaps the minister's batting average could be a little better on this one. The Minister of Social Services again, Sir. Will the minister inform the House if a special diet for Donna LeDrew has been verified by a medical doctor?

If so would the minister state whether assistance has been granted in full to provide this special diet?

MR. MURPHY: I am just a little bit surprised by the former minister. He has brought this case out in the open again. If he wants to bring a doll over, he can go over with his comrades next week. I will say this; we went through all the processes as set up under my department. The case has been satisfactorily disposed of and any information the member wants is available in my department. I will give it to him as a very solicitous member but I am afraid that we do not basically make public all the facts pertaining to the clients of our department.

MR. NEARY: Mr. Speaker, you talk about arrogance. The minister knows and everybody else in the province knows that situation is not satisfactorily...

MR. SPEAKER: Order please! Order please! I am sure the honourable member for Bell Island is aware that when he rises to ask a question he should not enter into debate but merely ask his questions.

MR. NEARY: Mr. Speaker, I am well aware of the rules of this House but you cannot help it when you are provoked with that kind of an answer, unmercifully provoked, Sir.

Mr. Speaker, I would like to direct another question to the Minister of Social Services, that great, kind, charitable individual.

MR. MURPHY: Thank you.

MR. NEARY: Will the minister, Sir, tell the House what policy, and this question we have asked on three or four previous occasions, will the minister inform the members of the House, the elected representatives of the people, what the policy of his government is going to be in January when the family allowances are increased to twenty dollars per child per month? Will social assistance be reduced? Or will the twenty dollars per month be treated as



allowable income?

MR. MURPHY: I will tell you January 1.

MR. NEARY: There is another example of arrogance, Mr. Speaker. I am going to give up on the honourable Minister of Social Services and I will put a question to the honourable, (ignorant and stupid Minister of Social Services) I will put a question to the Premier, Sir.

MR. SPEAKER: Order please! Order please!

I am sure that the honourable member for Bell Island is aware that the word ignorant is considered to be basically unparliamentary and I would ask him to withdraw his statement or rephrase.

MR. NEARY: Sir, ignorant in the sense that the minister is ignorant of the facts. My understanding is that this is perfectly in order in this House and that is the context in which I made the remark.

Now, Mr. Speaker, seeing that I cannot get any information from the minister I will try the honourable the Premier. He has been making public statements recently about the social assistance and perhaps the Premier will indicate to this House when his promised announcement on increases on social assistance will be forthcoming. Will the Premier indicate to the House whether these increases will be in time for Christmas when they are...

MR. ROBERTS: On a point of privilege. I hate to interrupt but there has been a cameraman outside taking pictures, Your Honour, and we do have a rule as I understand it. I recognized the cameraman. He has just left...

MR. MURPHY: (Inaudible)

MR. ROBERTS: Look, would Gas'em please, shut up! Mr. Speaker, I do raise on a point of privilege, Sir. There was a cameraman outside and the rafts of police we have have not protected us. He is taking pictures. I have no objection to it. I am quite willing to consent

for our side but there is a rule that cameras cannot be allowed in the chamber, as Your Honour has told us many times, unless permission is granted.

MR. SPEAKER: The honourable Leader of the Opposition is correct. It has been a general rule that no pictures are allowed without the consent of all parties in this honourable House and I will ask one of the constables to do a check and just remind whoever the cameraman is that he is not supposed to take pictures without permission.

The honourable member for Bell Island.

MR. NEARY: Mr. Speaker, in view of the fact that the honourable Premier on a number of occasions has promised increases in social assistance allowances. I think in the last public statement that the honourable Premier made he said that it would become effective October 15, I believe it was, or was it September 15? There was a specified date. Now I want to ask the Premier when these increases will be forthcoming. Will they be paid in time for Christmas? Will they be retroactive to the date that the Premier made his original public statement?

HON. F.D. MOORES (PREMIER): Mr. Speaker, just to clarify the ignorance of the member for Bell Island and knowledge as he mentioned it previously. When I did make the statement it was that we would hope to be in a position about mid-October to clarify a new social policy. That has not been done. It will be done hopefully within the next couple of weeks. The social policy programme of the government is not one of an increase of so much in fuel allowance or any of the other specifics, it is a total, overall, new social development policy which will affect all degrees of need for those in need.

It is a major change in policy, Mr. Speaker. Hopefully it will be announced in the next couple of weeks. It hopefully will be in effect before January 1.

MR. SPEAKER: The honourable member for St. Barbe North.

MR. F.B. ROWE: Mr. Speaker, in view of the fact that the government school board transportation policy was the sole cause of indebtedness incurred by the school boards in meeting transportation costs can the Minister of Education...

MR. SPEAKER: Order please! Order please!

I am sure that the honourable member for St. Barbe North is aware that he should ask a question not prefaced by a statement.

MR. F.B. ROWE: I will abide by your ruling but I was simply giving the Minister of Education something to go on with respect to the question which I was about to state, Sir, when you stood up there. Can the honourable the Minister of Education explain why the government will not pay one hundred percent of the deficits incurred by the school boards in meeting the transportation costs instead of the fifty-fifty shared-cost agreement that the minister stated in the past week?

HON. G.R. OTTENHEIMER: Mr. Speaker, the government is not

MR. OTTENHEIMER: acting in the manner outlined by the honourable member because it is the government's policy as announced a couple of days ago that for this present year for school boards incurring a deficit, there will be an option open to them, either of making up that deficit, the fifty split between the Provincial Government, and the school board or that the public treasury will pay ninety-five per cent of the total authorized transportation cost, whichever is to the benefit of the school board and the reason that there is the option is that while for most school boards the fifty-fifty split is preferable, for a couple the ninety-five per cent payment through public treasury of the total authorized transportation cost is more advantageous.

MR. F. ROWE: Supplementary question, what does the minister mean exactly by the authorized transportation costs? Is that according to the formula?

MR. OTTENHEIMER: Legitimate transportation costs as defined in the statute and the regulations, the bona fide transportation costs for which the government assumes financial responsibility. In other words, not any and all transportation costs which were never covered - the authorized, the legal ones, the ones covered by statute and regulations.

MR. F. ROWE: Mr. Speaker, I am kind of confused here, a supplementary question. Would not the government assume full responsibility for authorized transportation costs anyway?

MR. OTTENHEIMER: Under the present formula, no. The whole thing has had an evolution. First there was the ninety - ten, under the previous administration, then shortly before the election it was one hundred per cent and then another formula had been introduced. There will be a new one next year.

MR. SPEAKER: The honourable member for Fogo.

MR. E. WINSOR: Mr. Speaker, may I direct a question to the honourable the Premier? Would the Premier care to inform the House what discussions took place between himself and the honourable Jack Davis, the Minister of Environment, this morning? Was it a friendly get together or discussions pertaining to the fisheries?

HON. F. D. MOORES (PREMIER): Mr. Speaker, just as a point of general information which is really what the member is asking I think and rather than slub over the honourable gentleman's question, I will try to do the best I can. Mr. Davis is having a public meeting this afternoon, as the member is well aware.

The discussion primarily was around the management of the Continental Shelf, Canada's position, and Canada's position as outlined by Mr. Davis is acceptable to the provincial government.

MR. SPEAKER: The honourable member for Labrador North.

MR. M. WOODWARD: Mr. Speaker, I would like to direct a question to the honourable Minister of Mines and Energy. I would like to ask the minister what part will the new company that is being fitted up by Dr. Stu Peters, a company called the North Power Company, play in the development of the Lower Churchill, the hydro potential on the Lower Churchill? I would also like to ask what place are we now in the negotiations of that development with the BRINCO Organization? I would also like to ask the minister if he can inform the House what part this province will play in financing that development?

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

HON. L. BARRY, Minister of Mines and Energy: With respect to the North Power Company, that company to my knowledge has no commitment or agreement or contract with government relating to the Lower Churchill and the honourable member's question could more properly be directed to the members of that corporation.

MR. WOODWARD: It will.

MR. BARRY: As far as the negotiation with BRINCO concerning the development of the Lower Churchill is concerned, this is presently in abeyance pending the report of the consultants on this feasibility study which is presently underway and which study we hope to have completed by the end of December.

With respect to the Provincial Government financing of the Lower Churchill development, this question cannot be answered until the feasibility study has been received, but if I could say one thing

in clarification of the first question; the North Power Corporation, one of the members who is now, according to the newspaper reports, a shareholder or has some connection with this company, Doctor Peters, has been sitting in, not at all times but at times on the management committee meetings of this feasibility study because certain -

AN HON. MEMBER: Conflict of interest.

MR. BARRY: There is no conflict of interest. Possible purchases of power were brought to the attention of the province through this gentleman's mediation or intervention.

MR. WOODWARD: A question to the Premier -

MR. ROBERTS: No, not yet. The Premier is quite right, not yet.

MR. SPEAKER: Order please!

MR. WOODWARD: A question to the Premier, Mr. Speaker, seeing that I did not get the answer that I was looking for from the honourable Minister of Mines and Energy: The Premier stated, at a luncheon meeting held on October 23, that the North Power Company controlled by John Shaheen is putting the government in contact with trigger industries, (I guess it is) interested in using power from the Lower Churchill. Could the Premier tell the House what the cost of such a service is? This is the involvement that I was looking for.

MR. MOORES: Mr. Speaker, at the present time we have no commitments for any industries, nor any formula agreed to between the government or any other third party. That cannot be answered because the knowledge is not available. At which time it is relevant or is a fact it will be made know to the public and to this House.

However, Mr. Speaker, I would like to say in further clarification of what is being said about the Lower Churchill power, as the honourable gentleman knows, Zinder Deshmont are doing a feasibility study to see the cost to bring that power to the province and I can assure the honourable opposition and the people, but particularly in this case, Mr. Speaker, the opposition, that it is not the intention of the government to give away the power as was the case in the past. If we develop it, it will come to the province for the people.

MR. WM. ROWE: Mr. Speaker, arising out of some information given by the Minister of Mines and Energy, may I put a question to the Premier? Would the Premier inform the House whether Dr. Stu Peters has done any consulting work for pay for the government since his resignation or otherwise since his resignation some months ago?

MR. MOORES: Not to my knowledge, Mr. Speaker.

MR. SPEAKER: The honourable member for Bonavista North.

MR. P. THOMS: Mr. Speaker, I would like to direct a question to the honourable Premier. Did the Premier inform this House if he has received a letter from the Chairman of the Community of St. Brendan's pertaining to the fuel storage facilities? If so, have the government made any plans to date?

MR. MOORES: Mr. Speaker, my office did receive representation from St. Brendan's in this regard. We have written Irving Oil and asked them if they would consider certain measures and we are awaiting their reply.

MR. SPEAKER: The honourable member for Twillingate.

MR. G. GILLETT: Mr. Speaker, may I direct a question to the honourable Minister of Transportation and Communication? Does he have a definite date for the completion of the causeway linking New World Island to Twillingate Island? Dates have been given but does he have a definite date now, please?

HON. T. HICKEY: November 10, Mr. Speaker, is the present date for completion.

MR. SPEAKER: The honourable member for Labrador North.

MR. WOODWARD: Mr. Speaker, I would like to direct a question to the Hon. Minister of Transportation and Communications. In the light that the Federal Department of DREE have expressed their willingness to help finance a bridge across the Northwest River in my district, could the minister inform the House if the province will go along with the DREE suggestion?

HON. T. P. HICKEY (Minister of Transportation and Communications):

Mr. Speaker, if the honourable gentleman has some communication from the Hon. Mr. Jamieson, giving a commitment of the federal government's involvement, then I would like to see it. Mr. Rompkey made a public statement about four days ago saying something similar, that there had been a commitment. I have communication from Mr. Jamieson of their desire and willingness to have a survey, nothing more than that and nothing further; certainly far from a commitment from the federal government to get involved financially. The only thing I can say to my honourable friend is that we have done a survey already. We are most anxious and willing to do a further study and provide Mr. Jamieson with the information that he requests. This must not be misconstrued as a go-ahead for this project because I do not read it as such and there is no firm commitment.

MR. WOODWARD: Sir, will the province go along with the request of DREE to do a study and will it be done this year?

MR. HICKEY: Mr. Speaker, I have just said that we are most willing and anxious to do so but this is not an indication that the project is going to go ahead because we do not know what the financial arrangement is and we have no commitment from the federal government.

MR. F. B. ROWE: Mr. Speaker, I would like to direct a question to the Hon. the Premier. On October 23, the Hon. the Premier stated publicly that the loan programme for the students at the university would be kept up as long as is necessary. Sir, I was wondering if the Premier could indicate what he means by this and does this mean that the government is considering changing the present arrangement or formula that is in use for the student aid programme or student loan programme?

MR. MOORES: Not at all, Mr. Speaker. The assistance at the university is always under review. What was meant at that time and being misquoted, or having a quote in some of the local medias, their interpretation of it may not be the same as the quote made at all times - what was intended



here was that the loan programme is as is. What I think I said at that time is that the committee that was set up was to see why the reduction in enrollment. Once those reasons had been established, if the reduction of the government's participation such as it was last year was a major factor, we would then be reviewing that situation because we do not want our policies to be such that those policies will be responsible for a drop in enrollment. After that committee's report is brought in, our position will be given again at that time.

MR. F. B. ROWE: Mr. Speaker, a supplementary question. Is the Hon. Premier suggesting that if it is found that the change in the student aid programme was a significant factor in the reduction of student enrollment that the said administration would give consideration to reverting back to the original formula that was in use?

MR. MOORES: Or another formula - certainly, very serious consideration, Mr. Speaker, yes.

MR. F. B. ROWE: Thank you, Mr. Speaker.

MR. E. ROBERTS: Mr. Speaker, a question for the Premier. He earlier more or less invited me to ask him a question about Hermitage and I should be delighted to do so. Could the Premier tell the House, Sir, whether the writ has been issued for the by-election in Hermitage and if not, when the government intend to issue it and if so, when the election is to be held?

MR. MOORES: Mr. Speaker, the writ has not been issued.

AN HON. MEMBER: The other one has not either.

MR. ROBERTS: Soon we hope.

MR. MOORES: The situation as far as Hermitage is concerned is that I made a comment to the effect that it will be called before the next major sitting of the House; major being when we are here

for a prolonged sitting, which means within the next few months. Certainly it will not be left as long as some by-elections in the past. As a matter of fact it is almost unfortunate in one way to call it at all because between government attention and opposition attention, Mr. Speaker, I am quite sure that they are getting a service better than any other district in the country right now. I think we could almost have a unanimous support for the District of Hermitage, if the threat of an election were always there. However, Mr. Speaker, it will be called in the very near future.

MR. ROBERTS: Mr. Jim Reid slipped and fell the other day and they nearly paved him into the ground.

MR. MOORES: Mr. Speaker, if I might make a comment on the fact that Mr. Reid slipped the other day and they nearly paved him into the ground, that I might say is a unique experience in Hermitage where there has been no paving before.

MR. ROBERTS: Ah, Ha! But James Reid and Sons have the contract to do it.

MR. SPEAKER: Order please!

Motion second reading of a bill, "An Act To Govern Collective Bargaining Respecting Certain Employees In The Public Service In The Province."

MR. CROSBIE: Mr. Speaker, I rise to move second reading of this legislation, which legislation contains, Mr. Speaker, great advances in the collective bargaining law of this province for public servants in this province and as the honourable gentlemen opposite have just mentioned, major reforms, because that is the case and that is what I hope to outline to the House in the next few minutes. The act will be known, if the House pass it, as "The Public Service Collective Bargaining Act, 1973."

Now, Mr. Speaker, what was the state, what was the situation, what were the circumstances that surrounded collective bargaining in the public service of this province before the Moores' Administration took over in 1972?

In other words, what shape had the Liberal Administration left the public service bargaining apparatus of this province? What laws were there in effect? What was the system? What was the situation? What had they done? What were we faced with? What are we now proposing? What have we done since?

MR. NEARY: What did the honourable member do when he was a member of the Liberal Reform?

MR. SPEAKER: Order!

MR. CROSBIE: Mr. Speaker, the honourable gentleman can interject if he like. I would like to speak for a while uninterrupted. If he should want to have a general melee, I shall engaged in that also. I have never been unwilling to do so. At the moment I believe that this is a serious matter that I want to deal with in a serious way. If the honourable gentleman should persist in interrupting, I shall give him as good if not better (usually it is better) than he gives and it will only interfere with what we are discussing here today.

MR. NEARY: (Inaudible).

MR. SPEAKER: Order please! The Hon. member for Bell Island is well advised to leave the Chamber, having uttered statements of that nature. Statements of that type will not be condoned.

MR. NEARY: I am not worried, Mr. Speaker. I am staying in the Chamber. Nobody is going to scare or frighten me in this House.

MR. W. N. ROWE: Would the Speaker mind explaining his ruling there a moment ago?

MR. SPEAKER: Yes, indeed the Speaker will.

The Hon. member for Bell Island uttered a term or in a very derogatory manner referred to some honourable member to my left. Statements of this type will not be condoned.

MR. NEARY: I shall go now, Mr. Speaker, without having insults flung at me.

AN HON. MEMBER: Very touchy today.

MR. CROSBIE: Mr. Speaker, I think the best thing is to ignore the honourable gentleman and just carry on.

Now what was the situation the honourable gentlemen opposite left us with when they resigned - these freedom fighters? We saw on television last night a freedom fighter. The Hon. Leader of the Opposition who had been deep in slumber all summer awoke a day or two ago and he is now out to save the province from some terrible atrocity that is supposed to be contained in this bill that is now before the House. The freedom fighters, those great friends of labour, how did they leave the situation when they vanished from our midst and the hallowed portals of government in January, 1972, after clinging on with their teeth and their toenails from October, when they were repudiated by the Newfoundland people, until January 18? How did they leave it? What was the situation?

The situation was that we had a piece of legislation on the books, the hospital employees legislation passed in 1967, which forbade any strikes in hospitals whatsoever, which had very severe penalties if any one in a hospital ever went on strike and which provided no other method of solving disputes than collective bargaining in hospitals, if disputes were not settled in the regular course of negotiations. That was one situation.

Then they left on the books the Public Service Collective Bargaining Act, passed in 1970, Act. No. 85 of 1970. They had passed in 1970 a Public Service Collective Bargaining Act that was so bad, that was so atrocious, that was so onerous, that left so much power in the hands of the government that the unions concerned in these matters in the public service of Newfoundland and the hospitals of Newfoundland did not want the legislation proclaimed. It had a clause in it where it only came into effect upon proclamation by the cabinet. It was never proclaimed.

Now the honourable gentlemen opposite sometimes point out that they were not in the cabinet in 1967 when the hospital employees legislation was passed and I was in the cabinet.

AN HON. MEMBER: (Inaudible).

MR. CROSBIE: These are irrelevancies.

AN HON. MEMBER: (Inaudible).

MR. CROSBIE: From 1969 on we were advocating its repeal.

But the honourable gentlemen opposite were in the backbenches then and they supported that legislation and the freedom-fighter from Bell Island never said a squeak against it when it went through in 1967. Now what did he do when he was in the cabinet? Did he act on these great points of principle that he now espouses? No!

In 1970 while the Hon. member for Bell Island, the Hon. Leader of the Opposition, the Hon. member for White Bay South were in the cabinet and the Hon. member for Fogo, what did they do? They worked

mightily to produce a reform that would give the labour movement and the public service what it wanted and the mountains squeaked and produced this Public Service Collective Bargaining Act of 1970 so bad that it was never proclaimed. Why was it not proclaimed? It was never proclaimed because everthing, everything, Mr. Speaker, was left in the hands of the cabinet. In that act, Section (5) the government would decide by regulations whether anyone would have the right to withdraw their services and they can only withdraw their services in the manner and to the extent prescribed by the regulations. That was Section (5). In Section (7) of that act, that Magna Charta, (Magna Carta) which reminds me of the honourable member for St. John's North who has demonstrated his concern with the situation by introducing his motion today. It shows that one member is thinking. But our back benchers are constantly thinking on the problems of the day.

In Section (7) of that act, the Lieutenant-Governor-in-Council could make such regulations as they wished r-specting the recognition of bargaining units, if they could recognize them or not recognize them, to prohibit employees from organizing and negotiating, as referred to in Section (4), except in accordance with the act and the regulations. They could prohibit employees from withdrawing their services except in accordance with the act and the regulations. They could prohibit bargaining units from withdrawing services or encouraging such withdrawal except in accordance with the act. They could prescribe the manner of negotiations. They could prescribe how and to what extent withdrawal of services may be effected pursuant to Section (5) of the act, and the conditions to which such withdrawal would be subject. They could designate employees or classes of employees whose services shall not be withdrawn, they could. They, the cabinet, the Lieutenant-Governor-in-Council, could do all of this under this great Liberal Magna Charta. We understand that they are going to oppose this legislation today, it has pernicious principles. Some great things need to be changed, we hear. We are waiting to hear just exactly what they are, because their feelings and thoughts have certainly changed since 1970 when this went through.

Then they were going to designate by regulations, as I said, those who could not withdraw their services. Then in Section (m) they are going to

pass regulations whereby they could declare a state of emergency in the public service or any part thereof and forbid withdrawal of services and so on by regulation. In the regulations they were going to provide what penalties there would be. It was not enough the penalties would be in the act. They could prescribe penalties for failing to comply with or otherwise contravening any provision of the act and so on and so on. There is no need to go into detail. It was never proclaimed. Naturally it was never proclaimed. It was certainly unsatisfactory to the unions concerned and the Public Service of Newfoundland, and they never did have the gall to proclaim it, and it never became effective and it was never proclaimed by us.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: I am leading up, if the honourable gentleman will listen. If the honourable gentleman will listen, he will learn. They do not want to hear about the past. They only want to hear about the present because now they are out of office and they can be as irresponsible as they like. Well they are going to hear a little bit more history. What was the position in the civil service when we took over? The Labour Relations Act, Mr. Speaker, did not apply to the civil servants, Section (68) of the Labour Relations Act states, and still states that it does not apply to the civil service of Newfoundland. That was the position in 1972 and still is, which this bill before us today will change. Section (68) of the Labour Relations Acts said "The Act does not apply to Her Majesty in right of a Newfoundland, or employees of Her Majesty in right of Newfoundland." That was the position under the Labour Relations Act. They could not strike. They could not bargain. They could not go to conciliation unless a voluntary recognition was given. So the Labour Relations Act did not apply. The hospital workers were forbidden to strike. The Public Service Act was not proclaimed. There was no legislation governing collective bargaining with teachers but there was legislation passed with respect to the police and fire departments under which the police and the firemen do not have a right to strike, they go to arbitration.

Now that was the legislative scene when we took over this government in January of 1972 and what have we done since? We have passed the Teachers' Collective Bargaining Legislation, agreed to by the teachers. That has passed.

is in effect and in operation, and it was passed several months ago. We did considerable work, Mr. Speaker, on the legislation now before the House. We have initiated a series of reforms in the civil service and improvement of benefits which have nothing to do with collective bargaining. I will just cite several incidents. There is the situation with respect to equal pay for equal work. That was a principle espoused but not in effect when we took over the government. Then it was a principle that applied unsatisfactorily because it only applied to each unit in which there were men and women working. It did not apply throughout the service and we have since implemented it so that it applies throughout the service so that women doing similar work to men throughout the government service get the same pay. That has resulted in the last two years in increases for many female employees of the government and the hospitals of well over one hundred per cent.

There was the question of Labrador allowances which was in shambles before we reformed it this year. Each department had different rules and regulations as to what you would get as a Labrador allowance if you were a government employee working in Labrador. That has now been unified so that everyone receives the same \$1,200 if married and \$600 additional if not married.

We have passed a Public Service Commission Act which will be proclaimed as soon as we have people experienced in this field become commissioners and to implement it which changes completely the approach of the civil service, and many other things have been done and proposed by this government that have improved the situation.

But perhaps more than anything, Mr. Speaker, the change of government that removed the dead hand of repression and fear that was on this province in January of 1972 has resulted in a great change. The atmosphere before that change of government was bad as I have every reason to know because I was in every nook and cranny of this province in 1969 and after 1969 and saw it with my own eyes and experienced it. I saw people turn pale if you spoke to them because they were afraid of what Mr. Smallwood and his agents might do to them if they were known to be against him.



AN HON. MEMBER: Inaudible.

MR. CROSBIE: The honourable gentleman can scoff, and let him scoff because he does not know what the situation was.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: So, Mr. Speaker, there was an atmosphere of fear and repression which was removed from this province with the change of administration. That of course has not made labour relations any easier, it has made them more difficult because the labour movement know they are dealing with a government who do not believe in that kind of tactic and with a government who are trying to meet wherever we can in the light of what we think to be the public interest to meet their requirements and to introduce a new atmosphere.

MR. NEARY: This is a new party with a new leader.

MR. CROSBIE: Now, Mr. Speaker,

AN HON. MEMBER: Inaudible.

MR. CROSBIE: There are many other things I could mention that we have changed but I will not.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: If the honourable gentleman is going to get - I will hear all about that in a minute. I will leave that little bit until later, as the honourable member is getting impatient.

Now, Mr. Speaker, I want to clarify one thing right here and now: That this legislation, the draft bill now before the House was made available to interested parties last April. On April 27, 1973 a letter with a copy of the draft legislation went to Mr. Tom Mayo, Provincial Representative of CUPE, Mr. John Peddle, General Manager of NAPE, and to Mrs. Elizabeth Wilton, President of the Association of Registered Nurses and within a week a copy of the bill was delivered to Mr. J. Walsh, Local Representative of the IBEW. These are all unions who are involved in negotiating with the public service. The only reply received, the only reply received for the draft legislation was from NAPE. NAPE wrote back on May 1, wrote me on May 1 outlining certain points they thought should

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be changed or could be corrected. They met with officials and with the Treasury Board who went over these points with them. Some of the changes suggested were adopted and others, after discussion, appeared not to be needed

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and I think that most of their substantial changes were met. There was no opposition, no opposition by NAPE at that time to the principles of this bill. Whether or not there is opposition by them now will be interesting to see. The Newfoundland Federation of Labour and CUPE having come out against the whole principle of the thing.

Certainly on May 1, 1973, there was no opposition to the principles of this bill, as far as I know, from NAPE and they suggested some changes. We heard from not one of the other parties from the end of April to this week. The House was said to be meeting on October 25, to discuss this bill, and copies were given to NAPE last Saturday and I think to CUPE and others interested on Monday and I myself, Mr. Speaker, attended at the opposition office Monday at twelve noon and left there eight copies. I delivered one personally to the honourable member for St. Barbe North. Yet last night I heard on television the Leader of the Opposition state that no copy was made available to him nor came into his hands until the day before, in the middle of the day.

That was correct because the honourable gentleman was not in town apparently and did not get back until Tuesday but on TV he conveniently forgot to mention it so that he could give the impression that the opposition had just gotten the bill the day before. The Opposition had the bill on Monday, at noon.

Now since these copies, Mr. Speaker, in addition there is one change in this bill between the draft presented to the various unions last April and the draft now before the House of the suggested bill; and that is in Section (23) (3), which I shall come to later. Otherwise there is no change.

MR ROBERTS: Would the minister permit a question, please?

With the exception of Section (24) (3), this printed bill which we now have is the same as the one distributed last April? Is that

right?

MR. CROSBIE: Right. Yes. Section (24)3.

As I say we had some submissions and suggestions from Nape then. Since then, Mr. Speaker, we have had a meeting yesterday, I believe it was yesterday, with Mr. Peddle and Mr. Locking of NAPE and have gone over the bill and they made some further suggested changes. They suggested twenty-three altogether of which we have accepted seven. Some of the other we did not think were necessary. Mr. Locking did say yesterday, as a matter of course when opening the meeting, that NAPE is opposed to compulsory arbitration. That is the first time we have heard from it. I do not know whether they will hold to that but we met with them yesterday and we met this morning with Mr. McMillan and a large group. Several from the Corner Brook Hospital, several from the Grand Falls Hospital, Mr. Hughes and Mr. McIntyre of the Canadian Union of Public Employees and representatives from those several hospitals. They told us of their opposition to the bill because they are against it in principle. I will come to that in a moment. They are really against this bill in principle.

We also discussed various sections and I have assured them that if this bill is passed by the House the bill does not have to stay in this form forever, that if provisions of the bill or systems provided by the bill turn out to be not effective or objectionable, that they can be amended and that in any event, with the review of the labour legislation of the province generally now being conducted, that if there are changes in the new Labour-Relations Act that have application to this bill, the changes to this bill if it is passed would be made also.

Just before passing on, Mr. Speaker, I would like to explain that there was, of course, a system of collective bargaining in the public service which started, I suppose around 1969 or 1970. The treasury board have a division, the Collective Bargaining Division. That division is headed by Mr. Blanchard. The three

principal people who do the government's negotiating are Mr. Blanchard, Mr. Norris and Mr. Alcock. The cabinet ministers on the treasury board do not do any negotiating they are only there to give guidelines to our negotiators. Our negotiators are the full-time professional people who work for the government in the Collective Bargaining Division.

They have every year now these thirty-four sets of negotiations to do. Since the press and the media only appear to be interested in the negotiations - the honourable gentleman has an agent there, has he? Since the press and the media only appear. Mr. Speaker, to be interested in disputes and when there is trouble (as one might expect) and not when matters are settled it might be of some use just to give a run-down on the collective bargaining position this year.

Altogether there had to be thirty-four negotiations with different bargaining units. To date, collective agreements ratified number eighteen. The Newfoundland Teachers' Association; the Newfoundland Constabulary; the Firefighters; the Warders at the Penitentiary; Newfoundland Farm Products Corporation; the General Hospital Corporation; The Janeway Childrens' Hospital Corporation; the Childrens' Rehabilitation Centre; St. Clare's Mercy Hospital (now signed after a strike); the open-vote employees of the government; the Association of Interns and Residents; the Fishermens' Food and Allied Workers Union in the Burgeo Fish Plant; the same union and Coastal Foods Limited; CUPE and Western Memorial (settled after a strike); CUPE and the Central Newfoundland Hospital (settled after a strike); the Brotherhood of Electrical Workers and the Power Commission (settled); Lab and X-Ray, which I will come to in a few minutes, (there is now a strike on); the St. John's Operating Engineers and the Roman Catholic School Board. All of those with the exception of the four I mentioned where there were strikes were settled successfully.

Collective agreements have been arrived at but not yet ratified. Hopefully they will be by the Registered Nurses, the Hospital Association and Treasury Board; by NAPE and the Liquor Corporation. The general service is still not settled although a collective agreement was reached but was not ratified.

There are negotiations in progress in three others at the moment - Waterford Hospital; Vocational College Instructors; the Harmon Corporation and there are nine more sets of negotiations pending. The Collective Bargaining Division of the Treasury Board have a monumental task to attempt to deal with all these separate sets of negotiations. While it is being very much to be hoped that they would all be settled amicably, unfortunately it cannot be done.

Now, Mr. Speaker, let us come to the main principles of the bill. Every government, Mr. Speaker, have to weight and decide what it can and cannot do in view of the public interest. There are more rights involved in this legislation and in this situation than the rights of employees and of unions. Yes, they have rights. Yes, we recognize their rights. We have recognized them far more than they were ever recognized before in this province but we also have to remember that they have responsibilities and that the public have a right to be protected in situations where their health and safety and security could possibly be endangered by a cessation of a public activity. Every government have to face that situation.

This government, Mr. Speaker, are not prepared, because we feel that it is not in the public interest, to have a situation in which every public employee and every hospital worker and all those involved in this process can go on strike regardless of the public interest and what effect it may have on the public. We do not accept that principle. Perhaps

honourable members opposite do. We will see if they now accept that principle.

We believe that there should be a system of collective bargaining in the public service that is as free and unrestricted as possible but that there are some situations and some circumstances where the right to strike must be cribbed, cabined and confined. This legislation, if passed by the House, gives the civil servants of this province, government employees and those who work in hospitals the right to strike. It gives them a right that the civil service and government employees do not now have. Government employees now cannot strike legally. It gives them and makes legal the right to withdraw their services, consorted withdrawal of services or a mass resignation which is nothing more than a consorted withdrawal of services. This is what this legislation does.

Yet I see in the newspaper Mr. Mayor, for example, saying that it is going to make the members of his union second class citizens, a statement which is just not true and is just not correct. This is legislation that is going to give far more rights, liberties and freedoms to the government employees of this province.

There are two main areas where this government feel and many other governments do, that we cannot just give a blanket right to strike.

In Section (10) of this bill, dealing with one important area, we say in this legislation - and this is our policy - that there are certain employees in the public service who are essential. We are not saying in this bill that we are going to decide who is essential. It is not the Lieutenant Governor-in-Council, the Cabinet, the government that is going to decide whether they are essential or not. We have left that decision to the Labour Relations Board.

So, Section (10) of the legislation states that upon certification of a bargaining agent or if this is passed - by the way, if the legislation is adopted, all unions we deal with, now certified under the Labour Relations Board, are automatically certified under this. If unions are recognized under this their position remains the same. The board shall request, the Labour Relations Board shall request the employer of employees in the unit to and such employers shall as soon as practical after receiving

the request, provide the board and the bargaining agent with a statement in writing of the employees or classes of employees in the unit represented by the bargaining agent who are considered by the employer to be essential employees - we cannot suggest anyone is essential - that is to say employees whose duties consist in whole or in part of duties the performance of which at any particular time or during any specified period of time is or may be necessary for what? For everything under the sun? No. For the health, safety or security of the public or otherwise in the public interest. Those words are, of course, to be interpreted in accordance with health, safety or security.

So, what would happen, Mr. Speaker, when the legislation is passed? We would or the employers would present the Labour Relations Board with a list of the employees in the bargaining unit they think are essential for the health, safety or security of the public. They have to give a copy to the union. If the union object to these people to be deemed essential, they report that to the Labour Relations Board who will have a hearing. The Labour Relations Board which consists of an independent chairman and two representatives of the labour movement and two representatives of management will decide whether they think the employer's submission is right, the unions submission is right or whether it is somewhere in between.

Now it might be that the hospital or the government - let us take an example of the X ray and lab technicians - may submit to the Labour Relations Board that some number or some percentage of x-ray and lab technicians in a particular unit, some minimum number are essential, are necessary and essential to carry on emergency services. If the unions object to that, the board would have to decide whether this is so or not and whether it is necessary for the health, safety or security of the public or otherwise in the public service. Now, with respect to employees found to be essential by the Labour Relations Board, if we cannot agree they are not permitted to strike.

Now, the employees do not have to be designated by name. The board may say that it is ten per cent in this unit or fifteen per cent



in that one or such and such a percentage of this particular bargaining unit or some particular group who must remain on service because of this public health, safety or security aspect.

This is not something alone in the Newfoundland Legislation. Similar provisions exist in legislation of the Government of Canada and the Government of New Brunswick.

Anyway, the effect of the section would be that such employees found by the Labour Relations Board to be essential, that number of any particular unit or whatever could not strike if there were a strike. The rest of the employees in the unit could but this minimum number would have to stay to operate public facilities necessary for the health, safety or security of the public. These employees would receive whatever settlement was arrived at if this strike action were necessary by the other members of their bargaining unit.

We have an amendment to propose which was suggested by NAPE which seems to cover a gap we had in the bill there. The question was asked, what will happen if over fifty per cent of the employees of the unit are deemed to be essential? There is obviously not much point in a strike if that did happen, if the Labour Relations Board found that. So, what is their remedy? Well, it was not clear in the bill so we will be suggesting an amendment so that if that situation should occur, and we do not know whether it will or not, I doubt that it will - if it should that after all collective bargaining procedures have failed including the conciliation board and there is still no settlement, they will be entitled to go to arbitration.

Now, what is the other area of the legislation, Mr. Speaker, that is objected to so much by CUPE in particular? The other section is section twenty-seven. Section 27 is to the effect that where the Lieutenant Governor-in-Council is of the opinion that a strike of employees is or would be injurious to the health or safety of persons or any group or class of persons or the security of the province, he may proclaim that from and after the date stated in the proclamation a state of emergency exists and forbid the strike of all employees or any class or group of employees specified in the proclamation, and may order the employees

or any class or group to return to duty either immediately or at such time as may be specified in the proclamation.

Now, Mr. Speaker, in our view there obviously has to be some power in the bill given to the government to allow us to exercise some discretion because of what we hope will be the very rare situation when such an emergency may arise. It would not be safe in our view to proceed without some kind of safeguard like this. Mr. Speaker, I can assure the House that we, the government, do not want compulsory arbitration in any situation where it can possibly be avoided. We will avoid it. We do not relish and we do not intend and we do not want to put the treasury of this province in the position where what is going to come out of it is going to be determined by some three man or three woman arbitration board. We do not want compulsory arbitration. We are not pressing for it. We will not seek to go to compulsory arbitration. We have to be in the last extremity before we would even consider it. We do not want three strangers who have no responsibility whatsoever to the people of this province or to us deciding what we are going to pay in wages and salaries or otherwise. That is just a statement of pure fact.

The unions do not want compulsory arbitration. CUPT does not want it. The Newfoundland Federation of Labour does not want it and NAPE said yesterday they do not want it. None of us want it but there has to be some device left where there are workers, essential workers, where an emergency arises that affects the health and safety of the people of the province. There has to be some other means used to settle a dispute that cannot be otherwise settled. To us it is only common sense. Surely it would not be argued that we should have no control at all and that this should just be thrown wide open and that no measures at all should be taken by us so that we can try to protect the public when that situation does arise. Hopefully it will be very infrequently.

So, these are the two areas in the bill, points of principle that seem to have aroused the opposition of CUPE and the Federation of Labour and perhaps NAPE too.

Well, the position is that we have listened to their arguments

and we have listened to their submission and we cannot agree with them. We cannot always agree with the labour movement nor the individuals units of it. In these particular instances we do not agree and therefore we must present the legislation to the House which contains the principles that we think we should be guided by. If experience show that there is something wrong with this or if experience show there is some better way of doing it, then certainly we are open to be talked to about it and to listen to it.

Now, the rest of the bill, the major principle of the bill is one that if passed will permit public servants to strike except in that instance that I have mentioned or the two instances where there should be interference with that. The bill would apply to the government of the province and agencies boards, commissions, corporations and other bodies as the Lieutenant Governor may designate, crowned corporations that are designated, the Public Utilities Commission, the Workmen's Compensation Board, Computer Services and corporations, bodies or authorities managing hospitals. That is who it will apply to.

MR. CROSBIE: Now some of the bodies that it would apply to . If the list were completed it would probably be them all. If passed, the cabinet would likely designate the following: the Newfoundland Liquor Coporation, the Power Commission, Farm Products, the College of Trades, the College of Fisheries, the Medical Care Commission, the Fisheries Loan Board, the Farm Development Loan Board, the Marketing Board, the Public Libraries Board, the Rural Development Authority, the Civil Service Commission, the Newfoundland and Labrador Housing Corporation, St. John's Housing Corporation, Harmon Corporation, Newfoundland and Labrador Development Corporation, Egg Marketing Board, the St. John's Metropolitan Area Board, the Provincial Planning Appeal Board, the Human Rights Commission, the Corner Brook Housing Corporation. These would be agencies that would come under it or that would be designated. It is not intended that it apply to others.

There is no decision being made on the Cabinet. These would be the kinds or corporations that would be suggested to the cabinet should come under it. As I say, the Workmen's Compensation Board and the hospitals, the hospitals are already included in the act. That is who the act would apply to.

The minister who would administer the act is the Minister of Labour. The President of the Treasury Board is charged with the responsibility for conducting collective bargaining carried out under or by virtue of the act. As I say, Mr. Speaker, the President of the Treasury Board does not involve himself or engage in collective bargaining. We are there to give guide lines, and the Premier - yes, the Premier has to be involved when an emergency arises or some serious situation evolves.

MR. ROBERTS: Inaudible.

MR. CROSBIE: Do not stop me when I am trying to - you know, later on. I will tell you I am getting pretty battered, not from the rug pulling but I am getting punchy. I give up! I hope I do not have to have

a lab or x-ray examination within the next few days.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: The honourable gentleman looks like he just had one.

Now, Mr. Speaker, not to go into detail on the bill, then the bill proceeds to describe how you can become certified if you are not certified now, the kind of thing that is in the Labour Relations Act. You have to gain a majority in a unit and then you can become certified and act as a bargaining agent. All these normal things are there.

Section (9) protects all bargaining agents for employees who are now certified or recognized under the Labour Relations Act who would come under this act and all collective agreements now in force and in effect would be deemed to be collective agreements under this act.

I have mentioned Section (10) dealing with essential employees and the position of the Labour Relations Board in it. What we were planning to do with the legislation if passed, is during the next three to four months we start immediately but hopefully within the next three or four months the Labour Relations Board would have before it any questions that arose as to who are essential service employees and have that all settled in the next three or four months. We do not propose to wait ten months or a year but to get at it right away to try to get settled who are essential and who are not so that we will all know where we are and see how satisfactory that process works before the board where we cannot agree.

It is important to realize that it is not in our hands, it is in the hands of this independent Labour Relations Board. Then the bill proceeds with various clauses that are common to the Labour Relations Board about collective bargaining. It provides for conciliation. It provides for the appointment of conciliation officers and the appointment of conciliation boards. The Minister of Labour can appoint conciliation boards, he can under the Labour Relations Act. Each side nominates a candidate and if they agree on a chairman, that is the board, if they

do not the minister appoints - no wait now, no it is not the minister, I think it is the chairman - yes it is the minister. The minister appoints a person as member and chairman of the conciliation board.

There is the usual provisions about conciliation boards and their procedure. By the way, we have agreed to certain amendments. The minister may request the conciliation board to reconsider and clarify or amplify. We are going to change that, at the suggestion of NAPE, to instead that he may do it upon the request of either of the parties.

But these are all normal provisions. Until we get to Section (23) - these are conditions precedent before strike action can be taken. There will be one or two amendments suggested there.

The bargaining unit will not be able to strike until fourteen days elapse from the time the report of the conciliation board is received by the minister, if our amendment is accepted.

MR. ROBERTS: Could we have these written out?

MR. CROSBIE: Yes, I will give a copy to the honourable member.

Under Section (24) no strike is to be taken by an employee unless a majority of the employees in the unit vote by secret ballot in favour of a strike and (b) until seven days have elapsed from the date on which the bargaining agent gives notice to the Minister of Labour that a majority of the employees in the unit have so voted.

We are requiring in this section that before there is a strike there should be a vote by secret ballot and a majority of the employees of the unit should vote affirmatively for a strike, obviously. At least it is obvious to us, at least fifty per cent plus one of the members of the unit should show that they favour strike action by voting in a secret ballot. To be certified in the first place, fifty per cent of those eligible in the unit have to vote in favour of certification of that particular unit.

Where less than a majority of the employees in the unit vote in favour of strike, either party can resume the resumption of negotiations.

Section 24 (3) Mr. Speaker, we changed since last May, states

that if during a strike the employer of the employees in the unit submit to the bargaining agent an offer designed to bring about agreements between the parties, which offer is one which confers greater benefit or advantage to the employees in the unit than hitherto tendered, such offer is to be submitted forthwith by the bargaining agent to all employees in the unit, and unless a majority of those employees in the unit actually voting by secret ballot vote to continue the strike, then they shall resume the duties of their employment forthwith.

So we provide in this section, Mr. Speaker, that if a strike be on and a new and improved offer is made, there will be an obligation under the law for that offer to be passed on to the employees in the unit and for them to be permitted to have a secret ballot to vote as to whether or not they wish to accept that offer or for the strike to continue.

Now to us, Mr. Speaker, that seems the only right and proper thing to be the situation. We do not think that matters of this kind should be decided at open meetings by show of hands, where the individual member has not had a chance to indicate what he wishes in secret and by secret ballot. That is the purpose of that section.

There will be a change in amendments suggested in section 26 which was suggested by NAPE. In section 26 we did have two subsections under which the Labour Relations Board was to decide whether or not a strike action was lawful or unlawful and on consideration it appears to be objectionable. Unless you are going to have the Labour Relations Board in power to issue injunctions and to do all these other things, there is no point in the board having that power and we would be suggesting that section 26 (2) and (3) be deleted.

Section 27, I have described which deals with declaring an emergency. Mr. Speaker, if an emergency has to be declared then the matters in dispute will go immediately to arbitration. Each party will have the right to nominate a member of the board. The two members

nominated will have the right to select the chairman of the arbitration board. If they cannot agree on who the chairman of the arbitration board should be, then the Chairman of the Labour Relations Board, not the Minister of Labour, the Chairman of the Labour Relations Board, who is an independent person, will nominate the chairman of this arbitration panel or adjudication board as it is called in this legislation.

Now this is only going to happen in those hopefully rare cases where there has been and there is a definite threat to the health or safety of the people of the province and therefore a state of emergency has to be declared or in the unlikely situation where over fifty per cent of the employees of the unit are deemed essential.

The board is then, in section 30, directed to consider all the matters (and some of the considerations are listed there that they should take into account) and to make a judgement on all the matters that issue. The following sections deal with that; such judgement is to be binding on all of these parties involved, the employers as well as the employees.

The following sections after that are pretty straightforward and have the same kind of provisions as are in the Labour Relations Act now.

MR. WM. ROWE: Could the minister answer a question?

MR. CROSBIE: Yes.

MR. WM. ROWE: The legislation which the Government of Canada had passed through the House of Commons, did it contain an emergency clause, does the minister know?

MR. CROSBIE: I was going to get a quick survey about what has happened in other provinces which includes that. So, Mr. Speaker, these are the main provisions of this legislation which in our view is a vast step forward in the labour legislation of this province. While it does not contain the provisions perhaps that the union movement think it should, we have other considerations in our mind and their rights and the rights of their members have to be tempered with what must be sometimes done in the public interest.



Now what is the situation in other provinces? I am just going to go over this quickly. I will only deal with two or three things, the right to strike - in Nova Scotia: No, not in the public service. Do they have any provision about essential employees? No, because no one has the right to strike. Can there be arbitration? Yes, if it is declared by the Lieutenant-Governor in Council. This is conciliation procedure, that is in Nova Scotia, mediation procedures. In New Brunswick - do they have the right to strike? Yes. They have a choice between strike or arbitration, that is the bargaining agents do. Do they have any provision about essential employees? Yes, they can be designated by the New Brunswick Public Service Relations Board. It is a provision for arbitration? Yes. The bargaining agents have a choice between strike or arbitration, and conciliation services are supplied by the public service labour relations board, designated employees

employees do not have the right to strike. Prince Edward Island you have no rights at all. No right to strike. No essential employees. No arbitration. Quebec, there is a right to strike but it is subject to a period of delays and where certain actions can be taken if a strike is found to be injurious to the public interest, for an eighty day cooling off period, eighty day suspension of the right to strike. It is quite a complicated series of things. But no strike in the public service in Quebec is permitted unless essential services are maintained by mutual agreement of the parties or at the decision of the Quebec Labour Relations Board. There is no provision in the Quebec act for arbitration because their policy is they are not going to have arbitration, too much of their budget is involved and that is going to remain a cabinet responsibility. So they do not have arbitration. They just forbid striking for the essential employees.

Ontario does not permit strikes in the public service. It has no provision for the essential employees. And arbitration can be held handled by the public labour relations tribunal.

In Alberta there is no right to strike in the public service. No provision for essential employees because it is not needed, they cannot strike. There is arbitration by the executive council and by the cabinet of Alberta. They have quite an unusual set up which there is no need to take all of the time to go into.

Saskatchewan, yes. In Saskatchewan they have the right to strike in the public service. They do not have any provisions about essential employees. In Saskatchewan everyone working in the public service or in a hospital are free to go on strike, to strike if they wish. There is no essential employees. There is no arbitration provided for, that is conciliation.

In Manitoba civil servants are not permitted to strike. Crown corporations are but the cabinet has authority to stop strikes in those crown corporations and agencies. There are no essential employee provisions because they have not the right to strike. They do have arbitration.

In British Columbia, at present this is being changed, this present

New Democratic Government is changing the situation but up to when these changes go through or perhaps they have gone through, there is no right to strike in British Columbia. Therefore there is no essential employee, no arbitration. That situation has now been changed and I am told by people who look at the legislation, they will have a right to strike now. I do not know the detail of - I do not think they have provisions of essential employees either.

In the Government of Canada there is a right to strike given but bargaining agents have a choice between strike and arbitration. A bargaining unit can say we either go through the process and end up in a strike or we accept to go the other way where we can end up in arbitration but the federal legislation provides for designating certain public servants. It is somewhat similar to the New Brunswick legislation. Bargaining agents can choose to go one way which ends in arbitration if they cannot agree or the other way conciliation and strike, and they choose that at the beginning. So if they go the arbitration route the arbitration is compulsory and binding on them both. If they go the conciliation strike route, then they cannot take strike action, but with respect to services related to the safety and security of the public there is provision for the public service staff relations board of the federal government to designate employees who cannot strike under any circumstances. These designated employees will be similar to the essential employees we are proposing on our legislation. That federal legislation covers government departments and certain boards and agencies. That is a rough survey of the situation in these various jurisdictions.

Now, Mr. Speaker, I want to say something on the present situation with respect to the lab and x-ray employees: The position with respect to the lab and x-ray employees who number some 325 or 350, they are in one unit which has received voluntary recognition from the government, and they are lab and x-ray employees in most of the hospitals across the province!

Negotiations commenced with them on May 7, 1973.

They broke off June 13, 1973, with NAPE, who represents these employees, requesting conciliation.

There was a meeting with a conciliation officer and them on July 4, 1973, and they reaffirmed they wanted a conciliation board.

A board was appointed August 17, 1973.

The board's report was filed September 13, 1973.

On September 19, 1973, Mr. John Peddle, the General Manager of Nape, wrote indicating that the negotiating committee of NAPE was prepared to recommend the conciliation board report. So that NAPE, on behalf of the x-ray and lab. technicians, informed us that they accepted and what was recommended by the conciliation board report be the agreement.

Negotiations resumed on September 20, 1973; and NAPE'S committee then indicated they would accept the report of the board and recommend it to their membership.

At a negotiating session on September 21, government and the hospital association agreed to offer the conciliation board report, with one exception - and that related to a recommendation that there should be a thirty-five hour week for all employees in the unit.

The situation apparently is that there is a thirty-five hour week for something like seventy or seventy-five per cent of the lab. and x-ray technicians across the province - a thirty-five hour week - but for the others, some twenty, twenty-five or thirty per cent, there is a thirty-seven and a-half hour week.

The hospital association did not wish that change, so there were negotiations with the negotiating committee who finally said that they would recommend this settlement, what the conciliation board had reported, with that one exception, to the membership.

Now that was on September 21.

Ballots went out to the members of the x-ray and lab. technicians' union. I believe there was mailed out to them a copy of the proposed agreement or a substantial, written document that contained the terms and conditions of the offer.

The ballots were counted on Monday, October 15. We were informed orally then that the proposals were accepted by the membership.

Before coming to the rest of it; what was the offer that the negotiating unit themselves had said that they accepted?

Based on a conciliation board report, they informed us that they had accepted the conciliation board report and informed the Minister of Labour. We met with them. They said they recommended it to their membership.

This is what went out to a vote:

A salary increase of nine per cent on all scales, April 1, 1973.

That employees in the bargaining unit, as of April 1, 1973, and still on staff, will get a lump sum payment of \$200 on or around December 1, 1973.

This was recommended by the conciliation board.

Salary scales increased by another seven per cent and employees advanced a step on their respective scales, for a total salary increase of twelve per cent, effective April 1, 1974.

So that it is nine percent this year, plus \$200 on December 1, 1973, plus twelve per cent next year.

An improvement in call-backs, so that when they are called back to work they get a minimum of \$10 per call and up to one hour and time and a-half thereafter; unregistered technologists, a minimum of \$7.00 per call and up to an hour and time and a-half thereafter.

Effective April 1, 1974, an increase in the standby rate, from \$1.50 to \$3.00, for an eight hour shift.

These were all recommended in the conciliation board report.

Then, in addition to that, this was not included in the board's report but it was part of our earlier offer, a shift differential, from April 1, 1973, of eighty cents per shift for those who work 4:00 P.M. to 12:00 P.M. and 12:00 P.M. to 8:00 A.M.

A change in the annual leave provisions, so that from April 1, 1974,

change in the annual leave provisions so that from April 1, 1974, those with fifteen years or more of service will get an additional five days annual leave. At the present time they get that after twenty years. Another paid statutory holiday in 1974 and a severance-pay provision where an employee with five or more years of service will be entitled to be paid for a portion of his accumulated sick leave up to a maximum of sixty days on retirement or if his employment terminates through any disability or layoff.

Now, Mr. Speaker, I cannot see how honourable members of the House could fail to agree that this seems to be a fair and adequate and reasonable proposal. Is this a proposal that is crushing or that is so mean that it would cause everyone to lose their senses and say; "To hell with everything, I cannot accept this. I cannot accept being ground under the heel of the oppressor with such an offer as this?" A twenty-one percent increase over two years forgetting the two hundred dollars on December 1 and all of these other fringe benefits. Is twenty-one percent over two years something so terrible it would cause you to lose your senses and say that you do not care what happens to anybody or anything, that you are going to get more than that? That was the offer.

That brought us up to October 15, and I have the letter here that we received on October 16. I have the letter here of September 19, saying that the negotiating committee is prepared to recommend acceptance of the terms of the report provided we accept the complete report and that a meeting be held soon.

October 16, we received a letter: "The results of the ballot were determined on the night of October 15, (this is from Mr. Peddle) and telephoned to you immediately. This is to confirm that telephone conversation that the agreement has been accepted by seventy percent of the voting members. The other thirty percent rejected the agreement on hours of work and maternity leave for x-ray employees. As related in our phone conversation, the lab and x-ray employees across the province are

upset by the recent offer made to nurses. As you are aware, there is always a close relationship in comparison between the lab and x-ray employees and the nurses. With the proposed increase this relationship no longer exists." That was October 16, telling us it was accepted.

Then, as you know, on October 16, the lab and x-ray employees commenced withdrawing their services. On October 17, we were told that they had withdrawn their services at eight o'clock that morning and we were told this in a letter of October 17, from John F. Peddle, general manager of NAPE, with a copy to Major McInnes of the Grace Hospital and to Jack Burt.

"These employees have agreed that emergency services should be maintained in all hospitals. It is understood that in most hospitals there are sufficient management personnel to conduct emergency services. However, in any hospital where there are insufficient management personnel, they have agreed to provide personnel to handle emergency situations." Then it goes on to say that the main cause of the walkout is the salary and the nurses, the thirty-seven and a-half hour a week maternity clause and stand-by in smaller hospitals are also issues. That was the statement made in this letter of October 17.

Now, Mr. Speaker, a week later or eight or nine days later we have the situation where a great number of the x-ray and lab technicians not only have withdrawn their services but they are not even going to assist in providing emergency service any longer, despite the fact that a week ago they said they would. The strike commenced on the 17th. of October and we received this letter.

Mr. Speaker, this week, on Tuesday I believe it was and on Wednesday, representatives of the Hospital Association and Treasury Board staff met with Mr. Peddle and representatives of the x-ray and lab technicians to discuss how best there could be provided this emergency service. How this could best be done and

what was the best way of doing it so there would not be disputes as to whether there were emergencies or there were not. They seemed to have arrived at a satisfactory means of doing that. This was all agreed on Tuesday and Wednesday, how this could best be done. On Thursday there were other discussions. On Tuesday and Wednesday it was suggested to the x-ray and lab technicians - they were asked if they would consider arbitration to settle this matter. Would they consider arbitration to do that?

If their case is sound and strong, if there is a case for the x-ray and lab technicians, if they have a case that they were crossed up somehow in this situation or that they unalterably and with any fair and impartial person looking at it should always and ever get whatever nurses get, if that argument is sound, then why should they fear going into arbitration on the matter? So it was suggested to them that we go into arbitration. In fact, we were even prepared because of the essentiality of their services and because of the danger to the public who are now sick or who may become sick at any moment we were prepared to go further, Treasury Board was, and say: "Just in the event that an arbitration board will give you less, supposing that happens that they give you less than we have already agreed, we would agree in writing that in that event you would not get less. The only thing you can do on an arbitration is better but you will do no worse." We are still prepared to agree to that but for some reason, Mr. Speaker, the x-ray and lab employees refused, or so we are told have refused to even consider arbitration in this matter.

Mr. Speaker, there is only one way I can see where this dispute can be settled and that is arbitration. The government is firmly, definitely and irrevocably committed: Committed because of principle to the position that we are not going to offer any more in terms of wages and salaries to the x-ray and lab technicians than we have offered and then more than they voted on and accepted.



If we do that we can forget the collective bargaining process. We cannot forget it. If we are prepared to offer more after some group with whom we bargained agreed with us and recommends it to their membership and it goes out and they vote for it and then come back and say: "We are not satisfied" for this or that reason. Or someone else got more and we then go and offer more and after that, we can forget the whole collective bargaining system.

Mr. Speaker, there is no way, there is no more, there will not be any more money laid on the table in this case. We cannot do it.

AN HON. MEMBER: (Inaudible)

MR. CROSBIE: Yes, even that. That is the situation.

But, Mr. Speaker, we are not so unreasoning that we cannot see that there must be some way out of the impasse. The only way we can see out of the impasse is arbitration and that is still open to the x-ray and lab technicians. I only wish that they would think seriously about it and accept it now.

When the x-ray and lab strike started it was thought to be illegal. I remember the Leader of the Opposition saying that it was illegal and I think I said that it was illegal myself. It turned out...

MR. ROBERTS: The minister who is normally right, in fact was wrong.

MR. CROSBIE: The honourable minister has to admit that he was wrong. Closer examination by legal scholars revealed that it was not illegal for those who work in board-operated hospitals. It is not illegal for them. It is illegal for those who work directly for government because the Labour-Relations Act does not apply to employees of government, therefore, they have no right to strike. As I understand the position, and there may be some room for doubt, the government employees, it is illegal for them to strike in this situation but the ones working in non-board hospitals, it is not illegal. It is not

illegal, Mr. Speaker, but it is contrary to the whole intention and spirit of the Labour-Relations Act for there to be a strike when an agreement has gone out and been accepted by the membership like this, contrary to the whole intent. The only reason it is not

The only reason it is not illegal is that there was no collective agreement signed but the collective agreement was known, every term of it was known, and it was accepted by the members.

Now apart from the legality or illegality, if we come to today where there are a number of X-ray and lab technicians who have resigned, mass resignation and will no longer provide emergency service, one must think to oneself what would induce a group of Newfoundlanders or Canadians to take such an extreme position today, here in St. John's, Newfoundland? Have they been oppressed by the oppressor? Have they just been driven too far that they will, Mr. Speaker, forget any obligations they may have to people who are in hospital in this province or are going to go in hospital, that they will no longer provide even emergency services? I can assure this honourable House that the hospitals of this province are very, very concerned, that the management personnel, a few of them who can do these tests, are struggling to do what they can but a few days more, they will probably not be able to keep going. There is definite peril to the health of citizens of this province through this action.

Now let me get to what is supposed to be the issue, the x-ray and lab situation. Let me say something about the Hon. Leader of the Opposition, Mr. Speaker. It is to me incomprehensible that the Leader of the Opposition should interfere in so mischevious a manner in the collective bargaining of government as reported in "The Evening Telegram" and as today he reaffirmed in this House.

"The Evening Telegram" of October 10:- "Roberts contends government's deliberate bad faith." What does Roberts, Mr. Speaker, know? What does the Leader of the Opposition know about this situation, whether it is good or bad faith? Did the Leader of the Opposition check with the President of the Treasury Board or officials of Treasury Board or members of the negotiating committee to see whether there is bad faith or not? He did not. He has no right or he has the right to

do what he likes but he should have enough sense of restraint and moderation, Mr. Speaker, not to impose himself into a situation that is already very serious and to come out with a statement saying that while he cannot condone unlawful strikes, he feels that the technicians were driven to their withdrawal of services by the deliberate bad faith of the government - the deliberate bad faith - when the gentleman does not know anything about the matter and can only know one side of it because he never checked at all with anyone on the government side, and then to make that statement encouraging this walkout - deliberate, malicious, encouragement of trouble for the government and for the patients of the province. I could not believe it when I saw it. Then the honourable gentleman stands in this House today and repeats it.

To go on with the article here:- "Mr. Roberts, a former health minister said that there had always been a relationship among the major groups of hospital workers, including technicians, nurses and general workers." Yes, that is certainly so. There still is. Naturally, there is a relationship between them all. You have to try and keep in mind everyone you are bargaining with. There are thirty-four units. He said, "x-ray and lab technicians made their settlement on an understanding that the nurses were being made a certain offer only to find out that this was not the case. The government seem to be deliberately forcing them to go on strike." What a mischievous, pernicious, malicious statement, an inflammatory statement for the Leader of the Opposition to make, having only at the best one-half the story, one side of the story; he whose duty it was as Minister of Health before to see that the health services continued and who knows what it is to be in government and to try, and create trouble like that.

Now let us come to that statement: "The X-ray and lab technicians made their settlement on the understanding that the nurses were made a certain offer." Now here is the bargaining committee

that acted for the government and did the negotiations. I have never had, Mr. Speaker, a word to day to Mr. Peddle nor his group of x-ray and lab technicians about this matter. I have never negotiated with them. It is not my job. It is done by the Treasury Board staff or other people on behalf of the government.

MR. NEARY: (Inaudible).

MR. CROSBIE: That is sheer nonsense. These gentlemen were in this service before this government took over and the honourable gentlemen opposite know their value. You will never see, Sir, the eighth floor of Confederation Building, except as a guest, not a chance. The people of Newfoundland are not that stupid. They are not that foolish. They know mischeviousness when they see it. They know the honourable gentleman, when the honourable gentleman gets on television and smiles, that there is something nasty coming out.

Now here is our negotiating committee the honourable gentleman is accusing. This is who he is accusing of bad faith. This is who he is accusing of trickery and dishonesty. Major McInnes was the chairman of the negotiation committee, a personnel officer of Grace Hospital; D.E.J., Don Kelland, Administrator of the Janeway; Harry Hyde, Executive Director of the Newfoundland Hospital Association; Jack Burt, Director of Pensions and Payroll and Duncan Howell, Director of Hospital Services. These are the negotiation committee. Occasionally, there was Mr. Norris and I do not think Mr. Blanchard was involved at all but perhaps he was involved also at times. Everyone of these gentlemen has been contacted and quizzed: Was there ever any statement made to the lab and x-ray that they would get exactly what the nurses were going to get or that they would get substantially what the nurses were going to get? They all said, never was any such statement made to them, never was there any such understanding - "N E V E R" - there was not by either one of them. It certainly was not by me because I did not deal with them or have anything to do with it.

Now apparently the x-ray and lab technicians have apparently somehow got the impression that there was some commitment. I do not know how.

MR. NEARY: Better get that statement from these people.

MR. CROSBIE: The honourable gentleman suspects the honesty of Major McInnes, does he? Does he suspect that the major is a liar? Is the honourable gentleman now suggesting that Major McInnes is a liar and that these people are liars?

MR. NEARY: No, but I know the culprit.

MR. CROSBIE: The honourable gentleman knows nothing, never did know anything and has the mouth to show it.

MR. NEARY: Now, now! Bully Boy! Put on a good show now.

MR. CROSBIE: Mr. Speaker, I do not know how they got this impression. I can only repeat to you what has been told to me. At no time were lab and x-ray told that they would receive the same or substantially the same as nurses. Last year the lab and X-ray technicians were in receipt of more than nurses because the nurses had signed a two-year agreement and in the second year they could only receive an increase of four per cent, while I believe last year, X-ray and lab had an increase of I think eight so that they were ahead of the nurses last year. This year what is the position? This year we made the nurses an offer we hoped they could not refuse and they refused it. We offered them I think it was (the original offer) twelve or twelve and one-half per cent, to make up for the fact that they had lost last year with only four per cent and a cash amount to be paid on signing the agreement or something like that to make up for last year, the money they lost last year when everyone else had it. I forget the rest of the details of that. It went out to their membership and from the time we made them the offer, the "Daily News" and the press were saying that they were going to reject it and agitated for it to be rejected, and other

sections of the media. The nurses did reject it. Then the nurses in Nova Scotia all submitted their resignation. The Government of Nova Scotia made a settlement with them.

Now we have to try to relate what we pay in Newfoundland to what is paid in the other Atlantic Provinces. We are not the richest province in Canada, Mr. Speaker, as nobody will be surprised to hear. In fact we are not even the fifth richest or the eighth richest, we might be the ninth. In potential we are far up the list maybe.

AN HON. MEMBER: (Inaudible).

MR. CROSBIE: In the meantime as the x-ray and lab settlement was being arrived at on the basis of the conciliation board report, the nurses rejected their offer. X-ray and lab had to know that the nurses who had rejected the offer, that we had to start negotiations with them again and that they were going to get some improved offer. We would not make them the same offer or a lesser offer, they just having turned down this first offer. The nurses of

Newfoundland have received what I admit is a very generous offer which they still have not voted on yet. God knows what is going on here this year! They might turn this down. If they do I shall step right out tomorrow or the next day when we hear, right out of the window.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: That may. So the nurses were made what is admittedly we think a very generous offer. It is fifteen per cent this year and they go up a step or a class, and that is five per cent more. That is twenty per cent this year and thirteen per cent next. This will not bring them up to what - they will not be on all fours with the nurses in Nova Scotia but they will be close to it. But the x-ray and lab technicians under the offer that they accepted are in most cases better than their counterparts in the Atlantic provinces. There are a whole lot of cases, and in two or three perhaps they are a bit less but in most categories in cases there they will do better under the offer that they voted to accept than lab and x-ray in Nova Scotia, New Brunswick and Prince Edward Island.

AN HON. MEMBER: That is an exaggeration.

MR. CROSBIE: It is not an exaggeration, Mr. Speaker, and I have the facts here for anyone to peruse who wants to but I am not going to keep the House for hours.

AN HON. MEMBER: Table them in the House.

MR. CROSBIE: No we are not going to table them in the House. We will table them -

AN HON. MEMBER: Inaudible.

MR. CROSBIE: Here is an interprovincial salary comparison for the Atlantic region right here. But I will not read it all because there would be no point. I will table it later, Sir, if I feel that it will do some good. The honourable gentleman is not going to read it anyway.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: Now if you take lab technologists I, GS 24, at stage six, at the present time he gets a salary of \$7,962. It is proposed, effective April 1, 1973, it would be \$8,679 and on April 1, 1974, \$9,263. If you



compare him to Nova Scotia, the 1972 scale is \$7,330, the 1973 scale January 1 to September 30, 1973 is \$7,990; the October to December 1973, they are adding \$240 to the scale, would be \$8,230 and on 1st. January 1974, it would be \$8,888 which is about \$100 less than ours. In most categories we are a bit higher than they are. There is one here, let us take lab technologists GS 24-I, Step I. At present he gets \$6,240. If they accepted our offer it would be \$6,802 this year and starting April 1 next year, \$7,278. The same person in Nova Scotia, the same category, gets \$6,504. That is \$300 behind our suggested for this year. In New Brunswick effective April 1 to March 1974, \$6,360. That would be less. Effective April 1974 to July 1974, \$6,804. It is still less. In New Brunswick civil service at present it is \$6,060, September 1, 1973 to August 1974, \$6,420. That is less than ours. Nova Scotia, the 1972 scale is \$6,190. The 1973 scale to September 30, \$6,742. It is just below us. October to December 1973, adding \$240, that would make them \$6,987. That would be \$100 odd dollars more than us this year. Then on January 1, 1974 in that category, \$7,545 and ours will be \$7,278. So in that particular case in Nova Scotia this man would be a bit higher. But when you go down over most of these you will see that the balance is mostly in our favour.

So there is nothing wrong with our offer compared with the other Atlantic Provinces, it is considerably better than most.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: I will give the honourable gentleman a copy.

Now, Mr. Speaker, the result of the nurses offer, if it be accepted and the x-ray and lab technicians offer, if that be accepted would be that nurses in the province would make more money this year and next year than x-ray and lab. It would range from perhaps \$100 to \$200 up to \$300 or \$400, it is certain.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: More than that. It is not my information but if anybody want to produce the figures, fine. My understanding is at the most it is \$400 or \$500 Incomparable? Well, let us look at it. I have a sheet on

that too. I will find that sheet in a moment. If we take lab and x-ray salary scales effective April 1, 1973, that is the scales now, then the scales under the lab and x-rays compared to the nurses, that is comparing one offer to the other. Because I do not want to keep the House all day, I will take one only a lab technologist III, Step I would be \$8,434, under our offer, a nurse III would be \$8,556, that is \$100 and some odd dollars higher that is the scale. Then Step II is \$8,855 the lab technologist, \$8,984 the nurse, and so on until it goes up to Step VI, \$10,774 for the lab technologist III, and \$10,925 for a nurse III.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: That is what I am saying. But the nurses will go up a step. So if the nurses go up a step the comparison would be in Step I, \$8,434 to \$8,984, that is about \$500 difference. So there will be, I said, \$400 or \$500, I do not know what they are for each category, difference between lab and x-ray and nurses in the next year or two. But it should not be forgotten, Mr. Speaker, that last year there was a difference and the nurses were getting less than lab and x-ray and that at the end of this agreement there are other agreements, and that the nurses of the province have made a strong case and had to be kept in line, as lab and x-ray have made a strong case but had to be kept in line with what offering in competing provinces. We are keeping x-ray and lab in line with what is offered in the Atlantic Area. We are trying to keep the nurses in line with that. If that results in the nurses getting for one year or a couple of years a higher salaries than lab and x-ray who feel they are in the same classification, is that so hard to take? Is that the basis that our system works on? If what we have offered the x-ray and lab is a decent, reasonable increase for these two years, should that be thrown down the drain by them because nurses are doing somewhat better this year? Surely that is not the basis on which the whole system works. And surely that is not sufficient reason for lab and x-ray technicians of this province to walk out after voting to accept the contract, and then to tender a mass resignation and to not even provide any emergency service, and to tell us that they do not even want to go to arbitration. If they

have a sound case that they were dealt with in bad faith or if they have a sound case that they should receive the same as the nurses, well let us proceed to arbitration. If the arbitration board find that to be the case, government will have to accept it, it will be final and binding. I therefore would suggest again that this is the only avenue out of this impasse. There has been no bad faith on the part of the government.

It appears that somewhere along the way there has been some mix-up in some way in which lab and x-ray think that they were told that they would get whatever nurses were offered. That is not so. I have not yet been told by lab and x-ray the name of a person who said that or the time and place in which it was said or the witnesses to it being said. It is not in writing. There was never any letter to that effect. I say that it is not so. There is no bad faith on the part of the government and how that misapprehension got about, I do not know.

That is all really, Mr. Speaker, that I can say about lab and x-ray at this time, except that under this legislation the lab and x-ray situation of this moment is the type of situation that would call for a proclamation of an emergency because they are now creating an emergency and imperilling the health and safety of the people of this province. There is no question about it, Mr. Speaker, this is a most serious emergency unless the lab and x-ray technicians will accept what we have suggested earlier or what I suggest again publicly today and that is arbitration that would be binding on us both.

Mr. Speaker, the rest of our collective bargaining. I am not going to speak on now. If the opposition want to bring up any of it, I will certainly reply to it, the general service and so on. It has been a difficult year for bargaining and a very chaotic one, and one in which we have had a great deal of problems, and where we are struggling along to do our best to try and keep the whole thing operating, which leads to this legislation because we have to have a framework in which to operate, Mr. Speaker, we cannot operate under the Labour Relations Act alone as it is today. We need this legislation. That is why we are presenting it now to the House.

The sections in this legislation where an emergency could be declared will be used by the government only in situations of dire extremity

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Now one of them would be the lab and x-ray situation today. That to us is a situation of dire emergency. Otherwise it is not going to be used, we do not want mentioned compulsory arbitration wherever we can avoid it. We see no other solution but

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the essential employee provisions. We will see whether they work in time or not. We will see whether there is great difficulty before the Labour Relations Board or not. We will see if it works satisfactorily. At least it is a way in which we can try and balance the public interests with the rights of labour and the rights of the employers and the rest of us. It is not fixed forever.

The question arises, Mr. Speaker, and I am sure the Leader of the Opposition will enlighten us, whether or not in view of what he said last night the opposition will support this legislation or not.

To vote against this legislation on second reading is to vote for a situation in which there can be a strike in any public service of this province, completely without any recourse to government to step in in any kind of an emergency. If you believe in that, you will vote against this bill in second reading. If you believe that anyone like x-ray and lab or whoever it is in a vital service can leave and withdraw and resign and not even provide emergency service, if you believe we should have no power to try to deal with that situation, that government should not interfere, you will vote against the second reading of this bill. That is what you will do if you vote against this, you will be voting for a completely unrestricted system of collective bargaining in hospitals and in the public service.

We have resisted tremendous pressure to not permit strikes in hospitals at all and we have said, "No, we do not believe in that." We believe we must give the right to strike wherever we can, that only in the very essentials, only in an emergency such as I described would we interfere with it. We have resisted that pressure. We have been requested time and again to provide that and we have said no. In return, Mr. Speaker, for some reason it appears that those that we are dealing with, instead of respecting the fact that we are trying to advance in this area and be amenable and not to plunge ahead without any regard for anyone else, seem to feel that they should take advantage of this, that this is a weakness instead of a principle or a philosophy that we believe in. That is not the case.

There are all kinds of things that may be done well or done wrongly, Mr. Speaker, in collective bargaining. As the minister responsible, I do not doubt I had some blame occasionally for doing something that in a way would have been better done some other way. I have never threatened employees in my life. I have tried to explain, Mr. Speaker, what the government's position was so there could be no avenue of doubt.

AN HONOURABLE MEMBER: Inaudible.

MR. CROSSIE: Oh, you know the honourable member is sickening. The poisoning of the atmosphere in this chamber is done opposite, I can assure the honourable gentlemen. Therefore, I am prepared to accept criticism and so on in matters one has to.

The fact is, Mr. Speaker, that this is the best compromise that we can arrive at. We are, therefore, now interested in seeing whether the opposition will act in the way that we imagine they will act and was indicated last night or whether the opposition will try to make, as the Leader of the Opposition has done, political hay out of this or to stir up mischief or whatever.

We know the hon. member for Labrador South will give us some impartial and unjaudiced views. He has not been afflicted with the blindness of the other members opposite. We look forward to his remarks with great interest.

I therefore, Mr. Speaker, have no hesitation in moving second reading of this bill and in asking the House to approve it because it is a major step forward in the Labour Legislation of this province.

MR. ROBERTS: Mr. Speaker, as I recall my high school Latin, the opening lines of the translation, the cribs which I used from Caesar's commentaries on the Gallic wars were that all Gaul is divided into three parts. If that be true, Sir, I know where all three of those parts have been found today.

The speech by the Minister of Finance in moving this bill is a bilious presentation. Not only that, Sir, he has cornered all Gaul. Not conquered it, Sir, as Caesar did but cornered it.

The bill before us now, Mr. Speaker, I have no hesitation in

saying, is a fraud. It does not do what it sets out to do. It does not achieve what it claims to achieve. This bill will not bring labour peace to the public service of this province. This bill will not bring meaningful collective bargaining to the public service and the people paid out of the public treasury of this province.

I fear, Sir - and before I make that statement, let me say that I realize full well that what I am about to say will be distorted, twisted and misrepresented just as the honourable gentleman from St. John's has misrepresented the statements which I made in the "Evening Telegram". I shall deal with that in a few minutes. The honourable gentleman is up to his normal practice of telling at best half truths, a master of twisting and deceit. Dr. Goebbels himself could have taken lessons in the big lie from the honourable gentleman from St. John's West. My statements were accurately reported in the "Evening Telegram" that yellow rag of journalism as the Premier told us on what was admittedly an off day.

MR. CROSBIE: Mr. Speaker, on a point of something or other. The honourable gentleman at the start of the afternoon got up and objected to my calling him a liar, when he was a liar; and I withdrew that when he objected. Now I am a liar worse than Goebbels or I could teach Goebbels a lesson. I do not really mind because that is all I expect of him, but perhaps he would like the chance to withdraw.

MR. ROBERTS: No, Mr. Speaker, I did not call the honourable gentleman a liar even though I may think him one. What I said was that he could have given Dr. Goebbels himself a lesson in the technique of the big lie. If Your Honour should tell me that be unparliamentary, I shall, of course, withdraw it.

The Hon. Gentleman from Placentia West, having crawled out from under his rock, is now an expert on parliamentary procedure. The Speaker I will gladly listen to. If Your Honour wish-

MR. SPEAKER: Order please.

HON. L.D. BARRY: (MINISTER OF MINES AND ENERGY): The point of order raised by the honourable minister, calling a man a liar and saying that he is the master of the big lie is the same thing. If the honourable member opposite does not have the guts to admit that he

has used unparliamentary language, if he wants to squirm and try to make it awkward instead of withdrawing like a man, then let him do this but let him be noted for doing it. It is unparliamentary language, Mr. Speaker, and I ask that the honourable member be asked to withdraw it.

MR. ROBERTS: If I may make a further statement. Again the honourable gentleman from Placentia West, having come out from under his rock where he has been hibernating this afternoon, has misquoted me. I did not say that the honourable gentleman from St. John's West is a master of the big lie although he may be one. The honourable gentleman from Placentia West, having followed the honourable gentleman from St. John's West slavishly and having sat with him in the intimacy of a cabinet for nearly a year, may be in a position to know that. I am not. I never had the pleasure, dubious though it may have been, of sitting in the cabinet with the honourable gentleman from St. John's West and I do not expect to. As a matter of fact I would not want to. He probably reciprocates.

What I said, Sir, and I say again that if Your Honour should say it is unparliamentary, I shall of course withdraw it without any hesitation. I did say, based on the statement made by the honourable gentleman from St. John's West, the Minister of Finance - I sat here and heard him - he deliberately distorted quotations given accurately in the newspaper. I said that he could have given lessons to Dr. Goebbels in the technique of lying.

MR. SPEAKER: The Speaker feels that the Hon. Leader of the Opposition possibly inferred that the Minister of Finance was lying. Therefore, it is ruled that it is unparliamentary and I would ask the Hon. Leader of the Opposition to withdraw his remarks.

MR. ROBERTS: Of course, I withdraw it too for Your Honour, and I made no inference that the honourable gentleman from St. John's West was lying. I regret that one was read into it. I did say he distorted my statements but that is not unparliamentary. That is a statement of fact, Sir. He did distort and I submit deliberately, knowingly, willfully, maliciously and mischievously. I shall come back to that



a little later.

What I do want to say, Sir, is that I have no doubt that my statements will be misinterpreted deliberately and maliciously by gentlemen opposite. I can hear it now. I can just hear them leaping into this debate in the next two or three days or however long we are here and misrepresenting what I am about to say.

Mr. Speaker, I repeat again that this bill is a fraud. It is not what it appears to be and it holds itself out to be something which it is not. It will not bring labour peace to the public service sector of this country. It will not be a meaningful step forward. I fear, and I do not wish for this and I do not hope for it and

MR. ROBERTS: I do not in any way wish to encourage it but I fear, Sir, that this bill, coupled as it must be with the lamentable and shoddy record of this administration in the last six months on labour negotiations, that this bill will touch off an era of unprecedented bad feeling in labour management relations in this province between the government on the one side as an employer and between, on the other side of the bargaining table, the various bargaining agents, be they NAPE or be they CUPE or be they some other bargaining agent altogether.

It will touch off, Sir, an era of completely bad will, of bad feeling. It will not make any progress. What we have seen the last week or so with the laboratory and x-ray technologists I fear, and I am not hoping for it, I hope devoutly it does not happen. I think I can understand something of the position the gentleman from Carbonear, the Minister of Health must be, seeing he has the proud distinction of being the Minister of Health and seeing every major hospital in St. John's and in Corner Brook and Grand Falls, turning away everything except emergencies, a proud boast for a health minister.

The administration having seen the Corner Brook hospital closed to the extent where the board twice sent word to the government that if the government did not intervene to settle that strike, they, the board, were going to close that hospital. That is what brought the Premier into it finally in the weekend meetings down here on the eighth floor, the Premier and the gentleman from Humber East and the gentleman from Harbour Main, the Minister of Industrial Development, and the Minister of Manpower and Industrial Relations, with the Minister of Finance a very poor fifth in that company.

That is what this bill will do, Sir. The sad part of it, the sad part of the whole story, Mr. Speaker, is that this bill, the thoughts which have led to the introduction of this bill should have been a step forward. We should today in this House be carrying out an idea whose time has come. Four or five or six years ago, Mr. Speaker, nobody in this province, nobody, not any person in this House today, I am willing

to wager, nobody advocated this type of legislation what this legislation should do, nobody advocated collective bargaining in the civil service, nobody advocated the right to strike in the public service, no Sir.

Why it was in 1967 that the Minister of Justice who was then Minister of Justice and the Minister of Finance, who was then Minister of Municipal Affairs, and the present Minister of Municipal Affairs, who was then Minister of Education, stood in this House as a member of a cabinet. I was here as a back-bencher, as a parliamentary assistant but as a back-bencher and advocated a bill which we still have on the books, which this present act will repeal, the Hospital Employees Employment Act.

MR. BARRY: Did the honourable member support it?

MR. ROBERTS: I supported it. Of course I did and the honourable gentleman from Placentia West who was not heard in opposition to it, who was not heard of at all in those halycon days.

MR. BARRY: I was not in the House.

MR. ROBERTS: No, he was not in the House then and he will not be in the future.

I supported it, Sir. I supported it. I am not particularly proud of what happened but I did support it. Six or seven years ago nobody could see any other solution and I am not for one moment certain (as I will show) that this bill is a step forward. If anything, it is a step back.

The Minister of Justice, the Deputy Premier, supported it, spoke in favour of it. The Minister of Finance was one of the leading proponents of it. I should go so far as to say, Mr. Speaker, he even helped to draft the bill. To my certain knowledge he helped to draft the bill, one of the three or four men who put it in its shape. The present Minister of Municipal Affairs, the gentleman from Fortune Bay tagged along as always but he was in the cabinet, none of them left the cabinet, Sir, so not one differed, if they differed in cabinet I know not; I was not there.

MR. CROSBIE: Point of Order, Mr. Speaker. The honourable gentleman is telling an untruth, a nontruth, a complete falsehood.

MR. ROBERTS: In what way?

MR. CROSBIE: I was not Minister of Labour at the time.

MR. ROBERTS: I did not say so.

MR. CROSBIE: I did not draft legislation or have anything to do with drafting the legislation and anything I did was to ameliorate the legislation.

MR. ROBERTS: Mr. Speaker, that is an untruth. I can testify to my certain knowledge. I did not say he was Minister of Labour; he was not.

MR. WM. ROWE: Thank God he was not!

MR. ROBERTS: Thank heavens for that or we would have had a bill to take them out and hang them!

MR. WM. ROWE: That is right.

MR. ROBERTS: Well that is Gas'em Murphy. But I can say to my certain knowledge, Mr. Speaker, I can say to my certain knowledge that the honourable gentleman, the present Minister of Finance, was one of the three or four men who drafted the Hospital Employees (Employment) Act.

MR. CROSBIE: The honourable gentleman is a liar.

MR. ROBERTS: No way, and the honourable gentleman will withdraw that statement, please, Sir.

MR. SPEAKER: The honourable Minister of Finance has used an unparliamentary term, and I would request him to withdraw that remark.

MR. CROSBIE: Mr. Speaker, if you direct, I certainly have to.

AN HON. MEMBER: That is how a gentleman does it, you see.

MR. ROBERTS: If that is how a gentleman does it, it is the first time the honourable gentleman has done it in that way.

Your Honour, if we wish to call it six I am prepared to but if not I am enjoying these few introductory remarks and would be quite prepared to call it six should Your Honour - I understand we are to meet this evening. Joy! Joy! Untold joy, Sir!

I understand from my colleague, the House Leader, that the

Deputy or Assistant or his substitute House Leader or whatever he is over there, has said we are to meet tonight. That is correct, is it?

Well will we call it six? I mean the honourable gentleman the Minister of Finance can go home and cool off a little. I shall go home and keep on.

MR. WM. ROWE: Not too many liqueurs now tonight?

MR. CROSBIE: Go home and have a barium.

MR. ROBERTS: I would think if the honourable gentleman should want a barium, Sir, there are a number of people, Sir, in this room who would be delighted to give it to him.

MR. SPEAKER: Order please! I do now leave the Chair until 8:00 o'clock this evening.

The House resumed at 8:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order!

MR. ROBERTS: Just a few words if I might, Mr. Speaker:

Mr. Speaker, when we rose for supper or dinner depending on how one wishes to term the meal, I was saying a few words about the overall effect as I see it of the bill that is now before the House for second reading. I said that I thought that this bill did not represent a step forward as it should. I said that it represented a legislative enactment of an idea whose time had come an idea which a very few years ago would have been called radical but today it is not radical.

I recall quite well, Mr. Speaker, when Mr. Pearson, the late Mr. Pearson, was Prime Minister of Canada, his administration brought before the House of Commons at Ottawa the bill which was afterwards enacted into law, the first bill in Canada, to my recollection. Now Saskatchewan which tended to be very advanced in these matters may have had legislation earlier on but certainly the Federal Public Service Collective Bargaining Act passed in the - I guess, Mr. Speaker, it was 1964 - 1965. It was the first time, certainly, that a non-socialist governments in Canada had ever enacted into law this principle.

Here in Newfoundland we should have had a bill, it should have been possible for us to move willingly, openly, gladly into an era of labour negotiations, fruitful, meaningful, hard collective bargaining that would have resulted in agreements and labour peace. Mr. Speaker, that has not been possible and I submit that the reason that it is not possible now lies partially in this legislation but much more than that, Mr. Speaker, it lies in the fact that this bill comes now (and I will come back to the questions about why it comes now) because although the Minister of Finance in his press statements time and time again said that he would in speaking in introducing the bill at second reading, that he would tell us why it was necessary

to enact the bill now, he did not say so specifically, unless we are to take it that the situation of the x-ray and laboratory technologists is the reason for enacting the bill. I will come back to that.

The bill comes now, Mr. Speaker, as the culmination of a summer-long series of strikes, strife, turmoil and tribulations. It must be viewed in that context, Sir, because the men and women who will be looking at this bill as their charter, as the laying down, the basic ground rules for the negotiations of their wages and their working agreements. They do not come upon it, Sir, as if it were a virgin forest never touched by man, they come upon it, Sir, they look upon it as being part of all that has gone before. So I propose, Mr. Speaker, to take a very few minutes to talk about the history of the negotiations this summer, because I believe that therein lies the tale.

Before I do that, Sir, I would like to ask the Minister of Finance whom I welcome back to his chair, I trust he has dined well, I would like to ask him - and if he said it before it would bear repetition. I confess I did not catch it but I shall try another time, why the bill has come now? Why the House was summoned back into session? For our part, Sir, we do not object for a second. We are delighted at being here. All eight of us are here and the ninth, the gentleman from Labrador South. The full opposition side of the House are here. There are some lamentable and not so lamentable gaps in the government side. The ministers are off on Her Majesty's business, I have no doubt.

Why the sudden urgency, Sir? We have been given no reason. Most of the negotiations are over with. The general service agreement with NAPE, the agreement which covers perhaps four thousand, five thousand or six thousand public servants, I do not know how many but that remains to be dealt with. That is now at the stage where negotiations seem to have broken down completely. The

Minister of Industrial Relations, who is absent, at least from the chamber, has in his wisdom seen fit to deny a conciliation board. It is true he did not have to give one but in any event, he did not see fit to use his residual powers and grant one so that is at some sort of impasse. It may be that the bill is to deal with this situation and to allow the negotiations to go through the conciliation stage now, eventually leading, perhaps, to the prospect of a strike by the non-essential civil servants. I suppose the stenographers in Confederation Building, Mr. Speaker, will probably be classed as non-essential and so forth.

That may be the reason why. If so, I think it is incumbent upon the government to say so. Why could not this bill have been brought in in the spring or in the summer? The House rose, Mr. Speaker, on motion of Her Majesty's Government, on the first day of May, after the dismal spectacle of another of these all-night sessions. The bill was drafted then I understand. The Minister of Finance has said publicly that it had been sent in April to union people. He told us this afternoon that other than one small change, or perhaps a large change, but other than one change in section (23) or section (24) the bill is unaltered. That was in April, Sir. The month of May came and went and I may add that that is not all that went in the month of May. Some people went off one place and another. The months of June and July, the months of August and September all have come and gone. October came and is now nearly gone. Why act now? I do not say we should not act now but I would like to know why we act now? I would like to know why the situation was allowed to drag on all summer? If the ministry felt this was necessary, this legislation, why did they not call this House back in May or in June and let us deal with the legislation then?

I think that is a very important question, Sir. I do not pretend to know the answers but I think, if we had the truthful answer, the full answer, perhaps not the political answer but the full answer, we could sit in the cabinet chamber and hear what really



went on, what was really decided and why, we might be a long, long way away, a long way towards knowing the full story of this government's negotiations and relations with the unions and bargaining agents who represent their employees.

I can only ask the questions, Sir. I notice a number of honourable ministers scribbling notes in the expectation I assume that they will enter into this debate. I do hope, Sir, that one of them will favour us with a few comments on that question. It is a simple question. I read nothing into the absence of an answer to date but I read a great deal and many other people would into the lack of an answer.

The House has been called together. That is well and good but I would like to know why it has been called together now. I would also like to know why it was not dealt with in April, in May or in June. We adjourned in indecent haste, Sir. We adjourned in indecent haste, pushing legislation through like it was sausage meat going through a sausage machine. Whole bills were being pushed through and we on our part were certainly part of it, Sir. We sat in the House. We had all-night sessions, millions of dollars, if Your honour, who was not in the Chair, of course, but if Mr. Chairman had looked the other way, Sir, twenty million dollars could have been voted in any of those all-night sessions, and some of those nights it was. I would like to know why, Sir.

The answer may lie in the history of the negotiations throughout the summer. They are all a matter of public record. I am privy to no information. I do not know anything that has not been said in the past. Indeed, what little I know has been in the press. I do know, Sir, that the government's policy of dealing with their employees has been a shambles, a disaster, a series of inept blunders, it has been catastrophe chasing on catastrophe. It has been a case history, Mr. Speaker, of how not to handle labour negotiations.

I do not know who is to assume the blame. I suppose the ministry collectively can assume the proud blame of having seen our

hospitals closed, of having seen today the situation where every hospital in the island is functioning on an emergency basis. I do not say who is right or who is wrong. While we were the ministry of this province, Sir, the police went on strike for thirty-six hours or forty-eight hours. The gentleman from St. John's South would well remember it, I have no doubt. This is not the only administration - we had hospital strikes while we were in the government, Sir. But, Mr. Speaker, we never got to this stage.

Today, if somebody gets sick in St. John's he has to hope that he is seriously ill and in an emergency situation or he will not get treated. A proud achievement by the Health Minister, a proud achievement by a group of men who make pious noises about the rights of labour and their desire to bargain collectively.

Now, Sir, the Minister of Finance, in his inimitable style, giving us truthful statements but very one-sided statements. The honourable gentleman is a sort of a man who would describe a nickel as having a beaver on one side and neglect to mention the portrait of Her Majesty on the other.

He gave us the review of the situation when the summer began or when the current round of negotiations began. Perhaps I could touch upon it briefly adding the gloss of further truth from time to time. We began the round of negotiations, Mr. Speaker, with no specific legislation and I admit quite candidly that the 1971 act, that was not specific legislation and it was never implemented. There was no specific legislation governing bargaining in the public service with the exception of the Labour Relations Act insofar as it applied to the CUPE Local certified for Grand Falls, Corner Brook and Twillingate, and I believe NAPE were certified in respect of the General Hospital, the Janeway, The Grace General Hospital and St. Clare's Mercy Hospital in St. John's.

I may not have catalogued them all, Mr. Speaker, but the point is that the Labour Relations Act provided procedures for certification, for bargaining and collective bargaining. These were enforced, of course. The police and the firemen have their own specific legislation, Sir, as do the teachers. The police and firemen were negotiating under the legislation which was enacted by the previous administration, the Smallwood Administration. The teachers were negotiating under the legislation which was enacted by this House at the request of the present government earlier on in this session.

Now, Sir, while we had no legislation there were well developed customary procedures founded in the main on voluntary recognition, and not governed by statute. Perhaps an unsatisfactory situation but I say that if it were unsatisfactory, Mr. Speaker, why did the government allow five and six months to drag by? What were they doing? The bill was not changed. I can see that they have been up night and day, if the Minister of Justice had been up to midnight every night and back at it and if the o'clock in the morning drafting the legislation, I could see it if the Minister of Finance had been scurrying around trying to find a few coppers to give to the employees. Yet the Minister of Finance stands today, in his own arrogance, inimitably arrogant manner, and he tells us that other than one clause, Section (23), nothing has been changed from the bill which was distributed to the CUPE and to NAPE people in April.

Furthermore, I know for a fact, Sir, that the bill was sent to the Hospital Association, their comments were requested. I was told by a person in a position to know that not one comma was changed as a result of the consultation with the Newfoundland Hospital Association. So much for the meaningful two-way communication of the government.

So we began the summer with no legislation, Sir, for much of the civil service, with procedures under the Labour Relations Act which have been in effect for some years for the hospitals.

To touch upon the hospitals first, Sir, CUPE, who have been certified for a number of years, had agreement in effect at Grand Falls, Twillingate and Corner Brook. They had had several such agreements. These were not the first. They might have been the second or the third or the fourth or the fifth. The gentleman from Twillingate was the Chairman of the board of the hospital there for many years. He still is, in point of fact. How many years have CUPE been certified in Twillingate? Three? Four or five?

AN HON. MEMBER: Five or six years.

MR. ROBERTS: Five or six years. They have had a number of agreements. There was a troubled history perhaps, Mr. Speaker. There was a troubled history but the procedures were working. There have been some strikes down in Twillingate, but there have been strikes in Corner Brook. There have been two I believe at Corner Brook. There has also been one at Grand Falls, one leading to the famous or infamous legislation, the Hospital Employees Employment Act, adopted by the House in January 1967.

I may add, Mr. Speaker, for the record, the journals of this House will show that the honourable gentleman opposite, some of them voted in favour of that bill and some voted against it. The honourable gentleman for St. John's East Extern is reasonably clear on this, but my research shows that he moved the motion that the bill be read thirty days hence. That motion was lost because he was then sitting in the opposition and as I can testify opposition motion usually do not win the favour of the House. That was lost. The motion itself, Sir, was lost on

division. The bill was read a second time, with the gentleman for Fortune Bay, the gentleman for St. John's West and the gentleman for Burin in favour of it.

Mr. Speaker, we had procedures in effect and they were working. The agreements that were in effect expired on the 31st of March, 1973. Indeed, I believe that those agreements, Sir, have been signed or signed with effect from April 1, 1972, in other words they have been negotiated under the present agreement.

Now, Sir, what was the history of these agreements? Well, Mr. Speaker, in note form, there are about 190 people represented in the bargaining unit at the Central Newfoundland Hospital in Grand Falls. Negotiations began I am told on April 17. They led eventually to a conciliation board. There was a delay in the board sitting. The union had to press them to strike in order to get the conciliation board to sit. On August 7 the board agreed to sit. The union at that stage were seeking a \$25 across the board increase. While the board sat the union went on strike, a very improper and unlawful strike. The Minister of Finance sent quite a telegram, as I recall it, and the union promptly went back to work. The employees returned to work. The Treasury Board apparently authorized their officials to make new proposals. I do not have details of the first offer but in August 13, 1973, Mr. Speaker, a second offer was made for the two year contract. The range was from eight per cent to twenty-seven per cent in the first year, depending on the classification of the employee concerned, and another eight per cent or to fifteen per cent in the second year - the increases accumulatively were from seventeen per cent to forty-six per cent over two years. The average increase, the immediate increase was twelve point eight per cent the first year, eleven point five per cent the second year, a twenty-six point six per cent over the two years. Those two figures for the mathematicians opposite do not add, but if they consider that the second figure is calculated on the first figure, added on to the base salary, they will work out. The conciliation board recommended no improvements beyond this offer by government. The offer was rejected

by vote of the union on August 27. The board went on strike. I am sorry, the union went on strike on August 31.

Much the same story applies for the Western Memorial Local at Corner Brook, 325 people there. The same sorts of increases were given or were offered and the strike began I believe a little before the strike in Grand Falls.

Mr. Speaker, in each case, the Minister of Finance - at about the same time St. Clare's represented by NAPE went on strike. I am told there are 250 people in the bargaining unit there. They rejected it by vote on September 5th, 1973. I am sorry, the strike began on August 14, the first of the strike. So we had our three of the larger hospitals in this province struck insofar as the nonprofessional workers were concerned. The strike itself - the strikes were quite peaceful. There were one or two incidents but certainly nothing other than what we are accustomed to in these labour situations across Canada. Mr. Speaker, the union conducted themselves, I think, admirably, the managements concerned conducted themselves admirably.

The Minister of Finance, speaking for the government, had distinguished himself time and time again by repeating ad nauseam, completely ad nauseam that this second offer was the government's final offer, that they could strike until hell froze over, variations thereon, without getting a further offer. Now, Mr. Speaker, we know what happened. We know that the government suddenly collapsed on the point. The Premier, with great fanfare, on a weekend, I think on a Sunday morning, a summer Sunday morning or an early fall Sunday morning, met with NAPE in one room and the CUPE people in another and the minister is shuttling back and forth between the two, the Minister of Finance wagging along behind in the train of it.

Mr. Speaker, that was not a planned and a carefully thought out intervention. To show you how unplanned it was, Sir, the boards of the two hospitals, the administrators of the two hospitals, the management of the two hospitals the first they knew of the negotiations, and they are the employers. Mr. Speaker, they are

the employer not the government. The government may pay the shot but the boards are the employers and that is the stated policy of this administration as it was of the administration of which I was a part.

The first they heard of it was on the radio. The first time they were involved was on the Monday morning, Sir, after the settlement was announced, when the helicopters diverted from fishing trips to the Gander River for one, where it landed in Grand Falls and in Corner Brook and carried the representative of the boards off to St. John's and in due course, after cooling their heels for an hour or so, they were granted an audience in the Premier's office and were told what had been done.

What had been done, Sir, was to give the employees, all of whom, in the three locals, in due course, accepted then in votes, increases way and beyond the final, irrevocable, no change offer of the Minister of Finance. The actual increases, Mr. Speaker, of course, will vary because employees are in different scales and employees are at different points on those scales. I am told that most are in the range from 22.8% to 30% plus a little signing bonus. I do not care what the Minister of Finance calls it, that is a payment to the employees. They are welcome to it. They have earned it. They have fought for it and he cannot try to blindfold them and pretend that that is not part of the settlement. If you add that on, Sir, the increases are considerably higher. The same increases were offered to Grand Falls and to Corner Brook. They were accepted.

Now, that is what happened with the hospitals, Mr. Speaker, a story of unnecessary maneuvering by the government. They were not straight about it. The Premier did not have the courtesy to say to the Minister of Finance: "My dear colleague, we cannot take the pressure. The board out there has sent word to me that they will close that hospital if we do not make a move. They sent word to you and you went out to Corner Brook and you spoke to Rotary and laid down your hard lines until hell froze over. You met the board and you bucked them up and they agreed to hold on for a day or so." But no sooner had the Minister of Finance as his king heir winged his way towards St. John's,

the setting sun behind him in the west, when the board were back on the phone sending the message through that unless you guys settle this strike we will close her. We cannot take it. It has been out for three or four weeks now. The professional staff, the nurses and the x-ray and laboratory technologists, who were hanging on, who crossed the picket lines, who were hanging on to provide the services, doing their best, they could no take it any longer. The hospitals could not function effectively without the nonprofessional workers. That is why the Government settled.

The Premier did not even have the grace to say to the Minister of Finance: "My dear colleague, you had best get on the phone and tell them we have had thirteen thoughts and the result of those thoughts is that we are going to make another offer. If they would like to get on their cars and their horses and their helicopters and come in here to St. John's and sit down with us, we will have a talk to them and see what we can settle."

The Minister of Finance I feel sorry for on it. It was a humiliation, an unnecessary and undeserved one. He had played the Government's role to the hilt. He had been tough, "Tough Jonny", right from the budget. That statement in the budget that you will take what we give you, gang, or boy you will pay the penalty. Maybe we will have another budget yet. I hope not. Their revenues are up. There is no need for one.

The nurses, Mr. Speaker, were not certified. The ARNN is in the, I believe, unfortunate capacity of being both the licensing body and negotiating body. I think that is wrong. They are in that position. They have been voluntarily recognized by the government. They were voluntarily recognized by the government of which I was a member. Indeed the gentleman from St. John's South in his professional capacity appeared as counsellor, adviser, as assistant, as helpmate to the nurses in some negotiations. I was not part of them but officials working with the government were. That, I believe was in the spring of 1970 or 1971.

An agreement was concluded. It was signed, recognized by both



sides, adhered to and in due course it expired. What happened then? Well, Mr. Speaker, the government made an offer, as is incumbent upon them. They offered 12.5% increase for a one year contract plus a lump sum retroactive once, one go-around bonus of \$240. The ARNN put that out to their membership. I am told that 1,063 people voted. Sixty-seven per cent of them turned thumbs down, a fairly decisive majority.

Then the government, Mr. Speaker, went back to the nurses - this has only happened recently. Indeed, I believe the vote is probably under way now throughout the province. The nurses are mailing in their ballots, aye or nay. The information in the press and round and about seems to be the belief is that the nurses will accept the offer. We will know in due course.

This time, Mr. Speaker, the nurses were offered a forty per cent increase in a two year contract, fifteen per cent increase in the first year plus a one step jump on the scale. As Your Honour is intimately aware, I am sure, the scales of payment for the public service and the nurses and the hospital workers have five per cent annual increments. So, they got that in addition. That is twenty per cent in year one. The second year another eight per cent plus a further one step jump in the scale, total thirteen per cent, plus a two hundred block payment at signature, a little earnest money, plus a further \$200 in September, 1974. A very handsome offer indeed, Mr. Speaker. If you work it out, a nurse today earning \$6,000 which I believe is point one on the nurse (1) scale, will in her first year get an increase, as I have had it calculated, of \$1,445. In the second year of the agreement she will get an extra \$1,171. Add it up together, Mr. Speaker, that comes to \$2,616, an increase in dollar terms of 43.6% over the term of two years.

That is the point one in the nurse (1) scale. If the Minister of Finance want to check the figures, the assumptions are that the five per cent jump comes before the increase and calculations and the assumption is further that the \$200 bonus figures are not added to the permanent scale.

The honourable gentleman says I am incorrect. I would be glad to sort of put the arithmetic down and we could perhaps have a subcommittee

of the House to have a look at it. If I be incorrect, the honourable gentleman could correct me, but the information which I have been given, I have not done the calculations myself but on the assumptions I have stated, they show an increase of \$1,445 in the first year and in the second year a further \$1,171. That is a total of \$2,616 in two years. On a \$6,000 basic salary that comes to 43.6%.

The honourable gentleman hopes I am against it. He is so punch drunk and he has made such a mess of it. now he is being desperate. I already said it was a handsome offer, a very handsome offer, nearly as good as the NHA has gotten, nearly as good - but our contract is for longer than two years.

MR. CROSBIE: Your contract will be terminated in the next election.

MR. ROBERTS: Well, let us have the election tonight then, Mr. Speaker. Let us have it now.

AN HONOURABLE MEMBER: Without any leadership convention?

MR. ROBERTS: Sure. Let us have one of those in each party. Okay.

Mr. Speaker, that was the story of the nurses' negotiations and they are still underway. The vote will be in shortly. We will know what they have done. As I say, I am told by people who should know that the feeling is that they will accept the offer the government have made. It is a handsome offer, forty-three or forty-four per cent for the people on the bottom of the scale. That is not bad at all. It is certainly a lot better than they got for the final offer that they had before.

AN HONOURABLE MEMBER: They had no final offer.

MR. ROBERTS: No, and they have not got a final offer yet, Mr. Speaker. That is the point I am going to make in a second, that the Minister of Finance's final offer is no more final than his final declaration that he would never have anything to do with John Shaheen or a final declaration of King Canute that the tide would no longer cease to come in. Words with the Minister of Finance, Mr. Speaker, are just like Alice (or the Mad Hatter, was it?) in "Alice in Wonderland". Words mean, in his eyes, exactly what he says they mean, while the rest of us take

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what the Oxford English Dictionary and Funk and Wagnell say, and put that in your bippy.

Now, Mr. Speaker, I

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MR. CROSBIE: Carry on.

MR. ROBERTS: Mr. Speaker, I intend to carry on. It is decent of the honourable gentleman to allow me the rights that I am given under the rules of the House.

Now, Mr. Speaker, let us talk about some other negotiations. The prison wardens, represented by NAPE, negotiated under a voluntary recognition (they have no legislation. They are not covered by the Constabulary Act, are they? I do not think so, no) their second or third contract, Sir. Again the voluntary recognition had been extended while we were the ministry, the contract had been signed. They got a minimum of twelve per cent, plus a signing bonus of \$225 to \$275. The constabulary negotiating under a special act, a special piece of legislation enacted two or three years ago, got exactly a similar offer. I understand that there has always been equality between the two forces, the constabulary on one side and the warden force at the penitentiary on another.

The St. John's Housing Corporation have apparently signed a two-year contract and apparently the wage increase has not been made public. Perhaps it could be made public. The St. John's Housing Corporation is a most intriguing body indeed. We will be having some talks about them later on.

Let us talk about the doctors for a minute, those charitable gentlemen - my father, my brother, my cousins, charitable gentlemen, Sir. They had a one-year deal I am told. The Minister of Health made a very long-winded statement which was noticeably lacking in information. The minister in his statement claimed that an \$800,000 cash increase provided in the estimates would amount to 4.7 per cent. My mathematical division, the computers who work in the Opposition Office, tell us that the actual calculation is closer to 7.1 per cent. If you eliminate general proration and apparently it

has been eliminated, something has replaced it. People have not been taken into the confidence of the minister and the N.M.A. on that point. The doctors effectively pocket a further \$226,000, meaning the overall increase on the average may amount to 9.1 per cent. It is not bad when one considers the average gross salary of doctors, which is of the order of \$50,000 a year. If one then takes out their expenses which may run to one-third (one-third of \$50,000, for argument's sake, is \$17,000, Mr. Speaker) this leaves a mere \$33,000 per annum.

AN HON. MEMBER: Almost as good as the lawyers.

MR. ROBERTS: Almost as good as the lawyers. The only problem is that the lawyers have to collect their fees and the doctors get them from NCP.

MR. W.N. ROWE: The honourable gentleman is going to need one.

MR. ROBERTS: The honourable gentleman may need one. He has a writ served on him, has he?

Now, Mr. Speaker, let us now talk about the teachers. There are 6,400 people in their bargaining unit, a two-year contract. They did worst of all in dollars or in percentages. They got between six and seven per cent the first year. I understand the people lowest on the scale got six and the people highest got seven. The second year ranged from five to six and one-half per cent. The agreement was reached on May 7. The teachers ratified it on May 28. More power to them. Far be it for me to suggest anything wrong. Every teacher I have since seen has pointed out how inappropriate it was of the government, then to turn around and hire a chief negotiator for the teachers, to be the assistant deputy minister, a couple of weeks later. The gentleman, as we have already said, is qualified for the position, but I do think it was an injudicious act.

AN HON. MEMBER: A perfect gentleman.

MR. ROBERTS: He is and a very good educator. It was an injudicious

act. The Premier thinks I am being hard on him. Any teacher in Newfoundland - many of them have raised it with me. They are not blaming the government but they do feel a little doubt.

MR. W. N. ROWE: Well there is room for suspicion.

MR. ROBERTS: There is room for suspicion.

Now, Mr. Speaker, the open-vote employees got twelve and one-half to thirteen per cent in the first year. These are the people who work on the highways and in public works, forestry and agriculture, that department. They got an increase of 12.7 per cent in the second year and they voted a little over eighty per cent in favour early in September of this year, again after protracted negotiations. If one can believe the press, as I tend to, the contract which was signed only recently was signed after considerable flak from employees in the field wondering where their raises were. They expected to see them in the pay cheques a little more quickly than they came.

Mr. Speaker, that leaves only two groups in this brief run down of the labour situation. But they are the two groups, Mr. Speaker, with whom there has been the most difficulty in concluding an agreement. NAPE, the general service agreement, I am told about 4,000 people are included in that. It is not the first agreement between the government and NAPE, representing the general service employees. There has been at least one. I recall while we were in the ministry, one was signed. There has probably been another one since. NAPE began the negotiations, Mr. Speaker, by looking for a fifteen per cent increase over two years, not at all out of line when considered against the settlements that have been reached across the board, not at all out of line. In addition to that they, of course, assumed as did we all (I believe my friend from Bell Island has the statement by the Finance Minister which led us all to assume that) that the five

per cent automatic increment would be paid automatically. That is what NAPE were looking for. A simple total would be twenty-five per cent over the two years, plus a \$400 minimum monthly salary.

Yes, on April 4, 1973, the gentleman from Bell Island (I quote from the Hansard, at page 3642) said, Mr. Speaker: "Before I leave the Minister of Finance, Sir," (that must have been said tongue in cheek because I am sure the honourable gentleman from Bell Island has no intention of leaving the Minister of Finance, as much as the Minister of Finance might wish it)" I would like to ask him another question on a different matter. Would the minister inform the House if there is any foundation to the report that annual increments for public service employees, police, the wardens at the penitentiary and so forth have been dropped in this fiscal year and instead will be included in any increase in pay that is negotiated by these various groups?"

(Minister of Finance): "Well," (in his usual, delicate, soft and charitable answer)" this is a matter you know that one would like a little notice (if there were such a sinister plot underway)" of that question. Even without being given the notice, (oh, the magnanimity of it, the appalling magnanimity, it is almost more than mankind can bear)" I can tell the honourable gentleman that there is no plan to change. People to whom the automatic increment of five per cent has applied in the past is continuing this year. There is no truth in that report." April 4, 1973, a day that will live in history.

MR. W. N. ROWE: What would you call that now, a fib?

MR. ROBERTS: Oh no, I would not even call it a terminological inexactitude. All I know is that when the proposal was put to NAPE, it came out as an eight per cent increase the first year, including the five per cent; in other words, a three per cent increase. Surely, any

person who heard that statement by the Minister of Finance was entitled to assume surely, Mr. Speaker, that five per cent would have carried on indefinitely. That is what the words say. It says that there is no sinister plot, that any person who was not at the top of the scale would get his five per cent increment. When it comes out, there is no annual increment but eight per cent the first year and eight point three on that the second year. In other words, if you wish, a three per cent increase in the first year, taking into account the increment and three point three per cent the second year. NAPE, not surprisingly, rejected that by a vote on June 25.

Now the negotiations carried on throughout the summer, with the Minister of Finance enlivening the newspapers and the radio stations with statements that NAPE could not control their members; that the NAPE executive were dillying and dallying in processing offers. The files are filled with little tidbits of good, meaningful, employer/employee relationships on the part of the employer - a real graduate course in how to win friends and influence people. There was not a day that the arrogance of the government did not come through and well sort of take it or leave it, that type of approach. In any event negotiations went on. In September a further offer was made, a second offer, in a sense the same as above but with some further increases in the lowest category and other modest moderations but nothing substantive as to overall wages. Balloting was recommended by the negotiating committee; acceptance was recommended. Balloting - the matter went to the ballot. It was rejected by a close vote.

Treasury Board, on October 3, after the close vote, had advised NAPE that this was the final offer - those magic words again - final offer. Subsequently, on October 17, the Minister of Industrial Relations announced that he had decided not to appoint a conciliation board. I think I am summarizing the honourable gentleman's action correctly. He said, as I recall it, that there was no requirement on him, indeed



there was no legislative authorization so he would have to do it under sort of a plenary, residual power and, for whatever reason, he decided it was not the right thing to do.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: I am sorry. Oh, the gentleman could have done it. Well in any event I stand corrected, gladly! He did not do it. Section 68,

MR. ROBERTS: he did not do it. Okay! That is the act that says this act does not apply to Her Majesty in Right of Newfoundland. That is true. It could have been done voluntarily. It was done for the x-ray and lab technicians. One can do what one wants to do in that sort of situation, Mr. Speaker.

The government refused to appoint a conciliation board on October 17, twelve days ago, and there the matter rests. Presumably when this bill becomes law, as I predict it will at some point, matters will go forward under that bill.

However, the final offer, again those magic words from Treasury Board, I do not know whether they were speaking to their president or not, final offer from Treasury Board, the final offer - it was not quite so final, there was a third offer made on October 18 or 19, a day or so after their refusal to appoint a conciliation board. It applies only to red-circled employees who apparently in the first year will now, under the offer they would have received an eight per cent increase instead of four per cent in the first year and in addition a \$200 across the board increase to scale of all employees.

NAPE felt that this offer, the provincewide executive, did not even warrant a full scale mailed ballot. They met. They discussed. They decided. They announced. Subsequently they said that branches might wish to take a stand on it. I understand from the press that branch number nine, the branch which includes the employees of this building, Mr. Speaker, met apparently in the cafeteria yesterday, evening, and decided not to have a mailed ballot. I am also informed that the Medicare Commission have decided they do not want a mailed ballot. They do not even consider the offer apparently even worth discussing, worth voting upon. I have no idea what the other branches of NAPE are to do nor have I any idea, Mr. Speaker, how big a proportion of the members of NAPE are included in these two branches. I do know that the number nine branch is considered to be the largest branch we have.

Mr. Speaker, then we come to the one group who are today in the

unhappy position of having resigned their job. They have not struck. I do not know what legal interpretations might be put on it but, as I understand it, they have not struck, they have just resigned. They have left their jobs. They have given in their notices. They have quit. They are gone. They are unemployed, the x-ray and laboratory technicians.

Now, Mr. Speaker, if ever there were a shoddy story of negotiations, this is it. I am not aware of the details of the first offer made to the x-ray and laboratory technicians who were represented, by voluntary recognition, by NAPE. There have been previous agreements, again nothing new, Mr. Speaker. There has been at least one. I am aware of one agreement and I suspect there have been two or three agreements between NAPE on one hand and the government on the other with respect to these technologists.

The first offer details apparently were not made public. In any event, a conciliation board was appointed on August 16. On September 13 the report was presented to the minister and subsequently to NAPE and to the management people. The conditional approval was given by the NAPE negotiating team but on September 20 the government saw fit to reject that report. It was their right; they did it.

On the same day, September 20, as I understand it, the government in rejecting the conciliation board report gave a counter offer. NAPE were prepared to strike. The next day, on September 21, the government changed their mind and decided to accept the recommendations of the conciliation report, although apparently the government described it in public statements as rather an arrangement based on the conciliation report.

The votes were counted on October 15, and a strong majority voted to accept. The proposal was the nine per cent increase in the first year, a twelve per cent increase in the second year. That was a seven per cent general increase on the scale plus a one step promotion on the scale, Mr. Speaker, plus, in addition to all that, a \$200 signing bonus.

Now that, Mr. Speaker, is where it broke down. Up until then it had been an unpleasant situation. There had been considerable controversy in the press back and forth between the two groups. There had been statements made by the minister and statements made by NAPE. There had been some hard words about the failure of the conciliation board to move as quickly as the technologists, employees thought that they should move, but in any event it all came to a resolution.

Then, Mr. Speaker, it was revealed that the nurses had been offered, as I said earlier, much more substantial increases. Twenty-one per cent in two years was what was going to the technologists. Forty per cent, round figures.

MR. CROSBIE: Wrong.

MR. ROBERTS: Wrong? The gentleman's arithmetic is off again. The information which - I only have the public information, I do not claim it to be iron clad correct but fifteen per cent in the first year plus a step on scale is a twenty per cent raise, eight per cent in the second year plus five per cent is thirteen per cent plus a \$200 block payment, plus a further \$200 in September 1974. I do not care whether they go on the scales or not, Mr. Speaker, income is income. The income tax people will classify this income and assess the tax. The bank manager will be just as happy whether it is called a signing bonus or block payment or whether it is called wages on scale. It is money they will get for signing the agreement. It is trying to blindfold the devil in the dark to say that that is not part of it. It works out, by the arithmetic I outlined earlier, to forty-six per cent for the scale ( 1), step one. So, Mr. Speaker, this is the background leading up to the situation of the x-ray and lab people today.

Let us be clear who these people are, Mr. Speaker. There has been a lot of chatter, some of it correct, some of it not correct. The Minister of Health danced merrily on the television tonight when that question was put to him: Who they were, what were their qualifications? These would be the nurses? He did not answer.

Well let me tell the House, Sir, for those who do not know. The

x-ray and laboratory technologists spend three years at the College of Trades and Technology or a comparable institution and are recognized by a national body, one for laboratories, one for x-ray technologists, with national standards and a young man or a young woman who is admitted or granted admission as a laboratory technologist in Newfoundland can take his or her trade anywhere in Canada and have it recognized. It is not a Banana Republic situation. These people are fully qualified technologists, a minimum of three years study.

They are in essentially the same position as a young lady or a young gentleman, very few but some have become registered nurse. The same requirements, Sir: Three years in the case of nursing, as a rule that is in a hospital school. We have the school in Corner Brook which is two years; the Western Memorial School, Monahan Hall, named after Dr. Ted Monahan, and two years there in recognition after examinations.

These are not people who were just dragged in off the street. These are not unskilled labour in any sense of the word, Mr. Speaker. These are highly skilled technologists who are vitally important, vitally important to the workings of our hospitals in Newfoundland.

Now it is not up to me to debate the merits of the offers. I do not know enough about it one way or the other and I am not going to get into it. I am going to say, the facts will bear me out, that there has always been a relationship between the non-professional employees on one hand and the nurses on another hand and the x-ray and laboratory technologists on another hand, that is three hands, you can have that in hospitals. There has always been a relationship between the salaries paid the one to the other. The whole Personnel Administration Division scheme, PAD classification scheme in hospitals, is based on that relationship and the x-ray and laboratory technologists, rightly or wrongly Mr. James Vokey speaking tonight on the CBC television programme "Here and Now", a little after seven o'clock, said that the technologists believe it and this is the root of the trouble,

Mr. Speaker, and I wrote these notes down ; "that we were given an assurance that no other paramedical group would get substantially more than we got," and he says, "The commitment was given across the table."

AN HON. MEMBER: Inaudible.

MR. ROBERTS: I was not there. I do not know. How could I give it, I do not have the name. Of course I do not have the name but the Minister of Finance

in one of his virtuoso performances had me against God, the Queen, the Commonwealth, in favour of the devil, sin, against motherhood, strongly endorsing nuclear fall-out in milk for children with his gymnastics today. I do not know who gave the assurances and if he thinks I gave them he is wrong. All I am saying is that the technologists believe - a number of them have told me privately this day and Mr. James Vokey (I saw him with my own four little eyes tonight on the television) other members may have seen him. He came between the Minister of Health and the Minister of Finance, an unenviable position for any young gentleman to be in, I submit. Mr. Vokey made the statement.

Now, Mr. Speaker...

AN HON. MEMBER: We all heard it.

MR. ROBERTS: All right, Mr. Speaker.

MR. W.N. ROWE: Say it again.

MR. ROBERTS: Mr. Speaker, the honourable gentleman heard him but he apparently does not heed him.

MR. W.N. ROWE: He does not care. Arrogant.

MR. ROBERTS: Mr. Speaker, let the honourable gentleman ask Mr. Vokey.

MR. CROSBIE: I have asked.

MR. ROBERTS: Well ask Mr. Vokey. I do not know Mr. Vokey. For all I know Mr. Vokey may be sitting in the gallery. I do not know Mr. Vokey. I am willing to believe that Mr. Vokey comes on the television and like the honourable gentleman from Bonavista South, when he says something, I take it as being a truthful statement. I take it, I accept it, I believe it. I do not doubt these other people Major (whatever the gentleman's name was) and so on down the line. I do not doubt those people but my point is that the technologists believed they were given that assurance. I do not really care whether they were or were not. What comes through to me, Mr. Speaker, is that we have today the situation where every hospital in Newfoundland,

every major hospital - to quote the Minister of Health at three o'clock in, his ministerial statement, every major referral hospital is effectively closed. Sister Mary Lucy came on the television a little after that. She was fairly pessimistic about the chances of a long duration of this situation. She did not really think it could last but she showed her concern.

What did the technologists do? They resigned. Where did they get that? I would imagine, Mr. Speaker, they got it from the nurses in Nova Scotia. In the Halifax - I am not sure which hospital, I think the Royal Vic. in Halifax and probably the Nova Scotia Hospital which is their equivalent of the Waterford Hospital, across the harbour in Dartmouth - they resigned en masse two or three weeks ago and brought the government of Nova Scotia very much to the table with a handsome offer. That offer in turn led to the nurses here getting their forty and forty-five percent offer, so the technologists presumably took a leaf from the book.

I do not know the merits of the argument, Mr. Speaker, and I am not competent to judge. When I was health minister I faced the situation, the government of which I was a part faced the situation and what we did stands or falls on the record. It is on the record and there it is. What we did we did. We had a withdrawal of services, as I recall it, for about twenty-four hours. Then the late Mr. Keough, who was then Minister of Labour...

MR. CROSBIE: I would like...

MR. ROBERTS: The honourable gentleman, Mr. Speaker, had the pleasure of speaking, (it was all his pleasure I may add) for an hour or an hour and a-half this afternoon. He will have the opportunity to close the debate at whatever point that comes. I shall listen to him avidly then.

What concerns me, Mr. Speaker, what concerns me is that there has been an obvious and complete breakdown of the negotiation process, a breakdown of good faith. The technologists who put it to the test, they have given up their jobs, Sir. Your Honour has



never given up his job for his principles; he never had to. I am sure he would, given the option. None of us has ever had to do it but these young men and women or older men and women, as the case may be, have done it. What their motives may be, what their expectations may be one does not know. They have done it and we have an intolerable situation tonight.

I put that forward, Sir, as being clear proof that this act, ill-conceived, ill-arranged, ill-explained, well-intentioned will not bring labour peace in this province, because against the activities and actions of this government over the past summer the collective bargaining process will not work. Why? It will not work, Mr. Speaker, because they themselves have gone a long, long way to destroying that basis of good faith.

The Premier had his own reasons for intervening in the strike of the non-professional workers. I have given what I understand to be a set of reasons. He may have had those, he may have had others. I was given information in good faith, I pass it on in good faith, I believe it to be correct, it may not be correct but I believe it to be. That intervention, Sir, had the effect of destroy the bargaining process. From now on, Sir, no group will take the word of Mr. Blanchard who is the chief negotiator that: "This is it boys." The Minister of Finance is thoroughly discredited in this sense and they are not going to settle for anything less. I must say on the record that you cannot blame them.

They went on strike in the CUPE hospitals and they were told - we all heard the Minister of Finance time and time again - he went to Rotary Clubs up and down the land, he went on the television, he was in the newspapers - Oh my! It was a glorious performance - saying that they can stay out as long as they wanted but it was the final offer. The final offer. Then, Lo and Behold! One magic morning in September the Premier rose from his bed of sleep and before the sun set that night, Sir, the final offer had become decidedly unfinal and each of those employees, each of those

bargaining units had put several hundred extra dollars, welcome dollars, in his pocket.

Well and good. I am all for it.

MR. W.N. ROWE: "Crosbie did not even blush. Look at the face on him."

MR. ROBERTS: You would not expect him to. I am all for it. If that is the bargaining process, that is fine. Everything was done lawfully and above board. I talked today to a very experienced labour person, I shall not name him, who told me that in his view the Premier's intervention was a tragedy and a travesty that destroyed the bargaining process; it will have to be built up again.

The Minister of Finance made the point, interesting enough, that the negotiating committee had accepted it, as if that ended it. I realize the vote was taken and it too - I am not defending the action of the technologists, I am not condoning it. I am trying to understand it, I am trying to draw the lessons from it. They must have had their reasons and they must have been serious reasons to do what they have done. I think they know that public opinion is not massively behind them. Certainly the government are trying their best to whip it up and inflame it against these people but they have decided, these technologists, to do what they believe best. They have not withdrawn they have quit, given up their jobs, resigned.

The Minister of Finance talks about the negotiating committee accepts. That is the sort of thing that ASARCO said time and time again for their laudable performance at Buchans.

Mr. Speaker, to say one other thing while I am on this branch of it, to say one thing, Sir: The Minister of Finance chose to attack me today. I do not mind that I am getting used to it. I suppose it is a bit of a testimony that he considers me important enough to be worthy of what he considers to be his devastating attacks. In his diatribe, his personal attack he misquoted, misconstrued and misled. He time and time again said that I had said that I believe the nurses and technologists should have parity. What I said was that the

x-ray and lab technologists have made their settlement on an understanding that the nurses were being made a certain offer, only to find out that this was not the case. Then I said the government seemed to be deliberately forcing them to go on strike. I said that and I meant it and I believe it. I think on the facts it is true. I think the government were looking for a confrontation. I think they wanted a scalp. I think they desperately wanted it. They wanted a confrontation. The problem is they are playing with the health of the people of this country to do it. I do not know why they wanted it. They will deny it. My heavens! Mr. Speaker, they will leap up now all the way from the gentleman for Labrador West who sits on the extreme left, at least geographically, of this House all the way down to the gentleman from My Lord! it is the gentleman for Bay de Verde, the last forgotten member. They will leap up right piously, and the Minister of Finance will give us another one of his virtuoso performances, the heavens will ring when he says, "We had no such intention. " Well, I say, Sir; in my opinion the facts speak for themselves. If the Minister of Finance should want to make an attack on me, let him make the attack but let him try to do it accurately and honourably and honesty. These are words that have seemed to slip from his lexicon in the last year or so. What I said, I said. I may add, he talks of me - if the honourable gentleman will please contain himself. He said, Mr. Speaker -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Mr. Speaker, if the honourable gentleman will please contain himself. It may be a struggle; he may have to leave the chamber; he may have to go to the washroom but he will contain himself in this House, Sir.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: I do not deny it. I just read from the very same addition of that yellow rag and if the Premier ever finds out that the Minister of Finance is subscribing to the "Telegram" Haw! Haw! It is a yellow rag of journalism. I remind you that was an off day, Mr. Speaker. I mean that

twenty-seven page statement produced by "Information Newfoundland" was an aberration. And as for the gentleman for Bonavista South the last time the Premier said anything about him it was not printable, even in any yellow scurrilous rag, Sir.

Mr. Speaker, it is hard to stay relevant when the gentleman for Bonavista South interjects himself into what is a serious argument. He comes ill-equipped for a battle of wits.

Mr. Speaker, the Minister of Finance can say what he wants about my stand but let him say it about what I stood for. Now I will say it again, I believe this government were negotiating in bad faith with the x-ray technologists. I think they knew that they were going to make a better offer, a substantially better offer for the nurses that they were going to bring the nurses on parity with Nova Scotia, a much bigger percentage. It does make a change, Sir. It does make a change, by giving the nurses the steps up on scale, a part of the offer, they will be \$500 or \$600 a head. True, a Lab Technologists I, and a Nurse I, at point one on the scale proposed for 1973, in the first year will only be \$100 apart, indeed \$98. \$6,802 for the Lab Tech. I, \$6,900 for the Nurse.

But, Sir, that nurse in the second year of her contract gets an automatic five per cent raise and she gets moved up a step on the scale. That makes the gap considerably wider, Sir, because she will go to step III on the scale while the lab technologist only goes to Step II. Then, Sir, that same lab technologists and that same nurse, the lab technologist at point two on the scale gets \$7,142 and the nurse gets \$7,604, a \$500 increase. If we take that a step further into April 1974 the technician (1) moves from Step II to Step III, it goes up to - the figures I have been given, \$7,999, (\$8,000). The nurse goes up two steps and ends up with \$8,629, a difference of \$628, so that there is no longer anything approaching parity.

Two years ago, Sir, in 1971, the Lab Tech. I and the Nurse I, those scales were the same. In 1972, Sir, the Lab Tech. I ended up \$240 ahead

of the nurse. It is not the sort of a thing that one would want, if there is to be parity but there it was. Now the scale has been reversed the other way. While the scales being the same, Sir, if Your Honour is enabled to jump two points on every scale while I jump one, Your Honour is going to end up considerably better off in his pocket than I am. That is what is being proposed.

AN HON. MEMBER: The difference then is \$829.

MR. ROBERTS: It is not the \$100, it is \$800. Substantial. I say that I believe the government are negotiating in bad faith. My statement in the "Telegram" that so caused the gentleman for St. John's West to be unhappy, to give us a display of his pyrotechnics, was the first, not the first, I am sorry, I made no public statement on the x-ray and lab thing until after the vote and the turn-downs. I had deliberately kept quiet because I suspected the honourable gentleman would play his scurvy tricks. He believes that the best defense is attack. Maybe it is. He has a lot he cannot defend and so he has a lot he must attack. I made no statement during the period of active negotiations, on the radio stations nor anything else. I did tell all and sundry, the ministers opposite when I happened to run into them in my daily rounds, the members of the press, my own associates and colleagues that the x-ray and lab technologists they were the ones to watch because the government could stand strikes, hospitals could stand strikes of nonprofessional workers but could not stand the laboratory and x-ray technologists going out. That was my experience as Minister of Health, what I was told then. We have seen it happen, they have gone out. Today if our hospitals are functioning at ten per cent efficiency they are functioning at ninety per cent efficiency. It is a sad, shoddy commentary.

We say as well for the Minister of Finance, to cogitate upon, that I had no contacts direct nor indirect with the x-ray laboratory technologists. I am not carrying their brief. But what concerns me, Sir, is not the whole tragic misunderstanding, it is a tragic misunder-

standing. I want to know where we go from here. In my submission, Sir, this bill as it now stands is not the answer. The mere fact if this bill becomes law, and I am willing to predict it will, with or without our support it will become law. I have no doubt the government will have their way on it. They have the majority. They won it in an election. They will have their way. It will do nothing to put one x-ray technologists or one laboratory technologists back to work. Nothing. Because they are not on strike unless someone can construct a legal theory that this activity that they are engaged into amounts to a strike. That would take the courts I should think some time. I do not know the law at all on the point but I think that it would be a very interesting point to take before the courts. We will have it settled about 1984 by the time it meandered its way through the Supreme Court of Canada but it will do nothing to get them back to work.

The reason they are out as they have said time and time again is they believe the whole bargaining process has broken down. That is what concerns me. That is what the government should be doing with this act. They should be bringing it in, in the hope that it will provide a framework and to create an atmosphere. Instead we have an injudicious attack by the Minister of Health, who finally comes to the floor. We have an even more intemperate attack by the Minister of Finance. We are accustomed to that from him. If we do not get an intemperate attack from him on a point, one thinks that he has ignored the point.

Well now, Mr. Speaker, having made a few brief introductory remarks, perhaps I should be allowed a few words about bill itself.

MR. CROSBIE: Mr. Speaker, would the honourable gentleman permit a question before he leaves this subject?

MR. ROBERTS: I will be delighted to, Sir.

MR. CROSBIE: The honourable gentleman stated today that we have suggested to NAPE and to the x-ray and lab technicians that the whole matter be referred to arbitration which would be binding. In any event no matter what an arbitration board found they would not get less than the offer that went out and was accepted.

MR. NEARY: Sit down boy and do not be so foolish. Sit down!

MR. CROSBIE: Does the honourable member mind if I ask a question, Mr. Speaker?

MR. NEARY: Do not be so foolish.

MR. CROSBIE: Perhaps the Leader of the Opposition has to take directions from the honourable member for Bell Island but I doubt it. Would the honourable Leader of the Opposition give us his considered opinion on that?

MR. ROBERTS: Mr. Speaker, I am unable to give my considered opinion on it because the first I heard of it was this afternoon.

AN HON. MEMBER: An hour ago.

MR. ROBERTS: That was the first I heard of it. So since I cannot give a reasonably considered opinion, I think I shall pass on the point.

MR. CROSBIE: Does the honourable gentleman not think that is reasonable?

MR. ROBERTS: No, Mr. Speaker, I am not able to indulge on the merits of the point, I do not know enough about it.

MR. CROSBIE: The honourable gentleman said that we are acting in bad faith, then he knew no more about that than he knows about the arbitration.

MR. ROBERTS: Mr. Speaker, I said that the government were acting in bad faith. I have time and time again said that and I maintain it now and the evidence sustains it.

AN HON. MEMBER: Another panic.

MR. ROBERTS: They can panic if they want. They can say what they want or do what they want. Mr. Speaker, the honourable gentleman may stalk out of his place, he may take his ire and his high dudgeon with him but he cannot get away from the facts, for once he is on the receiving end. He does not like it. Old Bully Boy!

Now, Mr. Speaker, let us have a few brief words on this model of legislative draftsmanship. Lord Thring, he was a great draftsman in British Parliamentary History, was he not? I suppose he drafted his own title, Sir; Lord Thring. Your Honour is doubtless familiar with the works of Lord Thring. The British North American Act was drafted by Lord Thring.

It served us for a hundred and eight years. Lord Thring thrung well. But this, Mr. Speaker, is one of the most ill-considered pieces of legislation I have seen in some time. It is modelled on the Labour Relations Act. Full sections have been lifted out of it.

As for consultation, the Minister of Finance glories in a statement, glories that one section was changed and they are going to make a few minor amendments requested by NAPE. I am not sure he said what they were. He dealt with some. He said he would table a list but the list has not come around to us yet. It may have been tabled but it has not gotten here. He gave it one of my colleagues in confidence on Monday as if a bill that had been given first reading, that was to come up for second reading on Thursday, could be given in confidence to a member of the House. I happened to see it Wednesday.

MR. W. POWE: It happened to be given to about fifty other bodies.

MR. ROBERTS: Oh, yes. It has been given to all sorts of other bodies. Not a comma, not a jot, not a tittle changed, I can hear him now.

AN HONOURABLE MEMBER: A lack of sincerity.

MR. ROBERTS: Yes, one might say there was a lack of sincerity and a lack of good faith and a lack of honourable dealings.

The minister gave us one of his quick trots through the bill. I may be pardoned a similar one with some comments on some sections. I have taken the trouble to read it carefully. I do not pretend to understand it all. I have also taken the trouble, Mr. Speaker, to consult one or two eminent authorities in the field who have quite gladly given of their advice.

Let me first of all say that the bill divides employees into two categories, those who are essential and those who are not essential. It leaves it up to the Labour Relations Board and quite properly so, if somebody is going to say who is essential and who is not. That is probably the major achievement, the major thrust of this bill.

It says that if you are deemed essential, you cannot strike. You can bargain but you cannot strike. Furthermore, as I read the bill you are not even entitled to binding arbitration. Perhaps some of the honourable gentlemen opposite can tell me that clause.



Section 10 is the means of determining who is essential and who is not and section twenty-five, I believe it is, says that an employee who is an essential employee shall not strike or participate in a strike. But the compulsory arbitration, the provision given by virtue of section twenty-nine, that only applies when section twenty-seven, the emergency has been evoked.

So, in other words it is the fellow, Mr. Speaker, who is an essential employee, deemed an essential employee if this bill goes through unaltered as I devoutly hope it will not, that employee - Oh! he may negotiate but he will be about as useful as an eunuch in a bordello, Sir, because he can do nothing to carry through with his intentions, nothing at all. We cannot strike, stiff fines and penalties if he should strike. He cannot even have a very second class consolation of compulsory arbitration. The draftsmen, the ministers who sweated nights through the past six months on this bill, seem to have missed the point on that or I have missed it and I do not think I have. I have read the bill, with that point in mind, three or four times. If I am wrong, I have no doubt there will be a gleeful jumping up on the other side to point me so.

But I would like to know what is the position of the essential employee. What happens if ninety per cent of a hospital is deemed essential? Who is to say it cannot be? The Minister of Finance flung out, I think it was twenty-five per cent. I do not put much faith in the Minister of Finance's statements any more. His final offers tend to evaporate when the sun comes up. His statements of principle tend to be like quicksand, Sir, rather insubstantial to stand on. So that is the point of this bill, Sir.

Even those who are allowed to strike, who are given the right to strike, who may be one per cent or may be ninety-nine per cent, they live under a sword of Damocles because they may strike, Sir. Oh, they may have their legislation giving the right to go out and strike, but, Mr. Speaker, section twenty-seven is always hanging over their heads. They can wake up in the morning and they can look at each other and they can say, " Will it fall today? Is today the day that the Lieutenant Governor-in-Council

is of the opinion that a strike of employees is or would be injurious to the health or safety of persons or any group or class of persons or the security of the province?" Because if he is, he can end the strike, Sir. Bingo! Compulsory arbitration!

Now, Mr. Speaker, this clause is not unique to Newfoundland. I suppose when people look at it they come to the conclusion that this clause has to go in. Obviously strikes that lead to serious disruption in police and fire and hospitals cannot be tolerated. That is an easy thing to say and yet the fact remains, Sir, that legislation does not prevent them. Legislations or all the legislation in the world has not prevented the X-ray and laboratory technologists from walking out.

In 1971, when the police struck in St. John's, illegally, not lawfully, improperly and wrongly in law, they were cheered almost to the man by the populace of St. John's. Do you know, Mr. Speaker, that only did they not suffer disciplinary penalties for going out on strike and absenting themselves from duty but, Mr. Speaker, they even got their full pay for the time they were out. More power to them!

The point I am making is that if public opinion is in favour of a strike, all the laws in the world will not stop it. Even, Mr. Speaker, even granting, as I do quite readily, the government of this province must accept final responsibility for the help and security of the people, section 27 should not be in this bill.

Why? Ah! Roberts has fallen into their tracks. Now they can go from Chidley to Cape Race saying, "Roberts has fallen into it. He is encouraging strikes against the sick and the dying." I can hear it now, the honourable gentlemen opposite. It is not so, Mr. Speaker. I can say that it will not prevent strikes. I can say that and I can point to the evidence. It has not prevented strikes. It has not prevented them in other provinces of Canada and it will not prevent them in Newfoundland. What will prevent strikes is good faith and good collective bargaining and that is what we have not had from the honourable crowd opposite.

Mr. Speaker, there is a much more basic reason why I am against this clause in this bill. I have not figured out, to be quite candid,

whether it means I can vote for the bill or not. I like the principle very much. I think my colleagues are very enthusiastic in supporting the principle of collective bargaining. I think in a way we are ashamed - we are not ashamed, we are unhappy - that we are not in a position to introduce this bill. We will be able to introduce the amendments to make it meaningful.

Mr. Speaker, this clause is an abdication of authority by this House of Assembly. Honourable gentlemen opposite, time and time again, when they were in opposition, used to claim and state and run on at great length about how the then administration, Mr. Smallwood as the Premier, was allegedly destroying the rights of the House.

The gentleman from St. John's East was particularly pious on this point as only he could be. The gentleman from St. Mary's, as he now is - he was then the gentleman from St. John's East - himself was also fairly fervent. The gentleman from Burin would be quite sincere as only he can be. The gentleman from St. John's Centre would be entertaining as he always is on this point. The gentleman from St. John's East Extern would be most enlightening as he always is and the gentleman - oh, I have forgotten - the gentleman from Fortune Bay, of course, the "tag-along", would be equally firm.

Well, Mr. Speaker, this clause gives the Government of Newfoundland the power to take away, by Order-in-Council, for the broadest possible grounds, the right to strike. Now, if this government mean that civil servants have the right to strike, given the essential clauses and the labour unions do not like that, CUPE in particular feel and they put forth a good case - the government feel there must be essential persons who cannot strike, I say that that alone will not prevent strikes. It did not prevent a police strike. It will not prevent a strike. Legislation will not. Good faith will. Public opinion may but, Mr. Speaker, legislation will not. It makes it unlawful but it does not prevent the strike. It does not prevent what suffering may come ; good faith will.

The government cannot have it both ways. This clause destroys the bill as an effective piece of legislation. If we should be in a situation, Mr. Speaker - somebody will leap up now. Look at them frantically scribbling. And they will say:

"Oh Roberts! Oh! Yes, we have the hospitals struck, and you will be over there." I think the honourable Minister of Finance thinks I am delighted by it all. I am a little sad, watching a group of men who came into office with such high hopes and such great shining armor reveal themselves so quickly as so tawdry. It is a sad moment.

I believe it was Lord Roseberry who wrote of Lord Randolph Churchill, that he was the chief mourner at his own protracted funeral. Mr. Speaker, it is equally true of this administration, that they are the chief mourners at their own protracted political funerals.

If we should have a strike, Sir, and it should get to a stage where it threatened the health or the security of any part of this province, the people of any part of this province or the people of all this province, then the remedy lies at hand always here in this House.

The government can call the House together at any time, Sir, two, three, four days notice. We can be called together very quickly, if need be. Most of the members live in or near St John's but even those who live elsewhere can get here quickly. That is the remedy. That is the remedy for it, Sir. The Government of Canada were forced to that expediency last fall when the railway strike became intolerable.

But, Mr. Speaker, to put it in the bill is rank hypocrisy. I can see where a group of men would fall into it, but it makes the act unworkable. I feel that the labour unions will try to make it work, but they will not succeed.

Sir, that clause destroys any earnest good faith on the part of the government, because what the government are saying is: "You may strike if you like, gang, but the moment it hurts, in our opinion, not even a court." Maybe if the bill were to say: "If in the opinion of a judge of the Supreme Court..." or "If in the opinion of the President of the University..." or if in the opinion of any relatively independent person; but not in the opinion of a group of politicians, because His Honour the Lieutenant-Governor in Council is not the same august personage as who sits in that

Chair and reads the Speech from the Throne and the prorogation speech and gives assent. The Lieutenant-Governor in Council is the same honourable gentleman opposite, is sitting perhaps one floor down around the table, that is all they are. That is all it is, a big sounding phrase.

So a bunch of politicians can decide when rights exist or not. Not even in this House, and I say, Mr. Speaker, I say that if something is sufficiently urgent, if it is sufficiently intollerable and threatens the health and safety of our people, the proper place to bring it is here on the floor of this House. Let the government bring in their bill and it will go through. The government have a majority, they put anything through they want in this House. The most an opposition can do is delay and explain and force explanations. But if this government really want to engage in meaningful collective bargaining with their employees, they will strike this clause, Mr. Speaker, they will take it out, they will leave it out, bearing in mind always they may put in a statement of policy that no strike shall be allowed to endanger the health of the people of this province or they can amend it by having a relatively impartial person give it as his opinion or they can do what I believe to be proper, they can say that the House, of Assembly of which the government are a part, has an overriding responsibility for the health and security and the safety and well being of every person in this province. Any action, lawful or unlawful, that threatens the health and well being of the people of this province is properly brought before this House.

It is too much power to give in the cabinet It is too much power. I would have thought a group of wise men, Mr. Speaker, would not want the power. They can come to the House and ask for it but certainly they will get it if they need it. As it now stands, Mr. Speaker, there is a possibility that act will render the entire act nugatory, of no avail, meaningless and certainly the men and the women who have to make it work, the employees, feel that this is a sort of Damocles. They have made that clear in their public statements.

The Federation of Labour, a group that has been as assiduously courted by the present administration as ever a young sixteen year old courted a young lady under a fish flake. The Minister of Labour, Sir, I am sorry, the Minister of Manpower and Industrial Relations, has been assiduous and faithful and diligent in his courting of the Federation of Labour. That is a good thing.

The Federation of Labour have said this was unacceptable. It is in the front page of the scurrilous rag, I apologize for quoting it, Sir, but after all it is the only evening paper we get in St. John's. Where is it?

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Yes, that is right. He was in the back of the hall covering as they shouted around him that his government's legislation was unacceptable.

Earlier convention delegates, the Newfoundland Federation of Labour Convention, had commissioned President Art Kelly, to send a telegram to Premier Frank Moores, (I assume the telegram was sent) informing him of the federation's unanimous rejection of the proposed bill as "totally unacceptable." Mr. Kelly urged in the telegram that the government delay further action on the bill until the federation has had a chance to make representation. The delegates had voted unanimously to the words, "repeal of the act." That may have been premature, Mr. Speaker, since the bill was not moved for second reading until today.

I think the position of the labour federation is quite clear. CUPE and NAPE have made it equally clear their position on this matter, Sir. I do not need to speak for them.

Those are the major points in the bill.

To come back to Section (10) for a minute - quite candidly, I do not have any answers. I know the labour unions feel that it is wrong to designate employees, that it removes from some of those employees their right to strike and thus really renders the whole process completely inoperative.

I also know that legislation will not prevent strike, Sir. Legislation has never prevented strikes and it will not now. Even if it is not a strike, Sir, I do not know the legal position with mass resignations. Perhaps one of the august and learned members of this House would tell us. But you cannot stop a man quitting his work or is the government going to legislate people back to work? Are we going to have a bill, "An Act That Thou Shalt Work"? I ought to know. Let us hear it from the gentleman from Labrador West. I ought to know. What ought I to know? I ought to know lots of things but what does he think I ought to know.

MR. ROUSSEAU: You ought to know more than you do.

MR. ROBERTS: I ought to know a little more than I do. That is my hope and if only somebody on the other side would tell me a little more than I know, I should be happy. The only thing I am grateful for is I know more than the gentleman from Labrador West knows. That he proves daily. Now, Mr. Speaker, I am glad he woke up. After his performance on the estimates last year he should certainly wake up.

Mr. Speaker, there are a number of other points in the bill. A major flaw in my view is the fact that although the hospitals are the employers of many of these workers, indeed several thousand, well over half the workers are employed by hospitals, not by the government, the hospitals have no right, no right to be involved in the negotiations involving their employees. Oh true, if you look at section 12, there it says that if the government negotiator, and that is our friend the President of the Treasury Board, he may have advisers, officers of the government and so forth and a representative board as he shall deemed fit to appoint, but here you have a situation now where the employers are not being represented in dealings with their employees. True the government are paying the cost and he who pays the piper must call the tune, but he who pays the piper does not have to play the fiddle as well as call the tune, Mr. Speaker, a major flaw in this bill.

I have no doubt the NHA will have some words on that. They should

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because I have no doubt they are intimately concerned unless they have completely changed their position from when I dealt with them two or three years ago.

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I believe, Sir, that the draftsman - most of these, Mr. Speaker, are where the draftsman merely copied the Labour Relations Act and not much thought was put into it. It is all very well to say that the board in this act is the Labour Relations Board. I would think that that is probably preferable to establishing a new board. It has been pointed out to me by a number of people that the Labour Relations Board is at present not possessed of a great deal of expertise in public service and in hospital matters. Perhaps the act should be amended to allow further appointments to the board of perhaps a member or two from the N.H.A. or from that side of management and perhaps a member or two from the labour sector in the normal way. Possibly the board might choose to sit in panels.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: I did not say the board were incompetent: the honourable gentleman can twist my words as he wants. The honourable gentleman seems incapable of understanding. That makes him incompetent, not the board.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Yes it certainly is possible, indeed probable, on the record. What I said was that the board is not possessed of a great deal of expertise in the noncommercial sectors.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: I did not say they were incompetent. The honourable gentleman can twist and distort as he wants. He can do whatever he wants. What I said was that they were not possessed of a great - I make a positive suggestion. Perhaps the board could be enlarged so that they could sit in panels.

Mr. Speaker, I know you can lead a horse to water but you cannot make him drink. I would even try to lead a half a horse to water, if I could make him drink.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: I did not say that he was the rear end of a horse. There may be some who would think so.

MR. ROBERTS: I have not said the board were incompetent.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: They are out now to try this game, led by the Minister of Finance, twist and distort. Well, have at it. What I keep saying - I will try once again in baby talk.

MR. SPEAKER: Order please!

While a certain amount of latitude is allowed in these banterings across the floor, the Hon. Leader of the Opposition has the right to be heard in silence. I ask that that right be observed.

MR. ROBERTS: Thank you, Mr. Speaker. As I was saying, I quite seriously put forth a suggestion that the government may wish to add members to the Labour Relations Board; members experienced in hospital and public service matters. Up until now the Labour Relations Board has been concerned with employees. The CUPE people have had representation under the Labour Relations Act granted to them. They are being whipped out from under the Labour Relations Act, without so much as by your leave and being thrust in under this act, a complete change in the ground rules,

The board, Mr. Speaker, I would point out as well, have functions here far more than the board would have in the Labour Relations Act. The gentleman from St. John's South, who I think knows the Labour Relations Act as well as any practitioner in the courts of this province, would agree with that. The board here are given functions defining essential employees. They have no such function now. They decide who is management and who is not. We are not talking here of management or no management, what we are talking of is essential or nonessential. I think the Labour Relations Board, if it is to have a function under this, should be given the additional members it would need. I do not think it is fair to expect gentlemen who make their living in the commercial world to know a great deal about it or being able to bring a great deal of experience to bear on the question of essentiality or nonessentiality of employees. That is going to be a contentious issue, Mr. Speaker, assuming

that the government do not change section (10). I gather from the Minister of Finance that they are stonewalling this one. I put that forth as a serious and a reasonable suggestion. I think it is worth considerable study.

I may point out, Mr. Speaker, that when we come to the definition in section (i) of employee, it is very badly drawn. It includes almost everybody from the Ministers of the Crown and the Members of this House on down. I think the draftsman might be asked to have another look at section (i), 2(i) on page 4 of the bill: "employee" means a person employed by - it lists a whole number of things. I think it is something that the draftsman may be asked to look at. I have had the point raised with me as lawyers.

It has also been made that the bill should provide that employees do not include confidential, managerial employees. That is a basic point in labour relations practice, which seems to have been overlooked here. Perhaps the customary practice would carry. I do not know enough about it to know whether it would or not. It seems to me that it should be made clear that confidential and managerial employees are not included in bargaining units. They are not in non-public service sectors and they should not be here either. I could quarrel with the word "influenced", I think it is a little broad. I am not sure what it means.

Mr. Speaker, section (m) embodies a very important principle and one which I have already spoken to but I think it is worth mentioning again. "Government Negotiator" means the President of the Treasury Board or such other person authorized by him to bargain collectively in behalf of the employer. I think the actual employers should be given some right in who is the government negotiator, who is to speak for them, who is to commit them - not just the money, (the money has to come from the Treasury) but management practices and working conditions, all of which are legitimate bargaining aids. I think, Mr. Speaker, that section should be looked at again

by the draftsman and improved. Indeed for a bill that has been in the cooker for six months, this one has a lot of questions in it, Mr. Speaker.

The definition of "strike" is a new one, Sir. It is a very important definition - "strike" in an act having to do with labour relations. I am told that our bill ends merely with the words in the third line of section (p) here, subsection (p), in the words, "or in concert or in accordance" - all this is added about concerted activity designed to restrict or limit output. I have taken legal advice from a number of lawyers who made the point that this is a very badly drafted section and in their view it will cause a great deal of trouble in interpretation. Surely, Mr. Speaker, the interpretation sections should be insofar as possible completely above misinterpretation or difficulty of interpretation. This one certainly is not.

Mr. Speaker, the same point that I have already made about the employers can be made with respect to section (3) of the bill. The employers, the hospitals, the boards, St. Clare's Mercy Hospital, the Salvation Army Grace Hospital and so forth are entirely at the mercy, tender or otherwise, of the President of the Treasury Board. They will have to administer the agreements that have been worked out by negotiators in behalf of the Treasury Board with (if he sees fit, if it is the right day, if he is in the right mood and he is happy and nobody says anything nasty to him) their advice. I realize that this is an important stumbling point. We dealt with it while we were in the government, the same point. I believe there is a better solution than this one and I think the government should implement it.

Section (4) is a strange one. It is copied from the Labour Relations Act, Mr. Speaker. They only copied one-half of the section. "The employee has the right to be a member of an employee organization and to participate in the lawful activities thereof." The employee apparently is not being given that right. The Labour Relations Act specifically gives it to them. Why has

this been excluded here? Is this an attempt to prevent the Newfoundland Hospital Association from becoming an employer association? The section was copied from one act, Sir, but they only copied half of it. Why? Surely, that is not an accident. Surely, that is a matter of design. I do not know the reason why but I would invite explanation because unless I get one, I think it is designed to fit in with the other provisions and remove the boards of these hospitals from any meaningful role in negotiations, because they would not have the right to deal as an association.

Now, Mr. Speaker, to come to section (5) (5) - this is an expression of arrogance on the part of the government. It is the most strongly worded management rights clause that I think one could devise. If, under this act, a management can suspend, transfer, lay-off, discharge or otherwise discipline an employee - that is the end of it. I always understood that these were things that were subject to negotiations, subject to collective agreements, subject to grievance procedures, subject to arbitration. It may be that the words here do not take away from that. Mr. Speaker, to an unexperienced lawyer - I candidly admit that I am not experienced in practising before the courts of this province. But, Sir, to me and the advice I have taken that appears to confer upon the employer, our friends the government, a much greater right than they had before. I think it should be made clear that these are matters which can be negotiated across the table or across the picket line because strikes are a normal and proper part of collective bargaining. They are not the sole prerogative of the management. There has been more bitterness I guess, Mr. Speaker, over the so-called management rights than almost any issue in labour relations, I suppose even more than wages, management

rights are a source of bitterness, ill will and bad feeling. Surely to Heavens! In the situation we have today, the mess this government have made of their negotiations, they should be going out of their way to avoid any suspicion but they are going to try to be arbitrary and arrogant. Again, for an act that has been looked at for six months, a very glaring loophole.

To come down to section (6), Mr. Speaker, a strange thing again. Again not thought out. Section (6)4 would allow raiding periods (to use the term which I believe is in use in labour practice) at the end of every year. Normally it is the end of the period in a contract which may be a one-year agreement, a two-year agreement and sometimes even a three-year agreement. Surely the raiding force with respect to an application for a decertification or an application for decertification of one agent and the certification of another should be at the end of the agreement. That should be the open window not the end of every year. I think it should be made clear. This is just sloppy drafting, again, I submit, Sir. Either that or it is bad policy because if a two-year agreement is in effect, surely, you cannot have the whole matter of certification argued out at the end of the tenth month with fourteen months still to run in the agreement.

Again I look at the honourable member for St. John's South. I think that in normal labour relations law it is at the end of the agreement. It is an open period when the certification rights question may come up and may come before the board and may be disposed of.

MR. CROSBIE: Look at the Labour Relations Act.

MR. ROBERTS: I can look at all the Labour Relations Act I want.

MR. CROSBIE: It is exactly the same.

MR. ROBERTS: It is exactly the same, is it? Then why is section (4) different? If we are following the Labour Relations Act so slavishly, and the Labour Relations Act, as the Minister of Manpower

tells us is so desperately, tells us is so bad that -

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: Ah! Quiet now! I have the floor. The honourable gentleman may sit down.

MR. CROSBIE: Point of Order, Mr. Speaker. The honourable gentleman is now discussing the bill clause by clause. This is second reading of the bill, debate of the bill in principle and clause by clause perusal and discussion of each clause of the bill takes place in committee of the whole. I think the honourable gentleman should stick to the principles of this bill and not continue on in this detailed clause by clause which comes when the bill goes into committee of the whole.

MR. ROBERTS: Mr. Speaker, to that point of order, I am speaking to the principle of the bill. I am elucidating and illuminating my instances of the principle by references to the sections of the bill. I know no other way to do it. I submit there is no other way to do it. The honourable gentleman should stop his harassment and listen and he may learn. If that section...

MR. CROSBIE: Mr. Speaker, I have raised a point of order. It is in committee of the whole that there is detailed discussion clause by clause of the bill. What should now be discussed is the general principle behind this legislation. That is not what the honourable gentleman is discussing. He is now giving a detailed critique of each clause of the bill, and that comes in committee.

MR. ROBERTS: Mr. Speaker, to that point of order. The honourable gentleman in introducing the bill was allowed to trot through it clause by clause to illustrate the principles of the bill. I submit that I should be allowed precisely the same liberty.

MR. CROSBIE: Mr. Speaker, on that point. When I spoke this afternoon I did not go through the bill clause by clause, I spoke on the three or four major clauses that were the principles behind the bill.

MR. SPEAKER: All honourable members are aware that the clause by clause discussion takes place in committee and I suggest that all honourable members refrain from referring to the bill clause by clause at this stage.

MR. ROBERTS: I thank you, Your Honour. I understand you have reaffirmed the position that has been in effect for one hundred and fifty years in parliament. I am pleased to go on.

MR. CROSBIE: That is the point. Observe it.

MR. ROBERTS: I have been observing it, Mr. Speaker. I intend to go on observing it. If I am not observing it I am sure Your Honour will quickly call me to order. The honourable gentleman from St. John's West will doubtless second Your Honour. He makes a great second.

Mr. Speaker, to come down now to the essential principle of the bill, the essential clause. I do not mention the clause, Your Honour, but the clause which deals with essential things. It is to be found on page (10). Mr. Speaker, I submit that this is a badly drafted clause. I am told by experts, who I may add are not labour union people but they are experts in this, that this clause is going to cause untold difficulty in interpretation and untold bad will.

I have had it put to me, my colleague was with me I think at the time when the gentleman sat with us and gave us his advice that what is essential really depends on the circumstances. Nobody would say that a bakery is essential but if every bakery in the country were to be closed, obviously bakeries would become essential. It is a function of time, essentiality.

MR. CROSBIE: This is ridiculous.

MR. ROBERTS: If the honourable gentleman cannot follow the argument, Mr. Speaker, he should at least try to follow the rules of which he has such a...

MR. CROSBIE: (Inaudible)



MR. ROBERTS: Mr. Speaker, Your Honour, this ignoramous over there, ignorant of the rules, is showing himself ignorant of the rules. Would he be good enough to allow me to try to elucidate my humble argument? realize that he has gone beyond it. I realize that he has gone beyond it, Sir, and he is not able to control himself. Perhaps he again has to leave the room.

I submit, Mr. Speaker...

MR. W.N. ROWE: Here is another example. Say Crosbie Services closed down.

MR. CROSBIE: (Inaudible)

MR. NEARY: Mr. Speaker, point of order! My understanding of the rules of this House is that the Honourable Leader of the Opposition has a right to be heard in silence. Could I have a ruling on that, Mr. Speaker?

MR. ROBERTS: I think we should have a quorum call first, Sir.

MR. SPEAKER: Would the clerk please count the House. There is a quorum.

MR. ROBERTS: I am delighted, Sir. I am delighted to see them all back. I am especially happy to see the Burp from Burgeo. It has been a long time.

MR. SPEAKER: Order please!

MR. ROBERTS: Thank you, Sir.

MR. SPEAKER: I would like to - Order please!

I would like to remind all honourable members that when any member is speaking he does have the right to be heard in silence.

MR. ROBERTS: Thank you, Sir. As I was saying, I submit that what is essential depends on such things as availability of an alternate service. It would not be essential if one hospital were closed in St. John's out of the four we have. It is essential if the one hospital in Corner Brook is closed. I submit that essential is a function of time. I submit also that it is a function of the extent of the dispute. I think these are questions which are reasonable and which a government that were truly concerned would

make an honest and an honourable effort to deal with. Instead we have a quite Draconian solution, a solution which just says: "The employer shall say" and the board are given very, very wide and imprecise definitions.

Mr. Speaker, the words embodying the principle of the bill say that essential employees are employees whose duties consist in whole or in part of duties the performance of which at any particular time or during any specified period of time is or may be necessary to the health, safety or security of the public or otherwise in the public interest. Mr. Speaker, under that the washerwoman could be considered essential. The gentleman who drives the van that delivers the newspapers could be considered essential. It is a bad definition. It is a bad definition of a principle. I can only say that I submit that the government should have another look at it. They may be further ahead merely to leave it as essential employees and let it develop as a matter of case law before the Labour Relations Board. That might make more sense than to try a legislative - just as in law the concept of the reasonable man is a clearly defined concept. No lawyer ever has trouble giving his opinion as to what is a reasonable man. They do not always agree and the courts resolve the issue. This is a bad definition, a very bad definition.

It is unique. I gather that across Canada we do not have definitions quite like that.

AN HON. MEMBER: The final decision is by the board not by the government.

MR. ROBERTS: But I am saying that the board will have to look to the act. I agree that it is not by the government. The honourable gentleman is quite right. The board have to look to the act and the act is so vague and imprecise as to be of no help. If we are going to have that clause, I do not really see any way around it, although I do not if it will do very much good. I think that we are going to have to be a little more precise. Either leave it loose and let

the board work it out as a matter of case law with arguments back and forth between the employers on one side and the bargaining agents on the other or be precise, lay it down. But under this one hundred percent of the employees could be designated and I submit again, designated by a board not appointed for their expertise in hospital management. In things such as hospitals particularly is where this will be appropriate. It will not apply to police, it will not apply to firemen because they are specifically excluded from this legislation.

I do feel as well, Mr. Speaker, that in principle clause (24) is offensive. It is an entirely new principle that a majority of the employees in the unit must approve a strike vote. I know the Minister of Finance, in a great denunciation to Rotary, one of his many final offers, laid this down. He has obviously carried the day at cabinet - I do not know if there were even opposition to it or not.

Mr. Speaker, it is a new idea - a new one. It was talked of in the Fishermens' Collective Bargaining Act and although I have not had the opportunity to check it, I believe it is not in that act. It should not be and if we as a government put it in that Act it was wrong. I know that it was suggested in some of the drafts. I do not believe it was in the final legislation and if it were it should be taken out.

Let me say: "Oh ho! Why should not the majority vote in favour of it? A majority vote in favour of certification, but that is a constitutional vote. That is a plebiscite on a constitution, on a form of government. That is not a plebiscite on a question of a contract.

Let us just look at the present House of Assembly, Sir, Your Honour and all of us, the forty of us. Let us see how many of us would be here today if that principle were in the Election Act. Before a man could be elected to this House he had to have a majority

of the votes cast. I am sorry, not of the votes but of the people eligible to vote in his constituency. How many of us would be here? Well, Sir, the member for Bay de Verde would not be here. He only got fifteen hundred votes and there were thirty-three hundred people on the electoral list.

The member for Bell Island would not be here. He got eleven hundred and seventy-five votes and there were twenty-seven hundred and thirty-five people on the list.

MR. MORGAN: (Inaudible)

MR. ROBERTS: The honourable gentleman from Bonavista South can keep quiet. That is what he does best.

The member from Bonavista North would not be here. He only got 3,346 - Mr. Speaker, do I have a right in this House, Sir, or does that "Yahoo" down there have to observe the rules?

MR. MORGAN: Inaudible.

MR. ROBERTS: I do. I am all for it.

MR. SPEAKER: I would like to remind all honourable members that when a member is speaking he does have the right to be heard in silence and I request all members to observe that rule.

MR. ROBERTS: Thank you, again, Mr. Speaker. As I was saying the member from Bonavista North would not be here. He got 3,346 votes. There were 7,537 people on the list.

The member for Bonavista South - and this is why he does not want it read, Sir - the member for Bonavista South would not be here either. He got 3,346 votes. There were 7,660 people on the list.

Burgeo and LaPoile? No, did not get fifty per cent of the votes that could have been cast.

The honourable gentleman from Burin would have been here. Very popular in that district, he was.

The member from Carbonear would not have been here.

The member from Ferryland would not have been here.

The member from Fogo would not have been here.

The member from Fortune Bay would not have been here.

The gentleman from Gander would have been here - he is not tonight.

AN HONOURABLE MEMBER: He is ill.

MR. ROBERTS: Ill, I am sorry to hear it. Not seriously, I trust?

AN HONOURABLE MEMBER: He is coming around now. He has food poisoning.

MR. ROBERTS: Oh, I am sorry. Not from eating fish, I trust? How inappropriate! Anyway, he would have been in the House. He won a majority. More than half of the people eligible to vote in that constituency voted for him.

The member for Grand Falls would not have been here. That mirrors what they are saying in Grand Falls these days.

The member for Green Bay would not have been here.

Both the members from Harbour Main would have been. We should be pleased at that.

The member from Hermitage would not have been here. That is the previous member, Mr. Cheeseman.

The member from Humber East would have been here.

The member from Humber West of course won by acclamation, so he would have been here.

The member from Labrador North would not have been here. That is the end of a career.

The member from Labrador South - this was with reference to the general election - would not have been here. I believe the honourable gentleman in the by-election did get more than fifty per cent of the eligible votes, just marginally. So, he would have been. That is fine. I am glad.

The member from Labrador West would have been here.

The member from Lewisporte would not have been here.

I am sorry to have to tell you all of that. It may come as a rude shock.

The member from Placentia East would not have been here, in fact he seldom is.

The member from Placentia West would not have been here.

The member from Port au Port would have staggered in as he nearly staggered out.

The member from Port de Grave - I am sorry, I have done the member from Port au Port - yes, he would have been in. The member from Port de Grave would not have been here.

The member from St. Barbe North would have. You may take your seat.

The member from St. Barbe South would have.

Well, we come to St. John's where the liberals did not fair very well, Sir.

The member from St. George's would have been here.

The six St. John's seats, each of the members there had gotten

more than fifty per cent of the votes cast for him or more than fifty per cent of those eligible to vote.

The member from Trinity North would have been unemployed.

The member from Trinity South would have been unemployed.

The member from Twillingate would not have been here.

The member from White Bay South would not have been here, and it would have been much to the sorrow of gentlemen opposite.

Mr. Speaker, by that standard, if that clause were in the Election Act, more than half of the members in this House would have no right to take their seats. I am being perfectly serious. The honourable gentleman is bringing an act with his record.

Mr. Speaker, the honourable gentleman is being offensive and worse than that, for once he is not trying to be offensive but he is so offensive that he becomes offensive even by being, as well as being offensive.

I make the valid point, Sir, the government bring in this principle, I say that if it had been in the Election Act, and it is in no act anywhere across Canada, to my knowledge, more than one half of the members in this House tonight eligible to sit would not have taken their seats. We do not impose it upon ourselves. The people of Newfoundland can elect a member to the House of Assembly with a plurality of those voting, not even a majority of those voting, a plurality.

In the House of Commons, a man can be elected to that, Sir, with a plurality, not even a majority of those voting but here we are laying on a union that before it can go on strike it must have a majority of those eligible to vote. Inconsistent!

I will tell you why we are doing it, because the Minister of Finance says - no, that is not parliamentary - the Minister of Finance, in his arrogance, says we shall do it. He went down to Rotary and he thumped and thump thumped and laid it down and so every labour union that deals with the public service is going to have to live with that unless this government will come and admit just a little that they may be wrong.

What was it Cromwell said? "I beseech thee brother, in the

avowals of Christ, thee may be wrong." In principle this is quite wrong, quite wrong, Sir.

Under this new provision as well, a new departure in labour relations, that during a strike if somebody - it does not say whom, I am not allowed apparently to refer to the words but principles are annunciated in words, Mr. Speaker - if somebody deems a better offer has been made during the course of a strike - it does not say whom. It may be the Minister of Finance. He is omniscient. He is not omnipotent, fortunately, but he is omniscient as well as omniferous. The Minister of Finance perhaps it is, somebody decides it is a better offer. It confers greater benefit or advantage to the employees in the unit than hitherto tendered by the employer, that there be held another vote. To show the consistency, this is no longer required to be a majority of those in the unit but a mere majority of those actually voting. Now we have come down to the standard by which men are elected to the House of Assembly and the House of Commons.

It is sheer arrogance, in section 24. It is pigheaded, stubborn, bullheaded arrogance, not the act of a group of men who want to be reasonable and come to terms with employees and give meaningful collective bargaining. It is not an important point because strike votes are usually almost unanimous. A fever grips the blood and the men say, "That is it. We are going out, boys!" They go out but it is just as indicative of the mood that has been created by this bill, of the attitude with which the government are approaching this great reform. It should be a great reform but I said at the start of this bill, it was a fraud. It is a fraud because it does not achieve what it set out to do and it does not do what it says it will do.

Mr. Speaker, I have already spoken of section 27, the Draconian sword, the sword of Damocles that hangs over. I think it is too much power to give a government and I am surprised and shocked that the government, headed by the Premier who said so often, "We must leave power in the House", that comes now with a grab for power, an unnecessary grab. I say to the Premier, earnestly, I believe it, that if the government at any point feel that a strike has got to the point where it is



intolerable, a strike in the public service, they should have no hesitation to come to the House, lay out their case, bring in the bill to end the strike and impose the compulsory arbitration and go back to work. The House would support them. The country would support them but here they run the grave risk, Sir, of having to take a political judgement in a narrow, narrow form of a cabinet, a cabal, a group of men sworn to secrecy. Let them come before the people's House and state their reasons. It will not destroy this bill to take that clause out. It will not destroy the principle of this bill but it will help them immensely in dealings with the unions.

If the Premier should not believe me - the Premier may think I am trying to make political yards - let me tell him the politically popular thing I suspect today would be to say: Up with strikers! To the wall with them! That is probably, if one took a plebiscite to Newfoundland today, the feeling of the people of Newfoundland who have seen hospitals shut this summer. That is probably their feeling. I do not know. They do not really care but the Premier could speak to union people and to his own friends in the labour movement - and he has far more than many of his colleagues think - and he could ask them what would be the effect of this clause and I think they will tell him that it will destroy the atmosphere in which and in only which collective bargaining can work. I believe that, Sir. I think that the Federation of Labour has indicated that. I think that NAPE and CUPE have indicated that.

I am not suggesting for one moment, I know it will be said of me and I can hear it now. I will probably spend the rest of my life dodging it, the last of my political career be that short or long - where I was against the government having the power to end strikes. No, Sir, I am for the people's House having the power to stand for the welfare of Newfoundland not the government. The government are the servant of this House, Sir, and it is the government as only as long as a majority of the members elected to this House support that government. So I implore the Premier to reconsider that clause not to give in to the - not just because the Minister of Finance has said it must be in, to think it through, to consult, to talk to the labour people, to listen to the Federation of Labour. I do not know what the minister's own officials say, but listen to them, talk to gentleman like the member for St. John's South, who is experienced in labour matters and bargaining. He has done very good work there.

I am sure that this clause could come out and the people of Newfoundland would still be as protected and sleep as safely in their beds. Because if ever a strike got out of hand, Sir, this House could be called together in jig time, in jig time, Sir, and if necessary, could whip legislation through, just as the Parliament of Canada met and put through the legislation to end the rail strike. I believe that, Sir. If strikes must be ended by legislation, then they should be ended by legislation. There are obviously situations where strikes must be ended. If it could only be by legislation then let it be. In the collective bargaining process, a strike is a normal part of it, Sir. It is a normal part. But sometimes, Sir, sometimes and the labour movement would not agree with me on this but sometimes the right to strike is not more safer than other rights. The rights of the people of this province are the basic right, and if the right to strike means that they are being hurt, then the right to strike must temporarily stand aside. But, Sir, this clause does not do that.

I submit that this power should remain with this House, the members of this House who can be gotten together almost instantly. There is no requirement in our rules, Sir, for any specified period of notice. Your Honour is good enough to give us as much notice as Your Honour has. We adjourn the House at Your Honour's call. The House in an emergency could come together overnight, Sir, could come together overnight and deal with a situation. I really mean it when I say to the Premier and to the government that if they take that clause out it will help immensely to create the proper atmosphere. I do not think the proper atmosphere exists today. I think, if they take that clause out, they might find their technologists back to work very quickly and the bargaining process carry on there and they might find that negotiations will go much more smoothly in the future.

MR. CROSBIE: Inaudible.

MR. ROBERTS: I am not speaking on anybody's behalf. The honourable gentleman is trying to trap me and twist again. I may be saying some harsh things about the honourable gentleman's political conduct. If he cannot take that, he can leave. I suspect he can take it. He can certainly dish it out. I do not speak on anybody's behalf except the eight of us on this side, Sir, and my constituents.

MR. CROSBIE: The honourable member does not speak on behalf of most of them.

MR. ROBERTS: We will see about that. The honourable gentleman has no right to claim on behalf of this party, he tried at vast expense, he tried at vast expense to win the leadership of this party, Sir. He could not buy it and then he had to go to another party. We will see what happens there.

MR. CROSBIE: Watch out the Progressive Conservative Party is coming up rapidly -

MR. ROBERTS: I hope so. I hope so. The Liberals are coming up rapidly too.

Mr. Speaker, I am quite genuine when I say that the government should look at this clause. I realize I can see honourable gentlemen

opposite now leaping to their feet and they will attempt to smear me by saying I am against giving the government the power to end strikes. I am personally responsible if somebody should be so. It would be terribly tragic if we should have a death in the next couple of days. I can see somebody getting up and blaming me. I can just see it now. It is as logical as blaming me for the fact that the sun will rise tomorrow morning, Sir, and that it did set this evening. They will blame me, they will twist and they will distort for political purposes. We have seen it with the Minister of Finance this afternoon. But let them conduct this in the proper atmosphere, one of statesmanship and leadership and to try and forget narrow, petty, partisan politics. They have won their election. They will have another one when they are ready. At anytime the Premier wishes to have an election, His Honour the Governor is constitutionally required to have the election. Whenever they are ready they will have one. Let them forget this. Let them look at the interest of the people they are trying to serve, who are the people who are trying to benefit by this legislation, Mr. Speaker. The legislation is good in principle but it is bad in practice. They do not need that clause. They do not need it. But to leave it in is a red flag; Sir, to take it out is an earnest of good faith and intentions.

Mr. Speaker, let me draw to a close, if I may. It has been a little longer than I thought I would be. Mr. Speaker, the problem we face today -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Let me make one other suggest. Quite genuinely I am prepared to move it at the appropriate moment. I will move it. I shall move it. (predicative). It will carry only if the government support it. I have already discussed it with the clerks at the table, to get the procedure straight.

I shall move that this bill before it receives second reading in this House be referred to a select committee which should meet in this chamber. It should meet at 9:00 o'clock or 9:30 o'clock or 10:00 A.M. tomorrow morning. So that we now have had one speech from each side, we

have had an exposition of the government's position and a lengthy exposition of our position. Perhaps too lengthy, but one must say what one has to say. A select committee that will meet - and why a select committee? Mr. Speaker, that is the only way that the public or groups in the public, CUPE and NAPE, the Federation of Labour or anybody else can make representation to us on this bill. The minister may say that the CUPE had the bill for months and months and months and months. That is true. I do not doubt that. They were sent it in April. I gather NAPE were as well. But what is to be gained by haste, indecent speed and haste? Nothing compared to what could be gained by having a genuine involvement of the people as this government told us they would do. We used to hear a great deal about that.

Now here is a concrete example, I do not suggest it for every bill. It would really take away from our proper authority the House and our proper responsibility. We were elected to decide questions. But here is this bill, Sir, a bill which effects 15,000 or 20,000 of our people, a bill which affects situations which have lead to ever major hospital in Newfoundland tonight being as near to closed as can be without the door actually closed. On a bill of this magnitude, why not let the unions that are concerned come before us? Why not let the NFL make representations? They have asked for this. Why not let any member of the public who wishes to come, the Board of Trade perhaps or the Chambers of Commerce? They have been treated scurvily by having their suggestions called ludicrous but they would come, I feel sure. I do not know, I do not speak for them.

But I put that forward as a constructive suggestion. I shall so move at the appropriate time. But, Mr. Speaker, it is not a debatable motion as I understand it, so I cannot move it until I finish what I have to say. I shall move it. I understand from Your Honour's adviser it has not been a ruling but I am told by the clerks at the table that in their opinion at least, unless they have researched it further, it is not a debatable motion, but the Standing Orders of Beausheerne are quite clear.

I think, Mr. Speaker, this is a commendable suggestion, one which would not delay the House. What is the hurry? I mean we can meet Saturday. We should not meet Sunday but we could if need be. We could meet Monday or Tuesday. What is the hurry? The bill has been on the hob for six months. We have had no explanation of why it must be rushed and pushed through now. I know of no reason why it must go through tonight or tomorrow as opposed to Saturday or Monday or Tuesday. If it be said that these groups have had the bill, they have they have not had a chance to make public representations to us, to the men who must take the decision, every one of the forty-one or the forty of us, Sir, Your Honour will not be asked to vote, of course, unless in the unlikely event of a tie. Everyone of us must take a stand on this bill. I think it should probably be a recorded vote. It is a major piece of legislation. So perhaps we could put it to the people and let the people, for those who wish to come. They cannot come to a committee of the whole, Sir. Nobody but a member has the right to speak in committee of the whole. They cannot come at

MR. ROBERTS: second reading or when the House is in full session but they can come to a select committee. There are precedents, Sir. The great decision to change the Western Newfoundland power grid from fifty cycle to sixty cycle, there were extensive sittings of a select committee there. I do not think they are needed here. I do not think we need that type of sitting but there were extensive sessions in this chamber. It could be done here and I suggest it to the government. It can only be done if they agree and if they consent. I can see nothing to be lost by their doing it. I can see much to be gained. I can see much to be lost if they do not do it, because believe me the labour movement obviously, and I have no pipelines to the labour movement, I know what I read in the press and hear on the radio and television and have some conversations from time to time but I know that the labour movement, and from their public statements, obviously look askance upon this bill, feel it is not a genuine attempt by the government to bargain collectively in good faith but rather instead it is the sugar-coated sword and a double edged sword at that. I do believe that the labour movements should be invited and any other citizen from any part of this island or from Labrador who wishes to come, let him come and let him be heard. Let him make his point to all of us. A select committee, Sir, that is the answer.

Now, Mr. Speaker, in summation, let me say that I think that the reason we have the quite intolerable situation we have today and I have heard no suggestion from any minister opposite as to how to settle it, any suggestion that works.

The reason we have that, Sir, is that people feel that they are dealing in bad faith. The government are dealing in bad faith. The government say they are not, I do not know. I say on the evidence, I think they are, more importantly, Mr. Speaker, the people concerned, they made it clear on the television tonight. I was not there. The Minister of Finance was in the studio, I do not know if the other gentleman was in the studio or not but it was the same programme. The Minister of

Finance was there in the studio, alive and in all his glory. I appeared on the programme but I was recorded earlier on film. I believe the Minister of Health was also recorded on film earlier, so he was not in the studio tonight.

Many of us saw the programme and heard it. The technologists believe the government have dealt in bad faith. Whether they are right or wrong I do not know and nobody in this House knows. It will not be settled in this House because we could only repeat what has been said when both sides have said what they have to say. But they believe they are in bad faith. They believe they have been driven to give up their jobs, and that is a great deal for a man or a woman to give up. It is a dear price to have to pay for your beliefs. It is not the ultimate price; it is not the final price; it is not the greatest price but it is a dear price. It is a dear price indeed.

It means, these people, if they stick to that, will have to leave Newfoundland because there is no alternate employment in this province for x-ray and laboratory technologists. It means they would have to go to another province where they are qualified. They are qualified all across Canada but they would have to go and move their homes and their families and all that that involves. I did not create the situation. The Minister of Finance did not create it but I think he has added fuel to it.

The problem is that nobody believes the minister when he says that this is our final offer. On the record, who can blame a person for not believing the minister, when he says it is the final offer.

Sir, it is like the Mad Hatter in "Alice in Wonderland" the words mean what he says they mean, not what we mere mortals think they mean.

Further, Mr. Speaker, there is a feeling in this province now and this will cost dearly when the next round of negotiations come up, that to settle early in bargaining with the government is to settle cheaply, and the result will be that nobody will settle early. That has been true this year, the quicker the settlement, the earlier



the settlement, the cheaper the settlement. The teachers got six and seven per cent. Think how they must feel now when they hear the nurses are getting forty and forty-five per cent.

The minister says it is thirty-three but my arithmetic which I have explained, which I put forth, says forty to forty-five per cent at minimum scale. Think how the teachers feel at six per cent, twelve per cent over two years, less than one third of what the nurses are getting - and there are many teachers in this province who are making sums of money equivalent to what the nurses are making, and the nurses are now being paid on a scale comparable to Nova Scotia we are told. The Newfoundland Teachers Association have put this argument forth time and time again and it has not been accepted by any government, not by us when we were in nor by the present administration now that they have the responsibility. Think how they feel now with their early settlement. Think how they will come to the table next time, knowing the precedence and I have no doubt, Sir, the Newfoundland Teachers Association, an alive and aware organization, will know the precedents, will have researched them and will cum laude formo.

We have a bad climate, Sir, for labour negotiations. Now it involves the public service. The private sector has problems but that is entirely beyond us and nothing of what has been said this day refers to the private sector, Sir. We are talking here, Sir, of the private sector and I would say the fact that we have this I believe to be the fault of the government. Whether it is or not, it is in the government's hands to end this state and to show their earnest, good faith, to try to make this bill meaningful. As it now stands it is a sham and a charade and a farce and a fraud. Let them take out that section 27 which they do not need. It has nothing to do with the powers under this. They still have all their powers. They still have a majority in the House, anytime.

I say that if the 1966-67 act were a mistake, as everybody says it was, in retrospect but as few said it was at the time, if everybody now feel it is a mistake, then, Sir, this is equally mistaken and in retrospect

will be viewed as such. I stand tonight in the same position as the gentlemen from St. John's Centre and St. John's East Extern and the present member for St. Mary's stood five or six years ago when they fought that bill. They fought it in this House. They voted against it. They moved the thirty day hoist on third reading. They fought it.

At the time they were probably doing the politically unpopular thing. They did what they believed best. I am not saying we shall fight it. I offered the government what I believed to be some constructive suggestions for improving it. I think they should look at section 27. I do not think it is necessary. I think the government would still have all their powers and rights and all of their prerogatives and all of the ability to serve the people of this country without that section they have in it. I think they would have a devil of a better chance of getting meaningful negotiations going if they did not have that section in there.

I think too that if the government show they are a little open minded and willing to listen to reason - not the charade we saw today, when I am told the unions trotted in to see the Minister of Finance and were given a hearing and he listened and that was it. That was it, not a jot, not a tittle, a few minor amendments, that was it.

I would think, Mr. Speaker, that if the government show they are genuinely interested in having a meaningful collective bargaining bill, they can have one and then we can have the step forward. Then we can have the reforms. Then we can make some progress for these thousands of Newfoundlanders but Mr. Speaker, only if the government are open-minded.

So I ask them tonight and implore them, Sir, to give some concern for Newfoundland and the people of Newfoundland. I am not trying to play politics. Politically the best thing would probably be to support them and to lash the x-ray technologists and say, "How dare they withdraw their services, with the sick and the dying on the doorstep of the hospital." But, Sir, that would not be right. I am sorry the Minister of Finance has taken that position and I fear others

over there will too, but if they want to play cheap, petty, partisan politics I cannot stop them. I shall stand by what I have said and I shall do so gladly. If I fall on it, I will fall on it, but I do not think I will because what I have said, Sir, I submit is in the best interest of the people of this province.

So I implore the government of this province to reconsider that ill-advised section, maybe to put a little pride behind them. But Lord it does not hurt powerful men, Sir, big men, to put a little pride behind them, not to admit they are wrong but to say they have rethought, they have reconsidered, they have sought further opinion and they want to make a change. That is the mark of a big man, to admit he is wrong. It is the small, petty, base little mind that says, "I cannot change." That, Sir, is not the mark of men of generous spirit, men who are truly concerned with this province, men who are truly concerned to give thousands of our citizens the right to collective bargaining and so I ask them, Sir, I ask them again to consider this, to look at it in this light. I also ask them, Sir, to give the people of this province the opportunity to appear before this House and make representation. Nothing can be lost by that, Sir, except a few hours - and what are a few hours? Six months have gone by, nothing has changed and a few more days will not matter. The next day we will sit all night.

We have done it before for less reason. We sat until four and five o'clock in the morning for less reason than this. I will gladly stay all night if that is what it involves. I do not think it should. Let the people, let the people come before this House, Sir, and make their representations and let us hear them. Then, Sir, if the bill can be improved let us improve it. That is our job as legislators.

Mr. Speaker, I move, seconded by my friend and colleague the member for White Bay South, that this bill, bill no. (123) "An Act To Govern Collective Bargaining Respecting Certain Employees In The Public Service In The Province." be now committed to a select committee of the House. It is not typed, Your Honour, but it is in very good writing. It is not mine.

MR. CROSBIE: On a point of clarification, Mr. Speaker. Is it the ruling that this is not debatable?

MR. SPEAKER: Beauchesne, Standing Order (395), subsection (3) says: "In the Parliament of the United Kingdom the committal of a bill to a special committee is made without waiting until the committee be appointed. If the House think fit to refer a bill to such a committee, the following motion is made: "That the bill be committed to a select committee." The members of the committee are selected afterwards. This motion is not debatable under Standing Order (32) unless it be an Order of the Day." So it is not a debatable motion.

It has been moved by the Leader of the Opposition, seconded by the member for White Bay South that this bill no. (123) be committed to a select committee. Those in favour of the motion "Aye" those against the motion "Nay"

MR. ROBERTS: Could we have a division, Mr. Speaker? Three of my colleagues are...

DIVISION:

MR. SPEAKER: Those in favour of the motion please rise:

The honourable the Leader of the Opposition; Mr. Gillett;  
Mr. Woodward; Mr. W.N.Rowe; Capt. Winsor; Mr. Neary; Mr. Thoms;  
Mr. F.B.Rowe; Mr. Martin.

MR. SPEAKER: Those against the motion please rise:

The honourable the Premier; the honourable the Minister of Mines  
and Energy; the honourable the Minister of Industrial Development;  
the honourable the Minister of Health; the honourable the Minister  
of Social Services; the honourable the Minister of Forestry and  
Agriculture; the honourable the Minister of Provincial Affairs and  
Environment; the honourable the Minister of Public Works and  
Services; the honourable the Minister of Tourism; the honourable  
the Minister of Education, the honourable the Minister of Justice;  
the honourable the Minister of Finance; the honourable the President  
of the Council; the honourable the Minister of Municipal Affairs and  
Housing; the honourable the Minister of Rural Development; Mr. Stagg;  
Mr. Dunphy; Mr. Wells; Mr. Brett; Mr. Peckford; Mr. Senior; Mr. Wilson;  
Mr. Young; Mr. Evans; Mr. Morgan; Mr. Howard.

MR. SPEAKER: I declare the motion lost.

The honourable the member for Labrador South.

MR. MARTIN: Mr. Speaker, it is sad I think to reflect so upon  
incompetence but it is especially sad to watch men blatantly deny  
their own intellectual capabilities. I think the vote that we have  
just witnessed here is something that we should endeavour to steer  
clear of in the future because I think that it was no more than  
partisan politics talking.

It is not for me to say that this bill that is before  
us now is something that I can in good conscience vote against. The  
principle of the bill itself, collective bargaining, Surely Heavens!  
there is nobody in the House today that would vote, dare to vote  
against the principle of collective bargaining. But I cannot find  
it possible to vote for this particular bill as it stands here for  
all of the very good reasons that my honourable colleague the Leader

of the Opposition gave and for a number of others I think that we have missed completely.

I think in presenting this legislation, this bill (123), that the administration have committed a serious error. I think that they have committed a very, very serious error of judgement, Mr. Speaker. I think they have misread and wrongly analyzed the current labour situation in this province.

We have seen one of the neatest of political tricks pulled here today, by honourable gentlemen who should know better, in drawing a red herring across the face of what we came here to debate, bill no. (123).

We have with us in the gallery a group of men and women who are here on a very, very personal grievance and no doubt their case is a very important one which we should all consider.

The fact of the matter is that we are discussing bill no. (123) "An Act To Govern Collective Bargaining Respecting Certain Employees In The Public Service In The Province." What we do with this bill will determine, I believe to a large extent the action of this group and similar actions of groups to follow. Believe me, Mr. Speaker, if we permit this bill to go through as it stands there shall be such groups following. I think the administration have made a serious error of judgement.

I cannot support this legislation. I say I cannot do so, not for partisan political reasons. I do not say that I will not support it simply because I sit on this side of the House and I am not a member of the government. I think that it is a step backward. I think it is something that perhaps ten or fifteen years ago would have been accepted but this kind of legislation, ill-conceived, weak, poor legislation is ill-conceived, weak and poor whether it is in 1967 or 1970 or 1973. If we permit this to go through, we are letting ourselves in for more trouble than we can ever contemplate.

Since we have had the red herring, then let us just for a moment see exactly what we are confronted with. As of this moment a large portion of the staff of a number of hospitals are no longer employed in their jobs in which they were employed yesterday and the day before. As a result the population of this province have been placed in a very hazardous situation.

We are dealing here with a group of people who are not just ordinary odds and sods off the street. By a process of selection they have come to a position in life where they can be classified as professional people. Not all of us I am afraid have the capabilities to reach that far. Therefore, I would suspect that a lot of thought went into their actions before they decided not to strike but to quit.

We are not talking about legislation to decide whether or not people should or should not strike when we look at the situation with regard to the laboratory and x-ray technologists and technicians. What we are seeing right now, Mr. Speaker, is a situation where this group of people have been forced to the wall, to the point that no legislation in this world will correct that situation. I do not think that they arrived at their station in life, at their particular professions, simply for mercenary reasons. They are, after all, dealing with health, with human beings, with the dignity of human flesh. They could have done an awful lot of other things I am sure. If a man or a woman have the capabilities of becoming a technologist or a technician in that particular field, then he could have just as easily been an airline pilot or a professor of English or something else. We are dealing with people, I submit, that have taken this stand because they truly believe that there is no other way out.

Let us not confuse the issue. The reason that we have reached this stage, the reason that we will continue to find ourselves in this situation is because we have a labour code

that should have been thrown out ten years ago, twenty years ago. We have a labour code the regulations of which regarding certification for one thing are totally confusing and over-balanced in favour of management. Regulations regarding the conduct of voting and ballots are

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totally unreasonable. The whole set of regulations under which the Labour Relations Board must operate are out of date. That is why we have had strikes this summer and that is why these people are here to protest in the House today and that is why they are not at work. That is why if somebody is seriously ill and has to go to the hospital in St. John's tonight, he might not make it because he might not get the service which he should be able to expect and to which he is entitled. Let us not look upon this

Let us not look upon this particular situation with regard to whether or not the bargaining process broke down as the sole reason for debating Bill No.123, I submit, Sir, it is a good reason for tossing Bill No.123 right out in the garbage can. For a moment let us just suppose that we passed this. I suppose it is passed already. Perhaps it is not even worthwhile standing here to debate this thing. The whole thing is a farce, Mr. Speaker, because it is passed now. You see, it has already been decided in caucus that this will go through, right or wrong.

If I might be allowed to step down from the partisan, political side of it for a moment - perhaps I will not be allowed to. We are not going to do the people of this province any justice by putting through this bill as it stands now. If we did pass it, when we do pass it, when they pass it, we are going to have a bill which on the one hand gives public employees the right to strike and with the other hand it takes that away from them. That is an affront to dignity.

We may have a breakdown of negotiations. The board may declare who is essential and who is nonessential. It may get to the point where a state of emergency has to be declared. Then we find that all our essential people will quit. Where are we then? We have driven ourselves to the wall at that stage. There is no more recourse. There is no recourse to conciliation; there is no recourse to arbitration. We have driven people out of the hospitals or wherever they

happen to be. If they should decide that they are going to stay quit and go to Saskatchewan or British Columbia, then we are in trouble because then we are going to be deprived of that kind of service for a long, long time, until we can recruit the people to fill those vacancies. That, Mr. Speaker, is what we are talking about on Bill No. 123.

Mr. Speaker, if we allow this thing to sit and if we again come to the kind of a situation that we have here today and believe me we are going to, then we are going to be pushing those people out of the hospital doors just as surely as we sit here tonight. We are not dealing with the kind of Newfoundlander that we dealt with twenty years ago. This kind of legislation could have been passed, made law and nobody would have questioned it, nobody did. If this situation had occurred three years ago, five years ago, one shattering sentence from the great man would have sent everybody quivering back to work, but that does not work any more. Newfoundlanders, after five hundred years, have finally found that they have hind legs to stand up on and having stood up and rolled with the bunch, the next time they are going to fight back, and that is what is happening. We are asking for trouble, to bring in restrictive legislation. There is no point in bringing in the police. When we have forced people to break the law, it is too late. We may be upholding a bad law of our own making but it certainly does not help the sick people in the hospital. I am a little ashamed to admit that I am a member of a house who would stand up and vote on such a crucial issue straight and strictly along party lines. It denies everything that we have been elected to do here.

There is one further underlying cause why this Bill No. 123 is necessary, why the strikes were necessary this summer? It is because the men who were put into power, supposedly as a reformed group, have

not found it either in their minds or in their souls or some place the necessary wisdom and the courage to put those reforms into effect. Instead of having reform legislation, we have even worst legislation than we had in the closing years of the last administration. There is very little point of my continuing the debate. As far as I am concerned, the matter is settled.

MR. SPEAKER: Before the honourable member for St. John's South is recognized, I would just like to state that the honourable member for St. John's North introduced a resolution which I said I would take under advisement and rule on it later. I have looked at the thing. It is in order and it will appear on the Order Paper.

MR. R. WELLS: Mr. Speaker, it is obvious that what ought to be a piece of legislation that can be calmly considered and examined carefully, not only in principle but clause by clause, is now attempting to be passed in an atmosphere that is not conducive to the passing of balanced legislation. It is an atmosphere fraught with crisis, an atmosphere in which politics seems to be the main consideration. I have not been in politics very long, Mr. Speaker, but long enough to think many times that politics is the curse of Newfoundland.

Now, I feel that I am entitled to go back four or five years, to go back to September 2, 1969, when the whole issue of collective bargaining in Newfoundland was born. I well remember back in the early sixties the N.G.E.A. was then the Newfoundland Government Employees Association. It was more or less a welfare association or organization for its members, much like the co-operative credit society. There was no talk of bargaining. It did not occur to anybody, as far as I know, either in government at the time or in the political parties, either of them, to talk about collective bargaining for public servants. It started quite by accident. Really it was started by a group of policemen who called a meeting and they were concerned because they had not received a reply from the government to a brief on salaries they had put in ten months, I think, earlier.

Now they did not want to bargain collectively. They had not thought of it, no member of the public service had thought of it. What they wanted to do was get a bit of recognition that the government of the day had even received the brief. That is what they wanted. There was the birth of collective bargaining. What happened after that meeting was that when the government of the day and the police force of the day saw that there were stirrings, saw that it was not going to be as it had been in the last hundred years or maybe the hundred years before that, when the government of the day said that is how much you are going to get, take it or leave it, you can join the job or you can leave the job, when they saw that there was a bit of feeling, that people had a right to speak up and a right to be heard, then came the snap of the finger suspension of thirty-two men, a whole ship. We will teach you a lesson. There is your lesson right in the face. That is what happened. That is what the police strike was all about. I remember it very well because I was very much a part of it. I did not lay everything on the line as the policemen did and perhaps like the laboratory technicians have done now. I was very much a part of it and very much aware of what was going on. It was not money at all. It was the right to stand up as a human being, to have some sort of dignity, to make your views known to the person who employed you, even though that employer was the government.

We fought then in the fall of 1969 and in the winter of 1970 , battles that oddly enough had been fought in other parts of Canada as high as thirty-five and forty years before. It was out of that beginning, it was not about money at all that the idea of bargaining collectively was born. It was not an idea that was accepted easily. It was not an idea that everybody went for. I remember a cartoon appearing even in the NGEA publication of the day. It was funny. I think I still have a copy of it somewhere, showing me and one or two policemen butting our heads against a stone wall, but fortunately our heads were hard enough. But that is how it all began and the idea to government and the idea to employee was a new one. It was one that was far out by Newfoundland standards.

As a matter of interest, it was the first collective bargaining which took place to my knowledge in the public service. I believe the honourable member for Bell Island was present. It was what? Seven o'clock in the morning did it start? Or eight o'clock? I know it was early, in the old Labour Board Room down there. That was the first public bargaining that was conducted. Well it was a crisis situation. It was a crisis situation. Public bargaining throughout that year continued in a crisis situation with meetings and confrontations, all sorts of things. All through that I hoped that there would be a day when I would see, I did not know that I was going to be in a House of Assembly then, one does not know these things, but when I could see an act passed which would govern public bargaining in this province.

Now before there was an act, a worthwhile act to govern public bargaining, I took part in negotiations not only for the police but for nurses and other groups. Most of these negotiations, practically all of them, were done on an ad hoc basis. In other words, the government of the day and the party sat down and worked out agreements. Considering that we had no experience of background in public bargaining, on both sides, that it was all new to us, it was a new concept, that we were feeling our way, a good deal of progress was made. Some of these agreements they may not have been the best in the world but they were not too

bad because they came from nothing to something in the space of a few months.

Why I mentioned this and what I am really leading up to is that I came out of these experiences of collective bargaining with certain ideas of what I would like to see in a collective bargaining act if and when there was ever one passed. Now there was one passed by the previous government that was really a nothing act. It was only, as I recall it, a matter of a couple of paragraphs and vast power to do all sorts of things by regulation, if I am not mistaken. It was an act that could not have achieved anything. I do not know why it was passed at the time. I suppose it was a gesture but at any rate it was passed and it was not used.

So this is the first time that a public bargaining act with any meaning at all in it has really been presented to the legislature of this province. But let me go back to what my experience in public bargaining made me believe ought to be the way a public bargaining statute should work. First, I believed that the government should recognize or their legislators should recognize the right of any and every public employee to bargain collectively just the same as the private sector has recognized this for a great many years. There was blood shed in the past over this sort of principle, the right to collective bargaining. So the act I felt which should be brought in would recognize that right.

Now there is another very touchy, difficult question. It is a question on which a great many people have differing opinions but I came out of my collective bargaining experience with the belief, and perhaps because I had that belief at the time, that is why the police act today is as it is, rightly or wrongly. But I believe then and I believe now that there are certain functions so important that the strike should not apply to them because we have to draw a distinction between strikes in the public service and strikes in the private sector. After all, when

one is striking in the public sector, in Newfoundland or any country, one is striking against the taxpayer, one is not striking against somebody who is making a private profit or in which the private profit motif is involved, one is striking against the people of a country. Now in certain circumstances I agree that this is right and proper and if a group can strike and fight and make the government of the day come up with more money or better conditions or whatever is involved, fair enough, I agree. But there are certain areas where I think it is impossible in the public good to have strikes. I say that police are one of these areas, firemen are one of these areas, prison guards are one of these areas and I go further and I say that hospitals are also in that area.

Now I would not for my part on this, this is my view which I have held since long before I came into this House, I would not say certain classes of workers are so essential that they should not be allowed to strike. I would not approach it from that way at all. I would approach it from the point of view that certain institutions, if you like, be it a prison, be it a police force, be it the people in a mental hospital or any hospital, certain institutions have such a vital function on which the well-being of people depend that these people should be prepared themselves, not only a question of the government directing it by legislation but the people who work in these institutions or in these areas themselves should be prepared to put the public interest before their own interest in that material particular.

Therefore I say that you do not say in the mental hospital that it is the people who are out on the ward who are not allowed to strike, the guards, shall we say, but the cooks can strike. I think that is nonsense.

To draw an analogy, if you come to a ship; and these institutions, in that sense,

are like ships. You cannot say that the captain is essential but the cook is not and the man at the wheel is not because somebody else perhaps can fill in there.

You look at the thing as a whole. It seems to me that that is the proper approach. You say that these people, because of the institution in which they operate, ought not to strike, for the public good, but that other employees in other areas of work, be it in Confederation Building, the Board of Liquor Control, that these employees are not essential to the well-being of Newfoundlanders to the same degree. It is all a matter of degree because if a person is not essential to the public good, he should not be employed in the public service anyway. I do not think that anyone would agree that there are people employed who are not essential but it is a question of degree and the degree, I felt, that legislation should set up the degree.

AN HONOURABLE MEMBER: And in the House, of course.

MR. WELLS: The House, Oh, of course! The House of Assembly in an act - this is what I hoped for, as I say, long before I ever stood in this House, that there would be an act which in the House would debate the question of what groups, not in the sense of groups but in the sense of institutions or unit functions, are essential and should not be allowed to strike and that the rest should be.

Once you accept that principle which I in my own mind accepted a long time ago, then you have to look at the other thing. What about the people on the other side? They are essential in the long run, of course. I hope we are all essential in the long run to society but what do you do with these groups, do you place any fetters on their right to strike or do you let them strike if that is the way it is and let the chips fall where they may? In my own mind I came to the conclusion that that group of public servants, for example, it might be the Board of Liquor Control employees, good service though they give, but if they are not essential, then if they can hang her down, as the expression is, for ten months or a year or two years, let them. In other words, I would have certain



groups that could not strike and certain groups that could go all the way. That is how I visualized, after my experience with collective bargaining in the beginnings of collective bargaining in Newfoundland, that is how I felt it should be.

Now, I have to say a word - It is obvious from this piece of legislation that the government and I, not in principle but in certain areas ( I will develop this as I go along ) are not in complete agreement as to what ought to be done. I will say this, that this government, in its tenure of office, although there have been strikes, this government has not been a government that has pushed down the face of the public employee - quite the contrary. I may not agree with everything it does. That is not the point. It has not pushed the face of the public employee into the dirt. It has not made it difficult for the public employee to work for this government or to work for the Government of Newfoundland and to earn a living. It has brought this bill in and we have to deal with it, at this stage of the debate, in principle.

Now, the principle of this bill is that there should be public bargaining. I will not go into detail in dealing with it but it goes on about how the bargaining agents are decided upon. It has been taken, obviously, or a good chunk of it, from the Labour Relations Act. Whether some of these sections should be refined or not is a matter for committee. It has taken the basic principles of legislation embodied in the Labour Relations Act and applied them to this bill.

Now, that may not be such a bad thing in itself because at least the Labour Relations Act has been tried and in a lot of ways it worked. I hear people all the time castigating the Labour Relations Act, this and that about the Labour Relations Act. The Labour Relations Act has worked pretty well over the years. Let us face it. Let us not criticize things for the sake of criticizing them. The Labour Relations Act has worked well and no act, however good, is going to always work when the going gets really very tough and people are at odds and at loggerheads and they have taken positions that it is hard to retreat from. So, anyway, the wording and usage of the Labour Relations Act that are embodied in this, in the method of selecting bargaining agents, the methods of

certification, all that sort of thing, I have no quarrel with.

We then come on up the scale: After a union has been certified, after a union speaks for people, what does it do next? It negotiates. Sir, there is another principle in here that I have no objection at all to and that is the use of conciliation. In my experience, the longer people are talking and the more they are talking and at least sometimes you are glad even if they are talking, then there is a chance that progress can be made. I have acted on a great many conciliation boards and I have been astonished at times to see parties so far apart come together, even if it is after three or four weeks of give and take and battling and bargaining, and finally out of it comes agreement. You are shocked and surprised because you never thought that agreement could occur. So, I would like and obviously it is necessary and right to have this conciliation principle embodied in that act.

Now, there are certain - obviously I am not going to go through the act clause by clause - but there are a couple of clauses in this bill that I am going to have more to say about in committee. One clause causes me to pause and that is clause 10. Perhaps I should not mention it by name but this comes down to the guts of this bill, Clause 10, essential employees are discussed. Now, I do not disagree in principle at all about this essential employee business. I would only say that it is essential institutions, be it police, be it fire, be it hospitals, essential institutions rather than trying to pick out employees in them. That is where the strike should be prohibited and I think the people involved should be big enough to go along with it and say not only do we owe a duty to ourselves to get the highest possible wages we can for ourselves but we owe a certain duty to the province and to the people who are depending on us.

So, I would approach that in a different way, because how can a hospital function in a sensible fashion if the cooks are not essential but the nurses are or the maintenance men are not essential but the laboratory technicians are or the doctors are but the receptionist is not? What kind of a hospital would that be? How long could that go on? It would not work. I do not think it would work. I think a hospital

should be all or nothing.

I will say something else that brings me on to another section of the bill and it is all tied in, in my mind, with this sort of principle. That is the section which as I see it changes the rules in mid-stream. You see my thought is, if you are not going to be allowed to strike, you are not allowed to strike. There you are and Newfoundlanders, I would expect would respect that law. That does not frighten me. That does not worry me. I do not think Newfoundlanders are a lawless crowd who are going to just ignore the law and say; "To blazes with that! We are not going to obey it!"

Mr. Speaker, I would move at this time that I adjourn the debate.

MR. HICKMAN: Mr. Speaker, I move that the remaining Orders of the Day do stand deferred and that this House at its rising do adjourn until tomorrow, Friday, October 26, at eleven of the clock in the forenoon. This House do now adjourn.

MR. SPEAKER: It has been moved and seconded that this House do now adjourn until tomorrow morning at eleven of the clock.



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