



PROVINCE OF NEWFOUNDLAND

THIRTY-SIXTH GENERAL ASSEMBLY  
OF  
NEWFOUNDLAND

---

---

Volume 2

2nd Session

Number 66

---

---

**VERBATIM REPORT**

Friday, October 26, 1973

SPEAKER: THE HONOURABLE JAMES M. RUSSELL



The House met at 11:00 a.m. Mr. Speaker in the Chair.

PETITIONS:

HON. E.M. ROBERTS (LEADER OF THE OPPOSITION): I beg leave to present a petition from Conne River in the District of Hermitage, a district without representation in the House at present, signed by four hundred and fifty-four citizens of that community and also I am told by the members of the Local Improvement District of Conne River.

The prayer of the petition, Sir, and I stress the petition may not be in the precise legal form which is needed but nonetheless is a petition which I submit should be received by the House and dealt with by the government, is that a barge owned by this government, by the people of this province, be moved from Grand Bank where I understand it is at present located to Conne River and that this barge be used to serve as a conveyance from the main highroad across to the Conne River into the Community of Conne River itself.

I am sure that all honourable members here are intimately familiar with Conne River. The provincial highroad network runs down the eastern side of Bay d'Espoir to the Community of Morrisville.

Just before one comes to Morrisville, the road branches to the left and comes down over a hill to a landing, what would be a ferry landing except there is no ferry. From there one can look across the Conne River to the Community of Conne River itself. The Community of Burnt Meadows is about three houses, a mile or so beyond Conne River, further out towards the sea, further towards the south.

The government have undertaken to build a bridge and a causeway across the Conne River to the community and for reasons which I would not attempt to guess, there has been an unprecedented flurry of activity there in the last two or three weeks, bulldozers going night and day, trucks going, axes going, rights of way being cut and so forth, but there is still no way across the Conne River and it will be a number of weeks, or a number of elections, depending on how cynical one is, until the causeway is completed.

The people, in the meantime, would like to have this barge, which apparently is not now in use, moved up to Conne River and used to convey cars and equipment and supplies back and forth. It is all the more important at this time of year because they have to get in their winter supplies of oil and it is very difficult to move drums of oil. What does a drum of oil weigh, a forty-five gallon drum?

MR. WOODWARD: Four hundred and thirty pounds.

MR. ROBERTS: Four hundred and thirty pounds in a drum of oil by small open boats. That is what they are faced with at present.

The barge, Mr. Speaker, is owned by I am told the Department of Rural Development. It has been used recently to move the Anglican Church from Point Rosie. We all saw that on the television. Quite a saga that was.

I got the petition some time ago and I sent it to the Minister of Highways or whatever he is now called - Transportation and Communications. I had the courtesy of a reply from his deputy minister, (the minister himself apparently is not able to write these days) saying it had been referred to the Department of Rural Development. That was on October 5 I heard from the deputy minister. I have had no further replies since and now at the request of the people in Conne River I present this petition to the House.

I think these people have a real problem, Mr. Speaker. I think it is a reasonable solution. As far as I know the barge is available. It may not in fact be but I understand it recently was tied up in Grand Bank not being used. It seems an entirely reasonable thing to move it around to Conne River so that these people can have the benefit of a ferry service and so that they in particular can get in their winter supplies of fuel and whatever else they may need.

I move that this petition be received, Sir, and be referred to the department to which it relates.

MR. SPEAKER: The honourable member for Twillingate.

MR. H.W.C. GILLET: Mr. Speaker, I have pleasure in presenting a petition, signed by the residents of Bridgeport, in my district. The

prayer of the petition is that they have two or more wells drilled in the settlement to assure a full supply of unpolluted drinking water.

Now I think that speaks for itself. I am sure that we all know and appreciate the need for good drinking water in many parts of the province, not only in my district but all over the province. I feel very strongly towards this petition and I hope that others will follow as time goes by.

I would like to have this petition received and placed on the table and then referred to the department to which it relates.

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

MR. F. ROWE: Mr. Speaker, I beg leave to present a petition on behalf, actually, Sir, there are two petitions with the same wording from the Department of Transportation and Communications workers in the highways depot in Cook's Harbour and the highways depot in the Community of St. Barbe in the District of St. Barbe North, Sir, and the prayer of the petition reads that:-

"We, the undersigned, employees of the Department of Transportation and Communication, request that you intercede for us in obtaining a hard-lying allowance, the same as has already been received by government employees in other northern parts of Newfoundland and Labrador and which presumably is in the area of our province called Labrador."

Now, Sir, this petition is signed by fifteen workers in the highways depot at Cook's Harbour and forty-one workers in the highways depot at St. Barbe. Sir, it is my understanding that public service and I stand to be corrected on this and I would appreciate it very much if the minister concerned here or if the Premier would try and straighten up this situation so that all public service in Newfoundland and Labrador would understand what exactly is going on. It is my understanding that public servants, employees of the government in

Labrador receive \$1,200 a year, \$100 a month extra if they are married and \$600 a year or \$50 a month if they are single.

Now, Sir, presumably I do not know what the rationale is for this, I can see the reason for it. Presumably the rationale is that the cost of living in Labrador is higher than the average cost of living on the island section of our province. Presumably as well, and I do not know, the isolation factor is taken into consideration. I do not know what other factors are taken into consideration other than the isolation factor and the cost of living factor.

Sir, I would hasten to add that there are areas in the island section of this province and particularly on the Great Northern Peninsula, in the Provincial District of St. Barbe North, where the cost of living, although probably not as high as certain parts of Labrador, is certainly close to it. Extremely high because there is no shipping for half of the year because of the ice conditions, so the fuel, every bit of material, all the food, has to be transported by truck over a long, treacherous, snow-blocked, gravel highway during approximately one half of the year and consequently the cost of living for these materials is very high in the St. Barbe North District.

I would also suggest, Sir, that in this particular case with the Department of Highways workers, if I may use this term, that their work is every bit as treacherous and hardships are certainly as great and the isolation is certainly as great for these workers as you will find in any section of Labrador.

I have experienced this and I have had correspondence concerning this and the honourable the President of the Council can well remember last year the difficulty with respect to the clearing of the roads in St. Barbe North because of the severe winter conditions in St. Barbe where, the wind blows. Let us put it this way, Sir, a lot of the snow that lands on the Coast of Labrador and on the ice in the Straits of Bell Isle is blown by the prevailing winds onto the Coast of St. Barbe North.

6671

So, Sir, I would sincerely ask that the Premier or the minister concerned stand in his place and I would like for him to support the prayer of this petition that this allowance be given to the highways workers on the Great Northern Peninsula. At least if the Premier or the minister concerned cannot support it, I think it would not be too much to ask for a reasonable explanation for the people concerned.

Sir, I give these two petitions my every support and I ask that this petition be placed on the table of the House and referred to the department to which it relates.

MR. SPEAKER: The honourable Minister of Finance.

HON. J. C. CROSBIE: I just wanted to speak on the Labrador allowances that the honourable gentleman opposite referred to. The petition that he has presented of course will have to be taken under consideration but the position with the Labrador allowances is that they were instituted a long time ago by, of course the previous administration and that the situation we found with respect to Labrador, and presumably they were given, they were called, I think, "hard lying allowances", they were given on the theory that

living conditions are more difficult in Labrador, the cost of living is higher and other reasons of that nature and to encourage people now in government service to move to Labrador if their duties took them there. When we reviewed the situation we found that there were a tremendous number of anomalies, that some government employees got them. Then there were a certain amount, if you were a government employee and you moved to Labrador from Newfoundland, from the island, but that if you were a resident of Labrador and lived and worked for the government in Labrador, you got a smaller allowance or you did not get any allowance unless you moved from the community you lived in to go to work in another community.

That was the situation we found. Everybody was not receiving them. So what has happened this summer was that we have made the Labrador allowance uniform. Whether you come from the Island of Newfoundland to work in Labrador or whether you were a resident of Labrador in the first place you receive the Labrador allowance now of twelve hundred dollars if you are married and six hundred dollars if you are single. This is paid to everybody who is paid by government, whose funds for their salaries and so on are provided by government in Labrador. That is a vast improvement over the situation that did pertain. As to whether that should be applied to St. Barbe North or any part of the island is another matter which the government will have to consider and in due course make some announcement on it.

MR. SPEAKER: The honourable the Leader of the Opposition.

MR. ROBERTS: Mr. Speaker, if I may be permitted to add a word or two to this petition. I have had a similar request from a number of my constituents living in Roddickton, twenty-one in all. They say in their letter to me, Sir, that we the undersigned, employees of the Department of Transportation and Communications request that you intercede for us in obtaining hard lying allowance the same as has already been received by the government employees



in other northern parts of Newfoundland and Labrador.

I think that they may be under a misapprehension.

I am not aware that the hard-lying allowances are paid in Northern Newfoundland but they are paid in Labrador.

MR. CROSBIE: In Labrador only.

MR. ROBERTS: 'In Labrador only' the minister says.

AN HON. MEMBER: The Province of Newfoundland and Labrador.

MR. ROBERTS: The Province of Newfoundland and Labrador. Then they are quite correct because that is the way the law of this province reads at present.

Mr. Speaker, I support the request that this matter be given consideration. The Minister of Finance has outlined it briefly but I think actually, the historical position, and I want in no way to say that the people of Labrador do not face in almost every respect higher living costs than are faced on this island. Nonetheless, the people in Northern Newfoundland, in the northern part of St. Barbe South, in St. Barbe North and in White Bay North they face costs which in almost every respect, Mr. Speaker, are just as high. They too use diesel power, they too must have great costs for heating if they use oil, they too face food costs which are greater because the supply lines are over three hundred miles of very bad dirt road.

I think further, Sir, the fact that (and this is the policy of the present administration as seen in the redistribution bill we adopted last session) we are apparently to have a seat in Labrador which will be one-half in Labrador and one-half on the Island of Newfoundland - I think it is section (16)d that says that there is a seat which shall be equal. Mr. Justice Higgins has said publicly that in his view equal means equal in population or else it is meaningless. I think that too is further evidence leading to the fact that these people in Roddickton and in St. Barbe Highway Depot and from Flower's Cove - Cook's Harbour Highway Depot have a good case, one which merits consideration.

I support the petition and I ask that the government do give it serious consideration. I think these people have a case, I think they should be heard and I think they should be dealt with fairly and justly.

MR. SPEAKER: The honourable the Premier.

MR. F.D. MOORES (PREMIER): Mr. Speaker, speaking in basic support of the petition, the problem is, of course, where do you draw the line when you start bringing services south from Labrador? That is a natural line of separation, so to speak, as far as these benefits are concerned. There may be some validity in the new redistribution where you have a mutual seat, where this could be looked at again. I will say that the government will take it under consideration but it is much more difficult than just saying that it should be done in any one given area because you are bound to move right down into other areas and what degree of what benefits should what people get.

I am sure that the opposition agree that it is not an easy answer but it is one that we will take under consideration. Possibly the idea of the redistribution may be something that we could look hard at.

ORDERS OF THE DAY:

MR. SPEAKER: The honourable member for White Bay South.

MR. W.N. ROWE: Thank you, Mr. Speaker. I would like to direct a question to the Minister of Industrial Development, if I may, Sir. In as much as the Premier during the last session of the House mentioned that construction was hoped to be started on the second refinery at Come by Chance last spring and in as much as that patently has not happened, would the Minister of Industrial Development care to give us the reasons why or bring us generally up to date as to what is transpiring on negotiations for the second refinery?

HON. C.W. DOODY (MINISTER OF INDUSTRIAL DEVELOPMENT): Yes, Mr. Speaker, the negotiations for the second refinery are I understand underway between the company, Newfoundland Edison Limited, and the

various contracting firms who are bidding for the job. Site preparation work is now underway out there. As soon as the construction contracts are finalized then I assume that the construction of the project will get underway. This should happen I would hope in the spring. It appears to be that way now anyway.

MR. W.N. ROWE: Is there any indication as to when the contracts, the various contracts with E.C.G.D. and any other relevant parties might be signed, Mr. Speaker?

MR. DOODY: The contracts and discussions with E.C.G.D. are well in hand. As I say, the only problem now or the thing that is currently underway is the discussion between the contractor or contractors and the company.

MR. SPEAKER: The honourable member for Bell Island.

MR. NEARY: Mr. Speaker, I would like to direct a question to the honourable the Premier. About a week and a-half ago I believe it was, Sir, AMOCO announced that they were scaling down their offshore drilling operations off the Coast of Newfoundland. Since then I have heard reports that the oil drilling companies are going to pull out altogether. I wonder if the honourable the Premier would indicate to the House whether there is any foundation to these reports. How much scaling down is going to be done by the offshore drilling companies? Could he just give us a thumbnail picture of just precisely what is happening now?

MR. SPEAKER: The honourable the Premier.

MR. MOORES: Mr. Speaker, there is no truth in the rumours that the operations on the Grand Banks or off the Labrador Coast are going to be scaled down, with the exception of the fact that AMOCO brought one of its two rigs to the North Sea. The Minister of Mines and Energy can answer this in much more detail than I but I would say offhand that in the general picture that it is much more likely that the activity will increase rather than decrease, if you take the total

picture.

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

HON. L.G. BARRY (MINISTER OF MINES AND ENERGY): Mr. Speaker, if I could add a few comments to that. The first thing I should point out is that there is an obvious danger in our over reacting or immediately becoming concerned to the stage where we would start giving increased incentives or better deals to companies when we see some slowdown, if there is a slowdown in operations on the Grand Banks.

We have to look at the long haul here, Mr. Speaker, at the long term. The area on the Grand Banks is of such a magnitude that it is going to be ten to fifteen years before, regardless if there is ever a commercial discovery, before the oil industry will be able to say exactly what potential there is. The AMOCO decision as communicated to myself and as publicized in the papers was, the reason given was because they were having difficulty in keeping up with and assessing the information they were getting from two rigs. They found themselves moving on to another hole and drilling before they had had time to assess the information from the previous well. They have decided that they are going to slow down the pace.

Nobody can deny that the more dry holes that AMOCO or any other company drills out there the more discourages they will become or the less attractive is the acreage that they should hold. I would like to point out just two other areas and two brighter sides to the picture on the offshore drilling.

The first is that Mobile Oil in the first well that they drilled on their acreage, in a different geological area off the Continental Shelf, the first well drilled produced oil, almost three hundred barrels a day. I would also like to point out that the first well drilled by Eastcan off Labrador is a very exciting one. They have not finished it. They have only gotten down to eight

thousand feet. They will probably go to around twelve thousand feet. They had to cut off the hole because of bad weather and will go back to test it next year or go back to finish drilling next year. But the reports released to date indicate oil shows over a very significant depth. In the Mobile case, the oil was found over a fairly narrow section and that produced about three hundred barrels a day.

In the Eastcan well, the public announcement so far has been to the effect that there have been oil shows over a considerable thickness. We will not know until next summer what this will mean in the rate of flow and so on but it is, according to industry reports, the most exciting find so far on our Continental Shelf. That gives on the one hand

some discouragement on the part of Amoco. We are naturally sorry to see a rig pulled off any part of the shelf but we have encouraging signs in other areas of the shelf. I would also like to mention one more point. It looks very much like, as the company have said, that British Petroleum will be drilling off the coast, so that there will be another rig come back to replace the one removed by AMICO.

MR. NEARY: Mr. Speaker, I thank the minister for the information. I would like to ask him a supplementary question. Did AMICO or any other offshore drilling company ask for any additional incentives or assistance before they made the decision to move their rig to the North Sea?

MR. BARRY: No, Mr. Speaker, other than that whenever a company comes to government looking for, as the honourable knows from when he was in government, a commitment from government or a concession. there is at times a tendency to put on the poor face shall we say and to overly stress the difficulties and the bad sides of the bargain as far as they are concerned, whereas government have to promote what governmental rights the government are giving and to be careful that government does not give up any more than is necessary in order to see the project go ahead. And in order to ensure a good return to the people of Newfoundland, it is a matter of bargaining, and the difficulty is in keeping the proper balance.

MR. NEARY: I appreciate what the minister said, Mr. Speaker, but it would be cruel to build up people's hopes just for the sake of getting a bargaining position.

AN HON. MEMBER: Inaudible.

MR. NEARY: Well I hope not, only time will tell.

MR. BARRY: You want the preferred lobbies for the oil companies, would you? Put on the poor mouth and make it very difficult for them.

MR. NEARY: Does the honourable member want to make a speech?

MR. BARRY: No, I am just asking.

MR. NEARY: Mr. Speaker, I would like to ask the minister a supplementary question. Are there any outstanding applications now for permits or concessions? One time the oil companies were queued up, the pressure was on. Is the pressure still on as much as it was when say we were the government? Or have the oil companies now sort of taken the pressure off? They are not as interested in the offshore drilling off our coast and off Labrador as they were when we were in the government.

MR. BARRY: Mr. Speaker, we have not noticed any drop in interest in companies in obtaining concessions. There is a list of companies who have applied. That list still stands. We are, I will not say daily but periodically companies are still approaching us looking for additional concessions or commitments. We have made our policy clear on this to the House previously. It has not changed.

MR. NEARY: Mr. Speaker, I would like to direct a question now to the honourable the Premier. Would the honourable Premier indicate to the House how many of the government's promised trawler fleet will be built at Marystown? How many of these trawlers will be built outside of the province?

HON. F. D. MOORES (PREMIER): It is impossible to say now, Mr. Speaker, because the situation is that Marystown have bookings for five from one company now and a possibility of two more from another company. Some of the boats most certainly will be built there. Until such time as the deadlines, the timings for the plans when they are submitted to the various yards come in, until that time we will not be able to get an accurate estimate.

MR. NEARY: Well, Mr. Speaker, a supplementary question. Do I understand from the Premier's answer that inquiries or tenders have gone out to shipyards outside of the province?

MR. MOORES: No, Mr. Speaker. The situation is that the plans will go out for tenders to various shipyards within the country, within the province and overseas, and I will say that every boat possible that can be will be built at Marystown.

MR. NEARY: Well, Mr. Speaker, a supplementary question. I am sure that after two years that the, and I do not want to debate this matter, but the Premier must have some idea of the number of trawlers that will be built at Marystown. Will it be one? Two? Say over the next ten years? This is the government who talks about planning.

MR. MOORES: Mr. Speaker, over the next ten years Marystown which has been expanded to build from two and a-half to five trawlers a year, over the next ten years it will be fifty trawlers built at Marystown.

MR. NEARY: But how many of the promised trawler fleet will be built there?

MR. MOORES: Mr. Speaker, even in baby talk the gentleman cannot possibly understand it. I said all that was possible. When the orders come out they will be placed at Marystown. Those that can be will be placed at Marystown. One thing that is sure is that Marystown will go full board. The second thing that is also important is that the boats be built. Now that will be our first priority if the boats be built. Those that can be will be built at Marystown, those that cannot be will be built outside.

MR. NEARY: Mr. Speaker, I did not get much information that time. I will try fishing with the Premier again. Could the Premier tell the House when the major hardwood industry that he spoke about a month and a-half ago will be starting up in the province?

MR. MOORES: As soon as I know, Mr. Speaker.

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 Finance. I would like for the minister to tell the House what is happening regarding the wood that is produced in Labrador for the linerboard mill at Stephenville. If he is doing anything to correct the shipping? I understand that there will be 80,000 cords of wood left in Labrador when shipping ends this season. I also understand -

AN HON. MEMBER: It cannot be 80,000 cords.

MR. WOODWARD: Eighty thousand cords will be left that is already cut



and will not be shipped to the mill in Stephenville.

MR. CROSBIE: That is not a question.

MR. ROWE, W.N. It is a question. What are you doing about it?

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order please.

MR. WOODWARD: I am asking the minister if he can tell this House -

MR. SPEAKER: Would the honourable member for Labrador North please direct his question?

MR. WOODWARD: Yes, Mr. Speaker. The question I would like to ask of the Honourable Minister of Finance is what are they doing about correcting the inadequacy of the shipping from the Port of Goose Bay to put wood down to the mill in Stephenville? I understand and I know for a fact that there are 80,000 cords of wood that will be sitting there and will not be shipped to the mill in Stephenville. I also understand that -

MR. SPEAKER: Order please. The honourable member for Labrador North is getting into a debate and making a speech on this question.

AN HON. MEMBER: Inaudible.

MR. CROSBIE: Mr. Speaker, the honourable gentleman apparently is become a culler. He now personally knows such and such of about how much wood is available in Labrador.

AN HON. MEMBER: "Scaler" is the word not "culler."

MR. CROSBIE: Well a scaler. The honourable gentleman is scaly. But, Mr. Speaker, despite the constant efforts of the opposition to cast doubt and aspersions on the operation which we have rescued from their incompetence, I can assure the honourable gentleman that all wood that is physically possible to move from Labrador to Stephenville this year will be moved.

MR. WOODWARD: It is not so.

MR. SPEAKER: Order please.

MR. CROSBIE: Well then if the honourable gentleman was as assiduous in looking to gasoline prices as he is in asking this kind of silly question, it would be much better for him.

MR. ROBERTS: Mr. Speaker, leaving aside that slimy and unwarranted personal attack by the unwarranted Minister of Finance, he did not answer the question. Let me ask a supplementary, Mr. Speaker. He said, "All the wood that was physically possible to move." Let me ask him then whether it is correct that 80,000 cords of pulp wood will be left at Goose Bay this year. Because the minister's answer, Mr. Speaker, did not answer that question. All he said was that "All that would be physically possible to move." Of course, even somebody as stunned as the minister could move all that is possible to move. Now will 80,000 cords of wood be left at Goose Bay this year? And if not, how much will be left on the dock there?

MR. CROSBIE: Mr. Speaker, I hope I do not catch the rabbit disease that the Leader of the Opposition seems to demonstrate. When the shipping season ends in Labrador this year we will know what wood is left in Labrador -

AN HON. MEMBER: Inaudible.

MR. CROSBIE: At that time I will gladly tell the honourable gentlemen how much wood is left in Labrador this year. How much wood was shipped down this year, just what the situation is. As far as the shipping from Labrador is concerned as the honourable gentleman knows, he has been a resident of the area, the "Bremmess" is being used on charter to bring down wood from Labrador and there are also three barges and two tugs being used to bring down wood from Labrador. They are doing everything possible to bring as much wood as they can. If the honourable gentleman would utilize "Information Services" he would get a copy of my latest remarks on the mill, about ten days ago, and that would give him a considerable amount of information.

MR. WOODWARD: It is not correct.

MR. CROSBIE: But he need never fear, he will have complete information on Labrador Linerboard woods operation.

MR. WOODWARD: I already have it -

MR. ROBERTS: Mr. Speaker, a further supplementary. First of all,

Newfoundland Information Services have not distributed the minister's remarks. I guess that means that perhaps Mr. Butler is assiduously courting in the wrong office.

Mr. Speaker, a further supplementary. Although, I would like to see the honourable minister's remarks if he could let me have a copy of - this is the Stephenville Rotary Club Speech?

MR. CROSBIE: There are about 5,000 gone out now.

MR. ROBERTS: I can believe that. That is about the only way we are ever going to use the capacity of Mr. Butler to anything like -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Mr. Speaker, a further supplementary question, Sir.

MR. CROSBIE: I did not know the honourable gentleman was that far advanced.

MR. SPEAKER: Order please. I assume the Hon. Leader of the Opposition is attempting to ask a question. I draw the attention to the House that he should be heard in silence.

MR. ROBERTS: Thank you, Mr. Speaker. I was trying to ask a supplementary question. Could the minister indicate to us whether he has any idea or any reports as to how much if any wood will be left in Labrador when the shipping season ends this year?

MR. CROSBIE: I will check for the honourable gentleman and get the latest information.

MR. ROBERTS: In other words, he has no idea at present.

MR. CROSBIE: I cannot say whether it is 80,000. I would have to check it out.

MR. P.S. THOMS: Mr. Speaker, I would like to direct a question to the Minister of Forestry and Agriculture. Could the minister inform this House if work is at present being carried out on the proposed potato seed farm which he announced in mid-September and could he also inform us as to the location of this farm?

HON. E. MAYNARD: (MINISTER OF AGRICULTURE AND FORESTS): I will take the question as notice, Mr. Speaker.

MR. THOMS: A supplementary question, Mr. Speaker. Could the minister inform this House -

MR. SPEAKER: Order please. The hon. member was out of order to ask a supplementary question to a question that the minister has taken notice of.

MR. THOMS: Thank you, Mr. Speaker. Could I direct a further question to the Minister of Forestry and Agriculture? Could the minister inform this House if the location for the potato seed farm had already been established and if twenty-five men were working on this seed farm for one month and because of some unexplained reason the project was halted and if the location of this seed farm was at Glenwood?

MR. MAYNARD: I take that question as notice too, Mr. Speaker.

MR. E.W. WINSOR: Mr. Speaker, I would like to direct a question to the Minister of Transportation and Communication. Could he tell the House why the paving of the road through Carmanville and Gander Bay was discontinued a few weeks ago when similar work is now being carried out at full blast at Hermitage?

HON. T.V. HICKEY:(MINISTER OF TRANSPORTATION AND COMMUNICATION): Mr. Speaker, I cannot manufacture paving plants and paving equipment. It depends on the contractor, over whom I have limited control. We have done all we can this year in Carmanville under, I might say, very extreme circumstances.

MR. WINSOR: It is not because of climatic conditions, political or otherwise?

MR. ROBERTS: There is a different climate in Hermitage.

MR. HICKEY: Is the honourable gentleman on the other side in disagreement with what is going on in Hermitage?

MR. ROBERTS: No, but you can do the same thing in Carmanville.

AN HONOURABLE MEMBER: How about a by-election in St. John's?

MR. HICKEY: Do it all over. Give us a little time. You fellows had twenty years.

MR. NEARY: Mr. Speaker, a final question for the Hon. the Premier, my sparing partner in this and in other forums. I would like to ask the Hon. the Premier when we can expect an announcement on the government's promise made repeatedly over the last year or so, the Premier's promise that the minimum wage in this province is going to be increased to two dollars and fifty cents per hour?

MR. MOORES: First of all, provided that the honourable member for Bell Island would admit to a final question, he has me somewhat in a state of shock here because I never thought he would admit to a final position in anything. It is nice to know that he is speaking in for the opposition side. However, I never did make the promise that the minimum wage would go to two dollars and fifty cents as such. The minimum wage announcement will be made at the same time as the social services announcement announcement which, as I said yesterday, hopefully will be within the next ten days, two weeks.

MR. NEARY: Mr. Speaker, I would like to direct a question - no, this is not for my old buddy, my sparing partner. I am shaky in my shoes today. I had a summons served on me yesterday and I am shaking in my shoes.

Mr. Speaker, I would like to direct a question to the -  
AN HONOURABLE MEMBER: It is not for me.

MR. NEARY: That is what the honourable minister thinks. I met him right outside the building. I said, "My old friend, how are you?" He used to work here at one time in Confederation Building. He said, "I have a message for you". I said, "No doubt from the Premier."

MR. SPEAKER: Order please. The honourable member from Bell Island is going to ask a question I assume, eventually.

MR. NEARY: Thank you, Mr. Speaker. I would like to ask the Minister of Agriculture and Forestry if he would inform the House as to what steps the government are taking to expand the abattoir at Pleasantville or replace it with a new abattoir.

HON. E. MAYNARD (MINISTER OF AGRICULTURE AND FORESTS): I take it as notice.

MR. NEARY: As notice? Why do you not go out and resign now and get it over with?

MR. F. ROWE: Mr. Speaker, I would like to direct a question to the Hon. Minister of Education. Is the minister prepared to recommend to Cabinet the government pay, the total cost involved in the holding of school board elections? This was a request made by the Federation of School Boards.

HON. G. OTTENHEIMER (MINISTER OF EDUCATION): Mr. Speaker, that question is out of order. I could not announce now what my intention would be with respect to recommendations to my colleagues. When the government make a decision, obviously the House and other will have full right to that knowledge but it would be premature now.

MR. F. ROWE: Mr. Speaker, a supplementary question to that. Is the minister sympathetic to that particular request?

MR. OTTENHEIMER: Mr. Speaker, I certainly give all reasonable requests every consideration.

MR. F. POWE: Mr. Speaker, I do not believe that the minister answered the question. However, I would like to direct another question to the Hon. the Minister of Education. In view of the request to the Federation of School Boards, does the minister intend to, well I cannot say institute, a minimum twenty-five per cent increase in operating grants effective April 1, 1974, therefore, Sir, may I ask whether the minister is sympathetic to that particular request from the Federation of School Boards, the twenty-five per cent increase in the operating grants to take effect April 1, 1974?

MR. OTTENHEIMER: Mr. Speaker, all of these are really matters of public policy which will be announced by the government in due course. My own sympathy, lack thereof, etc., is not a factual kind of question. It is a question of attitude. I do not think it is the kind of question which is really of any benefit to the House or which is really in order. Now, if the honourable gentleman's brother has a question, ask one too but I cannot answer one question and listen to another at the same time.

MR. F. ROWE: A supplementary question. Might I ask the minister whether this is something that may be given consideration by the planning and priorities committee since it apparently does not involve the minister and cabinet?

MR. OTTENHEIMER: Mr. Speaker, all of these matters are considered by the government which is the cabinet or various committees of cabinet at various times.

MR. WINSOR: Mr. Speaker, may I direct a question - I am not too sure whom I should direct this question to but I think it is the Minister of Public Works. Is there a regulation which states how a visitor should be dressed when sitting in the galleries? Because yesterday afternoon an unfortunate - or last night I think - yes, last night an unfortunate incident occurred when the university student, when I think all of the members of the House had a student from the university following them, was asked to leave the chamber. I am not sure whether he was asked to leave the gallery or was not permitted to enter because he was wearing a short-sleeved shirt. Is there any regulation which pertains to that, Mr. Speaker? I think it is a very important question.

HON. J. ROUSSEAU: (MINISTER OF PUBLIC WORKS AND SERVICES): It is. I do not know of any rule or regulation that I know that referred to the tradition of the House that there would be a shirt and tie. I would think it would be properly referred to the Speaker.

MR. SPEAKER: If the honourable member for Fogo would like to see me later on today, I think we could discuss that.

MR. ROBERTS: Mr. Speaker, I assume my colleague will see you but this is a matter that affects all of us in the House. Would Your Honour in an appropriate time, make an announcement? I have never heard of any ruling. If there is to be a ruling, it is surely Your Honour prerogative as the precincts of this House are under Your Honour's control. Maybe Public Works supply the janitors and the light but I mean Your Honour has the effective control of this. Would Your Honour perhaps make a public announcement so the people would know henceforth and if they are to wear ties and shirts and what have you, they would come so garbed. It is unheard of to keep people out of the galleries.

MR. SPEAKER: Is it my intention to give an answer to the honourable House as soon as possible.

MR. M. WOODWARD: Mr. Speaker, I would like to direct a question to the Minister of Transportation and Communications. Could he



MR. WOODWARD: inform the House as to what stage the negotiations have gotten concerning the Trans Labrador Highway, if there are three-party negotiating teams. Quebec, the Federal Government and the province and if we can expect to hear something or get something started on that highway possibly next summer?

MR. HICKEY: Mr. Speaker, we are presently awaiting the outcome of the Quebec election to determine whom the Minister of Transport of that province is going to be. The joint proposal is just about complete, probably changing some words here and there but basically it is complete. The new minister and myself plan to get together sometime and from there it goes to the Federal Government.

MR. ROBERTS: Inaudible.

MR. HICKEY: We will deal with anybody.

ORDERS OF THE DAY:

MR. SPEAKER: The member for St. John's South adjourned the debate. If he cares he can continue now.

MR. R. WELLS: Thank you, Mr. Speaker. Last evening I had outlined the history of collective bargaining in this province and I indicated to this House what I thought should be the basic premise of collective bargaining with the public service, the approach that should be made to it, how an act should be and that was that. On one side you should have institutions or groups such as police, which would not be allowed to strike then the groups that are allowed to strike, the institutions or departments where a strike would not be so detrimental to the province that it could not be allowed, they should be allowed to go all the way without restrictions upon them at all until agreement was finally concluded. This is how, Mr. Speaker, I feel that the thing should be done.

I also touched on one or two aspects which I consider, there as particular sections of course, and they will be dealt with in detail when this bill goes to the committee stage, but they are so fundamental to the bill that I think they go to the root of the general principle.

Now the question of essential employees. If the mode of approach to this that I advocate were to be adopted, the essential employees

would be decided first. It would be in the Collective Bargaining Act just as it is in certain other acts which have been passed by this House, who would be exempted or who would not be allowed to strike and who would.

Now this bill says that the Labour Relations Board should be the party to decide who are the essential employees. That, Mr. Speaker, I think could be improved upon. Myself, I would not like to see that power with the Labour Relations Board. I think that this decision is so important that it ought to be taken by the members of the House, here in the House, here in debate where the matter can be thrashed out.

This is not to say that there is anything incompetent about the members of the Labour Relations Board. Far be it for me to say that, I know differently. The Labour Relations Board has performed great service here in the Province of Newfoundland and has handled many difficult questions and handled them competently and well.

The point is there is a significant distinction between the members of the Labour Relations Board who are appointed and the members of this House who were elected by the people. It seems to me that this is such a fundamental question that it ought to be decided and debated here in this House so if there is any flak from it, any trouble, any criticism, let it be directed at us who were elected by the people to decide fundamental and important questions and I think it should be done here in the House. The decision as to who should be essential, what classes or groups, or as I feel, what institutions or areas of the public service should be prohibited from striking, let it be done here. Let people say what they want to say. Let the press debate it. Let the opposition debate it. Let the government side debate it. Let it be had our right here and not put it in the hands of men in the Labour Relations Board who, however competent they may be, are not elected by the people who are not directly answerable to the people as we are.

MR. NEARY: Inaudible.

MR. WELLS: I will deal with - The Leader of the Opposition can make

his motions if I happen to agree with them or not, that is a decision for me. He will have to explain his purposes. I am talking about this bill and the principle of it.

That is the first major area of the bill to which I propose when the time comes in committee to have more to say, Mr. Speaker.

Now the second area of the bill which I think is fundamental: I am not going to deal with what I would consider the noncontentious areas of the bill in discussing the principle. The areas such as conciliation and all that, that is fine. Everyone no doubt or various of us will have something to say in committee about that.

But then there is the rather interesting question of voting upon every offer, the executive of a union, having the obligation to take every offer to the membership and let the membership vote on it. Now I think that, Mr. Speaker, is a mistake. I think if you do that you are going to rob the executive of a union of the chance to lead.

Now various people have all sorts of opinion as to whether unions have good executives, good leadership, bad leadership. I am not concerned with that, but if we pass this, Mr. Speaker, this sort of principle, it will be impossible for them to have any leadership because every question, when you get to the real guts of it, the negotiating team or the executive will not have any power nor any influence at all. Everything will have to go back to the membership on this question of an offer. So an offer can be minimally advanced, advanced by two cents an hour, three cents an hour, five cents an hour, back they have got to go, and how long is this process going to take? If a government negotiator wanted, he could string this out forever. To me, it is just as wrong to say that as it would be wrong to say to the government with every new proposal we say; "You go back to the people." Now that would be laughed at. That would be senseless but the principle is the same.

I say that this section ought to be, in my view, more carefully thought about or at least more consideration should be given to it because it is a dangerous thing to say that every offer must be communicated - back and forth you will go. What would be the point of an executive, what would be the point of a negotiating committee? You have to give them some power. You have to recognize that they have intelligence, that they know the views of their membership, which have been communicated to them.

Now I will say something else too, Mr. Speaker. It is often suggested and you often hear people suggest, those who are not too close to labour management, things like, Ah! the executive of the union have no control, "The executive are not leading." I say, Mr. Speaker, that the situation has arisen in Newfoundland that the pressure comes more from the rank and file than from the negotiators.

I have experienced this too often.

MR. NEARY: Inaudible.

MR. WELLS: Please. Please. Let me be heard. This has nothing to do with that. You will have your opportunity.

MR. SPEAKER: Order please. The honourable member for Bell Island well knows the rules and I ask that the honourable member for St. John's South be heard in silence, especially by the member for Bell Island.

MR. WELLS: I am sorry, Mr. Speaker, for the interruption but as I say this idea is thought by some people and I think thought genuinely, that you have a case where the leadership of the executive, of the negotiating committee are pulling the membership along by the noses, but I think that is false. I experienced too many negotiations, seen too much of this not to realize that it is not so and that the situation in Newfoundland today is that very often a negotiating team or a negotiating committee will feel that a thing is adequate, they having the full knowledge that is gained in a back and forth situation across the table, only to find that the membership says, "No, you shall not."

If anybody has ever attended union meetings in this province in the last few years, they would know that and they would see that you get memberships pushing so hard that even some things which are absolutely reasonable are not accepted by the membership and the negotiator or the executive of the union is sent back again. So I think that

also has to be realized. A clause such as this, this section (24) which requires everything to go back, it seems to me it misses the point. The point is that the people who are leading and negotiating for a union ought to be given some credence; they ought to be given some recognition that they know what their membership is thinking and that they will duly in an appropriate time go back with the offer of the government or the government's negotiators. I think that clause ought to be, in committee, re-argued and re-thought.

Now, Mr. Speaker, there is another rather fundamental thing in this legislation. The legislation would enact and would require that certain people be declared essential. I have no quarrel with that. I would go even further, I would say that a hospital is so essential, a fire department is so essential, a penitentiary is so essential, a police force is so essential that they not strike. I would go further but I would do it in a different way. In any case even allowing the principle of this bill, we have the essential group or groups whoever they may be.

Then the act goes on to say that when the Lieutenant Governor-in-Council is of the opinion that a strike of employees is so injurious, etc., then the Lieutenant Governor-in-Council, which is the cabinet, can step in and stop it and actually order the return to work. I do not agree with that, Mr. Speaker, either. If you are going to give the right to strike, as I say, let it go all the way. If you think there are proper cases where a strike would be prohibited, then prohibit it and argue it out here in the House; take the criticism, take the flak but let it be done here. If you are going to say to people that you have the right to strike, for God's sake, do not say you have the right to strike as long as cabinet feels you ought to and when cabinet feels that the time has passed for you to strike, chop, the strike is over, go back to work. If that be passed, and I intend

to argue strenuously in committee on this point, but if that be passed, then this legislation is going to be unworkable. There is going to be more bad feeling generated by one or two things like that than you can imagine. Anybody I think with any experience of labour relations would have, I believe, to agree. So we should have the essential workers, the essential institutions: By all means, let them not strike but if we are saying to a group, you can strike, well let them strike, let the chips fall where they may because you do not have to have this. There is always the inherent power in the Legislature of this Province. If a strike is so serious that the public are really suffering and something has to be done, you can always call the House together. Now I do not like that. I do not like that and that is what is fundamentally wrong with this situation here today. We are arguing about public collective bargaining. The X-ray and laboratory technicians are out and we are doing it in a crisis atmosphere. My experience with people, institutions and things is that a crisis atmosphere may call people to rise to the occasion and deal with the crisis but when broader matters are being discussed in a crisis atmosphere, thinking sometimes becomes distorted.

MR. CROSBIE: The honourable gentleman realizes that this date was set before -

MR. WELLS: Oh, I do. Oh yes, I do. I am going to deal with this.

MR. CROSBIE: We are not sitting now

MR. WELLS: Oh, no. I absolutely realize that.

MR. CROSBIE: Another question the honourable gentleman remarked which was very interesting and much to the point - the honourable gentleman realizes, of course, that we have said that we are open and we will consider any reasonable amendment. In fact the government already have eight amendments itself proposed.

MR. WELLS: I am going to deal with these.

MR. CROSBIE: The honourable gentleman will therefore realize the receptive atmosphere.

AN HON. MEMBER: (Inaudible).

MR. WELLS: I might say, Mr. Speaker, and I would ask the honourable member opposite (this is not on the principle of this bill) there is a time to seriously debate matters of public importance. This is a matter of public importance.

MR. NEARY: Mr. Speaker, may I ask the honourable member a question? Would the honourable member permit a question?

MR. WELLS: Yes, Mr. Speaker.

MR. NEARY: This is such a serious matter, Mr. Speaker. Did the government caucus on this before they brought the bill into the House? If so, did the member have an opportunity to express his views on it in caucus? Was there no caucus on it?

MR. WELLS: I expressed my views in caucus, of course.

MR. NEARY: They would not listen to the honourable member?

MR. WELLS: Perhaps not.

MR. NEARY: I just wanted to make that clear. I do not understand it, Mr. Speaker.

MR. WELLS: If the honourable member should want to make political hay well by all means do so. If he should want to keep it up, I suppose he can destroy in effect my speech.

MR. NEARY: The honourable member is agreeing with the Leader of the Opposition .

MR. WELLS: The honourable member is not agreeing with the Leader of the Opposition. The honourable member has his own views.

MR. NEARY: The honourable member should be over here.

MR. WELLS: We either enter into a discussion, back and forth, banter, nonsense - there is a word for it but it is not parliamentary - or we debate.

In any event, Mr. Speaker - I cannot remember where I was now. I feel that the time to decide these things is here in the House and



the place to decide them. I would prefer to see them decided here because always the House can be summoned to deal with an emergency that is so serious that the public interest is at stake.

MR. CROSBIE: Would the honourable member permit a question, Mr. Speaker?

MR. WELLS: By God, there are two of them, Mr. Speaker! There are two of them.

MR. CROSBIE: If it were required that such a proclamation had to be approved by the House before it became effective, what does the honourable member think about it then?

MR. WELLS: Yes, that would be a good way possibly of dealing with it. There are all sorts of ways of dealing with this.

MR. NEARY: On a point of personal privilege, Mr. Speaker. We did not hear the comment of the Minister of Finance, which I think is very relevant to this. Would the minister tell the whole House what it was he said to the member. Apparently there is an amendment involved, Mr. Speaker. We would like to know about it.

MR. CROSBIE: There is no amendment involved.

MR. NEARY: Well the minister made a suggestion to the member for St. John's South, and we would like to know what it is. Why carry on a personal conversation inside the House?

MR. CROSBIE: Wait for Hansard.

MR. NEARY: What was it?

MR. WELLS: Mr. Speaker, I am reminded of the trial of the Chicago Seven, in which they kicked up so much fuss that the judge had to put them inside a glass case so that the proceedings could go ahead. I think we are almost getting to that stage in this House. However, I will try, Mr. Speaker, to come back to the principle of this bill, section (27).

Mr. Speaker, this is how I feel that it should be approached and that these matters are so important that they should be debated

calmly in the House first and then the decision made as to who can strike and who cannot strike. If by chance rather than having the Lieutenant Governor-in-Council give them the power to make an order such as this, if such a thing should be necessary, let the House be called and it be debated. I cannot see how a union is going to deal with the government negotiator, especially if the going gets tough. If an agreement is not readily reached and a strike ensues, how are they really going to feel, Is not the strike elusory if the power is there for a meeting of cabinet to say, that is it, back to work now, you have played long enough.

Now the House of Assembly has that inherent power and nobody can take it away from it and it is the House, I feel, if the worst comes to the worst, that should decide a question like that. Now having objected, if you like, to these questions, it will be said and it was sort of suggested this morning in this House that there is something disloyal or there is something traitorous insofar as the government are concerned on this side of the House in making remarks like that. That is not so, Mr. Speaker. It may be unusual but it is not in any sense traitorous to the party which I support. I will deal with that just in case someone says that it is.

MR. NEARY: Nobody said it -

MR. WELLS: Well it has been implied.

MR. NEARY: By whom?

MR. WELLS: By the honourable member. Here we go again.

MR. NEARY: Who?

MR. WELLS: The honourable member for Bell Island.

MR. NEARY: No, the honourable member for Bell Island might think that the member is a jellyfish but I did not imply he was being disloyal.

MR. WELLS: Thank you. Well, Mr. Speaker, I suppose we will have to do without the glass case.

MR. NEARY: That is right.

MR. WELLS: Mr. Speaker, the point is that when a person comes to this

Mr. Wells.

House of Assembly, he has a responsibility. I got into a bit of banter a couple of years ago with the honourable member on the other side and I remember his reminding me and he was quite right that when you are elected here, you are elected not just to represent the people in your district but you are here to represent the whole province. That applies to every one who is here. We represent all the people and above anything else, we have to approach problems I feel with intellectual honesty. Whatever is there to be decided has to be looked at by us and in the final analysis, if something could be done better, could be done differently, I feel that there is an obligation on all of us to say so. That does not mean that I am disloyal to the party, the banner which I ran under when I came into this House. I joined the party of which I am a member a long time ago. I can see some faces here who were members when I joined and welcomed me into this party but not too many. Let there be no suggestion that in any sense is this disloyalty to the party. What it is more is a belief, which I hold very strongly, that I and all of us have an obligation in this House to put forth suggestions, to argue and fight for what we feel would be better and more appropriate legislation for the people of this province to live under. That I think is my fundamental obligation and the fundamental obligation of all of us.

Now I will say a word, Mr. Speaker, about how collective bargaining, in my view, should be carried out. There grew up in Newfoundland over the years a sort of feeling that if the regular rules and regulations under which governments operated, if they did not suit you, go and see a politician. That feeling grew up, that way of approach to things grew up and it is still here.

I remember negotiating and being part of negotiations with the previous administration. I remember it being suggested from time to time to me, when negotiations had bogged down and they were not going too well with the Treasury Board negotiators, people saying to me, "Could we not go and see the Minister of this and that?" "Should we not go and see the Treasury Board President?" "Should we not go and see the Premier?" I said, "No, I do not think we should. I do not think that is the way to bargain."

I think that the government of a province has a certain responsibility and when the government of a province has its negotiators that the decisions of the province or of the government should be communicated to the negotiators and the negotiators should deal with the union or group concerned and if changes were made in government policy that they should be communicated to the other side through the negotiators.

That I think is the way to approach this, this whole subject of collective bargaining. If ever persons or groups or unions who are negotiating with the province get the feeling that the government's negotiators are just little puppets who are there to express whatever view they are allowed to express as long as they are allowed to express and that someone will jump in at some other level, that is not the way to negotiate. That is not the way to negotiate with public employees and if that approach be taken, if that approach be taken now in the x-ray, laboratory technician matter it would be wrong. It would be wrong. It would set a wrong precedent, a wrong way of doing things and negotiations in the future would be more difficult.

Now, Mr. Speaker, the Minister of Finance, when speaking yesterday in opening debate on this bill, had a word for the laboratory technicians. Now the situation of the x-ray and laboratory technicians is not really part of the principle of this bill but I hope that I will be forgiven, Mr. Speaker, as it is part of the collective bargaining process, from having a word to the x-ray and laboratory technicians as well. I preface my remarks by saying that I am not speaking for the government, I am speaking as an individual member of this House, elected by the people and sworn to do his duty by the people and by the Queen in this House.

As I understand, and I have listened to what has been said in the House and I watched what was said on television last night and I listened particularly to what was said by a Mr. Vokey on television last night in explaining the position of the x-ray and laboratory technicians, as I understand it, they negotiated with the government over a fairly long period until they got to the point where an offer was made which presumably was acceptable to the negotiating committee of IAPE AND NAPE then communicated that offer to the technicians themselves. I understand from what has been said and someone will correct me if I am wrong, that the offer was accepted by something over seventy per cent of the group.

Now, it seems to me at that point there was agreement between the government and NAPE or that bargaining unit of NAPE and all that remains to do was set the agreement down in the formal language of an agreement on paper, sign it and it would become an agreement for whatever the term was to have been. I do not know whether it was one year or two years or what. Two.

That would have then been a two year agreement, so the only thing that did not happen was the putting on paper of the document with the blue or green back on it, whatever it is, and the signatures. It seems to me, from what I have heard, that the agreement was essentially concluded when the members said, "Yes, we will accept that offer

and seventy odd per cent of us say so."

What happened? Obviously what happened, what we are told rather, happened is that somewhere along the line the laboratory and x-ray technologists had been told in negotiations that they would have or keep parity with the nurses.

Now there we come to an interesting thing which of course nobody in this House can really resolve, none of us were there, because the technicians say that this was communicated to them in collective bargaining and the government, through the President of Treasury Board and Minister of Finance, say that that is not so, and he has checked with the bargaining committee.

I watched Mr. Vokey on television last night. I do not know but I do not think that the man is lying. I do not think so at all and I do not think the President of Treasury Board is lying. I do not think for a minute the government of Newfoundland intended to communicate to anybody that there would be parity because this would be met.

If there is going to be parity between similar groups, forget the thirty-two bargaining units, you might as well have one negotiator from the union side go and agree on what will be the comparable groups and that group will go and negotiate it and everybody else has parity, forget it.

That cannot be. Nobody can tell me that the government would say officially or unofficially through its negotiators that that was going to be the situation. But yet I think, and this is a personal view only, I think that Mr. Vokey was telling the truth. I think someone did, without authority, intimate to them that there would be parity. I do not think Mr. Vokey is lying about that but I think that person and this is my theory on it, exceeded every authority that was ever granted to him by doing so.

There must be some explanation for this. These two hundred technicians are sensible, responsible persons doing a responsible

job for which they are highly trained. I do not think they are making this up at this stage of the game but I am equally convinced that at no time did government ever authorize anybody to say that there would be parity between them and the nurses or parity between them and somebody else, because if they are going to negotiate that way, pack it in and let us go back where we were one hundred years ago. I do not think that happened.

Now, Mr. Vokey said on television that he would not name the person, and I can understand his feelings there. Somebody goofed, obviously. Somebody said something that was not so and that there was no basis or reason to say. Perhaps it was a nice thing to say at the time. That is what I think happened.

The government of this province and this House and the government's negotiating team cannot be bound by that. They cannot be bound by that. If that were said, it was said absolutely without authority or justification. If they do not want to reveal the name of the man or woman who said it, that is fair enough. Nobody wants to get an individual in trouble or pillory them but it seems to me that something like that has happened.

Be that as it may, here is the situation and I would say to these technologists that their action has now created a very, very serious situation, not just in the hospitals. We all know about the hospitals. I could not help but feel a lot of sympathy yesterday for the Minister of Health when he made a statement. His statement probably annoyed some of the laboratory and x-ray technologists but you know I would say to them that they have to keep calm and they have to think. It is not much point being in our society and trying to contribute to our society unless we can recognize and think as to what is going on around you.

Take the Minister of Health, the Minister of Health is one of the very few people probably who are making a tremendous sacrifice by being in public life, by being in this House and by being in the cabinet. He has shown I think, he is one of the finer men in

public life in Newfoundland at this time. He is not a negotiator. He is not a public relations man. He is not a collective bargaining man and yet he sees this situation develop in which the hospitals for which he has the greatest responsibility, greater than any other single member of this House or cabinet he sees them falling down on the job which they are supposed to do and which ultimately comes under him.

I have a great deal of



sympathy for the feelings which the Minister of Health must be undergoing, because he is not the collective bargainer, he is not the negotiator. he does not decide how much money is available for salaries.

I would ask the laboratory and x-ray technicians to just bear that in mind. Just bear in mind some of the pressure and some of the difficulty which that man has undertaken on behalf of this province and is now going through, though it is basically outside his control.

You have a situation, Mr. Speaker, where this House, it was announced that this House would open sometime ago for dealing with this collective bargaining legislation. The laboratory and x-ray technicians obviously recognized a clause in this bill which we are debating here now, and they recognized that if this bill were passed that the Lieutenant Governor in Council would have power immediately, after the passage of the bill and approval by the Lieutenant Governor, would immediately have power to order them back to work.

Why have they struck? Nobody has told me but it is obvious they have struck before this bill is passed. They have not struck, they have resigned so that they would not be subject to this bill after the bill is passed. In doing so, I do not deny their courage. It is not easy for a small group to take on a government, it is not easy for a person to feel so strongly that he goes and puts his livelihood on the line. At the same time, I would say to these people, these Newfoundlanders, that the government is in a position and I am not speaking for the government but I am I hope an intelligent member of society who can see the situation, the government having made the offers, having concluded an agreement. except for putting the signature on it, how can the government retreat from that position now?

If the government say to the technologists; "All right you are creating trouble, we will up the ante again," the government

might just as well forget it, leave collective bargaining, put the clock back where it was ten years ago. Forget it because there would never be ever any sensible collective bargaining take place again in Newfoundland.

AN HON. MEMBER: Then how is the problem going to be solved?

MR. WELLS: Just a minute. Just a minute. How can the government retreat from the position it has now taken and I think taken rightly? How can it? It is impossible. If the government and the people in this House have a greater responsibility to the people of Newfoundland than they have - to the people as a whole than they have to any single group, even so, they have self-respect for themselves in the process. How can they now say after the agreement was everything but signed, the agreement was really reached and arrived at, how can they say now; "We will give you more because you are striking?" How can the government say: "Well, yes, I suppose you are due parity with the nurses or parity with somebody else?" How can the government say that? It cannot.

I have every deep sympathy with any person, public employee in Newfoundland. Public employees in Newfoundland were not properly dealt with in the past. There are public employees in Newfoundland even today whose salaries, in my view, are below the poverty line or just about it. Let us not go off half-cocked and say that the public employees of Newfoundland in the past or even now are being paid vast sums of money. They are not.

To the higher levels of the public service, yes large salaries are being paid, for the simple reason that you cannot get people to do professional and other work at the highest levels without paying.

This raises another point. There is so much, so many things in this Province of Newfoundland that are so far beyond the authority and the power of this legislature to do anything about. We can do no more about them than about the weather. If to get a highly qualified man

in Newfoundland we have to pay thirty thousand, thirty-five thousand or forty thousand dollars, we have no control over that. We have to pay it or the person concerned will work on the Mainland or in the United States or wherever else he is qualified to work. We have no control over that.

One might ask: "Why are public employees so upset?" Why all the strikes in Newfoundland this summer? Do not give me the facile explanation it is because there is something wrong with the Labour Relations Act. The reason is that prices are increasing so rapidly and have increased so rapidly in Canada and the Government of Newfoundland have no control over prices really in this province, no control over the prices of a car, no control over the price of building materials, no control over the price basically of anything. These are international things and national things. But you ask: "Why is labour militant in Newfoundland?" Sure it is militant. Go to the supermarket and take a walk around and you will see why labour is militant. A person has to eat and he has to have clothes to wear. he has to house himself and he has to have a car to get around, that is why labour is militant.

The honourable Leader of the Opposition talking about the early settlements of the government with the public employees in Newfoundland said: "Those who settled early were the unwise ones, the victimized ones or whatever you want to call it." Those who settled early settled probably last spring, last March or April, in a very different province in terms of prices than those who are settling today. You do not blame the people for being militant. You do not blame them for wanting a decent wage when prices are rising so fast that what was a decent living a year ago is no longer a decent living. The more you earn the more you have to pay tax on and if prices are going up at the rate that they have gone up in Newfoundland in the past six or eight months and in Canada, beyond the control of this House, if prices are going up that fast, you need the

money.

I do not blame anybody for being militant. Unless this inflationary spiral can be stopped, and we cannot stop it here, that is for certain, but unless it can be stopped they are going to be more militant next year, not only in the public service but in the private sector as well and all the acts which we can debate and argue about for twenty years, supposing we go night and day for six months, are not going to solve the problem.

If the problems of our society could be solved by passing acts of parliament, either federally or provincially, they would have been all solved a long time ago.

MR. ROBERTS: Would the honourable gentleman yield for a second?

MR. WELLS: Yes. Absolutely.

MR. ROBERTS: A very minor matter in his speech but a very major one to me - I did not say that those who settled early settled unwisely. I did say that they settled more cheaply.

MR. WELLS: More cheaply. Yes.

MR. ROBERTS: I mean there is a difference. I know the honourable gentleman did not want to do me a disservice.

MR. WELLS: No, the point I remember the honourable gentleman making was that they settled at a lesser rate.

MR. ROBERTS: And in future years nobody will want to settle first.

MR. WELLS: That is right and I can see that. Because if we get this rapidly escalating price business, if this keeps up, there is no question we are in trouble now as a country. I am talking about Canada now and all the Western World but if it keeps up labour relations and bargaining in the public and private sectors are going to become almost impossible. There is the situation we are in.

I understand perfectly how the technologists feel but at the same time I say to them; there is only one way out of this impasse and that is for them to go back to work. They do not have to go back to work. Nobody can be forced to work in this society at a

particular job or stay in a job if one does not want to. There is nothing stopping a man, his wife and his family from getting in his car and going to Alberta or British Columbia or anywhere else where he can get a job. Legislation perhaps could be devised to try to put a person back to work but as I said earlier; legislation is not the answer to things. Legislation never made any situation much better.

It is no good to talk about legal technicalities in a matter like this, they are a waste of time, a waste of breath. The point is that the technologists have to realize that the government have a responsibility to all of the people of Newfoundland, they have a responsibility to make settlements which are adequate so that a person can live but at the same time within the budgetary requirements of this province, that the Government of Newfoundland do not negotiate just with one civil service negotiator but with a host of them and no government can say: "Oh because you got a raise a little higher, I must put somebody else." No Union can surely allow the position that it can pick another group and say: "We deserve parity with that group at all costs

and we must be put there because they were put there." I think if we allow that thinking and that type of thinking to dominate our negotiating and our labour relations, we will come to grief. Not just will the public come to grief, not just will the House of Assembly find that legislation is impossible to solve problems but the people who work for the government and the unions who represent them will come to grief also because if you start negotiating, if you start doing anything on a wrong premise and with wrong thinking and in a wrong way, as sure as anything chickens are going to come home to roost. They do.

So that I say to the laboratory technicians, there is only one way out of this, to recognize that you have a responsibility to the people whom you serve, to the taxpayers, not the government who pay you, to the honour of a situation where you agreed upon something freely and among yourselves in a vote and that the fact that someone else is getting a few dollars more, who might have gotten a few dollars less last year, or who might get a few dollars another year more or less than you will get. That is not a valid reason, in my view, for tearing up what was in fact something that was agreed.

If you stay off, I cannot and this House cannot, really, when you come down to it, force you back. You can get in your car and drive out of Newfoundland. Nobody can really force you back. There is no way, in my view anyway, that you can force people to take up a job if they genuinely resign it at the end. There is no way.

So, I say to the technologists, legalities are nonsense in this situation. You have got to really sit down and think your position through. Do you not owe any obligation to the people of Newfoundland whom you serve?

AN HONOURABLE MEMBER: So does the government owe an obligation to the people of Newfoundland.

MR. WELLS: So also does the honourable member have the obligation at the moment to keep quiet. The honourable member is not trying to shift any blame. The honourable member will take any blame for anything that is deserved. If the honourable member would wait, I might have a word to the government as well as the technologists.

Mr. Speaker, it is hard to keep a train of thought, hard to talk about anything sensibly in this House's sitting, but I guess that is the way it is.

AN HONOURABLE MEMBER: Turn your stomach now too.

MR. WELLS: You see, Mr. Speaker. On and on it goes. You really wonder.

I think I might have now a few minutes without being interrupted. We will try.

So, Mr. Speaker, I would say to the technologists that the only way open to them is to go back to work unless they want to forget their responsibility to the people who pay them, who are the public of Newfoundland and the people whom they serve, who are the patients. I do not think and I believe the Minister of Finance and the President of the Treasury Board when he said that there was no authority given to anybody to say that there would be parity with nurses for any other group. This has to be so because any other situation would be absolutely senseless. It would be impossible. It would destroy collective bargaining before it starts.

There is another thing I would say to the technologists also. This legislation that we are dealing with now and the opening of the House at this time was planned three or four weeks ago and there was no way of anyone's knowing, at that time, that a situation would arise with the technologists where there would be a crisis or something close to it. That is all water under the bridge now. The crisis is here and we are debating a piece of legislation in this House which is going to have far reaching consequences for two, three, four, five years perhaps, perhaps for ten years or more and we are debating it in the wrong atmosphere because it is impossible to view this act today, it is impossible to discuss clauses of it without thinking in the backs of the minds of every member here and the press who are thinking it and anybody connected with it, the advisers to government, without being cognizant of the fact that the laboratory technicians have resigned and that the hospitals are in trouble. The surest way, in my view, to make a mistake with a piece of legislation is to try to debate it in an atmosphere in which

something which is not strictly relevant to the legislation is coloring the thinking. You get people angry, you get people upset, you get people in a crisis situation and they cannot give the calm, orderly consideration to a thing which they can at other times.

I would say this to the technologists, that the fact that they chose to beat the coming of the legislation by resigning first has in a sense, whether they intended it or not, created a situation which is not to the good of the Province of Newfoundland and public employees far beyond their own bargaining unit. I would not want to see things passed in this House in a hasty fashion, in an emergency or crisis situation, which are going to affect public employees for years to come. That is something that we have to be very careful about.

So, I have turned this matter which way I can and I cannot see any way that the government can say, "Because you are out, because you have resigned, we will now give you more money and parity with the nurses." I cannot see how they can say it in honesty or in conscience. Therefore, I say to you or to the technologists, Mr. Speaker, that they have a clear duty, above and beyond anything else, to return to work and accept the offer, not of the salary but of arbitration.

You see, if I had my way, if this bill were framed in the way that I would see it framed, hospital technologists would be a class or group of persons and in fact the whole hospital, that could not strike because the work is too vital, too important, the work of a hospital.

I would say to you, you see when you take away the right to strike, you have to give a concession in return and in my view that concession is binding arbitration. Now, governments do not like that. Governments say - and there is a long historical precedent for this - that the parliament of the country or the province, as the case may be, has the final say on the expenditure of public monies. That is a hallowed sort of tradition. Even so and even granting the validity of that, I still say that in this modern age and in the collective bargaining situation which we find ourselves, I still say that government should lay that right aside. The House should lay that right aside and say to a class of people, "All right! if you are so important that you



cannot strike, we will lay aside that power and have an arbitration board and let them give a decision and we will be bound by it also and you will be bound by it."

I talk about arbitration boards, a lot of boards, they do not always perhaps, in the view of the parties, do the right thing but there are safeguards. You do not appoint fools to arbitration boards, if you have any sense. The arbitration board that I would imagine and would visualize in a case like this, would be somebody chosen by the union, somebody chosen by the government and an independent third party agreeable to both.

Now, let us say, just to pull round figures out of the air, that you have a salary of a hundred dollars per week or \$1,000 a week - it does not matter - there is also the guide line of what the persons who are not involved in the arbitration situation are getting, whether it be twelve per cent or thirteen per cent or fifteen per cent. There is a balance on the board and there is a chairman who, surely to God! if chosen by both sides, must be a man of some common sense. So that if the salary is a hundred dollars a month, unless there were a grave injustice in the hundred dollars a month, you would not expect such a board to put it to \$200 a month or \$400 a month. By the same token, you would not expect them to make it \$105 a month or \$101 a month, for example. So, I think there are enough safeguards in the arbitration system, safeguards to allow the government to accept the principle of binding arbitration and enough safeguards also for the unit or group of employees involved, because there are always the guides of other sectors of society. There is the guide of what the people have negotiated who are free to strike. There is the guide of even the private sector. There are all sort of guides so that no award of an arbitration board on a monetary item is likely to be too far out of line, too crazy, too weird, so wild that it does not

do justice to both sides. I would say that that is the way that we ought to proceed on the matter of essential employees.

Now what have the government done in this case? They have made the offer. They have said: "All right, we agreed with you and you with us but we did not actually get a chance to get it down on paper but all right, let us forget that, let us forget it, let us lay it to one side. Go back to work where you are very, very badly needed and we will arbitrate the issue. We will let such a board of arbitration decide if we are right or wrong, if you should get more or less or whatever else. What more could the government do? What more could it do?"

It could do one thing, yes. It could abdicate its responsibilities to the people of this province and say, "Here, take it, write your own cheque." I cannot advocate that. If it is the last vote I ever get in this province, I cannot advocate that and I will not. Government has a responsibility and it has a responsibility to the people who elected it, which is the whole population of this province. I say, what else can you do when you consider this? The government is in a position from which it cannot retreat. It has offered arbitration as the way out, which I think should have been offered in the Collective Bargaining Act as the approach to essential civil servants. What more can it do, except say that this is it and we stand firm but we would go by arbitration if you want. It is either that or say, come into the Treasury Board, come into the Confederation Building and write your own cheque, we have abdicated our responsibility.

MR. NEARY: What is wrong with negotiations? That is what the Minister of Health wants. He wants to negotiate.

MR. WELLS: Negotiations have gone! Surely, there is something in negotiating to a point where you offer something and the offer is taken and voted upon and accepted. Surely, you cannot dismiss and discount that. That has been done. Now let us do what I feel should

have been done probably even in the first place, in the case of essential employees, when agreement cannot be reached, go to arbitration. Will the X-ray technologists suffer by that move? I think not. That is my opinion. I do not speak for the government. I speak here as a man elected to this House, responsible for what he says and prepared to take the consequences for it.

Mr. Speaker, I would ask the laboratory and X-ray technologists to go back to work and to try the arbitration route. There is always another day. I hope that this collective bargaining legislation goes through, with changes, hopefully to your bettermen and to the betterment of all public servants. Even if it does not, it can be changed next year, next month or the year after. It is not the end of the world. It is not the end of the line. What other, in God's name! sensible course is there but to open up the hospitals for practical purposes again! Let it be decided by arbitration and negotiate again when the time comes. What other honourable, sensible course? I cannot see one.

Now having said that to the technologists, I would say this to the government: The section in this bill which the laboratory technicians resigned on, not resigned on but the section they resigned to beat, to get in there first, is section (27) where the Lieutenant Governor-in-Council can order an emergency and put people back to work. I would say this to the government that perhaps in some respects the measure of a government, the measure of a man, the measure of a group of persons anywhere, in any field, is that they can stop, take a second look, re-examine a question, take a look at it, argue it out and see if there is any merit in the suggestions that are there, because this clause really is the clause. I have made my position clear on what I think the laboratory technicians should do. This clause, the fact that it was promulgated, that it was going to be brought before the House is really

what brought this into this crisis situation. They know that as soon as this is passed, the Lieutenant Governor-in-Council is going to declare a state of emergency and put them back to work. I think they should never have been off. I think that the approach should have been they are essential and that is it. At the moment, they can see that this clause will be used against them in that fashion and it is just as well to face it. So it will be passed. I would say to the laboratory technicians, go back to work, let this be decided by this House, not in an atmosphere of crisis but I would say to the government, look at that section, decide in this House who is essential or what institutions are essential and who is not but do not have a section like this that can put an employee in the position that he is allowed to strike until, as the Leader of the Opposition, I believe said last night, it begins to hurt and then the strike is over.

I would ask the government to stop and just think about it. That is not the wisest approach to collective bargaining. You see nobody in this life can have his cake and eat it too. This is what this sort of clause seems to mean to me. If they are going to be allowed to strike, let them strike. If they are not going to be allowed to strike, let them not. Do not change the rules in the middle of the play. That is what I think this sort of thing would be doing. If it is necessary to do that sort of thing, let this House do it. Let the elected representatives of the people on both sides who can argue and fight as they do in this House, let them do it. That is the most important one. Likewise I would ask the government to think about that clause where every offer, they had to go back - the union had to go back, because if it were in reverse and every proposal or in order to make a proposal the government had to go back to the people, call another election or have a referendum, that would be

crazy. So, too is it crazy not to recognize that the people by and large who lead unions have some sense; they have some contact with their membership; they have some feed-back to know what is going on. I would ask the government to have a look at that also. Of course, I would ask the government to have a look at the earlier section in the bill, section (10), which deals with the certification of a bargaining agent. That point is all right. Then the decision as to who should be essential and who should not and where it should be made.

Now I think and I hope and I have confidence enough in Newfoundlanders, I have confidence enough in the laboratory technicians to believe that they are law-biding Newfoundlanders and that they are responsible Newfoundlanders. They do responsible work, I have confidence enough in them to believe that they will be responsible not just in the quality of the work they do but in their approach to their whole role in the hospital and in society. I ask the technologists to recognize that responsibility and to act on it, their wider responsibility to all the public servants, in that they do not want, surely, actions taken by them to influence perhaps legislation which may have a bad effect on the whole collective bargaining problem and situation. I ask them to think that; I ask them to go back. I ask the government also in committee stage ( I believe while I was speaking the Minister of Finance has said they would ) to be receptive to thinking about changes in this bill because as it goes, as it stands there now and in my experience of labour matters, this bill could cause problems. I say to the government that it is a measure of greatness of a government or an individual to be prepared to say; all right, perhaps this needs further discussion, perhaps we should try it another way.

Mr. Speaker, there we are. We are in an atmosphere of crisis but surely, we as Newfoundlanders, both inside and outside of this House of Assembly, can rise to the occasion. Surely, we are

October 26, 1973

Tape no. 48

Page 5

not going to be defeated as a people and in our institutions by rows  
that cannot be solved. Surely, we are ingenious enough to come up  
with machinery for solutions. I believe we are. Surely

6719

we have enough humility and even honour to those we represent, not just we here in the House, people like the technologists also who owe something to their community, to their own institution for whom they work and the taxpayer who pays them. I think and I have enough confidence in the people of this country and in groups of people within this country to think, Mr. Speaker, that this problem can be solved. I hope that the outline of the approach that I have mentioned may play some part or may have some input into the solution of the problem. Thank you.

MR. H. W. C. GILLET: Mr. Speaker, it is rather difficult for me to find words after listening to our honourable friend across the way. So far we have heard from lawyers only, men who are learned and well versed in matters such as we have before us today. Nevertheless I believe that we are all endowed with a certain amount of intelligence. The contentious sections in this bill were brought before us yesterday in the introduction, section (10) and section (27).

It has been I am sure very heart warming for us on this side to realize that even among the ranks of the government side there are men who have seen the light of day, so to speak, in this bill and had the courage to mention it. I am sure that he is not alone, he cannot be. If after hearing deliberations from men, from the honourable members, learned men of law, as we have heard today and yesterday, after listening to these honourable gentlemen surely goodness we are convinced that this bill has to be changed.

I commend our leader, the honourable member for White Bay North, on his deliberations yesterday. I think he opened the eyes of everybody here. But as the Chairman of the Board of the Notre Dame Bay Memorial Hospital it comes home to me very, very close. This is one of the most important things that I saw too, just as a layman so to speak, in law-making. But when I read down the interpretation and saw in Section (27) "The corporation body or authority managing any hospital is deemed to be the employer", then over here, reading in Section (10) where the employer is a determining factor or body, if you want to say, determining

who is and who is not essential in a hospital. Then I felt the responsibility very heavy upon me and I thought that this is something that I do not believe I and my board can accept.

I agree with our honourable member who just spoke before me that the essentiality should be decided here in this House. Because it is possible, it might be possible to take one or two persons in a hospital and say that he or she is not essential. But where would one draw the line? Where would one draw the line? What sort of a chaotic condition would we have in such a case?

Now I do not think I need go any further because it has been gone into in detail. I am sure that everybody here is convinced that Section (10) has to be changed. I feel it will be. I have sufficient confidence in my brother-man to know, setting aside all partisan politics, that this will be done.

I circled Section (10) when the Honourable Minister of Finance mentioned it yesterday. I also put a question mark around section (27) because he mentioned it also. In Newfoundland today we do have very serious perhaps - I think it is not only in Newfoundland, we have it in North America. God knows they have had it in England for a long time, unrest in labour. I think the way we deal with labour is going to spell the future for Newfoundland. The way labour deals with us, do not let us make any mistake, it is not a one way road. It is a two way road.

We have to acknowledge as I believe has been said here this morning that in the ranks of labour we have highly intelligent men, legislators, lawyers. Eminent lawyers can spend months putting together a bill but it takes only a few, I have always said this, it takes only a few fishermen someday a-yarning with a chew of tobacco to find a loophole in that act. Rightness comes when we can acknowledge our mistakes. When we can say let us reason this thing out together, then and only then will we have peace in our labour production when everybody is happy with his lot.



I can only concune what our honourable friend across the way has said before me, in speaking to the technologists and labatory and x-ray technologists. I might say that I was very happy yesterday morning. At 9:30 o'clock I telenhoned the business manager of our hospital in Twillingate and asked him what was going on this morning, whether or not we had mass resignations.

MR. SPEAKER: Order please. I hope the honourable gentleman will excuse me for interrupting him but I wonder if he would like to adjourn the debate, and I will recognize him this afternoon. It is now 1:00 o'clock.

MR. GILLET: I will call it 1:00 o'clock, Sir.

MR. SPEAKER: It now being 1:00 o'clock I do leave the Chair until 3:00 o'clock this afternoon.

The House resumed at 3:00 P.M., Mr. Speaker in the Chair.

MR. SPEAKER: The honourable Minister of Finance.

HON J. C. CROSBIE: Mr. Speaker, I would like to make a ministerial statement

The principle of the bill before the House is to permit strikes in the public service subject to certain safeguards with respect to public health and safety and to provide for collective bargaining in the public service.

As stated when the bill was introduced, we have amendments to put forward in committee, not affecting this principle, suggested by NAPE and one or two suggested by CUPE, and are open to suggestions arising from the debate as to other amendments that might be made to the bill in committee.

With respect to the debate so far, the government has met with the caucus and I would like to inform the House that we will be bringing an amendment before the committee to amend section 27. So far any emergency -

MR. ROBERTS: To a point of order, Mr. Speaker, ministerial statements are allowed under the rules of this House affecting matters of government policy, the minister appears to be announcing that the government had collapsed on this bill. That may be the case, Sir, but that is not a matter of a ministerial statement. I submit. My point of order is that that is the government's position, any minister may make it but during the debate when we may debate it, Sir, not as a ministerial statement, Sir. That is an abuse of the privileges of this House, Sir.

MR. CROSBIE: Mr. Speaker, on that point of order: This is a statement of government policy being given as a ministerial statement. There is nothing to prevent anyone speaking and debating this in the debate.

MR. ROBERTS: I object, Sir, I cannot speak again in this debate.

MR. SPEAKER: Order please. The honourable minister I assume is making a ministerial statement and I will let him proceed.

MR. ROBERTS: To a point of order. Your Honour has ruled there is no

point of order that this is an in-order ministerial statement.

MR. SPEAKER: That is correct.

MR. CROSBIE: So, Mr. Speaker, to conclude, the government has decided that it would bring an amendment before the House in committee of the whole with respect to section 27 of the bill so that any proclamation would not be effective without the approval of the House of Assembly. The government will also be bringing forward an amendment to subsection (3) of section 24 as has been suggested in the debate and if there are other worthwhile suggestions for amendments during the course of this debate, we will also give them consideration and attempt to prepare amendments when the bill goes through committee of the House.

MR. ROBERTS: Mr. Speaker, if I may be allowed the same latitude to reply now that we have debates on ministerial statements: I first of all welcome it Sir, because it is the point put forward by this side of the House. I congratulate the Premier on having had the good grace to let the Minister of Finance announce his own capitulation. I want to say on this side, Sir, we shall continue to debate it. We have other amendments to put forward, particularly section 24 (1), which is just as offensive as 24 (3) or more. The note I want to close on is to again note the irregularity of the government announcing a major capitulation by way of a ministerial statement instead of in debate where it can be dealt with in debate.

I have no right to speak again in this debate, Sir. I have used my opportunity to speak. The minister has another opportunity to speak. I do not. But let me say, Sir, the government are doing the right thing for once. For once they did listen. My God! if only they would listen some more they would be out of the mess they are in now. Maybe, Mr. Speaker, maybe if they listened a little more, if teddy bear down there will listen instead of looking like an idiot, they may yet get to the situation where we do not have every hospital closed.

MR. F. D. MOORES (PREMIER): To a point of order -

MR. ROBERTS: To what point of order, Mr. Speaker?

MR. MOORES: To the point of order that was raised a moment ago when the honourable member was making a statement-

MR. ROBERTS: To what point of order?

MR. SPEAKER: The Honourable the Premier: I rule that there was no point of order and that the honourable minister could continue with his ministerial statement.

MR. MOORES: On a point of order, Mr. Speaker: Referring to the remarks of the Leader of the Opposition which I say were out of order, the point of order, Mr. Speaker, is that I just want to establish one very clear fact that has been brought up here by the Leader of the Opposition who has claimed that he is not able to speak again in this debate. That is quite accurate. I would like to raise the fact that this ministerial statement was in order because it showed that this government has flexibility -

MR. ROBERTS: This is an abuse of the privileges of the House. That is a speechless point of order.

MR. SPEAKER: Order please.

The honourable Minister of Finance has seen fit to make a ministerial statement and as has been the custom in this House, the Leader of the Opposition or his representatives has had the right to reply to that ministerial statement, which I understand he has done. The honourable Premier has risen on a point of order and I shall hear out the honourable Premier's point of order.

MR. MOORES: Mr. Speaker, the ministerial statement as far as we were concerned was in order. I think that to say it was not -

MR. ROBERTS: Inaudible.

MR. MOORES: Excuse me, Mr. Speaker, if the Yahoo over there could shut his trap for one minute.

MR. SPEAKER: Order please. The Honourable Premier as well as any other member in this House does have the right to be heard in silence.

MR. MOORES: I was saying, Mr. Speaker, that it was very important that the Minister of Finance be allowed to make a ministerial

statement. That was out of order as far as I am concerned.

He only announced the fact that we do have flexibility, we do have principle and we intend, it is not capitulation, it is reason that we are talking about.

MR. ROBERTS: Mr. Speaker, on the point of order raised by the Premier, of all the facetious points of order ever raised by the Premier, who barely knows if he is punched or bored when it comes to the rules of the House anyway -

HON. MEMBERS: Inaudible.

MR. SPEAKER: Order please.

MR. ROBERTS: Mr. Speaker, may I continue with my point of order?

HON. MEMBERS: No.

MR. ROBERTS: Oh I see, no now.

MR. SPEAKER: Order please. I have heard the Honourable Premier and I shall permit the honourable Leader of the Opposition a few words and that shall be the end of it.

MR. ROBERTS: Sir, as I was saying, the point of order is facetious. The Premier, I submit, gets up and makes a speech under the guise of a point of order knowing full well or ought to have known, maybe he did not know that it was out of order to make a speech. If the Premier wants to intervene in the debate, Sir, my submission is that he should not do it on a point of order, he should do it on a debate but he gets up and raises a point of order which is facetious and I submit, Sir, that he should be ruled out of order.

As a matter of fact, Mr. Speaker, he did not in making his point of order raise any point at all and I invite Your Honour to check -

MR. BARRY: To what point or order are you speaking?

MR. ROBERTS: I am speaking to the point of order raised by the Premier to point out it is no point. If the honourable member for Placentia West is not able to understand that, he should go back under his rock.

Mr. Speaker, I submit that the Premier should be ruled out of

order for having raised what he claimed was a point of order because when it came to the crunch there was no crunch.

MR. SPEAKER: Order please! Order!

I feel that this debate as such has boiled down to a matter of personalities which should not be and I suggest that we finish it here and continue with the other business of the afternoon.

Before we recognize the honourable gentleman from Twillingate who adjourned the debate, I would like just to say that this morning in the honourable House the honourable member for Fogo expressed some concern as to the proper dress in the public galleries. In this day and age it is difficult for one to define what is meant by proper dress. However, to my knowledge, in the public galleries off the tenth floor, there is no specific mode of dress. In the gallery at the back of this chamber, commonly referred to as the Speaker's Gallery, it has been a long standing tradition that persons occupying this gallery should be dressed in what one might call a dressy apparel, for example sweaters and blue jeans should not be worn in the Speaker's Gallery.

However, if and when every other seat in the public galleries is occupied and there are vacant seats in the Speaker's Gallery, then I would consider permitting persons who are not attired in reasonably accepted apparel to sit in the gallery at the back of the chamber.

I do not want to be too severe with regard to this and I trust that honourable members, when expecting visitors will advise them of the type of dress which might be accepted. I also trust that the members of the general public will judge themselves accordingly.

MR. SPEAKER: The honourable member for Twillingate wishes to continue.

MR. H.W.C. GILLET: Mr. Speaker, if I recall when we were recessed for lunch I was about to say how pleased I was to hear from the hospital in Twillingate that no action had been taken on the part of

October 26, 1973

Tape No. 50

NM - 6

the laboratory and x-ray technicians, that in fact the hospital was functioning as usual. Therefore I felt a sense of pride in our employees in Twillingate to know that in the light of this proposed legislation, that they did not choose to resign.

6728

I can only say now since we heard the so-called ministerial statement that as a result of the deliberations here last night and today and as a result of the newspaper reports that the government have seen, and I repeat what I said this morning, the light of day in its legislation, I personally could not support this bill no.(123) as it stood for reasons mentioned this morning in section (10), also for reasons that have been mentioned by several speakers, in section (27).

I believe that the power to legislate and compel people to go back to work should not be vested in the cabinet no matter who that cabinet but actually by the House itself, which is the peoples' House, representation of the people.

Before I sit down, Mr. Speaker, I would like to address a few remarks to the x-ray and the laboratory technicians. I would ask them to go back to work. Reapply immediately and I am sure their applications will be accepted. Go back to work. Surely goodness a laboratory and an x-ray technician realizes how important he or she is. how very important. Daily they view x-rays of people and their knowledge of x-rays must sometimes shock them, the revelation of them. The same thing applies to the laboratory tests. Surely, they have a sense of dedication. Right now, at this moment, I do not need them but there are hundreds maybe thousands who do. They do have a dedication and I feel, Mr. Speaker, that before many hours Newfoundland will hear that the laboratory technicians and the x-ray technicians will have decided to go back to work.

I also would like to address just a few words to labour and to the labour leaders, Particularly the labour leaders, Mr. Mr. Speaker. Sometimes I wonder whether or not they know just how important their position is. It is much more important than mine. I am just a member of this House. I would say that with the size of our labour force, unionized as it is today, the leader of a big labour union is very closely akin to that of the Premier of the province.



a grave and a great responsibility as a leader. Power has been placed in his or her hands by a union and placed there in good faith. Whether it be a government, whether it be a labour union, no matter who it is, I think that that power has to be used wisely and well, everything taken into consideration.

In the case of the public service which will be affected by the passage of this bill in its reform or any form, I think they have a big responsibility to the people of this province. It is most unfortunate that the labour unrest this summer has been allowed to materialize and come to this point. It is most unfortunate, regrettable. Let us hope that this is a lesson to the administration and all administrations from now on.

We have to bargain and bargain in good faith. I know sometimes it must be difficult. As an employer, I know. Times have changed, people have changed and I know it is not easy to deal with some of the problems that present themselves to labour and to management today. The high cost of living must be, it has to be a source of anxiety to everybody but in the public service I believe there should be a sense of responsibility to the people of the province. I am speaking now particularly, once again, to the hospital workers. I think right now, regardless of this bill, to deal with it in this crisis, as we have mentioned before, is a very difficult thing to do.

I feel that we have to mention the very seriousness of the strike that is taking place now - now a strike but cessation, as a matter of fact resignation of the laboratory and x-ray technicians.

Mr. Speaker, we shall see what happens from now on until this bill No. (123) finally receives approval of the House. From what the Minister of Finance has said, it would seem that the government are willing and have shown their greatness (if you want to use that word) and let us hope that the labour unions do the same thing. Nobody has to lose faith, Mr. Speaker. Nobody has to lose faith. We have too much at stake here. We have a province at stake.

I stand with this side of the House in saying that I am unable to support the bill as it is and we shall see what happens from now on.

MR. SPEAKER: The honourable member from St. John's North.

MR. CARTER: Mr. Speaker, I have a few short remarks to make on this bill. First I would like to make my position perfectly clear. Although I do not particularly like this bill, I feel that it could be vastly improved. I am prepared to give it a try, give it a chance. The more controversial clauses can easily be amended if they are found to be unworkable.

Passing this bill will take it out of the realm of the speculative and academic and put it to the test. I would like to divide my remarks into three parts. First a few comments on the making of legislation generally, second the matter of government restraint in financial matters and thirdly, what in my view should follow this legislation if labour strife in this province is to come to an end.

This House is known as the legislature and we can properly be referred to as legislators. Yet when it comes to the test all we are asked to do is say "aye" or "nay" and perhaps alter a word or two. It does not in my view encourage active participation. As far as I can learn, legislation is prepared by a legislative draftsman in the Department of Justice after preliminary preparation in the department concerned. Therefore it is the civil service who are the real legislators. Our only function is to approve or disapprove.

Sometimes legislation already in effect in other provinces is found to be suitable for our needs. Then all that is necessary is to change a word here and a title there and there you are. This is what is known as trusting to luck. It should not be used as standard procedure. Agreed? Legislation should be prepared by a committee of this House using the civil service as advisers and researchers. It is the members of this House that should worry through the more complex and contentious bills.

To be more specific what could have been and should have been a creative adventure and experience in labour relations is in grave danger of degenerating into partisan bickering. I have no objection, Mr. Speaker, to spicy debate and sharp retorts but it is quite apparent that the present adversary method of handling legislation lends itself to partisan bitterness and upmanship.

Furthermore, the existence of a great foggy heap of legislation, sometimes far more than is necessary, can bring into being many dead-letter laws. It could bring the law itself into disrepute. So for practical purposes, in many respects, the civil service is the government. The elected members are society's chosen safety valves. They direct the civil service but they depend upon them for advice. They carry out the directions of government. There can be no government in any real sense of the word without the civil service. Therefore, the civil service always know what is going on. Even the cabinet directive which is not made public is a secret widely shared.

Now I am not suggesting for a minute that confidences are being broken but the knowledge that civil servants legitimately gather must affect their judgement especially in matters referring to their own compensation. Furthermore, researches have shown that the grape vine is over eighty-five per cent correct. We must assume that the Newfoundland Civil Service is normal in that regard.

So if the government are being extravagant, if they are abusing their privileges, if they are giving away rights to resources, the civil service know it. Make no mistake about it, they know how much and when and where and by whom and to whom. Is it unnatural then not to expect them to take their cue from government. They will show as much restraint, no more and probably no less than the government. If the government watch itself, the civil service will be reasonable but if they do not, the lid is off.

I have a resolution before this House, Mr. Speaker, for later consideration. Without going into it, it was motivated by the realization that we are trying to solve today's problems using yesterday's methods. A strike is a drastic weapon. Mass resignation is even more drastic. It is the final solution, not a satisfactory solution, but certainly final. It is even beyond the power, in my view, of this legislation to regulate.

The immediate solution in the case of the x-ray and technicians strike is for them to come back to work and accept arbitration. But our deliberations must go far beyond that. We must set up machinery for regulating labour disputes so that workers will no more consider strike action than a parent-teacher association will consider a lynching party.

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

MR. BARRY: Mr. Speaker, the legislation presently before the House "An Act To Govern Collective Bargaining Respecting Certain Employees In The Public Service In The Province," it is in my opinion good legislation. I did not come to this decision quickly -

AN HON. MEMBER: Inaudible.

MR. BARRY: I will come to that. I did not come to this decision quickly nor I do not think carelessly but only after some serious consideration of the principle involved in the bill.

Now there have been a number of red herrings all through this House of Assembly, the last two days of debate, Mr. Speaker, I would submit. The principle set out in this bill is that there should be a right to strike given to public employees insofar as this is compatible with the public interest, with the safety of the public, with the health of the public and so on.

So the question that I had to ask first of all when considering this legislation was, should public employees have the right to strike? My conclusion and a conclusion easily arrived at was, "yes, they should." I have to say, Mr. Speaker, that I was proud initially to be a part of the decision to give teachers the right of collective bargaining and the right to strike should collective bargaining not bring about a

settlement.

AN HON. MEMBER: Inaudible.

MR. BARRY: That is not repressive legislation, Mr. Speaker, nor is this bill repressive legislation. I awoke this morning and again I do not want to and I think it is unfortunate that the labour dispute which we presently have in the province has been intervening and has been colouring I suspect members' attitudes on this legislation. I awoke this morning and I hear Mr. McMillan I think it is, of CUPE the first thing on the radio, I heard him say, "This is the most repressive legislation of any province in Canada." Now that is nonsense, Mr. Speaker, total rubbish, nonsense.

We have had the list given by the Honourable Minister of Finance yesterday. Without going into great detail, let me reiterate again, of the ten provinces of Canada there are five provinces which do not give public employees the right to strike, five out of ten. Is this legislation more repressive than that situation? I submit it is not. We have four other provinces which do give the right to strike but not an unqualified right to strike. This is the second question I had to answer when I considered this legislation. How is the public interest protected? Should all public employees be given the right to strike? Should employees in essential services be given the right to strike?

My conclusion there was you could not give an unqualified right to strike to employees in essential services, to certain employees which will have to be designated and who will be designated pursuant to this legislation.

Now in case I have made some error in my reasoning, in my logic, I would like - the honourable member of the opposition has already had his statement in debate but I am sure he can answer it at the committee stage. I would like any honourable members who stand up to discuss this legislation in this debate, I would like to ask them to face up to this issue, to answer the question: "Should

employees, should employees providing essential services be given the unqualified right to strike?"

Now if they do not answer that question clearly, if they do not meet it squarely, then they are waffling, they are quibbling, they are evading the principle of this legislation. I think the legislation is important enough to have every man in this House of Assembly clearly state where he stands on that principle. I have made my decision. It may be wrong. I hope it is not. It was after careful thought but my decision was that there are times when the public interest requires that there be certain restrictions placed on the right to strike.

Now I am aware of the fact that unless an employee can engage in collective bargaining, unless an employee can use the only sanction which he has in negotiating with an employer, that is the withdrawal of his services, that employee is going to suffer economically. So the problem is: How do we reconcile the public interest in having essential services provided? There is nobody who can tell me that a hospital service is not an essential service, that when it comes down to life and death that is the most essential of any service. The problem is how do we reconcile the public interest here with the employees equitable and reasonable demand for an adequate living wage,

sufficient income to support himself and his family with dignity? How do we reconcile them?

Mr. Speaker, I submit that this legislation goes a long way towards reconciling these and I will be perfectly happy to listen to any suggestions and I am sure this government will be happy to listen to any suggestions, any constructive suggestions, as to how we can get a better reconciling of these two matters.

What is done in this legislation is that most employees in the hospital service, as an example, most employees I would assume will not be designated as essential employees. The majority of employees will have the right to strike. This will cause inconvenience and I submit in some cases hardship to the public. It will cause serious inconvenience and hardship to the management, to the employers, to the management of hospitals. That is the name of the game. That is the only way the working man can see that he gets an adequate wage. That is what this government is prepared to recognize. I would think that any honourable member in this House would recognize that, that unless an employee can withdraw services, he will not be viable, there will be a tendency to ignore him, to ignore the salary that he is getting.

If the majority of employees in a unit can withdraw their services, if the majority of employees can walk out and create serious inconvenience and hardship, that is something that will not go unnoticed, that is something that will require the employer to sit down and bargain with that unit of employees. There will be some employees in the unit who will have to stay working because if they do not, it will not be in the public interest, the public will be harmed. In the case of hospital services, unfortunately it is a matter of life and death, so there have to be some essential employees on the job.

Should it happen that a majority of employees in a unit are designated as essential - and I personally think that this will rarely be the case - if that should happen, there will be provision for arbitration.

Now, Mr. Speaker, personally I think that that is a good balance of the interests of the employee in getting a decent wage and the interests of the public in seeing that essential services

are provided.

We have had reference made to this emergency power provision that is in here in this legislation and this is the one that has been hauled up by the opposition and I do not want to get politics involved in this. So, excuse me if I get a little heated but I think that I have to question the logic, the reasoning of the opposition in using this one section, section 27 of the bill, to cloud the principle that is set up here, the principle of a qualified right to strike for public employees, the right to strike for all public employees except certain ones who will be designated as essential. That is the principle. We have had the opposition attempt to befog and cloud this principle by reference to this section, section 27.

What does section 27 do? It is not the guts of the bill. Section (27) is icing on the cake it is not essential to the principle of this bill.

What is the opposition saying? That cabinet, that the Lieutenant Governor-in-Council should not have the power to decide that a strike is injurious to the health or safety of persons or any group or class of persons or the security of the province, that cabinet should not have the right to proclaim a state of emergency, that this is something that will be used as a bargaining strategy, something that will be invoked daily in the event that the proper response is not obtained in collective bargaining. Nonsense! Mr. Speaker, I say to that, nonsense! What was done here, what was set out here is the same principle that is implicit in the state of affairs prior to this bill coming before this honourable House.

Does cabinet or the Lieutenant Governor-in-Council act without the support of this House of Assembly, Mr. Speaker? From where does the Lieutenant Governor-in-Council draw its powers? Is this honourable House saying that the Lieutenant Governor-in-Council will not have to answer to the people of Newfoundland if this power that was set out in section 27 was used frivolously, was used without careful deliberation and responsible consideration?



MR. ROBERTS: In other words, give all the power to the cabinet

MR. BARRY: No, not give all the power to the cabinet. What we are doing here, Mr. Speaker, is attempting to get an efficient and a reasonable mechanism for protecting the public interests, for protecting the people of Newfoundland. If this power were abused, then anybody who abused it would be flung out, anybody who abused it would have to answer to the people of this province.

Now, Mr. Speaker, that is why, when I read that section I saw it for what it was, not an essential part of this legislation. When I read it, that is why I said to myself: "Well cabinet will have to answer to the House, cabinet will have to answer to the people of Newfoundland if this power is not used very cautiously."

Mr. Speaker, you have seen, you have heard the Hon. Minister of Finance state that this is not something that we are hung up on, this is not something that is essential to this piece of legislation receiving the support of this government on this side of the House. This is not something, Mr. Speaker, that I personally am hung up on. I had my reservations, naturally. Anybody reading the legislation, this type of legislation, has to scrutinize it very carefully, has to ask, is this something that is going to put the worker in an intolerable position, put the bargaining agent in a position where he will not be able to assert his case strongly enough to insure that he gets a proper hearing and a proper settlement?

Mr. Speaker, what I have to ask the honourable members on the other side of the House - I hope that they are men enough to answer it, unequivocally, in a straightforward manner - I have to ask them to set out their objections, setting aside section 27, I have to ask them to set out their objections to the bill, to the principle of this bill and I have to ask them also to tell us what their mechanism, their suggested mechanism is for reconciling the public interest and the right of the public employees. Tell us!

MR. MARTIN: Mr. Speaker, would the honourable member not agree that section 27 is the one section which in fact provides the essential difference between this bill and the Labour Relations Act?

What I mean to say is, without section 27 would it not be the same as the Labour Relations Act, in spirit?

MR. BARRY: No, the Labour Relations Act does not provide for the designating of essential employees in essential services. I do not think so. Does it?

MR. MARTIN: The act would be essentially the same as this without section 27.

MR. BARRY: No. You know the principle here is that what we are saying, what this government is saying, is that we want to see the Labour Relations Act apply as fully as possible to employees in the public service, that in doing this we have to ask; how do we protect the public in those areas where it is essential that certain services be maintained?

Now, what I am submitting is that this government - it is a matter of record - this government is not saying that this is essential, that having the Lieutenant Governor-in-Council instead of the House of Assembly make this decision, this declaration of a state of emergency, that is not essential to the principle of the bill. If that is another variation from the Labour Relations Act, that is not one that we say is necessary to protect the public interest. We do say, however, that there has to be a variation from the Labour Relations Act in the designation of essential employees in certain services.

I disagree with the honourable member for St. John's South who says that it is better to tackle these things institution by institution. If you do that, then you come to the hospital institution and you say, "No strikes in this institution, no hospital strikes." We are back then to where

we were prior to this administration revoking the previous hospital legislation. You have too broad a brush there. It is not necessary to have a total ban on strikes in the public service or in the hospital service but I think that this is a reasonable attempt to protect the public interest. I have to ask and I think the people of Newfoundland want to ask and in any event they are entitled to know from these principal people on the other side of the House what is their objection to the principle of the main principle of this bill? If there is a valid objection, what is their recommendation for insuring this balance between the public interest and the right of workers to bargain collectively? Thank you, Mr. Speaker.

MR. SPEAKER: (STAGG): The honourable member for Bell Island.

MR. NEARY: I have been in this House twelve years now, Mr. Speaker, and I think this is about the thirteenth session of the House that I have had the privilege to attend. I think the only senior man in the House to myself is my colleague here, the member for Fogo. I think the Minister of Social Services and myself are tied for second place. I think the Minister of Social Services came into this House in 1962. I came in...

HON. A.J. MURPHY (MINISTER OF SOCIAL SERVICES): There is no great distinction in that.

MR. NEARY: No, no great distinction. The honourable minister may not think it is a great privilege or an honour and a distinction, Sir, but I consider it a very great privilege to be sitting in this House for the past twelve years. But, Sir, I must confess that in this debate I have heard it all. I have heard it all, Sir.

Newfoundlanders are noted for their strong stomachs, Mr. Speaker, but I must say I had a job to control myself during this debate. Only for it would have made such a mess, I think I would have thrown up on the floor. I am sure there are members in this House who almost puked when they heard some of the arguments that were put up in this debate and some of the partisan, political red

herrings that were dragged into this debate.

My honourable and learned friend who just took his seat, Mr. Speaker, was the king of them all. He told us there was nothing wrong with putting the power in the hands of the Lieutenant Governor in Council, in the hands of the cabinet. Nothing wrong with that. For about seven years in this House I heard members who are sitting on that side of the House now over here bellyaching. The Minister of Social Services was one of them and the Minister of Finance who was over here, who wore a groove in the floor of the House going back and forth, when he came over here as a member of the Liberal Reform Party he was bellyaching about too much power in the hands of the cabinet, when they were referring to borrowing. The Minister of Justice - they all had a shot at it.

The member for St. John's East who has not been in his seat during this debate, who is the architect of this bill, who thinks that it is the greatest thing that ever happened to Newfoundland, the greatest reform ever brought into this House, he told me so himself. I only spoke to him about two and one-half weeks ago, he was telling me about this major reform, they all, Mr. Speaker. One of the reasons we were flung out of power, thrown out apart from the oil refinery at Come by Chance and the linerboard mill, apart from John C. Doyle and Mr. Shaheen and all the criticism we got over these two gentlemen, one of the other reasons we were flung out, Sir, was because that crowd had managed to convince the people of Newfoundland that there was a dictatorship, there was too much power in the hands of the cabinet. We were told and the people began to believe it. It was not true. People began to believe it. Even the strongest liberals in this province began to believe it.

Now, today they have reversed their policy again and we hear the - Mr. Speaker, if the bow tie were black, I think he would look like Joey Smallwood.

MR. MURPHY: The honourable member would be on his knees.

MR. NEARY: The honourable minister thinks I would be on my knees. In he comes, Sir, the honourable and learned member for Placentia West, in he comes in this honourable House and says: 'No you must trust to cabinet. Put your power in the hands of the cabinet.' Mr. Speaker, I would rather put power in the hands of Silly Willy than put it in the hands of that honourable crowd over there.

They have made such a shambles of negotiations over the past year, Sir, that you would want to be crazy - the people of Newfoundland would have you locked up.

MR. MURPHY: It will not be long now.

MR. NEARY: They would have you taken out, Sir, and have you psychoanalyzed if you put the power in the hands of the cabinet that we have over there today.

Let us follow it through. Let us follow the Minister's reason through, Sir. Why have a budget brought into the House? Why not let that be decided down on the eight floor? There soon will not be much left of the eight floor according to what we hear about it. They have the guts torn out of it. Let the Lieutenant Governor in Council pass the budget and collect the taxes. Let the House of Assembly meet once a year just so the members on the other side can come in and give a vote of confidence to the government.

MR. MURPHY: Reminiscing will do you no good at this stage.

MR. NEARY: Why not, Mr. Speaker? Why not? If you listen to the honourable and timid and learned member for Placentia West in his namby-pamby, wishy-washy approach to this very serious matter, if you followed his line of reasoning, Sir, this province would be run from the eight floor or maybe over in the Mediterranean.

MR. EVANS: Or from the middle of Conception Bay.

MR. NEARY: They could not wait, Mr. Speaker, to get out of this honourable House in May. After giving first reading to this bill...

MR. BARRY: Would the honourable member permit a question?

MR. NEARY: Sure. Go ahead.

MR. MURPHY: Answer that and then we can conclude the debate.

AN HON. MEMBER: Get down to it! Get down to it!

MR. NEARY: I will get down to it. Before I get down to it - the honourable Minister of Finance will get a roasting before I am finished this afternoon.

SOME HON. MEMBERS: (Inaudible)

MR. SPEAKER (STAGG): Order please! Order please!

Honourable members to my left had sufficient banter with the honourable member who has the floor in the ordinary course of business. He should be heard in silence.

MR. NEARY: I do not mind them bantering back and forth, Mr. Speaker. I know it is against the rules of the House but that crowd over there have tried in the last couple of years to shut me up. They have tried. They will never succeed, Sir. It will take more than a summons in the Supreme Court to do it I can tell the honourable members that. Before I am finished with that honourable crowd everyone of them will be dragged in for a witness before the jury down in the Supreme Court within the next few months, including the Minister of Finance.

AN HON. MEMBER: Fatso McLean.

MR. NEARY: And Fatso McLean, Burns Brothers and Denton, the bagman for the party, and anyone else I can lay my hands on. The Minister of Justice, the Great Puritan, the White Knight, the Sanctimonious Do-Nothing.

SOME HON. MEMBERS: (Inaudible)

MR. SPEAKER (STAGG): Order please!

This session has a rather repetitive air to it so far as debate of the honourable member for Bell Island is concerned, the tendency to provoke interruption and then go on into irrelevant debate. I would ask the honourable member to keep to the point that is under discussion.

MR. NEARY: Yes, Mr. Speaker, you are quite right. I was provoked. I should not be and I will not be for the rest of the afternoon. This

is too serious a matter, Sir, to allow myself to be sidetracked.

I started to say a few moments ago, Sir, that first reading of this bill was given back in May of this year. My understanding is that draft copies of the bill were given to CUPE and NAPE and the Minister of Finance, Sir, did not have the decency and the courtesy to distribute the bill to members of the House of Assembly, especially to those in opposition.

This to me, Mr. Speaker, is a clear indication of the lack of sincerity of the Moores-Crosbie Administration in dealing with this public service collective bargaining agreement. As I say, Sir, it was (the honourable Premier can laugh all he likes). The people of this province, that is the way they are looking at it, the Crosbie-Moores Administration.

Sir, we could have carried on in May. Mr. Speaker, we were told at the time by the House Leader, on the government side of the House, we were told that the bill was not ready, that the legislative draftsmen did not have time to put the finishing touches on the bill before the House closed. Yet, Mr. Speaker, within a matter of days the bill was passed to CUPE and NAPE. I have no objection to that, Sir, not a bit in this world. I say if the government were sincere in handling this collective bargaining bill, they would have distributed it to the members of the House. The members of this House should have had that bill before anybody else. Why did the Minister of Finance not give copies of the bill to the members of the House of Assembly? Therefore, Sir, the debate did not take place last spring. It could have. This House could have sat in May and June. We could have disposed of this bill back in May, and Sir, we would not have this situation that is facing the province today.

Mr. Speaker, as the honourable Leader of the Opposition pointed out last night, members were so anxious to get out of the House, Sir, to get on their vacations, to get over, floating around Greece on a chartered yacht - how much a day were we told? Three hundred dollars a day?

AN HON. MEMBER: It was more than that.

MR. NEARY: More than that? Perhaps the Hon. Minister of Industrial Development can tell us how much a day.

MR. DOODY : Never saw it.

MR. NEARY: The honourable member never saw it. The wine must have been good over there, Sir, if he has never been there. Perhaps the Hon. Premier can tell us what it cost to charter that yacht.

MR. SPEAKER: Order please! The honourable member for Bell Island is not being relevant to the principle of this bill.

MR. NEARY: Yes, Sir, I can tell the Hon. Premier a few things



about the "QE-II" also if he wants to hear it. I will deal with that in another debate.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Maybe down in the Supreme Court I will deal with it.

MR. MOORES: Why do you not go and ask for another invitation?

MR. NEARY: Mr. Speaker, the Hon. Premier can make all the jokes he wants but I can assure the Hon. Premier right now and all his flunkies on that side of the House, Sir, that I was called and begged to go on that trip.

MR. SPEAKER: Order please!

I would like to remind all honourable members that when a member is speaking he does have the right to be heard in silence. I would like to remind the honourable member for Bell Island that I think he is being a bit provocative at the same time.

MR. NEARY: Mr. Speaker, the Hon. Premier made a remark, Sir, that he either has to retract or I have the right to comment upon, Sir. The Hon. Premier implied that I called, looking for an invitation on the "QE-II" and the Premier knows the difference of that. That is not true. I was begged to go because the Hon. Premier and his flunkies knew full well that if I did not go -

MR. SPEAKER: Order please!

MR. MOORES: I will gladly retract the statement. I am very sorry that I said that because the evidence of what really happened was the fact that the honourable member for Bell Island showed up aboard.

MR. NEARY: So the Hon. Premier showed up aboard. So what?

MR. MOORES: But I did not travel, the honourable member did.

MR. NEARY: Did not travel? The Hon. Minister of Finance travelled.

AN HON. MEMBER: Stowaway.

MR. NEARY: Is that so? I will deal with this matter, Mr. Speaker, in another debate in this honourable House. I may deal with it down in the Supreme Court before I am finished with it.

MR. EVANS: Sure will.

MR. NEARY: Yes, that is for sure.

Mr. Speaker, they were so busy to get out of this honourable House, to get on their vacations, that this bill was pushed into the background. It was not important at that time. It was not worth dealing with. The House was closed in a big rush. Everybody wanted to get out and get on their vacation. I predicted at that time, Mr. Speaker, and so did my colleagues on this side of the House predict that we were going to have a long, hot summer of strikes and labour confrontations in this province. Look up the newspapers. Do a little research. Find out who it was that forecast six months ago all the labour trouble and strife that we were going to have in this province, this summer. The whole world knows it. Yet my honourable friends, led by the Premier, wanted to close the House. They could not get out of here fast enough. They were getting punchy. The House was getting them down. I would like to know, Mr. Speaker, what they think they were elected for, if it was not to sit in this honourable House? The House, as far as I am concerned, could sit twelve months a year, especially when you are dealing with such important matters.

Sir, six months later, the Minister of Finance, when he is right up to his eyeballs in trouble, comes into this House with this piece of anti-labour legislation and tries to ram it down the throats of the members of this House. The minister wants to do it in a couple of days. I can detect an air, Mr. Speaker, right now of rush. The government want to rush this bill through. Well there is no way, Sir. The honourable member for St. John's South this morning said that it is unfortunate that we are debating this bill in a crisis situation. I agree with him, Sir. We are. We should not be but we are. That does not necessarily

mean that we have to rush the bill through the House. We can take our time, Sir. We do not have to be influenced by the press, by the union, by the hospital committees, hospital associations. We do not have to be influenced by anybody, Mr. Speaker. We are elected to this House to do our own thing. We do not have to be bullied, shoved, pushed or influenced by anybody. I am sure that I am not going to be pushed around, not even by "bully boy" himself, the Minister of Finance. He can be in all the hurry that he likes, Sir, to get this bill through the House, to try and resolve some of these problems. There is going to be no rushing. We are going to sit down and look at this bill in a positive, objective manner. When we are finished with it, Sir, I hope that it will make a great deal of sense.

The minister came in here this afternoon with his so-called ministerial statement and announced that section (27) of the bill was going to be amended so that any decision that the Lieutenant Governor-in-Council may take would have to be proclaimed in the House. The purpose of that, Sir - do not let us fool ourselves, do not let members on the opposite side be fooled - the reason for that amendment, Sir, was to shorten the debate. They were hoping to clue up the debate this afternoon. Now it is likely to go over into Monday. God only knows what will happen over the weekend because, Sir, let me show honourable members on the other side of the House, let me tell them something that they probably do not know; they will hear it now for the first time. They have not heard it from the Hon. the Premier.

AN HON. MEMBER: (Inaudible).

MR. NEARY: They have? They have not heard it from the Hon. Minister of Finance, Sir. I have here in front of me copies of four telegrams - four! Yes it is a big revelation. Members are

hearing it for the first time. These are copies of telegrams that have been sent to the Hon. the Premier today, this morning, last night. A telegram from St. John's, to my colleague the Leader of the Opposition, message: "We are in opposition to Bill No. 123 and in the event that government passes this bill, we will take the matter to the membership for them to consider withdrawal of services. Signed, Annie Anstey, Secretary, CUPE, Local 1271 and Gilbert Holloway, President."

AN HON. MEMBER: (Inaudible).

MR. NEARY: Mr. Speaker, I am not delighted. I will come to that. I just want to set the record straight and get the truth out in the open here of why

the Minister of Finance capitulated, back down, retreated. He did not have any choice, trying to come in here and show us that they are good fellows. They co-operate with the opposition. It is a great day. It is a great day for the Irish. It is a great day for the opposition in this honourable House.

AN HON. MEMBER: We do not have to hide under the chair either.

MR. NEARY: It is a great day for the opposition, Mr. Speaker. We have had a major victory. A major victory and my colleague, the Leader of the Opposition made one of the finest speeches last night and this morning, Sir, that I have ever heard in this House.

AN HON. MEMBER: Inaudible.

MR. NEARY: Listen to this one, Mr. Speaker. "St. John's, the Honourable Edward Roberts, Leader of the Opposition. Please be advised our membership strongly protest the bill now before the legislature dealing with collective bargaining in the public service. We wish to advise you further the bill is totally unacceptable to the Canadian Union of Public Employees, CUPE Local 1560."

MR. SPEAKER: Order, please. I would like to refer the honourable member for Bell Island to page 133 of Beauchesne, Standing Order 157, Section (5), which states: "It is not in order to read articles and newspapers, letters or communications emanating from persons outside of the House and referring to or commenting on or denying anything said by a member or expressing any opinion reflecting on proceedings within the House." I suggest this is what the honourable member is doing in reading these telegrams and I would request that he refrain from reading such.

MR. NEARY: Well, Mr. Speaker, I appreciate your ruling, Sir, but I am merely summarizing and quoting from a telegram received from CUPE Local 1560, Leo Adams, President, Brenda Caul, Secretary. And members of the school board for St. John's. The Premier has a copy of that wire. The Premier also has a copy of a wire, Sir, from the Canadian Union of Public Employees, Grand Falls. Wayne Smith, President, Local 990. This

local too, Sir, is thinking about pulling the plug if this piece of legislation, this anti-labour legislation goes through this honourable House.

AN HON. MEMBER: Irresponsible actions.

MR. NEARY: Irresponsible actions. All Newfoundlanders are irresponsible. are they?

AN HON. MEMBER: No, no, not all of them.

MR. NEARY: These are Newfoundland people we are talking about. These are our own people -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, the honourable Premier also has a telegram on file today from Dave Hunt, President of Local 488, I believe it is in Corner Brook. Is 488 in Corner Brook? Right in the Premier's own district. Mr. Speaker, both of these locals, the one in Corner Brook and the one in Grand Falls have not yet signed their agreements. They have threatened, Sir, they have threatened, if this piece of anti-labour legislation goes through this honourable House that they will go on strike. That is what Dave Hunt said in his telegram and that is why, Mr. Speaker, that is why the Minister of Finance came into this honourable House this afternoon and tried to deflate the situation, diffuse the situation. That is why he came in here, Sir. They are afraid, Mr. Speaker, there will be a general strike right across this whole province. That would be tragic indeed. Well, Sir, the workers of this province especially in the public service have been provoked, bullied, shoved around, pushed around, threatened for the last six months. We said so. We predicted what was going to happen back when the budget was brought into this House, Sir. The Minister of Finance threatened the people of this province with a mini-budget if the public service employees and the hospital workers and all the others came in looking for too big an increase.

It all started back in that session of the House, Sir. It all started then when the Minister of Finance, who knows nothing at all about labour management negotiations, who I have so often said has ice water

in his veins, dared, threatened, bullied these people around until they rebelled. You cannot really blame them, Mr. Speaker. It is most unfortunate. They rebelled, Sir. I want to make a statement in this honourable House today, Sir, that the member for St. John's South can appeal all he likes to the x-ray and lab technicians to go back to work cleverly shifting the blame from the government over on the x-ray and lab technicians, Sir. That is what he was trying to do. Skillfully and cleverly trying to focus attention, to focus the blame on the x-ray and lab technicians as did all the other speakers, including the Minister of Health, who came in this House and made one of the most provocative statements that I have ever heard in my twelve years in the House. Then, Mr. Speaker, the Minister of Health took to the television last night on "Here and Now" on CBC and said, "We are prepared to negotiate. We would like to negotiate a settlement." Am I misquoting the honourable minister? That is what he said. The Minister of Finance did not say that. The Minister of Finance said no.

AN HON. MEMBER: I beg your pardon.

MR. NEARY: Arbitration, the Minister of Finance said.

AN HON. MEMBER: Do not quibble with words.

MR. NEARY: I am not quibbling with words. Mr. Speaker, there is a vast difference,

AN HON. MEMBER: Inaudible.

MR. NEARY: There is a vast difference. Sir, I am coming to that.

AN HON. MEMBER: Inaudible.

MR. NEARY: I am coming to that.

MR. MURPHY: Did you hear the ministerial statement made by the Minister of Health in your own government about the murder —

MR. NEARY: The Minister of Health on television last night said, "We are prepared to negotiate a settlement." I said, "By God, now there ...." I have a great admiration for the Minister of Health. A great admiration.

MR. MURPHY: Now, be careful.

MR. NEARY: I said, maybe if the negotiations were put in the hands of the Minister of Health it would be settled. Because that is the proper

way to do it, Sir. The Minister of Health, as a matter of fact I am complimenting him. I am not criticizing him for it. I think he was absolutely right.

MR. MURPHY: Be careful now.

MR. NEARY: But his talks did not coincide with the Minister of Finance. The Minister of Finance says no, no more - negotiations, back to work. We will use compulsory arbitration.

MR. CROSBIE: On a point of order, Mr. Speaker, the honourable gentleman should not misquote me. I said, "No negotiations?" I have said, "The government will not voluntarily be giving any more offers." We gave one which was accepted. That does not mean to say that there will not be negotiations.

MR. NEARY: Well, Mr. Speaker, that is the same thing.

AN HON. MEMBER: No.

MR. CROSBIE: It is not the same thing.

MR. NEARY: How can you negotiate a settlement, Sir, if you are not flexible?

MR. CROSBIE: You would be surprised.

MR. NEARY: Oh, yes, I know, the big stick! The big stick! Bully boy is here again. Well, Sir, what I started to say was this, the statement that I am going to make in this honourable House that if somebody in my family suffers because of the x-ray and lab technicians strike I will know where to put the blame, and it is not with the x-ray and lab technicians, it is with the Honourable Minister of Finance. The Honourable Minister of Finance -

MR. CROSBIE: Mr. Speaker, the honourable gentleman opposite is beneath my contempt

MR. NEARY: Mr. Speaker,

MR. CROSBIE: He is a contemptible object.

MR. NEARY: Sit down you -

MR. CROSBIE: He is without a shred of decency in his whole character.

MR. SPEAKER: Order please.

MR. NEARY: Mr. Speaker, Mr. Speaker -



MR. SPEAKER: Order. Is the Honourable Minister of Finance rising on a point of order? Or what was the purpose of his remarks?

MR. NEARY: Mr. Speaker, another outburst, and this is what we have had to tolerate in this province for the last year, Sir. No wonder the public service employees got their backs up, Sir. That is what they have had to put up with, arrogance of the worst kind, Sir. I say, Mr. Speaker, that I know where to put the blame.

MR. CROSBIE: You can put it where you like.

MR. NEARY: I want to congratulate the x-ray and lab technicians this morning when I heard the news that they were going to volunteer without pay to take care of major emergencies. Yet we heard yesterday, Mr. Speaker, how unreasonable they were, how immature they were, and how irresponsible they are. Well, Sir, they came out this morning and they said, "We will volunteer to take care of all major emergencies in our hospitals." They are to be congratulated for that.

MR. NEARY: Mr. Speaker, over the last few months I have made a number of comments on the negotiations that were taking place between the government and the various groups of employees and I said so publicly outside of this House and Mr. Speaker, I am not afraid, I am not afraid to say outside of this House what I would say inside of this House or say inside of this House what I would say outside. But, Sir, I said on a number of occasions and this has been backed up by a number of prominent labour leaders in this province, that the hard-line approach taken by the Minister of Finance in all these negotiations was creating nothing but havoc with public service and hospital workers.

I advised the Premier on more than one occasion, Sir, publicly, to take the matter of negotiations out of the hands of the Minister of Finance and appoint a committee to sit around the table -

MR. CROSBIE: Inaudible.

MR. NEARY: Mr. Speaker, I am coming to that. I will come to it. I advised the Premier and the government before the Minister of Finance did too much damage to get the negotiations out of his hands and put the negotiations in the hands of a committee of cabinet.

Mr. Speaker, the member for St. John's South in his remarks this morning reminded us that the first time that meaningful negotiations had ever taken place in this province with public service employees was back in 1969 when I had the pleasure, Sir, of serving on a committee that was set up then by former Premier Smallwood when three of us, Mr. Speaker, the late honourable W. J. Keough, the honourable Phil Lewis and myself, sat around the bargaining table. I think it was seven o'clock in the morning and I think it was on a Saturday morning too, Sir, and we headed off a strike with the Newfoundland Constabulary and provided the basis, Mr. Speaker, for the ultimate settlement with I think it was three other groups in this province.

The first time, Mr. Speaker, in the history of Newfoundland that public service employees had sat down with the government and actually bargained. That meeting succeeded, Mr. Speaker, because we wanted it to succeed. That is why I suggested to Premier Moores that before his Minister of Finance did any more damage in the negotiations that were taking place with the various groups, that they appoint a committee or appoint somebody to bargain in good faith instead of wielding the big stick as the Minister of Finance was doing. I forecasted this months ago, Sir, that we were headed for chaos on the labour front in this province and it is worsening. Mr. Speaker, as every day goes by it is worsening and the morale of our public servants, Sir, was never as bad and yet the Premier does not see fit to remove the Minister of Finance from these negotiations.

I remember at one stage of the game, Sir, I said. I wish the government, I wish Moores and Crosbie would stop their foolish in-fighting, the foolishness they are getting on with in the cabinet, one trying to upstage the other, one trying to get his little group around him, cliques being formed. I said, Save all this foolish in-fighting and take Crosbie off anything that has anything to do with people and send him back to the back room where he can play around with his law books and his account books or he can sit down and have intellectual discussions with his academic aids that he has down there. Forget the game play, Sir, because it was too serious a matter and affected the lives of too many of the government employees in this province.

The honourable the Premier, Sir, must be a very stubborn man although I must confess that on one or two occasions he took my advice. He took my advice, Sir.

MR. WM. ROWE: The only time he did not make mistakes. Right?

MR. NEARY: No, I would not go so far as to say that. He has made some bloopers since he became Premier of this province. But he did on one or two occasions, Sir, whip the carpet right out from under the feet of the Minister of Finance and left him standing

there stark naked, like a fool.

Why, Mr. Speaker, any ordinary person would have gone out and resigned. It was a vote of nonconfidence. But not the hard-headed, tough-skinned Minister of Finance, no, Sir, he was back - no? I will tell you what he did on one occasion, Sir. I think he went moose hunting, first time in his life, he was so frustrated, so forlorn, he went moose hunting to get it out of his blood, to get it out of his viens, he was so upset. Then he comes back like a little crackie again and the Premier, losing his nerve, lost his nerve, did not follow through, let him go ahead and handle another round of negotiations and this time he really brought the roof right down around the ears of the government.

Any moment at all now, Mr. Speaker, I am expecting the honourable Premier to leap in and bail him out again, any moment at all. I would say the sooner the better, Sir. We cannot wait another moment longer.

AN HON. MEMBER: Sit down.

MR. NEARY: I will sit down when I am ready. Sir, anybody, any thinking Newfoundlander, anybody with any common sense in this province today, Sir, knows that the x-ray and lab technicians are off the job, have resigned because of no fault of their own. And the lawyers on the other side, Sir, who let jurisprudence take over from common sense, they know that it is not the fault of the x-ray and lab technicians. It is the fault of this government, Sir. It is the fault of the Minister of Finance and it is the fault of the Premier who should know better.

Mr. Speaker, their sons and daughters will not suffer. They will be put on an EPA plane whenever they feel like it, sent off to the Mainland, sent over to Nova Scotia or sent over to Montreal. They have nothing to worry about, Sir, they can go to sleep at night in their comfortable beds, knowing there is not a thing to worry about. They know that, Sir. If anything happens, charter a plane, they have the do-re-me, Sir, the green backs to do it. They can send their relatives and friends and family to the Mainland

the same as they would send them over to school. The schools are not good enough in this province for them.

They have got the money to do it, Sir. But the ordinary people of this province have to suffer because of the stubbornness of our rich friend from Circular Road. Oh, Mr. Speaker, I would love to have an election on this issue, love to have it. I would say, "Resign the whole crowd of you resign. Let us put it to the people of the province." There would not be enough of them come back here, Sir, to bring the mace into the House.

So, Mr. Speaker, I hope that nobody in this province, nobody in this House, nobody within listening distance to the speeches that are made in this honourable House are under any illusion that the fault lies with the x-ray and lab technicians. They are out there in the back room now, Sir, you would not know but it was a bar room. Listen to the laughter coming out. We are in this honourable House, Sir, discussing a very serious matter that may cost people's lives. Where are they? Where are they, Sir? They are out joking and laughing and carrying on when they should be in this House participating in the debate.

AN HON. MEMBER: What is wrong with your Leader?

MR. NEARY: Our Leader has already participated in the debate

and we will just see how many of the jellyfish on that side of the House will participate in the debate.

So, Mr. Speaker, I hope that nobody is under any illusion of whose fault it is. It is the fault of the government. Only the government can resolve this problem, Sir, only the government. You can make all the appeals you like to the x-ray and lab technicians to go back to work.

Mr. Speaker, I have got news for the Minister of Finance who came into this House this afternoon and tried to shorten the debate by ramming this piece of legislation through so they can legislate the x-ray and lab technicians back to work. Well, I have got news for the minister because even if we do pass this piece of legislation, there is no way you can legislate that group back to work because they have all resigned. How can you force people to work? That is how crazy the Minister of Finance is, Sir, how foolish he is. He does not know any better. He never had to work for a living. He had it passed to him on a silver platter. Now he is going to start bulldozing people around. Well, Sir, we have got news for him. I may be a poor man, Mr. Speaker, and he may have his millions and he may look down his nose at me but, by God! I am a proud man and I would not back down from him. They will have to come bigger than he is and wealthier than he is. There is no way, Mr. Speaker.

He may look down his nose at the x-ray and lab technicians, Sir, because they are only just ordinary, poor, common Newfoundlanders. This is the rich man from Circular Road. He can look down his nose all he like at them, Sir, they will win, the Minister of Finance will lose and he will be lucky if the Premier does not remove him from this round of negotiations. We will be lucky if we do not have a general strike in this province. That would be tragic indeed, Sir.

I say it is immaterial where the misunderstanding occurred in negotiations between the hospital association and the x-ray and lab technicians, immaterial where the misunderstanding occurred and there is a misunderstanding, Mr. Speaker, because I have discussed this matter with some of the people that sat around that negotiating table and I know

that the x-ray and lab technicians were told that there was nothing else on the plate for the nurses. They are not lying. It is not a lie for them. There is a misunderstanding. They were told.

Could somebody bring me a glass of water, please?

They were told, Mr. Speaker, and before they had a chance to put their signature on the contract, as the member for St. John's South pointed out this morning, when they found out that there were under the table deals, that they were after being conned. They said, "No, we are not signing this." Even though they had approved it, they said, "No, we are not signing it. It is a con job." That did happen, Sir, and it is unfortunate and tragic but now that it has happened - I do not care how it happened - the government does not have any choice but to face up to the problem.

Putting this piece of legislation through the House, Sir, is not going to get the x-ray and lab technicians back to work. The Minister of Health is right. It is only through negotiations are these people going to go back to work. They are proud Newfoundlanders and the Minister of Finance is misjudging the situation and he is giving his colleagues the wrong advice. So, Sir, if this government have the interest of the people of this province at heart, before another second goes by, Sir, they will call in - the Premier will do it - take the Minister of Finance by the scruff of the neck and throw him out and bring in the groups and sit down around the table and bargain with them in good faith and settle the matter. We cannot afford to wait another second, Sir. The Premier is not in his seat this evening; I hope he is out doing it right now.

Somebody may be dying, Mr. Speaker. That is how serious that matter is. Somebody may be dying at this very moment because of the stubbornness, because of the attitude and the arrogance of that crowd on the other side of the House, Sir, especially the Minister of Finance. That is not politics, Mr. Speaker. I am quite serious when I say that. I guarantee you, Mr. Speaker, if my family suffer unnecessarily because of the arrogance and the stubbornness and the foolishness of the Minister of

Finance who says, "Oh no, this will destroy the collective bargaining procedure." Nonsense, Sir. Destroy the collective bargaining procedure, is that all he is worrying about, his pride when people may be dying? It might enhance the collective bargaining procedure, Sir, if that crowd for once in their life would negotiate in good faith and not try to con people.

I can only assume, Mr. Speaker, that it was connive because I believe, Sir, the same as the member for St. John's South, I honestly believe that the x-ray and lab technicians were told that there was nothing extra on the plate for the nurses. They were told by a member of the negotiating committee. Who the hell do you think they were told by? They were not told by me. I was not there. Do you want me to name them?

MR. WELLS: If he believes that, does he also believe that the treasury board authorized the negotiators? If that be so, is he suggesting that? I do not but I am wondering if he does.

MR. NEARY: No, Mr. Speaker, I do not know. All I know was that there was a misunderstanding occurred. I do not care how it happened. I do not care. Mr. Speaker, look, if it was deliberate, not deliberate, somebody was drunk, somebody had a few wines at supper time or somebody went berserk or the pressure of negotiations, I do not care how it happened. it has happened.

MR. CROSBIE: Just give us the particulars as to who it was.

MR. NEARY: Mr. Speaker, does it really make any difference who it was? Does it really?

MR. CROSBIE: It was not anyone.

MR. NEARY: Does the minister want to discipline the person who said it? Is that what he wants to do?

MR. CROSBIE: You are slandering the whole negotiating committee.

MR. NEARY: I am not slandering, Mr. Speaker. Was the member for St. Johns' South, was he slandering this morning when he said that he believed it happened?

MR. CROSBIE: He never said anything similar to yours.

MR. NEARY: He certainly did so. The member said that he did not think



that Mr. Vokey was lying.

MR. CROSBIE: The member wants to clarify this.

MR. NEARY: No, Mr. -

MR. CROSBIE: We expect the same courtesy that we give.

MR. NEARY: Sure, go ahead, as long as it is not taken out of my time, Mr. Speaker. Do not dock me for letting the member make the quarrel.

MR. WELLS: My point this morning, as the honourable member knows very well, was that I did not think that Mr. Vokey was lying. I felt that somehow this had been communicated but it was communicated, if at all, without the authority of treasury board or government. This was my point.

MR. NEARY: That is what I am saying, Mr. Speaker. I do not know how it happened but it did happen and the honourable member and myself feel the same way. Mr. Vokey was not lying. I have no doubt but the civil servants that are reporting to the Minister of Finance are not lying but in the heat of debate, in the heat of negotiations, I believe it did happen. I believe it did. I do not think for one moment that the x-ray and lab technicians would have gone out and quit their jobs on what they consider to be a matter of principle, if they did not believe that happened.

I spoke to some of the people who sat around that negotiating table and that is why I am so strong on this point because they sincerely and honestly believe that it did happen. They know it happened. Anyway, it does not make any difference, it happened. Today all our major hospitals are on the brink of shutting down and what does the government do? They come into the House and try to ram through a piece of legislation that will be completely ineffective to deal with this situation. That is not the way to settle the matter, to resolve the matter, Mr. Speaker. That is not the way to do it.

When my honourable friend and learned friend from St. John's South was representing the police, I do not think that he would have recommended compulsory arbitration. He would have said, as I heard him say so often, the only way to satisfactorily resolve these problems is through negotiations. Is that right, through negotiations? It is the

only way the matter can be settled, Sir, and I am once again going to call upon the Hon. the Premier to show the good judgement that he showed on one or two previous occasions and appoint somebody else, appointment a committee of cabinet, appoint a committee of the House if he should want to, to try and bring about a settlement in this very serious matter.

The Minister of Finance, Mr. Speaker, is unsuited for this complex job of negotiating because, Mr. Speaker, this sort of business demands an understanding of employees and their needs. It requires, Mr. Speaker, the understanding of ordinary people. Mr. Speaker, the technique of the Minister of Finance is to proceed from ultimatum to ultimatum and people are beginning to place very little credence, Sir, in his now famous term, "final offer".

I am sure the Hon. the Premier must have learned a

a lesson a few weeks ago when he had to step into the dispute with the hospital workers and settled it. That is true.

AN HON. MEMBER: That is not true.

MR. NEARY: It is true.

AN HON. MEMBER: It is not true.

MR. NEARY: It is not untrue, Mr. Speaker, it happened in this building on a weekend.

MR. MOORES: I never spoke to the bargaining groups.

MR. NEARY: Never spoke to the bargaining groups?

MR. ROBERTS: He certainly took the credit for it.

MR. NEARY: He certainly took the credit for it. In that case it is the first time the people of Newfoundland are finding out (and I hope it will be reported properly) that it was not the Premier who settled that dispute. Well then, it must have been the Minister of Manpower and Industrial Relations. Okay! Fine!

Mr. Speaker, there is the answer. There is the answer, Sir. The Minister of Finance obviously is unsuited for this. Turn it over to the the Minister of Manpower and Industrial Relations.

AN HON. MEMBER: Who is available.

MR. NEARY: He is available. No? Stubbornness. Legislate them back to work. Let people die. No? Sit there and nod your head. Mr. Speaker, what arrogance! What foolishness! What stupidity, Sir. Give it to somebody who can settle it today. Do not wait to see what is going to happen over the weekend.

People are being dragged into the emergency departments of the hospitals and are being sent away. Patients are being sent home. Mr. Speaker, as far as I am concerned there are no politics in this.

SOME HON. MEMBERS: (Inaudible)

MR. NEARY: That is a great laugh. That is a great laugh.

AN HON. MEMBER: (Inaudible)

MR. NEARY: Is that so? The Premier might be very surprised. I may be good at some of the things that he is good at.

MR. MOORES: Is the honourable gentleman going to get John Doyle to defend him?

MR. NEARY: No I will get John Shaheen to defend me or Fatso McLean. We will deal with that crowd, do not worry.

AN HON. MEMBER: (Inaudible)

MR. NEARY: Yes I know it, much to my chagrin, Sir, much to my regret. That was the first time in my life I felt like throwing up. The second time was in this House today.

Mr. Speaker, it is no harm to say that Newfoundlanders must have strong stomachs. They must have strong stomachs, Sir.

But, Sir, the Premier can joke about this all he wants.

MR. F.D. MOORES: It is no joke. It is deadly serious.

MR. NEARY: It is deadly serious. If the Premier were sincere he would tell this House today, the executive of x-ray and lab technicians have been called to the bargaining table. Sit down and negotiate in good faith. Do not try any con tricks on them. Sit down and negotiate in good faith and settle this matter. Stay there until it is settled.

We heard the Minister of Finance, yesterday, make comparisons between the salaries of the x-ray and lab technicians in Newfoundland compared to Nova Scotia. Well, Sir, what the Minister of Finance did not tell us was this; that over in Nova Scotia all the x-ray - not all of them but I would say ninety-five percent of them are at the top of their salary scale. What the Minister of Finance was doing here and he was up to his old trickery, he was taking the maximum salary here and comparing it to the maximum in Nova Scotia.

MR. CROSBIE: Bunkum!

MR. NEARY: Whereas here, Sir, only a very small percentage of the x-ray and lab technicians are on their maximum salary and that is not bunkum.

MR. CROSBIE: It is bunkum.

MR. NEARY: Ah, Mr. Speaker, does the Minister of Finance think that he is the only one who does his homework? You are not allowed to use the term deceit in this honourable House. You are not allowed to use it. If you were allowed to use it, I would use it, but you cannot.

I want to say to this honourable House right now that if that is one of the major points that are influencing their thinking in the x-ray and lab technicians dispute then it is false. It is not true. Yesterday they were here in the gallery. I would not be a bit surprised, Mr. Speaker, that there are x-ray and lab technicians right here in the gallery today. If the Minister of Finance think it is bunkum, go out and ask them. I will wait until he comes back. Go out and ask them if it is bunkum. It is not bunkum and I would like to call the Minister's bluff right now. Go out. Two minutes to walk outside the chamber and ask them if it is bunkum. Also ask them if it is bunkum that as of April 1, 1973, the salary for x-ray and lab technicians was \$7,618 and the nurses as of April 1, was 6,801. By September 1974, a technician's salary will be \$7,999 and the nurse, that same nurse will be \$8,829.

Remember, Mr. Speaker, starting off the technician was ahead of the nurse. By September 1974.

MR. MOORES: (Inaudible)

MR. NEARY: No, Sir. by 1974 there will be a difference of \$829.00 in favour of the nurse.

Mr. Speaker, we have heard this argument in the House for the last year and a-half. "What did you crowd do when you were in? Why did you not do something about it?" They say that they think that is a great counter-argument. Well that does not fly in Newfoundland anymore.

MR. MOORES: No?

MR. NEARY: No it does not. That crowd have been over there now going on two years and the people want to know what they are going to

do not what we did. We paid the price for what we did. We paid the price. Mr. Speaker, we are a new party with a new leader. We have men sitting on this side of the House who have never been inside this House before this session. The member for Twillingate, the member for St. Barbe North, the member for Bonavista North and the member for -

AN HON. MEMBER: Bell Island.

MR. NEARY: No, that is I. The member for Labrador North and the member for Labrador South, never in this House before. Yet, Mr. Speaker, the Minister of Finance, yesterday in putting forth an argument in favour of the bill said: "It is a lot better than what that crowd brought in." What crowd? We were never in power. The honourable Leader of the Opposition was never Premier of this province but he will be. How can you say: "Why did you not do it?" We did not have a chance to do it but we will do it when we have the chance.

Mr. Speaker, not only has the Minister of Finance lost his credibility -

MR. MOORES: That is not what you told Mr. Smallwood, by the way.

MR. NEARY: I know what I told Mr. Smallwood. You need not worry. I consider Mr. Smallwood to be a very personal friend of mine.

AN HON. MEMBER: (Inaudible)

MR. NEARY: He does. He does. Thank God for that!

Mr. Speaker, when I sit down to talk to the former Premier, it is not a one-way conversation it is a two-way conversation.

MR. DOODY: The honourable member says; "Good morning, Mr. Smallwood" and he says the rest.

MR. NEARY: Very funny! Sir, I am getting sidetracked again, because we are dealing here with a very, very serious matter, very serious indeed. This bill that the Minister of Finance hopes to cram down our throats before the day is over or before Monday at six o'clock, he thinks that this is going to solve the problem, going to get them back to work. Nonsense, Sir, it is not going to do any

such thing. All it is going to do is get the government in more hot water. It is going to get them in deeper. My God! Mr. Speaker, do they not know anything about common sense, common decency? Why does not the Premier appoint somebody with a bit of sense to negotiate this matter. Take it out of the hands of treasury board and the Minister of Finance and put it in the hands of the Minister of Manpower and Industrial Relations. If he has to, swallow their pride.

Mr. Speaker, this Collective Bargaining Act for public service employees in its present form in my opinion is an unnecessary piece of legislation. It contains nothing, Sir. It contains nothing in its terms that is not already contained in the Provincial Labour Relations Act.

All the government had to do, Mr. Speaker, to bring the public service employees under the Labour Relations Act was to knock out one or two words. Eliminate the words "public servant" and all the public service employees could then come under the Labour Relations Act.

CUPE, as we heard on the radio this morning, Sir, CUPE members were already certified under the Labour Relations Act. Now I presume they will be decertified and have to apply for certification again under this act.

MR. CROSBIE: That is incorrect.

MR. NEARY: That is incorrect? Will it be an automatic thing?

MR. CROSBIE: Yes. Clause (9).

MR. NEARY: Mr. Speaker, my point is this, that the fact that the government brought in a special act immediately makes it suspect. It makes public servants second-class citizens, Sir. How does the government expect to get their good will when they have loaded the dice against them? The government is

stacking the cards in this bill, Sir, stacking the cards in Bill No. 123. For instance under section (5): "Nothing in this Act shall be construed to affect the right or authority of the employer; (a) to fix, determine and implement the organization of the business of the employer, to suspend, transfer, lay-off, discharge or otherwise discipline an employee." Can you not see, Mr. Speaker, giving that authority to the Minister of Finance? There would not be an executive officer on any of these organizations left around. He would not know what struck him. He is ready to be cut down in his sleep when the Minister of Finance gets going. They are asking us to give them that authority.

As the Leader of the Opposition pointed out last evening, Sir, they are asking this House to approve a principle that does not even apply to members getting elected to this honourable House. They are saying in that bill that a majority of the members of the bargaining unit have to vote in favour of acceptance or rejection of any proposals that are put before them. The Leader of the Opposition last night, I think, he went up and down that side of the House. I do not think, Mr. Speaker, but there may be one member sitting in this House today on the opposite side, if that principle were followed in provincial general elections, that a majority of the voters in a given district have to vote before a member is elected to this House. How many?

AN HON. MEMBER: Eight or ten.

MR. NEARY: Eight or ten out of forty - a handful out of forty-one and yet they are going to impose this principle on the public service employees. They should practice what they preach. Do not make chalk of one and cheese of the other. This is not a good principle. It is going to cause more harm than it will do good. Then we have the matter of essential employees. My understanding, Sir, is that the negotiators or the representatives of Treasury Board have already



compiled the list of essential employees. It is already prepared, Mr. Speaker. The Minister of Finance is not denying it. It is already drawn up, xeroxed, circulated around to various ministers in departments and yet, Sir, we are not good enough to have it in this House. We are not trustworthy enough; we are not responsible enough for the minister to let us have a list when we are voting on this bill. I understand also, Mr. Speaker, that certain employees, even before the bill was discussed in the House, even before the bill was placed in the hands of the elected representatives of the people, that certain members of the bargaining units have been told that they are going to be excluded. Get out of the bargaining unit, they have been told. They are frightened to death. They do not know but if they do not get out they will lose their jobs. They are scared, Sir. Morale in the public service was never as bad as it is at the present time.

Mr. Speaker, this is restrictive legislation. It discriminates against the public service employees. It is going to further damage the morale of the hospital workers and the public service employees. In its present form, Sir, this Bill No. 123 (I do not think it is necessary at all) is so unfair, Mr. Speaker, that it is unacceptable to all fair-minded and all justice-conscious members of this honourable House.

MR. CROSBIE: How does it compare to yours of 1970?

MR. NEARY: There is the crux of the matter, Mr. Speaker. Now we hear it again. At least the bill that we brought in, Sir, - Mr. Speaker, let me make it clear, Sir. I was sitting on that side of the House as a lowly private member -

MR. CROSBIE: Cabinet minister.

MR. NEARY: I was not a cabinet minister. Mr. Speaker, I was not a cabinet minister.

MR. CROSBIE: In 1969 the honourable member sneaked in.

MR. NEARY: The Hon. Minister of Finance was a cabinet minister. The Minister of Justice was a cabinet minister. The Minister of Municipal Affairs was a minister. I was sitting down in that corner, Sir and felt that I was lucky to get inside the rail. All these rich millionaires, these well-to-do people, these brilliant geniuses, these brilliant lawyers, walked into this House with a piece of anti-labour legislation that almost made me sick. What choice did I have, Sir, a little, lowly backbencher, sitting down there? Resign! Mr. Speaker, did the honourable member for St. John's South resign today? I made my point. I had the intestinal fortitude to -

MR. BARRY: (Inaudible).

MR. NEARY: No, the honourable member did not hear it because he was in diapers at that time. I made my point, Sir.

MR. BARRY: Is the honourable member going to answer my question? Is the honourable member in favour of strikes?

MR. NEARY: Mr. Speaker, how much time do I have left?

MR. BARRY: Fifteen or sixteen minutes.

MR. SPEAKER: Sixteen minutes.

MR. NEARY: Wait until I get a little anti-freeze in my radiator. So, Sir, there we have it again. The Minister of Finance is saying, well it is better than the one that you brought in. Sir, anything is better than that. At least we had the intestinal fortitude, Sir, to bring it on the floor of this House and any emergency that came up would have to be discussed and debated on the floor of this House.

MR. CROSBIE: Nonsense.

MR. NEARY: That is not nonsense, Sir. We had the guts to bring it into the House.

AN HON. MEMBER: (Inaudible).

MR. DOODY: (Inaudible).

MR. NEARY: Is that so?

The honourable minister was down packing beans on the shelves of a supermarket, Sir, when that was going on. He did not know the least little thing about it. I would like to ask some of that crowd over there where they were during the I.W.A. dispute.

AN HON. MEMBER: Where were you?

MR. NEARY: Ah, the honourable minister should know where I was.

MR. BARRY: The honourable member knows where I was.

MR. CROSBIE: The honourable member was left behind.

MR. NEARY: Is that so?

MR. CROSBIE: Right behind Smallwood.

MR. NEARY : That is what the honourable minister thinks.

Mr. Speaker, these three honourable ministers helped draft that legislation that was brought into this honourable House. If I only had my time back. My God! If I only had my time back I would have given it to the Minister of Finance right up his giggy for selling me down the river.

MR. CROSBIE: There was no room for the honourable member.

MR. NEARY: Mr. Speaker, I never did forsake my principle, Sir. Everybody who was a member of the government at that time, including the Minister of Finance said, "What is Neary going to do? What is he going to do, if we bring this in? He is an old labour man. What is he going to do? He is going to walk out." Sir, they nearly had diarrhea, the whole crowd of them. But, Sir, times have changed. Times have changed in this province, Mr. Speaker. People are more informed. They are entitled to better than that, Mr. Speaker. I think that is a gross insult to our public employees to bring the likes of that into this honourable House. We saw the member for St. John's South this morning talk about hypocrisy, Sir. He was walking on two banana peels and right underneath him was a big pointed sword. He was

slipping and sliding around, Sir, and he did not know which way to go. He was trying to figure out which way the wind was blowing so he could take sides. He landed right upon his fanny. He made no contribution to this debate at all.

Sir, I hope that members on both sides of this honourable House will take a good hard look at this piece of legislation.

Suggesting one amendment is not enough, Sir. The minister has not gone far enough.

This is not going to satisfy the hospital workers and the public service employees and the x-ray and lab technicians, not going to satisfy them. If we have to pass this piece of legislation, Sir, and I for one, even with the amendment, will vote against it. I tell the House right now that I have no intention of voting in favour of this even with the amendment the Minister of Finance brought in this afternoon. It is not going to do any good, Sir. It is not going to do any good, Sir. It is not going to coerce anybody back to work. It is not going to improve the relationship between the government and its employees. If it be in order, Mr. Speaker, I would like to make the following motions: What is this twenty questions, Mr. Speaker?

Mr. Speaker, I would like to move, seconded by the member for White Bay South, that the word "now" be left out and that the words "one month" be added. In other words, Mr. Speaker, that the bill be laid upon the table of this honourable House for a period of thirty days during which the Minister of Justice, the Minister of Finance and the Minister of Industrial Relations will see to it that all the objectionable clauses are eliminated from it and that all the parties will have an opportunity to make representation on this bill and to make sure, Mr. Speaker, that all the measures that discriminate against the public service be eliminated and that full recognition of their entitlement to the same rights and protection as are guaranteed workers in the private sector in this province under the Labour Relations Act be assured.

MR. CROSBIE: Mr. Speaker -

MR. NEARY: Just a second now! Hold it! Sit down!

MR. CROSBIE: Inaudible.

MR. NEARY: Under the rules of the House all I have to do is provide a copy to the Speaker. Did we get a copy of the legislation last May?

MR. CROSBIE: You get four times as many things in this House than we ever used to get.

MR. CROSBIE: Mr. Speaker, in connection with this motion, am I correct that the motion is now tabled and that it therefore comes to a vote now? This is a motion as, I gather, to hoist the bill for thirty days.

MR. SPEAKER: The Chair is not quite certain whether the motion is debatable or not so I would like to recess the House for about ten minutes to make sure as to the ruling whether it is a debatable motion or not. So the House will recess for approximately ten minutes.

MR. SPEAKER: With reference to the motion made by the honourable the member for Bell Island, I wish to state that Standing Order (32) on page (106) of Beauchesne gives a list of motions which are debatable. The motion made by the honourable member for Bell Island does not fall within this category, therefore it is not a debatable motion.

The motion moved by the honourable member for Bell Island and seconded by the honourable member for White Bay South, that the word "now" be left out and the words "one month hence" be added.

Those in favour of the motion "aye." Those against the motion "nay." In my opinion the "nays" have it.

MR. W. N. ROWE: Division, Mr. Speaker.

MR. SPEAKER: Call in the members.

DIVISION

MR. SPEAKER: Those in favour of the motion please rise: The Honourable Leader of the Opposition, Mr. Gillett, Mr. Woodward, Mr. W.N. Rowe, Mr. Neary, Capt. Winsor, Mr. F. B. Rowe, Mr. Martin.

Those against the motion please rise: The Honourable the Premier, 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 Public Works and Services, 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 Transportation and Communications, the Honourable the Minister of Rural Development, Mr. Stagg, Mr. Dunphy, Mr. Aylward, Mr. Wells, Mr. Brett, Mr. Peckford, Mr. Senior, Mr. Carter, Mr. Wilson, Mr. Young, Mr. Evans, Mr. Morgan, Mr. Howard.

MR. Speaker: I declare the motion lost.

The Honourable Minister of Public Works and Services.

HON. J. G. ROUSSEAU: (MINISTER OF MANPOWER AND INDUSTRIAL RELATIONS):

Mr. Speaker, well I suppose it is incumbent on me to say a few words about the bill. I note for those who have read the bill that there is a joint responsibility for the bill. The Minister of Manpower and Industrial Relations, of course, is charged with the general administration of the act, while

the President of the Treasury Board is charged with the responsibility of the conduct for the collective bargaining. That way we will both become known as the dynamic-duo in the months to come.

I would like too if I may first attempt to put this particular piece of legislation into a rationale insofar as the Department of Manpower and Industrial Relations is concerned. It is I suppose, if one wanted to get academic about it and wanted to place a label on it, and it is very difficult to place labels on anything, I guess it is the middle-of-the-road legislation in that it adheres to neither one of two extremes. It does not prohibit the right to strike totally nor does it give the unrestricted right to strike.

In the brief few moments I had to speak on the NTA Collective Bargaining Act in May, the day we closed the House, I suggested then about that piece of legislation, I would like to suggest now with regard to this particular piece of legislation that it is merely the framework, certainly not the answer. In a meeting that was held with members of CUPE, which I attended and another meeting I think which was held with members of NAPE, the government have undertaken too to review this legislation periodically. I have no doubt that there are aspects of the legislation which are repugnant to labour. I have no doubt that there are aspects of it that must also be repugnant to management. I think that both labour and management must recognize in any legislation that there are going to be items and articles, point of contention within any piece of legislation.

Now it is my feeling, and I say I have a couple of points that I would like to make later on but I would like to put this in a rationale. that it is my understanding and certainly I have not been associated with the department through the whole session but I think, by and large, at least I would hope and we all hope on this side of the House that this government's attitude towards labour has been a healthy one. We have passed a number of pieces of legislation. While I guess they have not been



earth-shattering in themselves, certainly constitutes a framework in which we are attempting to look at the labour situation in this province. During the last session of the House we passed a number of pieces of legislation. We have provided successor rights to unions where a company transfers, sells or leases a company. We have provided that unions will have successor rights under the Labour Relations Board, and this has been extended to the fishing industry. We have provided for the accreditation of employer organizations in the construction industry. The construction industry unions, of course, already have the right of accreditation as a group. We have provided for a speedy arbitration in the construction industry. On the day now of an industrial dispute in the construction industry, the mediator has to be appointed by midnight of the day of the dispute and the verdict must be rendered within forty-eight hours. We have done away with ex parte injunction insofar as legal strikes or lockouts are concerned. I think this was a very contentious matter with labour. It was a great concern to the government. I must say personally, it was of great concern to me personally.

We have passed in this House and proclaimed the NTA Collective Bargaining Act. We have during the past summer repealed the Hospital Employee Employment Act. We have performed a few other minor accomplishments in the field of the Workmen's Compensation Board. We have extended the maximum compensable earnings from \$7,000 to \$9,000, the maximum pension for permanent disability from \$125 to \$250. I think these are a few of the highlights, not a great deal.

I think, I have said this, and I am going to review it again, what we intend to do in the coming months in respect to labour. One would hope and I would certainly hope personally and I know the Premier certainly hopes personally and I know that my colleagues in cabinet certainly hope personally and I would think all members on this side of the House hope personally that we have given labour the right, that they know there is an open door in this government and that they have the opportunity to express their views. I think I would have to say to labour as I would have to say to say to management that you are not always going to get everything you want. We say that to management as well as to

October 26, 1973

Tape 62 (afternoon)

PK - 4

labour. It is not an easy task to be in the middle of a situation as  
government are but there are times when you have to take a stand.

6779

As a wise man once said, "It is important that people know what you stand for but it is equally important that they know what you will not stand for at times." This is important. We have had a long, hot summer and, as I suggested at the federation meeting this week, there were days during the summer when all of us must have felt like it would never end. This we respect and this we understand and we know we brought this on ourselves. Nobody has begged off. We have opened up the doors to labour and labour has responded and responded as we expected. I do not think there was ever a time when government during the past few months of crisis have stomped on anybody. They have tried to assist in every way possible.

I know for my own part that many times when I had problems that sometimes one man could not cope with, there was always somebody available. The Premier was always available. The members of the cabinet who were cognizant of the fears in labour, were always available and the President of the Treasury Board was also always available.

I will have to say today that the member on this side of the House, in respect to the x-ray and lab technicians, that of course as a member on this side of the House I certainly support the statements made by the President of the Treasury Board. For my part, in so far as the collective bargaining process is concerned, I would have to say that I support him even beyond that, one hundred per cent that he would expect as a colleague.

I think that a man for whom I have some respect, by the way, the member for Bell Island - we have always gotten along together. I personally like the fellow. I really do. I understand his attitude in the House, that man is a politician of the highest caliber. The weekend is here. The papers are looking for information and the news media are looking for information and he is after it. Well and good!

I would have to say today that his attack on our colleague on this side of the House and President of the Treasury Board is unwarranted. I would even think below the normal actions of the member for Bell Island. He is provocative. We accept that. There are times when there are others over here on this side of the House to blame as well as one individual.

I know that the President of the Treasury Board appears to be difficult to get along with. There are times when we are all difficult to get along with as minister responsible for our department and I will fight as hard in my department as any other of my colleagues would in their department and as he does in treasury board.

I will say this - and I say it without equivocation - that where I have had the opportunity to work with or collaborate with or co-operatively deal with any group in the field of labour relations in the past six months that I have had his complete co-operation. I could not ask for any more and I certainly appreciate it. He certainly was a great help to me over the summer. I think that in view of the many things said about his orations, information he disseminated to the House during his speech yesterday, I would like to assure those in hearing distance that he is not the ogre the people point him out to be. I do not choose him today for any particular reason. Any member on this side of the House of Assembly who was so treated, I would think he would have the right of support from his colleagues. I certainly would hope that my colleagues would stand up and support me.

I think, by and large, except in the occasional instance, people on the other side of the House, many of whom I have much respect for, not all but many, will recognize that the man is trying to do his job as he sees it. They may not agree with it. A particular union may not agree with it. A particular board of directors may not agree with and there are times when his colleagues may not agree with it but if you have got to do something, you have to do it. I think in keeping with his beliefs he has done the job that he thinks had to be done. I do not think anybody can be faulted for that.

So, I have to say, once again I repeat that in respect to the x-ray and lab technicians, I would have to support his stand completely because of my concern with what occurred in the collective bargaining process. As you know, as Minister of Industrial Relations, I appointed a conciliation board at my discretion in that instance during the summer. The remarks of my friend from St. John's South this morning, "When the acceptance was there essentially, the contract was accepted."

On that basis - and I am not saying that the x-ray and lab technicians do not deserve more money and I am not saying the treasury board not give them more money. I am talking merely on the collective bargaining process, that in my opinion it would be impossible for another offer to be made because if that happened, then I do not see that it would be possible for any one individual or one department to deal with the flood of requests that would then come before the Department of Manpower and Industrial Relations.

I would like to say a few things about the bill itself generally and go back and forth. I am concerned about one thing especially and I have talked to labour on it. I know labour's feelings on it and I understand their reluctance to accept this bill. I think that the emergency powers which will be vested in the House of Assembly have been over played. Now, I do not think for one moment that that is a good thing to have at the end of any bargaining process insofar as labour is concerned. No, I will grant that point. It is a sword of Damocles over the head of collective bargaining and it certainly does not help.

Sir, during the past six months and in many instances, the process of bargaining and conciliation has gone on. Now in a few instances, there have been difficulties of one type or another. The very, very, very unfortunate situation at Buchans certainly had the feeling of everybody in this province, I think I could state that and everybody in this House. It was a bad situation. It was one of those things and these things happen. It is unfortunate and thank God that things are back to normal now and that people are happy. More important, that the people who voted to accept that contract, in their opinion feel they have won a victory. That is probably more important to them than the amount of money that was received by accepting that contract.

The federal strikes during the summer, the hospital strikes during the summer, the few big strikes that occurred which were worthy of much press and much public note, were I think the exception rather than the rule. I say that relatively speaking. As I have said on a number of occasions, publicly, the situation in Newfoundland was not as bad as we were lead to believe. Now the Buchans situation was

bad. The longshoremen's strike was bad. The hospital strike was bad. The existing x-ray and lab technicians strike is bad. The ferry service was a bad strike but there were a lot of disputes settled before strike action occurred during the summer.

On one of my frequent visits outside the province during a weekend this summer, I happened on a Saturday morning to cross there from Halifax and noticed that the Province of Nova Scotia was in very bad shape.

During a visit to my district I read the "Gazette" and there was, Lo and Behold! a run-down of strikes in the province of Quebec, ones worthy of note. Quebec is large, relatively speaking. Twenty-seven, I think was the number, long, protracted, difficult strikes.

The point I am trying to make is that in many instances, during this summer, through the processes that were set up according to the agreement, the collective bargaining agreement, management and labour sat down and came out with a settlement before a dispute entered into unmanageable proportions. In many instances where management and labour were not able to arrive at some settlement to the dispute, of course, the call went out to the Department of Manpower and Industrial Relations, in many instances for a conciliation officer or a conciliation board. This is a normal procedure when a conciliation board was requested or where a conciliation officer was requested, a conciliation officer was assigned.

In many instances, twenty-six or twenty-seven I believe, during the past few months,

settlements were arrived at with the assistance of a conciliation officer. Where a conciliation board was requested and a conciliation officer was appointed prior to the appointment of a conciliation board because the minister has a certain time lag in which he has to make his decision, fourteen days, the conciliation officer in some instances brought about settlement to the dispute but where a settlement could not be reached, even with the conciliation officer, then of course the advice of the conciliation officer as to whether a board would be useful or not was given to the minister and on that advice the minister had to make a decision.

In some instances, of course not in all instances, conciliation boards' recommendations were accepted and disputes were again settled. In certain instances the report of conciliation boards were not accepted by one or the other or maybe not by both sides and of course a strike ensued and the constant availability of a conciliation officer sometimes brought about an end to this dispute.

The first point I would like to make is that I am pleased in this legislation that the ability to request conciliation services is still there. I am trying in my own sort of way to suggest that while the declaration of a state of emergency is not a good thing and I know is unacceptable to labour, that there are processes which exist before that which should in the normal set of circumstances bring about settlement in a dispute.

So now we have the normal collective bargaining procedure, a procedure written in the contract whereby management or labour give a certain notice and the act is thirty to sixty days. It may be shorter or longer depending on the agreement but management and labour will sit down and negotiate their differences and play the game of negotiation, because it really is a game.

In many instances one would hope that if both sides are bargaining in good faith that settlement will be reached at the negotiation table without the assistance of any outside agency. That of course

would be the hope whether indeed it would be the case in most instances or not, depends on the individual circumstances, of course, of each instance.

Where labour and management are not able to reach a settlement under the normal guise of collective bargaining and under this act of course they have the ability to request a conciliation officer, (period,) or a conciliation board, which in effect is the same thing, for at least at greatest fourteen days, where in the event a conciliation officer of course would be appointed or if they requested a conciliation board, a conciliation officer would be appointed for at least fourteen days before a conciliation board decision was made.

If in the normal process of collective bargaining we find that settlement was unable to be reached, then one would hope that a conciliation officer could settle the dispute. If the conciliation officer cannot settle the dispute or bring about an agreement between the parties, then the conciliation board is there.

Now, while it takes five, six or seven minutes to spell out that process, one must understand that it is a process that would probably go on anywhere from one month to three months, maybe longer.

I personally have faith in the conciliation process. I think where it fails is where either management or labour are not bargaining in good faith. For example, recently on the federal scene, up-a-long, an offer was put on the table for arbitration which was ridiculous because management knew it was going on to arbitration. To me that is not good faith bargaining.

Furthermore, one of the basic tenets of good-faith bargaining, in my personal opinion, is the ability of management to recognize that each and every employee on their payroll, be that employee supervisory, be that employee blue collar, be that employee a tradesman, be that employee a labourer or be that employee the lowest form, if we could define a low form on the hierarchy



of that company payroll. management has to recognize that that individual is a human being not a machine. A union is not a machine, it is not a thing, it is a group of individuals who are trying to cope with and stay with inflation, high cost of living and other problems associated with living in today's world.

One can recall the various stages of need in mankind, the hierarchy and all these academics as many of us have read in text books at one time or another or in story books, the basic need of man for food and shelter and so on. These are very important, because unless these things are first there - the care of a family for a married man, then we have problems.

The honourable member from St. John's South this morning suggested to find out why unions are militant, ( I do not think the word is militant) To find out why unions are attempting to gain benefits, one just has to go and look at the shelves of a supermarket and realizing how management deals with the union as a group of individuals and the union in turn accepts management as a group of individuals and both sit down to good-faith bargaining.

This is one of the very few points on which I would have to agree with the Leader of the Opposition. I think that there are probably ninety-nine per cent of the things that he states that I am not in agreement with, except the fact that I goofed on last year's estimates and I look forward with much relish to this year's estimates.

The fact that if management and union do not sit down and bargain in good faith, then it is just as well for the picket lines to go up on that first day because management can see whether labour is serious, labour can see if management is serious. These are men who have sat across the table for a long while. They are not dumb and they are not stupid, management or labour. These people are professionals and believe it, from a novice who in six months has had an indoctrination into negotiations like probably very few people have had the opportunity to have in such a short period of time, these people know what they are doing.

They play games. Certainly that is part of negotiations. They know what they are doing. They are there for a purpose. Their purpose is quite simple. In most instances labour's purpose is to get the best for their fellow union members, not to screw the company but to get the best possible deal. Management must recognize that.

In the other instance, management is there in an effort to retain as much of the dollar for profit as is possible. This of course has to be recognized by the union. Both parties sit down in that atmosphere and of course we have the possibility of good-faith bargaining.

Now I would like to again if I may and I am going to take a little bit of time in the House because I have said on a number of occasions that maybe we have not told the world what we have done as a government. I have no hesitation in standing up face to face with any man in the province, be he labour, be he management, be he press or be he colleague and say what this government has done.

I think our biggest failure as a government and we all agree with this and that is that we are all too quiet.

We do things and we are too busy to tell the world.

AN HON. MEMBER: Inaudible.

MR. ROUSSEAU: I am not worried about the audience. I am speaking for posterity. It will be in there long after the audience is gone. Actually I am on a point now where what I have to say of substance will take longer than ten minutes, so I am going to give you a brief little history. I am doing what you would call a conceptual framework. What I have to say after is what I want to relate to what I have to say now. So listen carefully so that when they get up to speak they will know.

I would like to suggest now, as I suggested, where this bill fits into what we hope is a conceptual framework for labour legislation in this province. We must recall that we have the NTA Collective Bargaining Act that was proclaimed in May past, this year, during the last sitting of the House. We have the Fishing Industry Collective Bargaining Act which is presently on the books and which the Department of Manpower and Industrial Relations have undertaken to look at in its entirety. We have written the unions across the province. We have written the operators across the province and any other interested individuals, to write us and tell us first whether they can live with this Fishing Industry Collective Bargaining Act. Whether they think it should be amended. What amendments they would think appropriate. Whether they think we should throw the thing out and start from scratch and develop a completely new collective bargaining act for fisheries.

It is one of our methods of saying to both sides affected by a particular act, what do you think of it? This we intend to do. We have received quite a number of replies. Quite possibly the honourable member for Labrador South might like to make some suggestions in respect to it. We have quite a number of replies in. I say, I met with the fish trades a week or a week and a-half ago. We had a very good, frank discussion. We will meet with the unions. We will meet with any interested individuals for any suggestions in respect to this particular piece of legislation. If we find that the consensus of opinion of management and labour is that they do not like the Fishing Industry Collective Bargaining Act then certainly we intend to make some changes be they amendments or

be they to thrown the act out and start from scratch.

We have sitting in our midst for sometime now the infamous Cohen Report. I say "infamous" because it has been referred to on so many occasions. As I recall it, the honourable member for White Bay South and the House Leader across the way suggested that it is not something that you would read in two or three days. Certainly it is not something that you would digest in two or three months. But we have been working quietly and we hope effectively, we know not quickly enough because there are only so many things that can be done at one given time in a department during the past few months, in an effort to look at this and find out just what affect it has and what affect it will have on future legislation in this province.

I am not going to call it a Bible. Because it is not a Bible it is one man's opinion. That man may be right or he may be wrong. But it is one man's opinion. The only good thing I think that we could get out of that, the only sure thing I would say is that there is consistency in it. It is a consistent piece of legislation in the sense that one man wrote it from start to finish with people who were with him and associated with him in the writing of it, having stayed with him so that it would have to be I would hope a consistent piece of literature. If it be not consistent, then I would suggest that there were associated editors, then Mr. Cohen had no right of course to put his name on the commission report as the sole compiler of this rather large piece of reporting.

From that we have developed then within the department a most compact little piece of writing which has not been released and which will not be released until we are finished with it. It has not been released to either union or management. But what was done on this when it was written was that both management and labour were asked to make their comments on the recommendations of the Cohen Royal Commission on Labour Legislation in Newfoundland and Labrador.

The report to me from my deputy minister, and this is called an analysis of the report of the Cohen Royal Commission on Labour Legislation. It is not a confidential document. Really it is merely an analysis of this larger book from which we have taken out the recommendation or we have attempted to. I will read out rather what it says. The analysis is in three parts. I will be like a grand master who once said in this House, and say that is one part, that is two parts and that is three parts.

But anyway, part one lists the ninety-two recommendations of the commission in the left hand column. The right hand column contains comments by officers of the industrial relations division of the department together with an indication as to whether the recommendation is supported by labour and management. Part two contains only those recommendations with which both management and labour have agreed either in whole or in part. Part three contains only those recommendations with which both management and labour do not agree either in whole or in part.

But from this analysis of the report of the Cohen Royal Commission on Labour Legislation we are hopeful in the next session of the House, in the spring or in the summer (depending on the ability to have a bill drafted and the practical aspect of finding competent drafters to do that because there are not a lot of those around. It is going to take a long while to draft this.) we hope to develop a new Labour Relations Code for this province. It is called a Labour Code but in effect it will replace the existing Labour Relations Act.

That is one of the things that we intend to do and that I hope we would have the opportunity to do as I say in the next session of the House. This is not a secret. We have suggested this on a number of occasions. We have held talks with regard to this code, generally speaking, general conversation with the Newfoundland Federation of Labour and with management. We have written the Newfoundland Federation of Labour. We have written management, the Chamber of Commerce, Newfoundland and Labrador Chamber of Commerce, the Board of Trade, the Canadian Manufacturers

Association and so on. So that we will have a group of probably ten people, five representing labour and five representing management, in which we will discuss the draft and discuss it after we have some draft legislation, and that we will be prepared to bring into this House as the new Labour Relations Code.

So that code is presently in the pipeline. As I say, hopefully it will be brought into this House in some near period of time, I would hope that within the next year and possibly much sooner. I think that I mentioned this in my speech to the Federation of Labour in Corner Brook on Monday morning. I think that the federation chairman welcomed that finally this was being done. While I refer to that, I would like to take this opportunity publicly to congratulate the new president, I should not say the new president, the re-elected president, Art Kelley, and each of the regional vice presidents and all the members of the executive of the Federation of Labour who were elected at the annual convention this week, elected on Wednesday, in Corner Brook. So that we have in the pipeline the makings of this province's new labour code.

MR. ROUSSEAU. Is it too early to call it six o'clock? Are we sitting at eight o'clock? I am not finished. I will adjourn the debate. Mr. Speaker, I have great pleasure in adjourning the debate.

MR. CROSBIE: Mr. Speaker, I am not sure that the motion is necessary but I will move it anyway that the remaining Orders of the Day do stand deferred and that the House at its rising do adjourn until tomorrow Monday, October 29, at three o'clock and that this House do now adjourn.

MR. SPEAKER: It is moved and seconded that this House do now adjourn until tomorrow Monday at three o'clock.







1980-1981

1982-1983

1984-1985

1. ...

2. ...

3. ...