LEGISLATIVE ASSEMBLY OF ALBERTA

Tuesday Evening, May 1, 1973

[Mr. Speaker resumed the Chair at 8:00 o'clock.]

ORDERS OF THE DAY

GOVERNMENT MOTIONS

2. Hon. Mr. Crawford proposed the following motion to this Assembly, seconded by Hon. Dr. Hohol:

> That the report of Chief Justice Milvain tabled in the House on April 27,1973 and the speech of the Honourable Member from Drumheller made in the House on February 19,1973, and as recorded in Hansard, be referred to the Standing Committee on Privileges and Elections and that the Committee be requested to report to the House on the conduct of the Honourable Member from Drumheller in relation to the contents of the said report and said speech.

MR. HENDERSON:

I submit to the Chair, sir, and to the members of the Assembly that on the basis of Beauchesne 104, Sections 3 and 5, the motion is clearly out of order. The pertinent sections in Beauchesne state that a matter of privilege or violation of privilege raised on the part of a member must be brought before the House at the earliest possible opportunity. I won't quote the section because the Speaker is amply aware of the fact.

Mr. Speaker, close to two and one half months ago, it was February 19, I believe, the speech referred to in the motion was made by the hon. Member for Drumheller. I suggest that to now produce a motion such as this on a date some two and one-half months later is very clearly a violation of the rules of parliamentary procedure. Therefore I suggest, Mr. Speaker, that the motion should be declared out of order and the matter disposed of accordingly.

MR. KING:

I think that quite clearly 104 in its entirety deals with those questions of privilege which members may want to give consideration to in precedence over other items of business before the House. The fact of the matter is that this is a motion which was moved by a member of the Executive Council upon sufficient notice to the Legislative Assembly, that it stands on the Order Paper to be called at any time the government should choose to call it, and we are not dealing with something which calls for the immediate interposition of the House. It has come up as a part of the normal course of the business of the House, called at the discretion of the government. I don't think the comments by the hon. member opposite are apropos.

MR. HENDERSON:

Mr. Speaker, speaking again to the point of order I suggest that the matter very clearly is a matter of privilege. The sections in Beauchesne I referred to constitute a question of privilege. As for the motion itself, one only has to examine it to see that it is referred to the Standing Committee on Privileges and Elections. Very clearly it is not an election we are talking about; therefore the motion refers to a question of privilege. Also, the motion refers to a report to the House on the conduct of the hon. member. I suggest, Mr. Speaker, that the matter very clearly is a matter of privilege. If the government is to have the authority to by-pass these established rules within this Legislature relative to the proper method and manner in bringing up the

matter of conduct, I suggest then, Mr. Speaker, that of course our democratic process is going to be severely eroded.

It very clearly is a matter of privilege and cannot be treated in any other manner, so far as the part of the motion referring to the speech of the hon. Member for Drumheller and the report to the House on the conduct of the hon. member. There can be no question that it is anything other than a matter of privilege, and the government does not have the prerogative of putting a motion on the Order Paper which at its whim it may decide to call or not to call.

I suggest again, Mr. Speaker, that there is a matter of privilege involved and a question of violation of privilege, and not only is the matter of time relevant to the motion and the point of order, but the question of a prima facie case is relevant to the motion. But the basic point I am making is the time factor. I would like to read to the House the statements made by the Deputy Premier and also the Speaker when I raised the question of the propriety of the Minister of Labour invoking a news blackout. I said at the time that the minister had made the statement some time earlier and taken the action, and the Deputy Premier at that time rose in his place and said, "I would like to point out very clearly that Beauchesne states that any privilege must be raised at the time." In Hansard of April 5, and this view was supported by Mr. Speaker, he said:

> Without wishing to give the impression that the point of privilege raised by the hon. Leader of the Opposition has not been given sufficient consideration, I would have to say that in the first place the delay in bringing up the matter, which has been substantial, would be fatal of itself.

I suggest, Mr. Speaker, that in this case, where a period of two and a half months have elapsed, the government motion is very clearly out of order. I suggest it is a serious infringement upon our democratic prerogatives if allowed to stand on the Order Paper.

MR. KOZIAK:

Mr. Speaker, on the point of order, particularly dealing with the matter of time, I think that the hon. Leader of the Opposition will recall that when the inquiry was directed, the hon. Leader of the Opposition heartily agreed with the inquiry, as the record in Hansard will show. That inquiry was then proceeded with, with all due haste, and the report was presented to the Legislature late Friday afternoon on April 27. Notice of this motion was then given on Monday, as quickly as possible, and appears in Votes and Proceedings for Monday, April 30. So if there is any delay, the case hasn't been made by the hon. Leader of the Opposition. Surely, surely, the government or anybody could not have acted prior to the findings of the court of inquiry that was set up to deal with this matter. That the matter is now being proceeded with at the earliest opportunity is patent.

MR. HENDERSON:

Mr. Speaker, I once again speak to the point of order. One can only conclude that by virtue of the failure of the government to make the necessary motion back on February 19 or immediately thereafter, there obviously was some doubt in the government's mind relative to the charges of the Member for Drumheller or apparently they would not have appointed the inquiry. The question of privilege was not raised at any time in the ensuing period by the government. The onus is clearly not on the opposition at this time to now demonstrate that there is not a matter of privilege involved there.

The issue is not the Milvain report. But I suggest even further, Mr. Speaker, that were it the Milvain report, the motion would still be out of order because the motion that's on the Order Paper should have been made on Friday, the earliest opportunity, at the time the report was made public.

But that is not the basic argument, Mr. Speaker. The motion is out of order because it relates to the possibility of a violation of privilege by a member of the Assembly. The rules of the Assembly, which have been enforced in this House in this session and in the past in this manner, clearly state that the Speaker requires to be satisfied both that there is a prima facie case, that a breach of privilege has been committed, and also that the matter has been raised at the earliest opportunity.

So I suggest once again, Mr. Speaker, that the fact that the government did not choose to bring up the matter of privilege two and a half months ago is no responsibility on the part of the opposition. The responsibility rests clearly

with the government and they chose not to exercise their prerogative at that time. Under 104(5) of Beauchesne, the ruling, I suggest once again, Mr. Speaker, is out of order.

MR. GETTY:

Mr. Speaker, I don't feel that this is a point of privilege. There is a motion of which there has been notice given. But granting the Leader of the Opposition some whim of argument, if he will check with Hansard of February 20, the Premier, in raising this matter at all, at his first opportunity having read Hansard, raised it on a point of privilege and said: "Mr. Speaker, yesterday during debate on the Speech from the Throne certain events were started in motion." Then, on a point of privilege, he announced that in fact there was an inquiry. Then, Mr. Speaker, the inquiry was held as speedily as possible. The inquiry report was provided to the government on Friday. The Premier in tabling it said that the Executive Council had not had a chance to consider it, but we feel it was important to the hon. Member for Drumheller that he get it and that the House get it as quickly as possible.

Then, at the first possible opportunity, on Monday, a notice of motion was, in fact, given.

Then today, the first possible time since then, the notice of motion is being moved.

Mr. Speaker, I submit that in either case, but in the case of timing surely, this motion is also in order.

MR. SPEAKER:

I might say that the Chair has given the matter some anxious consideration. I have grave doubts as to the propriety or the acceptability of the motion. If any hon. members who have not yet spoken wish to make any further observations or refer to some precedents which may be helpful in arriving at a decision, I would certainly welcome them.

MR. GETTY:

Mr. Speaker, I wonder, if you could just for my clarification on the matter of February 20 when it was raised on a point of privilege, whether you felt the point of privilege having been raised was then finished. In fact the privilege having been raised and the inquiry subsequent to that put into a chain of events and then, having followed through as quickly as possible afterwards -- I wonder if you would give the House the benefit of your thinking in that regard?

MR. SPEAKER:

Perhaps I might deal with that in the course of my observations about the motion.

MR. HENDERSON:

I would simply, Mr. Speaker, as one last comment on the point that was just raised by the hon. minister point out that no place in the statement made by the Premier is the word "privilege" mentioned. If there was any privilege involved it was privilege on the part of the Premier in rising in his place and making the statement. The statement made on February 20 contains no mention of any allegations of privilege regarding the conduct of the Member for Drumheller.

MR. FOSTER:

Mr. Speaker, speaking to the point of order. The hon. Leader of the Opposition is suggesting to Your Honour, that if time is of the essence in this particular case, time in fact began to run, on the occasion on which the Member for Drumheller rose in this House and made certain statements the subject of a judicial inquiry.

I would like to submit to the House, Mr. Speaker, and to yourself that surely it would be improper for this Legislature to move on a matter of privilege a subject which has been presented to a judicial inquiry. The sum and substance of the comments presented to this House by the Member for [Drumheller] were requested by that member and by the Leader of the Opposition to be reviewed as part of a judicial inquiry. It seems to me, Mr. Speaker, that the House having agreed to grant the judicial inquiry, or the government having granted a judicial inquiry, it would be entirely and extremely inappropriate for the

Legislature to then sit and assess the issue the judicial inquiry is inquiring into.

It is appropriate that the matter be raised at the first opportunity once an inquiry has reported. I would submit, Mr. Speaker, that if Rule 104 does apply that it has in fact been raised at the earliest opportunity.

MR. CLARK:

Speaking to the comments made by the Minister of Advanced Education, might I point out sir, that it was the decision of the government to go the route of the judicial inquiry; it was not a decision of the Legislature.

Speaker's Ruling

MR. SPEAKER:

This motion involves the conduct of a member and therefore it would appear of necessity, without for the moment creating a precedent on that point, to be a matter of privilege. I would say that a matter of privilege may be raised without using that word. The fact that the hon. Premier didn't happen to use the word "privilege" when he announced the appointment of the commissioner --

AN HON. MEMBER:

He did!

MR. SPEAKER:

Whether he used it or not, even the omission of the word would not necessarily mean that he was not at that time raising a point of privilege.

It is my understanding that with respect to any point of privilege, certainly the conduct of a member, in relation to his office as a member, must constitute a point of privilege.

It is the duty of the Speaker to decide the usual two matters: first, whether it was raised at the first opportunity, and, second, whether it is prima facie a case of privilege. If that were not so, any number of motions could be placed on the Order Paper indicating breaches of privilege by hon. members and they could come up for debate and the time of the House -- and this has no reference to this particular motion -- could be substantially wasted. One of the functions of the Chair obviously is to apply the rules in such a way that the time of the House may not be wasted. That may well be the rationale behind the rule which requires the Speaker to decide whether a point of privilege was raised at the first opportunity and whether it is in fact a prima facie case of privilege.

This duty is referred to in Beauchesne in Citation 104 on page 95, Section (5) and is so solidly enshrined in Canadian parliamentary practice that it is almost beyond debate. The Speaker is not permitted, according to my understanding, to abdicate that function to any committee of the House. Such a matter may go to a committee only after the Speaker has performed the two-fold duty which is imposed on him by the rules.

Now as to the first point, as to whether the matter was raised at the first opportunity, there is no question that it was raised, indirectly perhaps, on February 20 of this year. But then the question becomes one of some difficulty.

In the first place I must respectfully agree with the hon. Minister for Advanced Education that while the point was the subject of inquiry by a royal commissioner, it would scarcely have been proper to anticipate or in any way attempt to affect his findings in the House. So the matter really was beyond the reach of hon. members during that period.

However, we then come to the question as to when the breach of privilege, if such it be, occurred, or when did the matter which was done become a breach of privilege? Was it on February 19 when the speech was made, or was it on April 27 when the report was tabled in the House? And I would certainly not say that not moving the motion, omitting to move the motion on Friday afternoon at half past five, could constitute the type of delay that would militate against saying that the matter was raised at the first opportunity.

However, assuming at the moment, and without deciding, that the matter had been raised at the first opportunity, it is in fact, as I mentioned, a question of privilege. And although the motion is, in my respectful opinion, fatally

unspecific, it may be narrowed down from the circumstances which are known to all of us in the House, to relate to an alleged breach of privilege -- not constituted by an attack on the government -- because the government is not a member of the House although its members are, nor does it have any privileges in the House which are recognized by parliamentary rules so far as I am aware, so that an attack on the government per se could scarcely constitute a question of privilege. It would appear that this leaves inescapably only one further alternative and that is that the question of privilege which is purported to be raised indirectly by the motion is one of misleading the House. And in aid of that, of course, reference is being made to the report which was tabled last Friday.

But it does seem that the motion itself, the question of privilege that it refers to, is lacking in particulars, and ordinarily a question of privilege is raised by a member standing in his place and raising the question of privilege forthwith without ado, and in most cases, certainly under our rules, with little or no notice. The member of course who raises it, depending upon the circumstances and the seriousness of the matter, may be assuming some personal responsibility, that is as a member in raising such a point.

I must respectfully say that in my opinion the motion does not indicate a prima facie case of privilege and I am supported in this opinion by very distinguished precedents or Speakers.

I would like to refer hon. members to the House of Commons Debates of May 16, 1972, page 2319. Because of the importance of the matter perhaps the House will forgive me and bear with me if I quote at some length from His Honour, Mr. Speaker Lamoureux on page 2319. I am now quoting from his decision.

> Earlier today the hon. member for York South (Mr. Lewis), in accordance with the provisions of Standing Order 17, gave notice of his intention to rise on a question of privilege at the opening of our sitting. In his notice the hon. member indicated that he intended to refer to a motion proposed yesterday by the right hon. member for Prince Albert (Mr. Diefenbaker) under Standing Order 43. The hon. member for York South suggested that the words used by the right hon. member were in breach of parliamentary privilege. On this basis the hon. member proposed the following motion:
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> > That the false charges made by the right hon. member for Prince Albert, as recorded on page 2243 of Hansard for Monday, May 15, 1972, be referred to the Standing Committee on Privileges and Elections for consideration and report.
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> The Chair is required to determine whether there is a prima facie case of privilege. If a ruling were made in the affirmative, the hon. member's motion could be put and debated and the House itself would determine whether the matter should be referred to the Committee on Privileges and Elections for consideration and Report. The suggestion made by the hon. member for York South is, therefore, that the words spoken in the House by the right hon. member for Prince Albert found a prima facie case of privilege.
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> When the matter was first raised in the House this afternoon, and indeed when the motion was proposed to the House by the right hon. member for Prince Albert (Mr. Diefenbaker) yesterday, the Chair expressed its reluctance at finding that the statements or conduct of hon. members should be referred to a committee for scrutiny. This is a feeling which I am sure is shared by all hon. members. It is certainly a view which is based on long-standing tradition in this House. I am advised that the last instance when a specific charge made by one member against another was accepted by the Chair for consideration as a question of privilege goes back to the year 1924. On that occasion, and on the few other occasions prior to 1924 when such a question went before a committee of the House, the charge against the member had reference to alleged wrongdoing.
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> The procedural position was explained clearly by Mr. Speaker Michener in a ruling dated June 1959, and reported at page 582 of the Journals of the House of Commons for that year. The then Speaker ruled that a charge in specific terms had to made before a prima facie case of privilege could be found. The motion proposed by the hon. member for York South does not meet this test. His motion takes issue with what the hon. member calls the false charges made by the right hon. member for Prince Albert. The assertion made by the hon. member for York South cannot be construed, in my estimation, as being a specific charge as set forth from the Chair on many

previous occasions and in particular by Mr. Speaker Michener in the ruling to which I have just referred.

If I may just take a moment longer perhaps I might refer to the ruling of His Honour, Mr. Speaker Michener, as he then was, which was referred to in the quotation I have just read. This is from the House of Commons Journals of 1959, page 582. (That should probably be House of Commons Hansard.)

> The question was whether or not the Notice of Motion relating to the conduct of the honourable Member for Peel, which had been given by the Leader of the Opposition, properly raised a prima facie question of privilege for determination by the House through its Standing Committee on Privileges and Elections to which the motion would refer the matter for examination and report.
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> The question is of considerable importance. If the Notice of Motion properly raises a question of the privileges of the House, it is entitled under Standing Order 17 to be taken into consideration immediately, all other business being laid aside until the debate is concluded.

And omitting a portion which may not be relevant, Mr. Speaker Michener proceeds:

> The factual basis for the motion as it appears in the Notice itself and in the arguments put forth in the House is simple. It is that the President of the Exchequer Court, Mr. Justice Thorson, in his reasons for judgment, sessional paper No. 237, makes certain affirmations about the honourable Member for Peel. These affirmations are summarized in items (1) to (8) in the Notice of Motion. Perhaps the House will permit me to dispense with reading these as all Members have them.

Mr. Speaker Michener then goes on to refer to some of the observations in the judgment of Mr. Justice Thorson, and then he continues with this further quotation:

> In view of these "observations" in the judgment and without any conclusion being drawn from them or any charges made by any honourable Member against the honourable Member for Peel, the House is asked to direct its Committee on Privileges and Elections:
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> (1) To examine the actions and statements of the honourable Member for Peel in connection with the evaluation and expropriation.
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> (2) To report generally on these matters.
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> (3) In particular, to consider and report whether the conduct of the honourable Member was contrary to the usages of the House, derogatory to the dignity of the House and inconsistent with the standards which Parliament is entitled to expect from its Members.

The Speaker on that occasion then referred to certain actions outside the House which had some relevance to that situation, but not to this one. And then he goes on to speak as follows:

> Members of the House of Commons, like all other citizens, have the right to be regarded as innocent until they are found guilty, and like other citizens they must be charged before they are obliged to stand trial in the courts. Parliament is a court with respect to its own privileges and dignity and the privileges of its Members. The question arises whether the House, in the exercise of its judicial functions with respect to the conduct of any of its Members, should deprive such Member of any of the safeguards and privileges which every man enjoys in any court of the land.
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> It has been strongly urged by some Members that the House should not set in motion its power to try and to judge the conduct of a Member unless such Member is charged with a specific offence. It is urged further that not only must he be charged, but that he must be charged by a Member of the House of Commons standing in his place.
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> In my view, simple justice requires that no honourable Member should have to submit to investigation of his conduct by the House or a committee until he has been charged with an offence. Must this charge be made by another honourable Member on his responsibility? The Honourable Leader of the Opposition (Mr. Pearson) raised this same issue in the question which he put to me in the following words, Hansard p. 4839:

> "If this motion is ruled out of order, does it mean that no question of privilege can be raised in this House for submission to a committee which arises out of allegations, direct or implied, made against a Member of this House outside the House by a judgment of a Court or in some other way, unless a Member associates himself with these allegations to the point where he has himself to lay a charge against another honourable Member?"

And in dealing with this, omitting again some portions which appear to me to be irrelevant particulars, Mr. Speaker goes on to say:

> On the authorities it appears to be open to an honourable Member to confront the House with charges against another Member, implicit in documents in the possession of the House, but in my view the charge must be there.

And he goes on, and says:

> If there is a charge then which the honourable Member for Peel should be called upon to meet, it has to be implied from the reasons for judgment already referred to. Did the learned judge in commenting on the evidence say or imply that the Member for Peel had been guilty of a criminal offence, perjury for example? Certainly not, and if he had it would have been his responsibility to bring the matter to the attention of the Crown for prosecution.

This is not relevant. Then he goes on to say:

> ... nor has any Member of this House taken the responsibility himself of saying that such a charge must be implied from such observations or of saying what the charge is.

Now I could go on but I have provided copies of this quotation for hon. members and it may not be necessary to continue with further reference to the decision of Mr. Speaker Michener at that time.

For those and the reasons previously stated, I must rule that the motion does not raise a prima facie case of privilege and may therefore not be put.

## GOVERNMENT BILLS AND ORDERS
(Second Reading)

### Bill No. 35 The Alberta Labour Act, 1973

DR. HOHOL:

Mr. Speaker, I move, seconded by the hon. the Attorney General second reading of Bill No. 35, being The Alberta Labour Act, 1973.

Mr. Speaker, it would be appropriate initially to advance the philosophic propositions which have been accepted by this government and which have been embraced within the provisions of this bill, and which we propose as the legislative framework for the conduct of industrial relations in this province.

First, the document before you represents a thorough reorganization and editorial review of the existing Act which dates from 1947, and which has been the object of amendments introduced to this House over the past 26 years.

Our purpose was not solely to produce a document which properly satisfies the niceties of legislative construction. Of greater importance, we have endeavoured, despite the complexities of the industrial relations field, to produce a document which in organization and content is more readily and meaningfully understood by those who are affected by it, the people employed in the industrial life of this province, their employers and their trade unions.

It is our belief that legislation in industrial relations should be framed in such a way that it can be a working document which strips away the apparent mystique of industrial relations activity in favour of one which states public policy in an understandable way to all who are affected by the scope of its coverage and provisions. It was also because of this firm belief that throughout the preparation of this bill, extensive and attentive consultation and comment was solicited from many concerned and interested groups, organizations and individuals.

Second, no one has yet devised a system of industrial relations which does not involve either directly or indirectly the participation of government. Indeed, the nature of the issues that developed from the employment of people in industrial life dictates that there be some system for preserving the integrity and dignity of all who are associated with it.

This bill which is now before you, sir, represents and brings together what, in effect, is the best current thinking on the appropriate provisions which should be expressed in legislation, and the best administrative apparatus for the effective articulation of these provisions. The commitment to an expression of these provisions by the government is made, not in the belief that the proper role of government is to initiate and dominate in the field of industrial relations, but rather in the belief that the commitment to them by the parties will best lead to satisfactory solutions of the wide number of issues that arise in the employment circumstance.

In the last analysis, Mr. Speaker, the tone of industrial relations is not a product of the legislative framework within which it functions, but of the degree and quality of the determination of the parties to achieve harmony, understanding and commitment to the industrial relations system and the principles embraced within it.

However, despite this firm belief that the parties themselves must assume the ultimate responsibility for the effective functioning of our industrial relations system, this government must assume its responsibility, indeed its duty, to ensure that the conduct of industrial relations in this province not only protects the dignity of the individual at the work place, and with his employer and his trade union, but must also ensure that the damaging consequences of industrial conflict on the individual industrial workers, labour organizations, economic enterprises, consumers and users are not permitted to manifest themselves. Throughout this bill we have acknowledged this duty and responsibility through our commitment to certain principles which are supportive of this belief and which are designed to ensure compatability between the functioning of the industrial relations system and all who directly or indirectly are a part of it.

Turning, Mr. Speaker, to my introductory comments on the provisions incorporated in this bill, I should like to summarize the main ones and only those because of the extensive nature of the bill, with particular emphasis, not only on the new areas, but I will emphasize those which are new in degree or extent. In one case I will explain in some detail a current provision which we maintain in Bill No. 35.

With respect to the Board of Industrial Relations -- and because, Mr. Speaker, I will make several references to the board I will henceforth refer to it as the board -- we've expanded the membership of the Board of Industrial Relations. Because of the many hearings which they hold across the province, they have been unable to maintain current hearings and be up to date with them. For this reason and to expand the expertise and particularly to be able to hold hearings simultaneously in different parts of the province and to stay as up to date as possible on hearings, we have expanded the board. We have also eliminated what has been referred to as the executive council of the Board of Industrial Relations. We believe this to be a proper thing so that the matters with which a quasi-judicial board, such as the Board of Industrial Relations, is concerned are not delegated to offices of the board because of expediency or shortage of staff.

With respect to labour standards, Mr. Speaker, I should like to speak briefly of improvement to collection machinery for employee entitlement. Employees' wages and other entitlements have been given priority over the wider range of employer creditors, and the priority amount has been increased from $2,500 to $5,000. Directors and officers of corporate employers will no longer be in a position to hide behind the corporate veil with respect to the responsibility for payment of amounts due to their employees.

Larger maximum fines for offences are established through new general penalty provisions. Associated or related companies will no longer be permitted to operate under arrangements which have in the past allowed them the non-payment of employees' legal entitlement for overtime, as they will now be considered to be a single employer. Considerable difficulty has been experienced by the board in enforcing the legislation respecting labour standards where one principal carries on operations through more than one entity. The board will be able to declare the various employers in such circumstances to be one employer.

Eight hour day established: the basic hours of work have remained unchanged since 1947, Mr. Speaker. Although the board has exercised this authority and by order reduced the hours of work, the proposed legislation recognizes this reduction and present trends in industry. The legislation will limit hours of work to 44 hours in a week of 6 days and 8 hours in a day. Formerly the statutory limitation was 48 hours in a week and 9 hours in a day.

I should like to speak of termination notice, Mr. Speaker: enabling provisions permitting regulations to be established requiring minimum notice of termination of employment, or pay in lieu of, 7 days where the employment period is more than 3 months but less than 2 years and 14 days for more than 2 years.

Legislation giving the board authority to enforce certain standards relating to the health, welfare or safety of employees or to make orders in this area is being altered to provide that the Lieutenant Governor in Council may make regulations concerning these matters. These do not really constitute a part of the normal field of labour legislation, nor do they fall within the scope of the functions of the board. If any deficiencies appear in specific areas it will be possible to provide necessary protection by regulations.

Industrial standards: Mr. Speaker, presently the minister, after consultation with employers and employees, can establish a schedule setting minimum employment standards for an industry in a zone. While this has been a useful provision in the past, in recent years the minimum standards established by board orders, the results of collective bargaining and the improved economy have resulted in this legislation generally falling into disuse, and accordingly it is being omitted from this bill.

Fair wages: the board had the authority to prescribe by order a fair wage for an industry and an area or a place, but this authority was never exercised as it was found that the orders of the board respecting minimum wages and practice in industry made such an order unnecessary. This redundant provision is, accordingly, not included in Bill No. 35.

With respect to labour relations: a majority of employees in the unit actually voting, a significant departure from prior practice. Where representation votes are required, the majority selection by employees in the unit will be determined on the basis of those actually voting, rather than on a majority of those entitled to vote. This method will be in line with the procedure in establishing results of other votes in the field of election or selection by a group of persons, and remove the effect of a person who doesn't vote in effect being considered opposed to the question posed.

Stability of collective agreements: under the current Act, Mr. Speaker, application for the certification of a bargaining agent or the revocation of such a certificate where a collective agreement exists, may be made in the eleventh or twelfth month of each year of the collective agreement. To give stability to collective agreements with long terms, where an agreement is for a term of more than two years, an application will be possible only in the eleventh and twelfth months of the second or subsequent year of the term of the agreement or in the final two months of the agreement.

Revocation of voluntary collective bargaining rights: a trade union may acquire bargaining rights in two ways, Mr. Speaker, by certification by the board as a bargaining agent or by being granted voluntary recognition by an employer. There has been provision in the Act for the revocation of a certificate, but where the basis for bargaining rights resulted from voluntary recognition there has been no way for employees, when they no longer wish the trade union to represent them, to remove or terminate the bargaining rights. Provision is being made in Bill No. 35 for employees to apply to the board for a declaration that the bargaining rights are terminated. Such an application can be made in a manner similar to an application for the revocation of a certificate and the board will use the same criteria in considering the application.

The revocation of inactive certificates: no restrictions would now apply as to who may apply for the revocation of a certificate of a bargaining agent. Employees would be able to apply subject to time limitations; and an employer may apply only where there has been no collective bargaining for three years from the date of certification of the bargaining agents or where there has been a collective agreement from its date of termination.

Registration with respect to the construction industry: there is no particular change here, Mr. Speaker, but because of its importance and complexity I should like to discuss it briefly.

From studies in the field of labour management relations in the construction industry, the concept of accreditation or registration of the employer association in the construction industry came into being. In general, under present legislation in Canada, collective bargaining in industries other than the construction industry is carried out between a single employer and a single trade union. In contrast collective bargaining in the construction industry involves, on the one hand, an assocation or group of employers and on the other hand, craft unions acting independently of each other or at times acting in concert.

The principle weakness is that employer assocations or groups lack control over individual employers thrcughout the bargaining process. For various reasons contractors and their clients are at times desperate to avoid a strike or work stoppage. But on the other hand, employers who have no big project at that particular time take a hard-nosed attitude toward collective bargaining. Because of this lack of cohesiveness in the construction industry, brought about by individual self-interest and conflicting interests which may exist at a particular time, the construction industry has felt there has been an imbalance in collective bargaining.

Mr. Speaker, the concept of registration has been accepted by this Legislature and those of Nova Scotia, New Brunswick and Ontario. Legislation was passed in each of these jurisdictions during the past several years in an attempt to give greater stability to employer organizations.

However, the individual self-interest of employers still remains a major problem in the administration of the concept. It is an experiment, Mr. Speaker, giving employer associations a recognized statutory authority to carry on collective bargainings similar to that granted to employees for the certification of the union many years ago.

Substantial amendments ensure that, first, the registration process is clearly separated from the active negotiation period. Under the present Act, Mr. Speaker, an employer assocation could apply to the Board of Industrial Relations to be certified as the bargaining agent during the time when some of the employers in the association are actively bargaining. This became a complex and difficult thing for the employees in particular, but also for the employers, in terms of knowing who was bargaining with whom. This gave the board great difficulty in knowing how to assign a particular association for purposes of collective bargaining.

So, we propose in Bill No. 35 to separate these two activities very distinctly. We will attempt to assist through legislation the definition of the constituency of employers who fall within an association for purposes of collective bargaining. Also collective agreements in force at the time of application for registration will have continuing effect only until a new agreement under legislation is concluded or until a strike or a lockout is commenced.

I should like to now turn, Mr. Speaker, to the matter of collective bargaining. The first provision has to do with the clear identification of employers bound in voluntary group bargaining. In past years there have been some difficulties experienced by trade unions and conciliation commissioners in determining which companies are bound by collective agreement, negotiated by an unregistered employers' organization. Some employers have disputed their authorization and in some cases, the employers' organization had accepted authorizations which were not clear as to intent and as to whether the person giving the authorization indeed had the authority to commit the company.

For purposes of clarity, the employers' organization in Bill 35 would be required to deliver to the bargaining agent or union and to the board a list of the names and addresses of the employers on whose behalf it is authorized to bargain collectively, together with a copy of each authorization. An authorization may be given by a director or a senior official of the employer and such authorization is deemed to be the authorization of the employer.

The authorization is effective and may not be revoked until a strike or lockout occurs or a collective agreement is entered into, whichever occurs first. These changes, Mr. Speaker, are designed to minimize disputes over authorizations and the employer's commitment and in our view are fair and reasonable.

Employers in a voluntary organization formed for the purposes of collective bargaining may continue their commitments and remain in the association after a strike or lockout occurs.

Earlier negotiations: provision that negotiations can be commenced earlier, that is 90 days prior to expiry of an agreement rather than the present 60 days. However, Mr. Speaker, if a collective agreement between an employer and his employees indicates that the time might in fact, be earlier, for example, 120 days, that would be within the intent and the spirit of Bill 35.

Employers would be required to identify persons resident in Alberta with full authority to bargain, conclude and sign an agreement at the time of service of notice to commence collective bargaining and any authorization given by a director or a senior official is binding on the employers.

Conciliation and dispute settlements: this is a particularly important area in the process of collective bargaining. We feel strongly that the matter of conciliation has to be considered in perhaps a new light for its meaning, in that it is a third party looking presumably, and in fact, dispassionately at the positions of two other parties and making a recommendation. I say this because it is our view that this is a particularly important step in the matter of collective bargaining and wish to draw particular attention to it.

First, more flexibility is provided in the conciliation process as recommended in Bill 35. This is intended to encourage the parties to engage in real collective bargaining and to reduce protracted and lengthy negotiation.

Second, a conciliator, under the present Act, was able to recommend to the minister that a conciliation board be appointed or that his recommendation be referred to the parties to accept or reject. He would now in addition be able to make a third proposal, that the parties to the dispute decide at that stage to strike or lockout. This will give the conciliator more flexibility in dealing with a dispute and remove the necessity of following one of the other two procedures where the positions of the parties make it pointless, with no possibility of settlement.

Third, the parties themselves will decide on acceptance or rejection of the awards of the conciliation officer or conciliation board when these are issued. The Board of Industrial Relations will no longer supervise or conduct such votes.

Fourth, the eligibility of members of conciliation boards are broadened. It excludes only those directly affected or those involved in attempts to negotiate or settle a dispute.

Fifth, the board will supervise all strike or lockout votes and the determination of the majority will be based on those actually voting.

I should like to speak about the extension of the collective bargaining process in point six under collective bargaining, which we call in Bill 35 voluntary collective bargaining arbitration. Now, Mr. Speaker, it is in no way to be confused with a board of arbitration which is set up to deal with a dispute when the parties are asked to go to compulsory arbitration. Voluntary collective bargaining arbitration -- parties to a dispute rather than follow the normal procedures which could result in a strike or lockout will be able to request the appointment of a conciliator, and in the request agree that if the conciliator cannot effect a settlement the dispute will be referred to binding arbitration.

This will, at the option of the parties, remove the present provision under which the only alternative in an unresolved dispute is either a strike or lockout or abandonment of the dispute, and should be attractive when the parties do not desire to proceed to the confrontation position of strike or lockout.

I would comment that if management and labour examine this fully and carefully and give it the trial it properly deserves they might find that when they are reasonably close to a settlement, but feel they cannot abandon the position which they hold at that time and that a strike or lockout being the only other alternative and not being plausible because they are close together and yet cannot abandon their position, this would then set out the kind of circumstances in which voluntary collective bargaining arbitration makes a great deal of sense. I commend this to the attention of the House and to management and labour in the province.

Mr. Speaker, I would like to talk about a clause in Bill 35 which in common language usage refers to spin-off companies. The point here has to do with continuation of collective bargaining rights, duties and privileges. There are increasing instances of employers forming new companies, the so-called spin-offs, to carry on activities similar to those of the employer, which has the effect of frustrating, intentionally or unintentionally, the due and equitable

application of the Act in respect to labour relations of employers evading responsibilities in this respect and denying employees their rights under legislation.

To remedy the situation, Mr. Speaker, provision is being included giving the board authority under such circumstances to declare that the employer and the spin-off companies are one employer for purposes of the labour relations provision of the act. Mr. Speaker, again I comment this is a significant and important area of legislation.

I should like to speak briefly of successor rights. This has to do with the flow of bargaining rights in the public sector and status changes of an employer. For years the Act has provided that where a business or similar activity or part of one is sold, leased or transferred, all proceedings in labour relations and certification of the bargaining agents and any collective agreement enforced are binding on the purchaser, lessee, or transferee.

Provision is now being made, Mr. Speaker, in Bill No. 35 for a similar transfer of responsibilities when municipalities, school districts or divisions, or hospitals merge, incorporate, annex and so, and a new entity or an enlarged entity is created. Such bodies are not businesses or similar activities, and in the past when there was such transfer all such matters referred to terminated. This will have the effect of [requiring] the municipality or hospital or school board which takes in a portion of the neighbouring municipality, school board or hospital district to honour and accept to the expiry date the responsibilites with respect to pension provisions, collective bargaining and other circumstances which the smaller unit brings with it. At this point those in the larger area would take effect.

I'd like to speak briefly about work jurisdiction disputes in the construction industry. This has to do with the establishment of a committee for jurisdiction disputes by the Lieutenant Governor in Council. At the present time, Mr. Speaker, under present legislation, what happens is that when there is a jurisdictional dispute which centres about which trade should carry out a particular activity on the work site or in the workshop, the dispute is referred to the Board of Industrial Relations. It has been the conviction and the view of this government, shared at least in some degree to the best of my recollection by both management and labour, that this matter should not be dealt with by the Board of Industrial Relations. But because it affects the employer and the employees it is of concern to and the responsibility of the government.

Accordingly the change which we've proposed in Bill No. 35 is that rather than the board's hearing these jurisditional disputes, a jurisdictional committee might be established by the Lieutenant Governor in Council to make final determinations of disputes in cases where the parties have exhausted all other reasonable means to settle their differences and have failed. There are provisions which unions can follow to settle a problem of this kind and with which in many cases they are successful. In many cases they are not. We propose this new approach to dealing with time-consuming hearings by the board, but not because of time so much as because we feel a different approach, such as we recommend, is proper and appropriate under the circumstances.

I should like to speak now, Mr. Speaker, about emergency disputes. We should like to add to the schedule of emergency circumstances that of sewage systems. We would add that to the public services covered under emergency disputes. We have also, under emergency legislation, a proposal that the minister may in all emergency dispute situations provide the opportunity for the parties to meet with him, prior to their requesting the Lieutenant Governor in Council to invoke the emergency provisions of the act.

While we will deal with this in debate, I should like to mention what the purpose of this is. While it isn't entirely in the area of the 'cooling-off' period, a language commonly used in labour relations, it begins to point slightly in that direction. But more specifically, Mr. Speaker, it is intended to make certain and to assist the parties to make certain that their positions are of the kind that make a lockout or strike inevitable and in their view the only alternative in the circumstances.

I should like to deal with the section on offences and penalties. We have increased the general penalties under the act. We haven't increased; we've proposed, of course, to increase them. First, with respect to labour standards, as a result of the 1947 consolidation of a number of acts the penalties varied considerably for offences under the legislation or orders of the board respecting maintenance of payroll records, production of records, failure to comply with requirements in respect of hours of work, wages, vacation pay or general holiday pay.

Uniformity in penalties is desirable and fair, and penalties proposed for such offences are, in the case of a corporation, a fine of not more than $10,000, and in the case of a person, a fine of not more than $5,000 or imprisonment not exceeding six months. As previously, the judge will order payment of money due employees within the limitations established in the present Act. Mr. Speaker, I speak here of the employer as a corporate group or an employer as a member of the corporate group who would now be liable for responsibility for non-payment of such things as holiday pay, vacation pay and so on.

Second, Mr. Speaker, with relation to labour relations: the Act now establishes specific offences and penalties respecting a number of labour relations matters. To achieve uniformity the penalties proposed would provide for fines up to $1,000 per day for illegal strikes or lockouts or for failure to bargain collectively. For all other contraventions, a fine would be one of not more than $10,000 in the case of a corporation, employers' organization or trade union or not more than $5,000 in the case of an individual.

Mr. Speaker, these are the main considerations that I wish to bring to your attention and to that of the House. I look forward to a discussion and debate of these and other matters which we propose in Bill No. 35.

MR. SPEAKER:

The hon. Member for Spirit River-Fairview, followed by the hon. Member for Drumheller.

MR. NOTLEY:

Mr. Speaker, in rising to take part in this debate, I want to say first of all that I think there are three major objectives in any labour act.

The first should be to set out the framework for free collective bargaining with a minimum of third party interference. I know that there are always those who are looking for new ways to solve employee-employer relationships. But as one looks around the world it is pretty clear that the best possible approach is free collective bargaining. It doesn't always work, that's true, but I think perhaps it's wise to put the time lost in strikes in perspective.

I recall last year, during the estimates on this department, pointing out some statistics from the Board of Industrial Relations. They were rather striking because the statistics revealed that ten times as much time was lost due to accidents on the job as was lost due to strikes in Alberta. But more significant, a hundred times as much time was lost due to unemployment as was lost due to strikes in this ccuntry. So the collective bargaining process is successful.

I know that there are some who argue for labour courts. But if you examine the record of labour courts elsewhere in the world, especially in Australia, you will find that the situation there is far from amicable, that they have far more time lost due to strikes than do those jurisdictions that emphasize the importance of free collective bargaining.

The second major point that any labour act should contain, Mr. Speaker, as I see it, is that we should guarantee the right to organize. It's important, particularly in a modern society where you have very large corporations, often multi-national corporations, that employees are organized into strong unions.

I know that we are tempted from time to time in the Legislature to come up with regulations to deal with what seem to be employee grievances or what seem to be social issues that catch on. I suggest to you that there is no better way of making sure the employees in a particular plant are protected than by having a strong union which can look after their interests. Not just the interests, Mr. Speaker, of settling wages every year or two years or three years, however long the contracts run, but perhaps more important, the ongoing job of looking after grievance procedures which is so basic to successful labour-management relations.

The third major feature that it seems to me a labour act should set out, Mr. Speaker, is protection for those people who for one reason or another can't be organized or aren't organized. I know there are many people operating for such small firms that it probably isn't feasible for them to be organized at this stage of the game. But they deserve basic rights and protection too, and so it is important that all three of these features be incorporated in a labour act.

I'd like to say just a word or two about the importance of the labour movement in society today. I know there are some people who argue that organized trade unions are getting too powerful. I'm not one of them, because when you put this in the context of today's society I suspect that trade unions rank somewhat down the ladder. Perhaps the most powerful forces in today's modern society are the large corporations that are able to fix prices, exert enormous political pressure and determine in many ways the lifestyle of the people who live in that particular country or jurisdiction. So they're the best organized sector of the economy.

Then I would submit that as we go down the ladder we arrive at the professional organizations. Almost all of them are closed shops. Though they don't like to call themselves closed shops, let's face facts and look at the grim reality, they are closed shops, without any of the loopholes that exist for the trade union movement, and they are very powerful. Then perhaps we get to the trade union movement, but you know, it is still relatively unorganized and undisciplined compared to the corporate sector and the professional organizations in our society.

One thing I'd like to say, Mr. Speaker, while I'm talking about trade unions, is that some years ago there was the suggestion that we've got to clean up the labour movement. I remember this because, while no one is going to justify corrupt practices wherever they arise, whether it's in the trade union movement, the business sector, the Legislature or wherever it may be -- we've got to weed out corruption. But just as this debate was at its height in the United States a report of the American Underwriters' Association was released, the association that sets the bonding rates for various officials. They found that if you are a politician the bonding rate is pretty high and if you're a lawyer it's even higher. They found that for doctors the bonding rate was quite high. But then they went down the ladder. For businessmen the bonding rate was lower, for farmers lower still, for clergymen, yes, not too bad, but the lowest of all, the lowest bonding rate of all set by the people whose business it was to know honesty was that of the trade union officials. This is something which perhaps wasn't given as much prominence during those years as it should have been.

I've known many people in the trade union movement, Mr. Speaker, and I feel that the vast majority of the people who serve as local union executives and serve on the provincial and national level are people of unimpeachable integrity. Well, Mr. Speaker --

MR. SPEAKER:

Order please. Is the hon. member able to relate his debate with regard to bonding to the subject of detate this evening, The Labour Act?

MR. NOTLEY:

Mr. Speaker, having made the observations about bonding, I will now immediately come back to the principles of the act and say that, as I view it, there are two major improvements in the act. The first is the provision for spin-off companies. For a long time this has been a real problem, especially for the construction trades where companies are set up at the drop of a hat in order to avoid collective agreements. I want to congratulate the minister on this provision. I hope and trust that the government will stand by the announcement he made today when speaking to representatives of the construction trades. I feel this is an excellent step in the right direction and it should be supported by all the hon. members of this House.

The second major change which I feel is worthwhile is the change in the voting procedures. I could never accept the proposition that you actually had to have a majority of the people who were eligible to vote or on certification in order to have a strike vote. As a matter of fact there would be very few members, if indeed any members, in this Legislature today were we to elect members to the Legislature on the basis of actually getting a majority of those people entitled to vote. The same is true elsewhere across the country, Mr. Speaker. I doubt that there would be a provincial government, and certainly there wouldn't be a national government in office today, if its fate was contingent on actually getting a majority of the eligible voters. So what we have been applying in the general sense, we are now directing to The Labour Act and in my view that is certainly a step in the right direction.

Now there are two or three features in the act that I feel are less important. The minister took some time, Mr. Speaker, to talk about the voluntary arbitration section and to imply that this marks a rather important

step forward. Frankly, I don't really think it does at all, because the employers and the employees always had the opportunity, under the old Labour Act, to engage in voluntary arbitration if they chose. So this is simply codifying what was, in fact, an existing practice on many occasions. But if the voluntary arbitration section is, in fact, the thin edge of the wedge for more extensive compulsory arbitration, then that certainly wouldn't be a good thing and it would, in my view, basically infringe on the principle of free collective bargaining.

There are certain procedural sections in the act, Mr. Speaker, that I sharply disagree with. The first one is with respect to the people entitled to vote on certification. The Act, as it now reads, permits the Board of Industrial Relations to set a date at which time those people will be counted who are entitled to vote on certification. Frankly, I think a far fairer approach would be to take the date of the application made by the particular union. We all know that there are many examples where employers have simply used the intervening period of time, two weeks, a month, two months or whatever it might be, to hire sufficient additional staff so that when a certification vote took place, even though the original workers in the plant favoured it, enough people who were anti-union were brought in and the certification vote failed.

Another procedural feature I don't agree with is with respect to conciliation boards. Frankly, I think more often than not conciliation boards clutter up the collective bargaining process. But it seems to me, rather than having the appointment of the conciliation boards by the minister at the request of the conciliation commissioner, the only time we should appoint conciliation boards is by mutual consent of both parties. I can visualize certain occasions where conciliation boards can be useful but by and large they don't really add that much to the collective bargaining process which isn't gained by the steps that are already set out in the Act.

There are certain principles in Bill No. 35 though, Mr. Speaker, with which I very sharply disagree. The first is this proposition that trade unions should be held legally responsible. Now I don't think anyone would quarrel with legal responsibility, provided that along with legal responsibility there was the right to discipline their members. But it seems to me extremely unfair to an organization to make it legally responsible where it doesn't have the power to discipline its membership, just as it would be unfair to an employer to make him legally responsible for the actions of an employee if, in fact, that employer had no control whatsoever over the actions of the particular employee. It seems to me, Mr. Speaker, that making unions legally responsible may seem fair at first glance, but unless we are prepared to take away from the individual rights of workers and transfer to the union itself considerable discipline powers, which I am sure most members of this Legislature wouldn't agree with, then it's a rather unfair procedure.

I also differ with the proposition that employers should be able to ask for a vote by employees on a bargaining unit. I listened to the hon. minister and I have no objection to seeing employees being able to petition for a vote on a certification unit, but I really question whether or not the employer should be able to petition for a vote. It seems to me that the whole question of who represents a group of workers should be up to the workers involved, not management, not the government.

Similarly as the construction workers said pretty clearly today, they are opposed to the proposition that certifications should be merged by an employer or that an employer would have anything to say about the rationalization of a bargaining unit. Again, Mr. Speaker, it seems to me this is something that should be up to the employees and shouldn't be the business of either the government or the employer.

I don't agree with the proposition of government strike votes. It is my understanding that Alberta is the only province in Canada where the government conducts strike votes. Elsewhere the unions are able to conduct these strike votes on their own and there is no evidence whatsoever that the proposition of the government conducting the strike votes, other than adding costs to the public treasury, does anything which is important or necessary and it takes away some confidence which we could very well extend to the trade union movement by saying, fine, you've gone through the collective bargaining process thoroughly; now you come to the point where a strike poll is going to be conducted; you conduct that strike vote yourself. We feel your integrity is sufficiently strong that you are entitled to do that. Such a course would hardly be a radical departure; nine out of ten provinces already have it.

The picketing proposal too was something which the construction workers raised this morning and I feel their arguments here are reasonable.

I believe that rather than place of employment we should really be looking at, at the very least, place of business. Let me illustrate what I mean. Suppose workers employed by a warehouse were to go on strike. As the picketing clause now reads they would be able to picket outside the place of employment. But suppose the management of that particular warehouse firm sought new accommodation, rented a new building, then they would not be able to picket because they would be forced to picket only outside their place of employment which would be the old building. Well, if we make it place of business rather than place of employment, it seems to me we deal rather effectively and fairly with that argument.

As far as the fines are concerned, I noted that the minister pointed out the fines for corporations and employers are $1,000 for each day and the fine for an individual is not exceeding $10,000. Now while the minister attempted to make the point today when he spoke to the workers that there is an important distinction, I question whether or not that is really true. Because the maximum for an individual is $10,000, but the maximum for a company is $1,000. That means that the lockout would have to exist for at least ten days before the maximum for the company would equal the maximum for the individual.

Frankly, Mr. Speaker, I find it a little hard to equate a system of fines which places Imperial Oil on one hand and Joe Blow on the other -- where some of these huge multi-national corporations literally have billions of dollars in assets and to suggest that somehow we are evening things up by applying the standard of fines which places both the worker and the company on the same level.

It is equally true of trade unions. Trade unions are noted for their strength in getting workers to organize together, but they are not noted for having huge sums of money in the bank. Oh, there may be a few exceptions, but most of these exceptions are certainly the exception rather than the rule. To suggest again that the trade union movement should pay exactly the same scale of fines, that an association of workers should pay the same scale of fines as a large corporation, in my view, is really quite unfair. I am ready to admit that perhaps there may be some latitude in the case of smaller companies, but of course, this is something which would be up to the judge in any case.

One very important part of the new act deals with the compulsory arbitration section. I really question, Mr. Speaker, whether or not the government hasn't unwittingly put itself in a conflict of interests position. Let me explain what I mean. Most of the disputes which are going to go to compulsory arbitration will be those disputes which fall in the public sector, disputes between hospital boards and nurses, disputes of key personnel in the public sector.

Now I don't want to rethrash the debate that we have being going through on Bill 48, but the fact of the matter is that the province is now moving into a position of considerably more control over local agencies than before. That being the case, especially with hospital boards, they are going to find themselves in a virtual conflict of interests position. If the hospital board has to settle with the nurses and the thing goes to arbitration, sooner or later the province is going to have to pick up the deficit as a result of that settlement, maybe not this year but down the road we are going to have to pick it up. As a consequence the government is going to be inclined, at least the pressure will be there, to appoint people to arbitration boards who will tend to be, shall I say, rather conservative in their settlements.

Well, Mr. Speaker, I feel that proposition is a very dangerous one and I suspect that the trade union movement in the province will increasingly object to it as they begin to realize that the local levels of government are probably not as free and autonomous tc bargain in good faith on their own as they were in the past, as more and more control seems to be centralized in the hands of the province.

I want to deal for just a moment or two with the rights of the unorganized. The act specifies 44 hours and I noted that when the hon. minister introduced the bill several weeks ago, he underscored this 44 hour provision. He pointed out tonight in his remarks the fact that the Board of Industrial Relations has already issued a board order, and has for some time, that there be a 44 hour week. So again all we are doing is codifying in the act what is already the practice of the Industrial Relations Board.

But I question whether or not we couldn't have gone a little further in this age of automation, why we couldn't in a wealthy province like Alberta have considered a 40 hour week.

Similiarily the suggestion of two weeks pay after a year of service -- it seems to me we could have well considered three, and the termination rights of the employee -- a very important point, Mr. Speaker. But I note in reading The Labour Act, Mr. Speaker, that this particular section gives permissive rather than mandatory power to the board. It seems to me that again if we are looking at the rights of the unorganized, those people who don't have strong unions to protect them, that perhaps we do have to give a little bit of muscle to our board and we do that, it seems to me, by at least making termination rights mandatory.

Mr. Speaker, in general then, the bill should certainly not be examined in the light of being any Magna Carta for labour. It is far from that; it has several important improvements. I commend the government for the improvements and will certainly support them on that particular score. But there are many areas which still reveal a bias toward management which, in my view, is unacceptable, as are the failure to recognize the very important and worthwhile contribution of the trade union movement and even more important a failure to underline the vital necessity of guranteeing the free collective bargaining process.

So I say in closing that it isn't perfect. Perhaps it's a little bit like Winston Churchill's definiton of democracy when he said that democracy was the worst system of government except for every other system of government in the world. I think perhaps the same can be said of free collective bargaining. It's not perfect but when you look at the options, Mr. Speaker, it is clearly the best course available. I hope it will always be something which this Legislature honours.

MR. TAYLOR:

Mr. Speaker, as the member for Drumheller, which is an industrial riding to a very large degree, I would like to say a few words on The Alberta Labour Act, 1973.

To start I would like to say that the hon. minister in having the act indexed and arranged under appropriate sections moved in the right direction. This is incidental to the contents of the bill but I think it is good and saves a tremendous amount of time when anybody wants to check on items in the act.

The basis for what I have to say really goes along with the three points raised by the hon. Member for Spirit River-Fairview that should constitute a good labour act. There is a very important fourth item and that is the sanctity of the individual. I think we sometimes forget how important the individual is. The individual in many cases does require protection that a large corporation does not.

The individuals as members, whether organized or otherwise, have for many years taken the dirty end of the stick economically. The worker is the first one to feel the increase in prices of whatever commodity is raised and he is generally the last one to get a raise. Consequently, the worker finds himself in a very awkward position when it comes to trying to live.

An individual, whether a member of an organized union or otherwise, who is unable to meet the costs of living has to have some avenue whereby he can do something about it. As an individual he hasn't very many avenues. As a member of an organized union he does have an avenue through collective bargaining.

I would like to say, Mr. Speaker, if we even contemplate removing the right of an individual to withdraw his services in order to secure a fair deal in working conditions or remuneration, then we better have something to replace that vacuum. The history of labour throughout the British Empire, and I might say throughout the world where there is any freedom at all, has proven that the right to strike has not been used wrongly too many times. There are always exceptions to a rule, but the right to bargain collectively and to withdraw one's services if he's unable to secure the things he thinks are right, certainly are part and parcel of Canadian life.

This principle is maintained and should be maintained in our labour legislation. The unions are able, by collectively speaking for a number of workmen, to compete against large corporations or large companies. I think we have to differentiate between the very large, powerful corporations when compared to the lowly merchant or an individual farmer or a small partnership.

These are different entities and while some of the principles will still apply they are certainly not nearly as important when we deal with the smaller companies. Nor do we find the difficulties arising generally in the smaller companies where there is a good relationship maintained between the employer and the employee on a day to day basis, where the employer and employee see each other and talk to each other every day. It's a different proposition in a large corporation where a workman may work for a company for several years and never see the head of that corporation; he's just a name.

Here I think is a point where I want to emphasize the importance of the sanctity of the individual. If we don't recognize that point we are certainly going to lose something in labour legislation. I mentioned that the right to withdraw one's services was an important part and parcel of this act and of Canadian life. I emphasize that again, because employees in the vast majority of cases do not want to go on strike, do not want to withdraw their services. They reach that point only when there is no other alternative for them to secure something more with which to meet the requirements of life, the costs of food and clothing, the cost of educating their children, the cost of living in a reasonably modern way in their community.

I speak as the Member for Drumheller and I speak also as someone who came from a labouring family. Were it not for a union the conditions in coal mines would never have improved the way they did. Even so, we went through some serious strikes in coal mines throughout my lifetime and I have seen hunger and felt hunger because of those strikes. No one realizes more than the worker and the worker's family the loss of the wages when a man withdraws his services. There is some very careful thinking in the homes of workers before any man votes to withdraw his services.

Consequently I would like to see the government put into this act principle whereby labour unions that have shown they can act responsibly on behalf of their workmen have the right to conduct the strike vote. I don't think the government would lose anything. I think the government would gain. In this province we have been very, very lucky, if you want to use the work "lucky" in that sense, to have responsible labour leaders, and very able labour leaders. The vast majority of them are in that category. People who have never been on the working end of a collective bargaining agreement don't realize what some of the union leaders have to go through among their own members in deciding the stand they should take in connection with a responsible action on behalf of the community.

I found particularly in the United Mine Workers of America that the union leaders were most emphatic that they always had to take a responsible position in connection with the good and welfare of the entire community, the entire province, the entire country. I suggest that most of our union leaders are in that category.

When we come to some other principles involved in the act, I'd like to deal with a few of them. The first one is in connection with the change in the hours of work. I agree with the reduction from 48 hours to 44 hours, and from the 9 hour day to the 8 hour day. There is provision given to the board to deal with greater or lesser hours. There is another principle with which I completely agree and that is that the board itself cannot authorize an increase or decrease in that number of hours. It must be approved by the Lieutenant Governor in Council. Now I like that part.

A government is elected to govern and I think there is too much indication right across Canada today and in some cases in this province that the authority is given to civil servants to actually govern. That should never be. I'm glad to see in this act that those changes can be made, but only with the approval of the Lieutenant Governor in Council.

I say that is responsible because the general public, whether they are members of trade unions or merchants, have no way to cope or deal with civil servants. They do have a way to deal with government if they disagree with the decision and that is through the ballot. So I think we should emphasize more and more the point that the government must approve these things.

There is another item with which I agree in this modern age. So many times we think that everybody has to go to work at the same hour and leave at the same hour and this consequently wastes the time of many people in traffic congestion, whereas it would probably get just as much, if not more work done by having workmen come and leave at different hours of the day. It takes a little organization but I'm glad to see that we're able to deal with this type of thing. At least the board is, with the approval of the Lieutenant Governor in Council. I would like to see that tried.

It might solve a lot of the traffic problems that are today worrying people in our metropolitan centres to a very large degree, and would cut down some of the costs that are required to meet or to try to solve the congestion, if we solve it by good management of the hours of work, and the time to start and to leave.

The next point I'd like to deal with is the fact that employers can force two or more trade unions to bargain together. In a large corporation the people form themselves into unions based on their interests so that you don't have the conflicting interests of the white collar worker with the machinist with maybe several other different categories in that corporation.

I think it is just as logical for people to form themselves into a union based on their interests in industry as it is for people in the outside world to base their joining of political parties on the principles of those particular political parties. This is part of our life. If we don't agree with the basic principles of a party, then we don't have to join.

I think it is wrong to say to the people in a large corporation that you all have to toe the mark under one organization even though there may be conflicting interests, and particularly to permit the employer to have the authority to say that. That could be used in a very, very wrong way to mistreat employees and would certainly get away from that principle of the sanctity of the individual. Surely the people there should have their choice as to whether or not they want to belong to any particular branch of the union that has been accepted in that particular corporation.

Now we come to another principle and that is the principle of buying jobs. We haven't heard too much about this in the last few years, but I have, and perhaps other ministers in the government today may have cases come to them where there are charges that someone has bought a job with a bottle of whisky or by agreeing to give the foreman so much money every payday. When I was in government I had to run down some of those and once or twice we found them to be true -- that this was being done by a foreman who was capable but not honest -- and you have to deal with them accordingly.

Now the part that I don't like in this particular section is that -- the employer who gets a gift for a job is guilty of an offence and I think that is right. But then we come to the next point where an employee and an employer agree to pay and accept less than a minimum wage, or both agree to break the law of the land. This becomes an offence on the part of each one. I think in some cases this is right but I don't like to see this part. I fully agree that with the employer who is proven to have accepted a bribe in order to give a man a job -- there should be no alternative but that this be an offence. But I have seen through the years a person who was so desperate for work that he was ready to accept any condition of employment that the employer laid down. I don't like to see this section made mandatory, that it is automatically an offence. I know it's an item with which it is difficult to deal, but I would like to see some discretion given there. Where it has been proven that the only way the man could get the job was to agree to these conditions, then the employee should not become part of that. The employer should take the responsibility.

In connection with penalties, again I think that the large corporation and the smaller companies have to be considered as separate entities. The merchant who has five employees certainly shouldn't be considered with a corporation that has five hundred or five thousand. The penalties, in my view, are too high on the individual members of a trade union. A union should have a higher penalty if as a union it defies the law and breaks the law of the land. But an individual member of that union should not be penalized to the extent that it would make it impossible for him to carry on. I think that section needs to be looked at very carefully.

The next principle with which I would like to deal is one that I have argued even when I was in government, and unsuccessfully, and that is this majority of those voting. Governments for a long time have insisted that in labour matters the number voting isn't the total criterion, that it has to be a percentage of the number voting as compared to the number who have the right to vote. If we did that in our democratic elections as MLAs or MPs or city council, we would have chaos. Sometimes governments are elected with less than 50 per cent of the total vote and many times with 60, 75 and 90 per cent of the total vote. I consider that in a matter that is so important to the worker that he doesn't even want to bother voting, he should be counted whether he votes or not, because he is going to take the consequences one way or another -- if he doesn't vote then I don't have much sympathy for his saying that he is not going to be counted in the percentage of the total vote. I really think that it should be a majority of the total number voting. I think this would have a tendency to

have more and more of the people go out and vote one way or the other. But it is hardly fair for the worker who goes out and votes to then lose what he thought was worth fighting for simply because 20 per cent of the workers didn't even bother their heads about it. I frankly think that it should be a majority of those voting and I think that labour is responsible enough to carry out the precincts. Because as I said before, most workers only go on strike as a last resort.

The next principle I'd like to deal with is the principle of freedom of choice again, where a member who is working in a certain plant must become a member of that union. Even though I come from a working family that believed in that concept and called everybody else scabs if they took the benefits and refused to be part of the union -- at one time there was a choice in that connection -- as I say, even though I come from that background, I think there should be some provision made where people who have real convictions against belonging to a union, sometimes religious convictions or convictions which are part of their faith, should not be required to belong to the union. But by the same token, I think they should not get all the benefits that the union secures for its workers without paying the same fees the other people pay.

There are some places where such individuals may carry out their convictions by not becoming a member of the union, but who are required to pay the same fee to a charity of their choice. So they are paying the fee just the same as other union members, they get the benefits of other union members but they are not being asked to abort their own convictions and their own religious faiths. I know the percentage is small but if we believe in the individual rights of people, then whether the group is small or large is immaterial. There is a principle that should be carried out. I don't think many members of our unions would object to that type of thing, if the man didn't join because of his religious convictions but still paid that fee even though the fee went to a charity of his choice.

In connection with the picketing, which I was going to deal with, I believe the minister is going to bring in some amendments so I will not deal with that item at this time but possibly in Committee of the Whole.

I believe those are the major principles with which I wanted to deal. I would like to say, in conclusion, that in view of the apparent strong feeling of labour, of organized labour at least, part of which we saw displayed today in regard to some sections of the act, and in view of the fact that we haven't heard from unorganized labour or industry or merchants who are going to have to live up to this act, I would suggest to the hon. minister that he give some consideration to having a day in which these people could come before the Legislature and make a submission, only on the points with which they disagree.

I know the hon. minister and the Board of Industrial Relations have spent considerable time in going around the province, but what the board hears doesn't help the hon. members of this Legislature very much. We don't know the arguments and it would be impossible for the board to write out all the arguments or even to give them all to its own minister. It can give the major points and the major items. But I think in an act as important as this -- because it is important that we continue to have good labour relations in this province with a minimum of stoppages of work -- the buoyancy of our province requires that and the buoyancy of our country requires that -- I think it would be time well spent if the minister did recommend to the Legislature that the people who wish to do so should have at least one day to come and present briefly their major concerns about that. In that way every hon. member of the Legislature would hear right from the mouths of the people who have to live with this act how they feel about it.

MR. SPEAKER:

Might I just have the attention of the House for a moment to raise a question of privilege on behalf of the owner of the red Chevrolet Vega license CK 14-62 which has its lights on.

MR. KOZIAK:

Mr. Speaker, hopefully for the owner of that vehicle that question of privilege was raised at the earliest opportune moment.

Mr. Speaker, in rising to take part in debate on Bill No. 35, being The Alberta Labour Act, I would first of all like to commend the hon. Minister of Manpower and Labour for having been able to present to this House such a well developed and thought-out document as Bill No. 35.

Today we experienced a demonstration on the steps of the Legislative Buildings and to think, Mr. Speaker, that out of a bill containing 201 sections, only a bare handful of those sections were upsetting to the group that was demonstrating, to my mind a fitting tribute to the minister.

This is extremely important when you consider this is a bill that has to bring together very sharply competing interests: those of the employers, those of the employees and those of the general public, and to be able to bring those sharply competing interests together in a bill of this magnitude and have so few of these in dispute is, to my mind, a real accomplishment.

In dealing with the matter of vote and in connection with both the strike vote, the determination by the members of whether to strike, and also the determination of who to choose as the bargaining agent for a particular group of employees, the amendments to the Act in its present form provide some welcome amendments and these have been adequately dealt with by the two people who spoke prior to me.

Just to reiterate, I too agree with the proposition that it should be a majority of those voting that determine the course of that particular group of people, not a majority of those voting provided they also form a majority of the people who are involved, because as has been said this evening by others, were that the case very few of us would be sitting in this House today and the importance of the work we do, I am sure, governs all the people who vote for us and all of those who did not vote for us on the particular occasion. So I agree that the decision should be made by a majority of those voting and not by a majority of all those who have a right to vote.

However, I disagree with the suggestion that the determination of that vote should be removed, or that the auspices of the government should then be removed from the determination of the vote. The reason I say this is quite important. I think we must not lose sight of the fact that there are three particular distinct groups who are involved in this bill. There are the employers; there are the employees and last but not least, there are the people of the Province of Alberta and they too have a say and they too have a right to be heard in matters which affect them greatly.

We all know that in the recent teachers' strike, in all likelihood it was the students who suffered the most, not the trustees of the particular school district, not necessarily the teachers in the particular bargaining unit but the students who weren't able to go to school.

I presume that the strike called for the Royal Alexandra Hospital will proceed, in which case it won't necessarily be the nurses or the hospital administrators who will suffer, but I would say perhaps that the patients may suffer even more by any proposed strike action. So we must not lose sight of the fact that there are other people who are greatly involved by such action and it is for this reason the government must be there to make sure that such a vote is taken under proper circumstances. I heartily endorse the retention of that provision in this act.

I am pleased with the provision in the act which provides that an employer is not entitled to dismiss or terminate or lay off an employee for the sole reason that garnishment proceedings have been threatened or in fact been taken against the employee.

So often an employee finds himself in financial difficulties and it is through that employment that he hopes to solve those particular difficulties. Any threat of garnishment proceedings would completely destroy that debtor's ability to pull himself out of any financial mess which he finds himself in and the provision which would make it an offence to dismiss an employee under circumstances where garnishment proceedings are threatened is a welcome one.

I also look upon the provisions in section 24 and 25 dealing with the variations in workdays and work weeks with favour. There are a lot of circumstances in which the time honoured 8 hour day and 40 hour week is not necessarily the most efficient method of performing a particular task either for the benefit of the employer or for the benefit of the employee or for the benefit of the society at large. I think we all realize that not only does the employer and not only does society at large benefit, but also the employee usually benefits from any increased production, any increased efficiency which results from changes in work habits or from the addition of perhaps specialized equipment to the employee's working day. So where such changes in workdays result in greater efficiency and greater productivity, we all benefit from that. So I think that we can welcome these provisions.

Of course, we have a precedent for that. I don't think any of us here are used to an 8 hour day or a 40 hour week so we find that we can live with it and we can --

MR. HENDERSON:

It is an unfair labour practice.

MR. CLARK:

He is spellbound.

MR. KOZIAK:

I hear the comment coming from the hon. Leader of the Opposition that we are engaged in an unfair labour practice here. It reminds me of the comment that he had made earlier in the evening, during the course of the debate by the hon. Member for Spirit River-Fairview, when he suggested at the closing of his debate that Bill No. 35 was not the Magna Carta. The loud "agreed" that came from the hon. Leader of the Opposition almost reminded me of King John because it wasn't the barons that were saying that from that source.

[Laughter]

MR. HENDERSON:

He sits on that side.

MR. KOZIAK:

The matter of spin-off has been dealt with in Bill No. 35 and there is no doubt that the practice which developed in certain -- especially I imagine in the construction sphere of companies incorporating new companies in order to destroy collective bargaining agreements -- that practice is not a good practice and we, I am sure, are agreed with the provision in Bill No. 35 which would terminate this type of a practice.

However, I wonder if perhaps -- and when the hon. minister closes the debate perhaps he can allay my fears somewhat -- if the proposed section may not go further than is intended. It is always difficult to be able to translate and transpose ideas into words and into hard letters and language. Sometimes in trying to translate ideas into black and white, onto paper, we may overstep the mark and go further than we had intended. I could see in the reading of Section 150, that particular section might apply not only to the situations which we are trying to eliminate, but also to quite valid existing situations which we have no intentions of changing. Hopefully, Section 150 will not be used in those areas and perhaps even better that section can be amended in some fashion or other to correct any possible misinterpretation of the words, which I think could possibly take place, so as to cover existing proper situations which were never intended to be covered by Section 150.

The provisions in Bill 35 which now make it an offence for an employer to fire an employee -- this is in the case of the union shop and the closed shop -- which would make it an offence for an employer to fire an employee who has been expelled from a union for any reason other than non-payment of dues is a welcome one. Consideration maybe should be given to extending that same principle, not only to the case where an employee was a member of a union but also to the case where an employee has not been given the opportunity to join the union.

I think the distinction is important there, in that you have situations where employees fail to pay their dues. Now I think it's an established principle and fact that all employees who gain from the collective efforts of a union should pay for those collective efforts. If they refuse to pay for them some remedy should be had. But that same remedy should not apply in the instance where an employee would like to contribute but is refused membership in a union for some reason other than his failure to contribute.

In other words, we have a situation of a bona fide employee wishing to join the union, wishing to contribute to the union dues but refused admittance to that union. Presently, his employment with the company would have to be terminated in the case of a closed shop. However, if the same amendments or if the present provisions were extended to cover that situation, that inequity would definitely be solved.

All in all, Mr. Speaker, I would like to close my contribution to the debate on Bill No. 35 by reiterating what I said at the commencement, and that

is that I must commend the hon. minister for having presented an excellent bill to this House.

MR. CLARK:

Mr. Speaker, there are just four or five comments that I would like to make. The minister has already been congratulated by the Member for Edmonton Strathcona who just spoke. But when we are congratulating the minister let me also recall that when the hearings were announced and the first hearings were held in Calgary certainly I had the impression that we would, in fact, have a completely new Labour Act in this province. I'm rather reminded of the comments made by the Alberta Federation of Labour in April, 1973 when they said, "We're greatly disappointed in the fact that we have not been presented with a new Alberta Labour Act. It is, in fact, the same old Alberta Labour Act which has been rearranged and amended." Now perhaps that's a bit of a harsh statement, but just following along from that, there are just two or three comments I would like to make.

The first comment, Mr. Speaker, deals with the Board of Industrial Relations. Looking at the legislation itself you see the responsibility and certainly the tremendous power which the Board of Industrial Relations has in this bill we are discussing for second reading here this evening.

One of the points I can remember the Alberta Federation of Labour making for a number of years has been that the Board of Industrial Relations -- as the old Labour Act was set up and, it seems to me, as this one is set up -- that the Board of Industrial Relations is in many cases a judge and jury both. It is asked to make a number of decisions, very important decisions, dealing with certification and many other areas. But at the same time the personnel from the Board of Industrial Relations become involved in the actual face-to-face negotiations. My comments shouldn't be construed in any way as being a criticism of the personnel of the Board of Industrial Relations. In fact, to be very frank, this province has been very fortunate over a period of many years with the people who have been on the Board of Industrial Relations.

But it seems to me as the province becomes more industrialized we have to look seriously at this question of separating the functions of the Board of Industrial Relations. I note in the act that the government has not opted for this particular approach on this particular occasion. I'm not suggesting this evening that 1973 is the exact time that this should be done.

But as the province does become more industrialized, it seems to me, this is one of the very basic issues that we, as legislators, are going to have to face. That's the question of the role of the Board of Industrial Relations. It being really, shall I say, judge and jury, because on both labour and management sides, I'm sure all members of the Assembly have heard comments about the expanded authority of the Board of Industrial Relations and also the unexercised authority which has been a matter of some concern to those people in organized labour.

If I could follow along from that comment, Mr. Speaker, on the Board of Industrial Relations and deal just a moment with Section 150 -- after looking at this particular section, I consulted one or two people I know who have legal training. I was rather interested in their particular comments with regard to Section 150.

I think when one sees this particular section included in the bill, one assumes that the government has made the decision dealing with spin-off companies. Yet when one looks at the legislation and we see that the board -- "shall" is not used but the word "may" is used -- does not have to declare this particular spin-off portion of the act, if I can use that term.

It seems to me that as members of the Legislature we should seriously consider this question: are we really establishing legislation or are we not really leaving it up to the Board of Industrial Relations, and saying that Section 150 is in the act but the board doesn't have to act, as this section is interpreted to me, even if it is convinced that this spin-off provision prevails here? So it seems to me that what is happening is that the Board of Industrial Relations is going to be left in more than a passing quandary in dealing with Section 150. In fact, the legislation as this is proposed to us is really not going to set out the guiding principles which the board will use in dealing with this particular matter. This may well be a lawyers heyday, that in fact, the law will really be established by rulings made in the courts, and not established by legislation which has been proposed and discussed and passed here in the Legislature.

I'd appreciate very much if the minister in either concluding comments on second reading or when we get into clause by clause study made some comments in this particular area.

The last comment, Mr. Speaker, I'd like to make, deals with this question of termination and also binding arbitration. As far as termination is concerned several members have made favourable comments about Section 38 in the act. That's right and proper. But I just point out to you that this is permissive once again, permissive with the approval of the Lieutenant Governor in Council.

On the question of binding arbitration, let's remember, all of us, when we are considering this legislation what happened in the City of Red Deer within the last year or year and a half on the question of binding arbitration as far as the firemen were concerned. When the thing went to binding arbitration, the board's award was indeed, at least in the eyes of the City of Red Deer, high. The end result is that I believe seven members of the fire department in Red Deer were laid off. It doesn't seem to me that is the kind of result that any member of this Assembly would want resulting from binding arbitration. It would be well for us to keep that particular comment and action in mind when we are dealing with that section on binding arbitration.

To come back to the point that I made first, I think on this occasion when we are dealing with the whole bill -- whether it is just a matter of a year or two down the road, very soon I think this Legislature is going to have to deal with the question of the Board of Industrial Relations itself having the expanded authority it has under this bill and at the same time really performing the functions of judge and jury, if that's a fair comparison.

I know it is a matter of some concern to people in the labour organizations and also to some of the people in managerial positions.

MR. WILSON:

In rising to participate in the debate on Bill No. 35, The Alberta Labour Act, I would just like to remind the minister that the advance activity and publicity which took place led many people to believe that this bill, when it was finally introduced, would have sweeping changes in it. Well, Mr. Speaker, I think we could acknowledge that there is no sweep here. There is no reform in this bill. It's basically a rewording of the existing legislation to make it easier to understand and easier to follow. I'm advised that it is a disappointment both to management and labour and that there is no sweeping reform involved in it. Major changes were expected. The public hearings had briefs presented by very able and learned people and we're wondering what happened to some of the reform ideas that were presented during the public hearings.

After the second reading of this bill, Mr. Speaker, I think it would be advisable for the government to hold it over until fall so there could be an opportunity for meaningful input from all sides. There is no reform in this bill now, so there should be no urgency in implementing it. With the additional time there could be some very meaningful input from the general public and it would then be possible to determine ways and means of introducing reform into The Alberta Labour Act.

Mr. Speaker, a few days ago the minister promised that during the debate on second reading of this bill he would advise what the government's position was on the topic of forbidding employers from collecting a percentage of their employees' gratuities and tips. I don't see anything in the bill pertaining to that and I would remind the minister of that and ask him to comment on it when he is making his closing remarks.

Also, Mr. Speaker, I notice that Congress in the United States is dealing with a special youth wage. I'm wondering if the minister has considered this. The idea is that there would be a wage rate, less than the minimum wage, for youth to help them get jobs and to help fight crime and addiction and things of this nature. I would be interested to know what the government's position is on this topic.

Also, Mr. Speaker, I would like to know if the minister feels there is a danger of limiting competition under his corporate spin-off section. If not, how does he see it being avoided? I would be interested to know what inflationary effect the minister feels this section will have and how he feels the rights of employees to choose their own union can be upheld under this section.

Also, Mr. Speaker, I'm wondering why the appeals the minister received from individuals representing church and human rights groups have not been reflected in this proposed bill. Those points would be of considerable interest to myself as well as to several other people, particularly those who did make representations at the hearings.

Now, Mr. Speaker, I would be interested in knowing the minister's viewpoints on a combination of labour courts with legislation to limit the size of the disputants. I've been advised that there are some distinct possibilities in such an approach. For example, a contractors' association representing 10 to 20 companies with a combined worth of $2 or $3 billion, in a dispute with four or five international unions, hardly totals a dispute. It becomes a war. We don't feel this is in the best interest, say, of a bricklayer in Red Deer or Lethbridge or some other area, for example. We wonder how the minister would regard a labour court with legislation to limit the size of disputants so the small fellow in some of the smaller areas could really have an opportunity for some input, and at least would be able to understand what the disputes were all about.

Now, Mr. Speaker, both labour and management are complaining about the shortage of time for meaningful input into this bill. Now the bill is printed; it is quite a large document to digest. It certainly needs considerable time to implement some real, meaningful reform in this bill. Because it lacks reform now, it seems there is no urgency and it would be advisable, after it receives second reading, to hold this bill over until fall and give all sides an opportunity for some meaningful input.

Further to this, Mr. Speaker, the tri-party rounds of meetings which the government implemented in preparation was a good idea. But there again, because of the rush, confusion developed when there was insufficient time allowed for replies to the departmental proposals and to working papers. I've had people suggest to me that they didn't have adequate opportunity to make their input, to make their suggestions on the various sections of the bill. It seems to me, to give the people who did considerable amount of work, adequate opportunity to have their work and suggestions represented, it would be very beneficial to all Albertans to hold this bill over until the fall for third reading and Committee of the Whole.

[The motion was carried, Bill No. 35 was read a second time.]

MR. HYNDMAN:

Mr. Speaker, I move the House do now rise and adjourn till tomorrow afternoon at 2:30 o'clock.

MR. SPEAKER:

Having heard the motion by the hon. Government House Leader, do you all agree?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The House stands adjourned until tomorrow afternoon at 2:30 o'clock.

[The House rose at 10:25 o'clock.]