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Official Report of
DEBATES OF THE LEGISLATIVE ASSEMBLY
(Hansard)

THURSDAY, JUNE 5, 1975

Morning Sitting

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THURSDAY, JUNE 5, 1975

The House met at 10 a.m.

The House in Committee of Supply; Mr. Dent in the chair.

ESTIMATES: DEPARTMENT OF LABOUR

(continued)

On vote 121: general administration, human rights, research, \$2,548,966.

MR. D.E. SMITH (North Peace River): Mr. Chairman, it's nice to see you're wide awake this morning. It's such a beautiful day.

In this particular vote I notice that there's an allocation for a Deputy Minister of Labour, two Associate Deputy Ministers of Labour (one for labour relations and one for manpower), a special consultant and an ombudsman. Would the Minister explain to the committee the interlocking functions of these people? The point that I am really asking, Mr. Minister, is: when you have a Deputy Minister, two Associate Deputies and a special consultant, what are the duties of the ombudsman in relation to your department and in what particular area does he function?

HON. W.S. KING (Minister of Labour): Mr. Chairman, the duties of the ombudsman are clearly spelled out in the Labour Code. I believe it's section 153, right at the end of the Labour Code; I forget the precise section. The duties of the ombudsman are clearly spelled out there and that provides for an independent ombudsman to deal with matters that arise creating problems between a trade union and members of that trade union or, indeed, matters

within management associations where an individual feels his rights are being abridged in any way by those organizations. It also provides for an investigation and reporting on the activities of any Department of Labour official in relationship to the rights of employees and employers.

The Deputy Ministers' positions are quite clear, I think. The Associate Deputy Minister in charge of industrial relations is the main functionary, the main administrator holding responsibility over the industrial relations officers and the mediation officers pertaining to industrial relations and the many and varied services that we offer in that field. The Associate Deputy in charge of manpower, of course, deals with apprenticeship and vocational training and the whole range of job placement and so on. That's an area which has been developed under the new administration to a great extent. The projections are that it will become an increasingly more important function of the Department of Labour — working with the trade union movement and working with management in an attempt to try to project the kind of skill requirements that may be anticipated in the years ahead and to provide the facilities and the training courses to ensure that there is an availability of the kind of labour pools that are necessary in the province. So the functions are quite different. The Associate Deputies' responsibilities are internal within the Department of Labour.

The special consultant. We have, on occasion, appointed special consultants dealing with the construction industry to deal with specific problem areas related to industrial relations that do not quite fit the normal pattern of provisions provided under the labour code. I think the Member can appreciate that some of those areas are unique and have their own peculiarities and therefore need special study, so we have the ability to make those studies with that position.

MR. SMITH: That position, then, is occupied by one individual. It is a position within the civil service and it's not a matter of consulting fees or using those funds for consultants outside of the civil service. The special consultant is a civil service employee. Is that right?

MR. G.S. WALLACE (Oak Bay): I just want some information on one or two parts of this vote. Under the human rights branch I notice that we have nine human rights officers and the total staff has gone from five to 15. I wonder if this is likely to be a continuing increase annually. Perhaps the Minister could just tell us about that particular item.

The other item that I am interested in is on page L 129, where there is \$150,000 allocated under code 033 for an industry advisory committee. Could we have some details on that?

HON. MR. KING: Mr. Chairman, the increase in the Human Rights officers is incident to a start-up basically of the new human rights procedures in the province. We have a new Human Rights Code, and in order to make that code evenly applicable throughout the province so that all British Columbia residents have access to the protection and to the information flowing from human rights legislation, we have had to engage human rights officers who could occupy regional offices and accordingly ensure that the extension of these protections were felt throughout the province. So I don't anticipate there'll be a continual growth of that kind. It's more or less a start-up provision. Now it may well be that from time to time in various areas that develop problems with respect to human rights, additional help will from time to time be required. But I think basically the structure is pretty well set up and I think fairly adequate.

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The vote of \$150,000 for industry advisory committees pertains to a number of things we've had going. We had an industry advisory committee sitting in the construction industry. It was composed of representatives of management and labour. It was previously chaired by the former Associate Deputy Minister of Labour, Mr. Kinnaird, and they worked in an advisory way with my office to determine problems. As I said, the construction industry particularly throughout Canada is a very problematic one due to a variety of things — the multiplicity of unions involved, the fact that it doesn't fit the industrial mould in terms of continuous employment tenure. This produces jurisdictional disputes and it produces problems at the bargaining table. That committee was charged with the responsibility of advising my office on legislative change that would be directed solely to that industry and would try to come to grips with some of the inherent problems.

Now partly based on the problems they have identified over the years, the subsequent appointment of Mr. Kinnaird as an industrial inquiry commissioner was developed and followed through on. So this occurs from time to time. And we have other industries where there are differentials. They don't quite fit the normal mould of industrial relations, and it is helpful to have people intimately involved in that industry advising me on a day-to-day basis of what the problems are and perhaps what some of the remedies may be.

MR. R.H. McCLELLAND (Langley): I hope I'm on the right vote. The Minister will tell me if I'm not, I guess. I wanted to talk a little bit about the appointment the Minister made of Helen Austin to do the study into the employment opportunities for the handicapped.

First of all, I wonder when an initial report might be made from that study and what the terms of reference have been for the study that Helen Austin is conducting at the present time.

My concern again is, as I mentioned at an earlier time, that we don't fall into the trap of tokenism — appointing a token handicapped to sort of push the problem off into the corner, a token woman in another area to push that problem off in the corner.

Another concern is the duplication of services that may be resulting. I'd like to ask the Minister, Mr. Chairman, how closely he works with the Health Minister (Hon. Mr. Cocke), for instance, in the division of aid to the handicapped, which I understand does an excellent job and perhaps should be expanded rather than creating another bureaucracy or another department which will just do the same job over again.

In the terms of the reference in any studies that are going on for employment of the handicapped, I wonder, Mr. Chairman, if you'd tell me if those terms of reference include a possibility or a probability of not only finding employment but also personal counselling services for both employers and employees. I have found in other areas that it's very important that that counselling take place if the employment is to be a meaningful and long-term relationship for a handicapped person — on both sides of the fence.

I think there's a special problem in Victoria for this kind of counselling because the Canadian Paraplegic Association, as I understand it, doesn't have a full-time counsellor here in Victoria, as compared to the Vancouver area which has some eight counsellors working in this field and doing a very good job.

Again, I'm concerned first of all about the tokenism idea and, secondly, about this duplication of services. I may be wrong but I believe the division of aid to the handicapped already does quote an extensive job-replacement programme and they also do have this counselling service which handicapped people themselves tell me is very important.

Now on a philosophical basis about employing handicapped people, we've got a long way to go, I think. I'd just like to relate the case of one person that I know who had quite an extensive background of, first of all, three years of nursing before she was injured and became handicapped and had to drop out of the nursing school. Then she went on to Simon Fraser University.

She majored in sociology and anthropology, psychology and political science; she's now working on a five-year internship with accreditation in the Canadian Association of Rehabilitation Personnel. She's had experience in psychometrics, testing of the handicapped, counselling and interviewing the handicapped — very extensive experience, a very bright young person. Yet every time she goes to get a job, the first thing they ask her is: can you type? Because that's all they consider the handicapped good for — you can be a clerk, a file-clerk or whatever it is. From that point of view, we do have a long way to go. In my opinion, here is a complete waste of quite a talented person. There are other examples.

I have another example of another young woman who has had experience in public relations, creative writing, designing; she's a medical clerk — medical steno, I guess is the correct term. Yet the same question comes up when she applies for a job, particularly in a government service. Can you file? Do you know how to file cards, and can you type? Can you take shorthand? It's not the kind of work they're looking for; they're looking for something more meaningful and important.

So, Mr. Chairman, if the Minister could just respond to those few questions I'd appreciate it.

HON. MR. KING: Mr. Chairman, I agree with the

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Hon. Member for Langley that one must be careful that you don't become involved just in a degree of tokenism in expressing concern for the plight of the handicapped. I've made similar observations with respect to women in the labour force in this International Women's Year.

AN HON. MEMBER: Hear, hear!

HON. MR. KING: I think there is a danger of engaging in that kind of tokenism just to show good faith. And that's really not a meaningful gesture. What we have to try to do in this society, as far as I am concerned and as far as the Department of Labour is concerned, is to try to assist people in every way we can to realize their full potential, not only in the work force, but as citizens of the community we live in.

I'm confident that with some encouragement and with the breaking down of some of the barriers that have traditionally existed against employment opportunities for handicapped, they can, in fact, in large measure make a real contribution to society, and as a consequence feel a good deal more independent and, perhaps, assist in their psychological adjustment through the feeling that they are making a worthwhile contribution rather than being cast out on an unwanted heap.

So the appointment of Helen Austin was, basically, to get our own house in order. The Member is correct when he says that other departments are engaged in special programmes within their departmental responsibilities. But in my view, the human rights branch should act as a catalyst for ensuring that the total government policy is one of providing adequate opportunity for handicapped, recognizing the special problems and breaking down any barriers that exist. So I see this appointment as a method of determining how effective our liaison is between the various branches, departments of government and the hiring authorities for government, which is the Public Service Commission.

They are actively engaged in scrutinizing their own procedures, too. But if we are to make an impact on the private sector in appealing to them to provide opportunity for the handicapped, then it's incumbent upon government to make sure that our own house is in order. And who better to tell us than an actually handicapped person? I think the appointment of Helen Austin will assist all of the departments greatly in identifying any problem areas and coming up with a comprehensive policy for government that makes sure that our hands are clean before we start to aggressively persuade the private sector to adopt similar policies.

I would agree that there is good counselling service available in some areas in Vancouver. There's also a good counselling service available through the Workers' Compensation Act from where many of the handicapped workers emanate...

AN HON MEMBER: Not all of them.

HON. MR. KING: ...through industrial accidents. Certainly not all of them, but a large group. But the counselling is hardly adequate unless they are met in their job applications with a reasonable and understanding response from industry.

Accordingly, that's why we're taking a two-pronged approach to this thing: first of all to make sure that our own procedures are proper, that they're well co-ordinated, and that there is liaison between the various departments and precisely how we handle and provide opportunities. Then we can move out into the private sector and try to persuade industry that there are social gains to be made as well as real gains, because many of the handicapped people are capable of producing as well or better than those who are not handicapped. Many handicapped, given the opportunity, are that much more zealous about proving themselves in terms of productivity that they do a more productive job than those who are not handicapped. This is what it's all about.

I believe the appointment was for a one-year term, and we should be receiving a report within that time.

MR. WALLACE: On that same point, I wonder if the Minister could perhaps give us a few more details about what he is trying to do to help the blind. I know he has been in communication with the association of the concerned handicapped of B.C. I have a copy of a letter here from Mr. Frank Hunter, who had written to the Minister. I notice that the Minister did state that he was concerned about the total power of the CNIB over the employment of blind people. In reading the legislation I really wonder how that ever came about. Anyway, like a lot of other things, it's done with the best intentions at the time, but certainly from the correspondence that one gets from the concerned handicapped of British Columbia it is obvious that they want to be treated like anyone else. I couldn't agree more with that.

The government should show consideration, as it has done. Mr. Hunter tells me here in this letter that an excellent example of renewed consideration of the blind was that the Workers' Compensation Board printed the result of their inquiry in braille. This is obviously a big step forward. He also mentions that the Acts and regulations have been read onto tape. But he points out something that we with our sight tend to forget when we have our sight, in studying documents we can drop our eyes and go back over the page and so on, but it is a great deal more difficult for the blind to deal with the suggested alternative here.

I wonder to what degree the Minister could tell us

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about his plans for the blind without perhaps anticipating the details of legislation. Could he give us some idea of whether they will simply come under the Department of Labour in the same way as any other person or handicapped person? Could he tell us what new direction he plans to take in regard to the blind?

HON. MR. KING: Mr. Chairman, the Members can anticipate legislative change with respect to the Blind Workmen's Compensation Act. I agree with the Member for Oak Bay (Mr. Wallace) that undoubtedly at the outset, when the CNIB was given statutory authority virtually over the lives of blind people, the intentions and motives were pure. I suppose we have moved to a more enlightened kind of society where individuals want to express and function under their own personal freedoms which should include the right to choose a job that they feel they are capable of doing — a job that would be acceptable to both them and the prospective employer. It seems altogether inappropriate that in our kind of society today an organization, albeit charitable and well-intentioned, should have the control and the power to dictate to a blind individual whether or not they have a right to work for a particular employer.

You can expect an amendment that will simply remove that power. I think that will probably be contained in the Statute Law Amendment Act, since it is a simple amendment. That would mean that those individuals would be free, subject to voluntary relationships with the CNIB for whatever services they wish to offer, subject to any counselling and rehabilitative services that are available through the Workers' Compensation Board, if industry is the source of the inquiry, and whatever other government services are available to blind people. The main thing, though, is with respect to their choice and their ability to obtain employment. That should, and will, be freed up.

MR. WALLACE: Just a small point following that. One of the other points that Mr. Hunter raised was the question of minimum wage for the blind. I suppose that raises a concept of sheltered workshops. The Minister and I have talked about this privately and I see the dilemma that it may not be feasible to pay the minimum wage to those persons who cannot perhaps carry out a certain number of hours or efficiency of output. I don't know. But I wonder if the Minister could comment on whether progress is being made in this regard and whether he thinks there is a possibility that every person — handicapped, blind, or otherwise — should be able to receive the minimum wage.

HON. MR. KING: As the Member is probably aware, the Board of Industrial Relations is currently holding hearings with respect to minimum wages. The board holds the authority to make adjustments to the minimum wages and to issue regulations governing certain classifications of workers under the minimum wage law.

Myself, I am inclined to agree that perhaps the previous system with respect not only to handicapped groups

but certain classifications of workers has not been too altogether realistic.

The Member will also be aware that all of the labour standards laws are under review. The department is in the process of developing a new labour standards code for British Columbia which will hopefully incorporate all the varied and diverse musty old statutes pertaining to workers' protection such as the Truck Act, Deceived Workers' Act, Minimum Wage Act, Hours of Work Act, Annual Holidays Act and so on. I believe there are about 16 different statutes — somewhere in that neighbourhood, anyway. It's very difficult for workers and for industry to understand and be conversant with all these varied statutes so that they know what their rights and obligations are. It seems appropriate to combine them into one statute which will be more clearly understood and which will update many of those standards of protection that are available.

I would expect that such a statute will be introduced, hopefully, and dealt with in the House at the fall session. There is a possibility that it might be available for introduction at this session, in which event it would provide the opportunity for people to scrutinize and study it and make their observations regarding the need for amendments and so on. But inherent in that is a hard look at the traditional functions of the Board of Industrial Relations, the structure of it, and the manner in which they have provided exemptions to certain classifications of workers. At that time I think it would be completely appropriate to look at the sheltered workshop concepts that have been dealt with in a rather blanket way rather than in individual terms.

MR. WALLACE: Mr. Chairman, I was going to mention this in the next vote but since the Minister has brought it up it might save time to touch on this whole question of the hearings that are being held by the industrial relations board. I notice as recently as yesterday in *The Vancouver Sun* there is quite an article reporting some of the suggestions made by groups who appeared before the industrial relations board dealing particularly with the minimum wage concept, and in particular the fact that everybody has to train for a job nowadays and the question of paying people under 18 less than you pay people over 18.

This has been raised several times, not just in this article. This is from *The Vancouver Sun* of Wednesday, June 4, but I have seen it mentioned

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several times and I notice that one gentleman here, John Philpott, the vice-chairman of the Lower Mainland Council for Canadian Unions said that this is known as "McDonald's law." Here we are not referring to the Energy Minister Macdonald or the Attorney-General Macdonald but we are referring to the Golden Arches which the Premier often refers to. Apparently McDonald's specializes in using people under 18. Certainly in the United States this is mentioned. I am not sure if I am being unfair in implying that it's also done to a great extent here in British Columbia, but certainly in the United States the same principle applies.

I wonder about two things. I wonder if the Minister has made any decision, or if, without anticipating policy, he can tell us if we are going to decide that when somebody works they work — and if it's \$2.50 an hour it's \$2.50 an hour. Secondly, I would like to know whether these hearings are still being held at the present time. I think this combined statute that the Minister refers to is a great idea. I don't know how often that one finds there's bits and pieces of the same subject through many different statutes. How would he be able to anticipate legislation maybe being introduced at this session when the hearings are still in process?

MR. CHAIRMAN: Just before the Hon. Minister answers, since we are into labour standards, perhaps we could just pass the previous vote and then we'll deal with this one.

There is someone else who wants to speak on vote 121 — the Hon. Member for Langley.

MR. McCLELLAND: Mr. Chairman, I would just like to ask the Minister whether the ombudsman's office is available to serve in workers' compensation cases.

HON. MR. KING: No, Mr. Chairman, the office of the ombudsman and the regulations and statutory authority under which he would function would not include the Workers' Compensation Board; it would cover the

whole range of services of the Department of Labour.

MR. McCLELLAND: Mr. Chairman, can I talk about workers' compensation for a second under this vote in relation to the need for an ombudsman in that area? I wonder if the Minister could advise what's happening with the request from the Disability Rights Association of British Columbia. I know the Minister has met with their representatives along with Hon. Mr. Levi, Minister of Human Resources. This is an association that seems to have a place to fill in British Columbia today. It seems to be fairly successful and seems to be the last resort for a lot of people. I don't know whether every MLA is the same as I am, but I find that the most frustrating part of this job is dealing with complaints having to do with workers' compensation cases. There comes a time, in some cases, when an MLA simply has to throw up his hands and say that he's sorry, there's nothing else that can be done, and because it's of such a personal nature, and sometimes over such a long term, a person who comes to an MLA for help in that area simply cannot accept that last resort opinion by the MLA.

So the Disability Rights Association has set itself up as an area in which people with malingering problems, difficult problems, frustrating problems, can find someplace to go at least, and in many cases get some help. I know that in some cases which have seemed to be hopeless and have lasted for 8, 10, 12 years, there has been a ray of light somewhere and workers' compensation has reversed decisions and has varied payments, even over that long a time, So persistence does pay off.

The problem, as I understand it now, Mr. Chairman, is that this organization, whose funds are coming from thy Human Resources department, are now told that they can only be funded over a month-to-month basis. For an organization such as this which is doing investigations it sometimes takes three months, six months to complete. That's a pretty difficult condition under which they have to operate.

There were 53 claims received by the office in Victoria of the Disability Rights Association from April 14 to May 23. That's a pretty significant number of people looking for some kind of help. Now I'm not saying that they can help all those people, but I do know that they try and that in some cases they have been successful in overturning judgments of the Workers' Compensation Board. A number of unions now use them to direct injured workers looking for help.

So it would seem to me that there is quite a bit of merit in this organization's aims and objectives and in the results they've achieved, and I wonder whether the Minister would.... Well, I'd make a plea to the Minister, if he agrees that this is a necessary function, given today's climate, and since we don't have a formal ombudsman to look into workers' compensation cases, to look into a more permanent funding solution for this organization.

HON. MR. KING: Well, Mr. Chairman, I'm glad the Member raised the matter of problems of appeals for claimants under the Workers' Compensation Act.

At the outset I'd like to say to the House, Mr. Chairman, that in my view British Columbia is extremely fortunate in having the most capable and the most humanistic chairman of the Workers' Compensation Board of anyone in Canada. I certainly have the highest respect for Terry Ison, the chairman of the board, and I think he's done an

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absolutely...he, along with the other commissioners...

AN HON. MEMBER: No complaints about the board.

HON. MR. KING: ...have done a fantastic job in humanizing not only the method in which workers' compensation cases are handled. The attitude, the counselling, the advice that flows to workers making claims — certainly the quality has improved immensely. As a consequence, I think every Member of this House would acknowledge that there's been a very, very dramatic reduction in the number of cases that used to be drawn to the attention of MLAs. That used to be a very, very significant portion of the workload of most Members of this House, and there has been a dramatic reduction in the number of cases coming to us.

Now many of the ones that are still around are cases that date back many, many years. The board is still dealing with some of them and resolving some of the apparent injustices that have been visited upon those claimants.

But I want to tell you, Mr. Chairman, about some of the changes that have been made to ensure that claimants have access to adequate appeal systems, have access to advice on how to proceed and progress their claims and so on.

We have a workers' compensation consultant, Mr. Paul Devine, who is a lawyer and specializes in workers' compensation law. He is there to assist workers, not only as to whether or not they have a valid appeal but, if they have, on how they should proceed with that appeal. He has access to records of the Workers' Compensation Board in a confidential way; consequently he's in a unique position to help claimants.

We also have a consultant available for management. That's a fairly recent appointment — Mr. Ed Zurwick, a former officer of the board. He's there to ensure that management has the proper advise in terms of the position they take on claims, too.

In addition to that we have established boards of review which deal with points of law or questions of proper interpretation. There are three such panels sitting and they are an agency which is now available — it wasn't in the past — for workers to appeal to when they feel that in interpreting the law the board has been too rigid, or perhaps has interpreted and applied it improperly. They are there to consider unique problems or new evidence that might be brought to bear that relates to a case that has been turned down. Then, of course, there are under section 55 of the Act, medical review panels which provide for an analysis by three specialists of questions of medical disputes; and that's final and binding on the worker should he choose to take that route.

Now there's a problem with workers' compensation. There are those people who are injured on the job who for one reason or another believe that the job created the injury, but the medical facts, the medical investigations show that indeed the accident, whether someone bent over and their back went out of place or whether it was a slipped hip or disc or whatever...the best medical advice from available evidence indicates that the accident was really attributable to some pre-existing condition. You and I can argue and debate that forever, but it is really a medical determination.

I think the Member for Vancouver–Point Grey (Mr. Gardom) and the Leader of the Opposition (Mr. Bennett) probably know all about back injuries. But under those circumstances it is very difficult. Some people will always fall just outside of the permissible coverage under the Workers' Compensation Act. It is difficult to persuade them that they have received a full measure of justice. Some people in those situations continue to appeal to the board, to doctors, to trade unions, to other agencies and to the politicians with respect to changing the decision.

MR. McCLELLAND: Yes, but sometimes they are successful, too.

HON. MR. KING: At times, I agree. The current board has, indeed, reviewed many, many, many old cases, and they are still doing so. The board is always in a position to review, as well as the other panels which, as I have indicated, have been set up. But there has to be a finality to every claim and every dispute.

Frankly, I have some grave misgivings and reservations about this whole system in terms of the kind of time and resources that are expended in determining who is responsible for the worker's problem rather than what the problem is and how he can be best helped. That is something that, perhaps, this Legislature will have to consider in years ahead.

The group which the Member brings up specifically has met with me. They claim to have resolved a number of cases, and undoubtedly they have resolved some, or at least assisted in resolving some by bringing their new evidence to the attention of the board and so on.

Earlier on, the Member expressed concern about duplication with respect to human rights. I presume that he is concerned with duplication in any area. I have to consider the agencies and vehicles we have established through law for redress of workers' problems within the Workers' Compensation Act.

I would also mention that, in my view, it is the responsibility of Members of this Legislature to assist their constituents with problems pertaining to government or Crown agencies. I think it always will

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be, and that it is proper. I would again say that, with respect to the present board, I think most Members find an encouraging, sympathetic and helpful audience when they do refer matters to the board, or seek its advice and guidance on claims.

All in all, I think we have a pretty good service. I would be somewhat concerned about funding outside agencies to perform essentially the same functions that we have gone to quite an extreme to provide within the structure of the laws to ensure that workers, and industry too, receive a full measure of justice. That is something we have to consider.

On the question of the disability rights group — they have been funded by the Human Resources department. That may be appropriate. That is a decision that the Minister will be considering. There are other factors involved here. Apparently, branches of that association in other areas of the province do not altogether share enthusiasm for the job that the Victoria group is doing. I've had such indications, so one has to be very, very careful. But I think it would be inappropriate for the Minister who is legislatively responsible for the Workers' Compensation Board to fund and encourage some outside agency to monitor the structure that I am responsible for.

MR. CHAIRMAN: I would ask the Hon. Members, as they proceed in debate, if they could tie their debate onto some peg somewhere in this vote.

MR. McCLELLAND: I'm talking about an ombudsman, Mr., Chairman...

MR. CHAIRMAN: That's fine. Would the Hon. Member carry on?

MR. McCLELLAND: ...and the need, perhaps, for an ombudsman. Maybe that's not the approach to take. Maybe it should be overall rather than in your department. Maybe we can talk about it under the Member's bill today.

I don't think that it is entirely inappropriate for the Minister to want to see, perhaps in difficult cases, an outside, divorced, agency or person or some area of responsibility.

I must say, too, that I find the Workers' Compensation Board excellent to work with. I'm very happy with the assistance I get from them. I'm very happy, in most cases, with the decisions that are finally rendered.

But I still say that there are occasions where the medical review panel can be proven wrong. While a dispute between a private doctor and a compensation doctor may resolve itself in favour of the compensation doctor, it might be proven at a later date that the private doctor was correct. That is the job where I see an ombudsman serving in this area.

The Human Resources department is probably the best place to fund an organization like this. Certainly, it would have to be done in consultation with the Labour Minister; it couldn't be done any other way. The decision to fund this organization has already been made. It is being funded.

I'm just saying, Mr. Chairman, that it's impossible to operate any kind of any agency like this on a month-to-month basis without knowing whether you're going to be in operation next month. The association now says to people who are contacting them and asking for help, that they are sorry, they can't take it because they don't know whether they will be in business next month. That's the difficulty: either fund them, or don't, I guess. But the decision has already been made to fund. Why not do it on a more practical basis?

HON. L.T. NIMSICK (Minister of Mines and Petroleum Resources): Mr. Chairman, I'd like to say a few words on this question, and I'd like to bring full support to the Minister for his statement.

During my time in this House, prior to the present government, I was inundated with compensation claims. Those of you who were in the House at the time will remember some of the fights I had to put up to get some of the amendments that have been brought to fruition in the Act. We had some great times in the House over the Workmen's Compensation Act. I had a continual, running job of looking after those compensation cases, riot only in my own riding, but every riding in the province was sending me letters asking me to help them because in my own riding I was recognized as Mr. Compensation. That's what they used to call me.

HON. A.B. MACDONALD (Attorney-General): We should make you the ombudsman.

HON. MR. NIMSICK: Well, I was the ombudsman in those cases, and I think an MLA is an ombudsman.

AN HON. MEMBER: Well, of course he is.

HON. MR. NIMSICK: He is an ombudsman.

AN HON. MEMBER: All 55 of us.

HON. MR. NIMSICK: But since this government has taken office I don't....

Interjection.

HON. MR. NIMSICK: I know that the Hon. Minister has done a lot in changing the Workers' Compensation Act, but I'd never have thought for one minute that he would change it to the extent that in the last two and a half years I haven't had five cases, I believe, brought to my attention on workers'

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compensation. I think that is a great record.

Interjections.

HON. MR. NIMSICK: Well, you don't know me like I know me. (Laughter.)

So that's the case. I'm sure that they would be writing to me just as much today as they were at that time. There's one thing about my riding: it's been well serviced for the last 26 years and I am very pleased and very proud....

MR. J.R. CHABOT (Columbia River): They want to get rid of you.

HON. MR. NIMSICK: I don't think they'd ever want to get rid of me.

MR. CHABOT: They do!

HON. MR. NIMSICK: Maybe age is the only thing that might get rid of me.

Interjections.

MR. CHAIRMAN: Order, please. The Hon. Minister has the floor.

HON. MR. NIMSICK: But anyway, I think that the Minister has done a marvelous job in regard to Workers' Compensation. I think the whole board is more humanistic than it was before and if it continues the way it is, I see no reason why we should have a separate group of people looking after it.

MR. WALLACE: Mr. Chairman, on this subject of an ombudsman or the equivalent, or some kind of court of last resort, I first of all want to say how much I agree with the Minister's comments about the progress that's been made in the last few years. I couldn't agree more. I have the greatest respect and admiration for Mr. Ison who has

certainly dealt with some of my cases in the most fair and most productive manner that was possible.

There is one area I want to question. Unfortunately, I have to be critical of some of my own professional colleagues on this point, but I'm anything but happy with the medical review panel. Without going through a whole long harangue about the problem, they're not working as well as they should and I'm not sure that I know the reason. Too often the patient who goes before the medical review panel, first of all, has to prove that there is a medical dispute, that there's some differing opinion somewhere along the line as to the medical situation. And as the Minister so aptly pointed out, the decision of the medical review panel is final and binding, so the patient is in a real dilemma. He or she is not happy with the physical condition that is the problem; there is a medical dispute. In medical disputes, like legal disputes and a lot of other disputes, you can provide experts till they are overflowing and you still may not get agreement.

So I think, with the greatest of respect, that the medical profession and the members of the medical profession who constitute these review panels either don't recognize the tremendous authority they have and the power to influence the patient's life for the next 20 years, or they just don't have the time to do the job. Too often patients have come back to me and said: "Well, if that's the medical review panel, I was in there about 10 minutes. The doctor asked me one or two questions and did a little bit of an examination and I was out the door." And this is an assessment of a person's condition which usually has developed over a period of time. Often there's been a long period of disability, out of work because of the injury or illness, and this medical review panel assessment is very important and far-reaching. Sometimes the person's whole life is bound up in the degree to which the medical review panel reaches the decision it does.

So I'm suggesting one of two things. First of all, we either have to perhaps look into the whole question of the constitution of these panels — who should be the best medical people to serve on these panels. Or, secondly, should the first medical review panel be final and binding?

Again, I don't want to take up a lot of time of the House, but the Minister knows of the case I'm thinking of, and, like the Minister of Mines (Hon. Mr. Nimsick), I've been on this case all the years I've been in this House. It's the case of a man who worked in the closest of contact with asbestos, lagging the pipes in the hull of naval vessels when, again without going through all the details, the conditions were shocking. The protection was practically nil. Every rule in the book was broken. The federal government even admits that now, and he was working in the federal dockyard; but that's beside the point.

After a long battle this man — and again I have to thank Mr. Ison for his devoted attention to this case — has finally got a 50 per cent disability pension, years after. Oh, I don't know, we're talking about 1950, I think, or 1948 that he went to work in the dockyard.

The point is that this man has been penalized all along because a medical review panel, in my opinion, wrongly stated at that first examination that there was a pre-existing condition. Two words have fouled up this man's attempt to get justice under his own condition, and there's been medical evidence produced by about five different, independent, unrelated medical people with nothing to do with compensation, saying that there was no evidence

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whatever of a pre-existing condition. But one of three men on a medical review panel made up his mind that there was, and this patient's been fighting the battle ever since.

Now I know that one swallow doesn't make a summer, but this isn't the first case or the last, I'm sure, and I just wonder on this whole question of medical review panels.... I know the Minister has already looked at this and he's made some changes in approach. But I still feel, from the very obstinate example in this man's case — obstinate in my view because the medical evidence presented on paper by the medical review panel was completely at odds with this man's A-1 discharge medical condition from the navy.... He started working in the dockyard two days after his discharge from the navy with a complete first-class certificate of health. I think he'd had about two days sickness while he was in the navy. How anyone could look at the record and say that he started in the dockyard with a pre-existing condition I'll never know. But once that goes in the record as the opinion of a medical review panel, that

patient, unless he has the kind of guts that this man has and the obstinacy that this man has.... He finally, because of his lung condition, had to give up working. He simply couldn't work.

All I'm saying is that I realize, as the Minister pointed out, that somewhere along the line there has to be a point of finality and decision. But I wonder if there isn't the danger that either we need to change the ground rules on medical review panels, or have some kind of ombudsman person who can intervene or who can delay the point of finality if there is any reasonable doubt. The other point I've made many times in this House is that I feel that in this kind of situation very often the workman should be given the benefit of the doubt.

The Minister has mentioned the cost and expense of all these lengthy proceedings and delays and so on. I sometimes think it wouldn't be any more costly to give the person the 20 or 30 per cent disability pension or whatever, particularly in the light of the fact that if the man doesn't get the pension and if he just cannot work, he's going to be receiving government assistance of some kind or another through one agency or another, just like the man the Minister of Mines and I talked about the other day. Okay, he's got lung problems, he can't work in the mines; let's try and find other ways to get him some kind of work. Otherwise he'll finish up on welfare, and the same can happen with the kind of patient I'm talking about. I feel very strongly about this, and I wonder if the Minister has looked again at the medical review panel situation and can tell us what his thoughts are.

HON. MR. KING: Well, Mr. Chairman, I'm inclined to agree with the Member for Oak Bay to some extent at least that medical review panels have not always been a very appropriate way of making final settlement, final adjudication of medical disputes, but I don't really know where else we turn.

There has been quite a turnover of the specialists involved in medical review panels. There has been a real turnover of personnel, not only with respect to those who appear on medical review panels but internally within the board. Of course, he'll appreciate that when there is a medical review panel the claimant selects one specialist, the employer one and the board one, so that's not controllable to that extent.

I can only reiterate my general concern that we spend a great deal of time assessing the cause of the accident — more than the degree of impairment, more than the implications of how the man's life is affected, what the restrictions on his earning capacity are, psychosomatic consequences, general social consequences, and it just seems to me that we have to rethink the whole approach and the whole structure of workers' compensation law. I am speaking in a general way because, frankly, it matters little to me whether a man falls in the bathtub, is injured on the job, in an automobile or is the victim of a violent crime, but society must be concerned with the extent to which that person's earning capacity is curtailed and with the consequences that flow to his family. We must deal with and provide for the dependents and we must provide for the impaired earning capacity of that individual. It strikes me as wasteful and misdirected for us to go to all of these extremes in determining: Is it attributable to the job — an accident that occurred on the job? Is it attributable to a pre-existing condition? Was it at home? Was it in the automobile? In the meantime, many workers are falling in between. They cannot, in some cases, receive the benefits of private insurance while a full adjudication is being made under the workers' compensation law. That can take an interminable time, and in the meantime the worker and his family are suffering.

This is the conceptual approach of all workers' compensation law, as I know it, pretty well throughout the world. I'm certainly asking questions as to whether or not this is the most appropriate philosophy to pursue. But if we are going to come to grips with that problem, it's a major undertaking. As I indicated before, perhaps that's something this Legislature should be looking at in time to come.

In the meantime, we are stuck with not only the current procedure and the current law which requires that procedure, but we are also stuck with the anomaly to some degree of long-time claims — claims dating back many years. No matter how much we liberalize the current law, it's impossible to retroactively dispense justice to every claimant who feels that he was aggrieved 20 or 25 years ago. The

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Member for Oak Bay (Mr. Wallace) is dealing with one of those cases. It becomes increasingly difficult to obtain realistic evidence in those cases and it's extremely difficult to understand the basis on which judgments were made at

that time. Then there is the question of trying to legislate in a retroactive way. The adjudications that may be dealt with more flexibly today due to amendments are fine, but we can hardly extend that same kind of adjudication to a judgment that was made 10 or 15 years ago.

So we have a legacy, to some extent, of problem areas and many of them the board has been able to deal with through what I can only suggest is a more humane approach and a more humanistic understanding of people's problems. But I am confident that in today's circumstances the administration is functioning much better and I think there's a more sympathetic and reasonable adjudication in terms of medical reviews also. So until we are prepared to come to grips in a major way with the Act and the whole philosophy on which it's founded, we have to live with some of the problems that are in it. I am not particularly happy by that at all but that's the way it is.

The other question that the Member brought up — I'd like to respond to it now before I forget completely, and I don't want him to go through his speech again — was with respect to labour standards. I think it was the board hearings. The Board of Industrial Relations has concluded its public hearings but it is always prepared to receive submissions from anyone who is interested in making representation to it with respect to proposed changes in the minimum wage law.

I was interested in the Member's comments regarding the distinction between 18-year-olds and those over 18 in the minimum wage differential. I am not persuaded either way. The rationale for introducing the differential was that young people may find difficulty in obtaining employment if they were paid at the same wage level as adults. How does a young person break into the work force and receive the training necessary if the employer is obliged to pay them the full rate? Why wouldn't he, under those circumstances, hire an experienced adult? That could work to the detriment of young people trying to break into the work force and obtain training. Weighted against that, of course, is the kind of case that the Member for Oak Bay (Mr. Wallace) outlined where some employers take advantage of young people and just keep turning them over to ensure that they are receiving the lowest minimum wage.

I've had complaints from both points of view, and it is debatable. I have no real strong feelings on it but I can't really find any major body of support for either proposition. I suspect that if we rationalize and adjust it to one level then I would start receiving complaints from young people that they couldn't get a job. It is difficult to make a decision on but that is the dilemma.

Vote 121 approved.

On vote 122: labour standards, mediation, arbitration, \$1,869,168.

MR. G.B. GARDOM (Vancouver–Point Grey): I've been looking forward for quite some time to hearing not only from this government but from some government in the country that will have the gumption...you notice, Mr. Chairman, that I haven't used the words "lack of vertebrae" or "lack of strength in the knees" so I won't risk the very hastily pronounced penalty of being named or banished from the precincts or fined a day's pay for which we now have a very strange and peculiar precedent in this Parliament.

MR. CHAIRMAN: Order, please. I think that the Hon. Member is reflecting on a decision of the House. I would ask him to confine his remarks to the vote.

MR. GARDOM: If one would reflect on that decision one would have to reflect upon it badly.

MR. CHAIRMAN: The Hon. Member should reflect accurately if he is going to reflect on it.

MR. GARDOM: I would have hoped, Mr. Chairman, that we would have heard from a government, and particularly this government, that it would have the fortitude and perhaps the intelligence and the gumption to recognize its true governmental responsibility to say to the general public that if, as a matter of right, taxes have got to be paid for providing the public services, those public services will be provided, specifically in the areas of health safety, transportation and communication, perhaps especially in view of this government's intervention more and more into the private sector as well as into the field of finance.

Before 1967, with the election of the Pearson government in Ottawa, the postal workers were given the right, as it's called by some people — it's called a privilege by myself — to strike. We have found that that has not assisted labour peace in that area. We have found that it has not provided better postal services or post offices but indeed far worse service.

Strikes in the public sector are essentially granting to individuals who choose to take that course the right to determine or set taxes. Those people are not voted into office and I don't think they should have a right that is in essence the right to determine or set taxes by virtue of them taking those work stoppage positions. I think that is a precept that is not correct. I think it is contrary to the historic concepts of

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democratic government.

I think it should be a term of employment by statute that those people who wish to be employed in the public service should be prepared to abandon the privilege of striking and substitute that with binding arbitration.

I would read to the Hon. Minister a section of the Public Schools Act of this province that I am sure he must be familiar with — section 138(7):

"Where the conciliator is unable to bring about the making of a new agreement or the modification of the existing agreement he may at any time and shall, if a new agreement is not made or the existing agreement is not modified on or before the 14th day of November next ensuing after his appointment, by written notice advise the parties and the department that the matter shall be referred to a salary arbitration board under section 139 and notice shall be deemed to be submission of the matter to arbitration."

Mr. Chairman, that has proven to be a workable procedure and a publicly acceptable procedure. It is one that meets with the wishes of those who are employed — the teachers; it is one that meets with the wishes of the employers — the trustees; it is one that meets with the wishes of the people who pay the bills — the taxpayers. Education has obviously been determined as essential service. Mr. Chairman, the very fabric of our society in this decade is being fragmented daily, weekly and monthly by public sector strikes.

As I said before, for society to exist it must function. For society to function it must have its public services operating, without question, in those areas which are essential for the well-being, the health, the safety and the commercial life of all of our people. Governments are not providing leadership but are abdicating their responsibility by not recognizing that which I'd advocate as a contemporary fact as well as, I'd say, a conventional wisdom.

Car insurance is compulsory by law in this province. By law the public have to pay for it. But by the laws enacted by this government the public today are not receiving the full service to which they are entitled.

There are a couple of interesting articles. "Money Is Not Sole Issue: ICBC Strikers," says the headline. This is referring to Mr. Fred Trotter of the Office and Technical Employees Union, a report, I believe, in the *Vancouver Province*: "Trotter said the union wants issues involving job security, posting of job opportunities and the setting of salaries paid to new workers resolved." "Money is not the sole issue," said the headline. "It also wants assurance that if part of the auto insurance industry is returned to the private sector, workers will not be displaced." Well, I guess they're forecasting a change of government and they're probably correct in that forecast.

But, Mr. Chairman, were these people dragooned into employment with the Insurance Corp. of British Columbia? If a facility is not required, do these people feel that they should have perpetual job security? Is that the concept of government? Is that the responsibility of government? Is that what a taxpayer is supposed to be voting his tax dollars for? I'd say no.

The *Vancouver Province* in an editorial stated it this way:

"At the heart of the matter is the question of whether ICBC is really an essential service in which a strike can be permitted or be allowed to continue for long. Automobile insurance is compulsory. There is no other supplier in B.C. and the automobile

insurance Act of 1973 clearly states that 'if an applicant for insurance is eligible and pays his premium, he shall be provided with a motor vehicle liability policy.' "

The editorial goes on:

"The government has a range of unenviable choices, but it must make its choice with speed. Stopgap measures will merely invite chaos."

And what to this extent has been done to try to cure that situation, and what could have been done? What could have been done, Mr. Chairman, when that bill came in and what should be done today when the bill of the Premier comes in for his trust company: we should have it stipulated within those Acts, as we find within the Public Schools Act, that the employees of those Crown corporations subject themselves to binding arbitration. It's just that simple.

The *Sun*, in its editorial on May 26, said this: "ICBC's strike is a legal strike." All right. The government's permissiveness has made it so, and how true that is. "But, no less than the ferry walkout, it involves workers in a Crown corporation vital to the million or so car owners in this province, if not to the secure and orderly conduct of the province itself." Those are very strong words and those are very correct words. I'd like to repeat them: "... if not to the secure and orderly conduct of the province itself." Isn't that supposed to be the job of government, to ensure that there is orderly conduct of the province and continuing conduct of the province?

"Asking whether ICBC is an essential service is a rhetorical question. The New Democratic government answered that when it deemed automobile insurance essential enough to take over as a state enterprise. Auto insurance is compulsory and Autoplan is the only show in town.

"The government has the usual option. It can starve out the strikers if the chaos resulting

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from motorists driving in an insurance limbo permits it. It can cave in to what its computers tell it are outrageously unacceptable demands. It can eat its shibboleth that every worker has the right to hold a whole society at ransom and resort once more to a legislated return to work and some form of compulsory binding arbitration. What a choice and what a mess."

It carries on:

"Like the government of Pierre Trudeau, a similar victim of his own labour law liberality, as the dreary rerun of the postal workers' shenanigans reminds us, the government of Dave Barrett must face facts."

I'm asking you people to face facts. You've got to have a contemporary concept.

We are a completely interrelated society. This is a privilege that has become too expensive. It has become too expensive. Not for one second should those employees be denied their rights, as the teachers are not denied their rights. But we cannot have the public sector shut down a city, a municipality, a province or a country. We are not paying taxes for that purpose. I would suggest to you, Hon. Members and the Minister, that it's exceptionally wrong.

Witness the grass cutters. The grass cutters are able in this province to shut down the school system. Now is that right? Is that right that they should have the privilege of doing that?

MR. J.H. GORST (Esquimalt): No, just lawyers.

MR. GARDOM: Lawyers don't have that privilege. Not at all. What about hospital workers, police, firemen? I don't think that this should be a thing that should have to come back in the heat of the moment and have to be legislated. I commend this government for the step it took in the fall, and I supported the measure that it took, but I don't think that's necessary. We have found in this province that we have had a good experience. It has worked under the Public Schools Act. As I said at the beginning, it is acceptable to the employees there, it is acceptable to the employer there, and it's acceptable to the person who funds it and who is the taxpayer. The public pay the bill, the public take the knocks.

Unfortunately, I think a great degree of antagonism is developing between the taxpayers and the public sector when the public sector takes the steps that have been taken in a variety of situations. I think that could be totally avoided. It requires governmental leadership to see it come about. I think it would be publicly acceptable, and I think it would be the right thing to do. I also noted, dealing still on the process of arbitration, Mr. Chairman.... I don't wish to stray from the vote, but I notice the Attorney-General (Hon. Mr. Macdonald) came out.... Well, under arbitration. That's how I....

MR. CHAIRMAN: Order, please! Everyone has been straying from the vote this morning. Would the Hon. Member say his piece?

MR. GARDOM: Well, I haven't been. It says: "Labour Standards Mediation and Arbitration." That's the way I read it, so I haven't strayed at all. Now the Attorney-General, in a moment of rash frankness, came out with a very, very interesting statement a few days ago. I read that he made the point that representatives of the public should sit in on conciliation or arbitration procedures of labour disputes directly affecting the general public. That's a first-class suggestion. That's a first-class suggestion, and I'd like to have the Minister's comments on that, too. But what we've got to do....

HON. MR. MACDONALD: Oh, no, don't ask. I don't want to start squirming.

MR. GARDOM: I'm happy with your Labour Code. I am happy with many of the innovative procedures you've brought in, Mr. Minister. But I'm certainly not happy with this situation which is an ever-mounting one — an ever-mounting problem and an ever-increasing problem — which I've just discussed this morning. And I am most unhappy with the fact that the governments in this country — not only this government — are abdicating their responsibility to the general public and, in essence, abdicating their responsibility to the country. The thing has got to work, and it cannot work with these continuous stoppages. It cannot work on the basis of living from crisis to crisis. It cannot work on the basis of there having to be continuous legislative action to terminate these kinds of transactions.

HON. MR. KING: I wondered when the Member was going to get back to the vote. He dealt with the Public Schools Act, he dealt with the philosophy of the Labour Code, but he did very little in terms of dealing with the estimates that are before the House for consideration at the moment. But he did start his speech with a reference to the spine and the backbone and he said he was going to steer clear of those comments and those accusations pertaining to lack of them. I understand that it was a back problem that kept the Member away from the House for the past week or so. I wasn't sure whether it was a back problem, a spine problem or whether it was related to his departure from the Liberals or whether it was related to some real physical disability. In any event, I can understand his sensitivity to that particular epithet.

MR. GARDOM: Do you want a medical certificate?

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HON. MR. KING: Mr. Chairman, the Member makes this speech pretty well every year regarding the philosophical approach to the right to strike, the right to lock out.

MR. GARDOM: Privilege.

HON. MR. KING: "Privilege," says the Member. He, suggests that perhaps people should enter the public service or certain key industries under a term of employment....

MR. GARDOM: Public service.

HON. MR. KING: Public service. A term of employment, he refers to. I wonder if it might not be better described under that Member's identification as a sentence, because he wants to deal in a very, very legalistic way with social problems.

MR. GARDOM: Just like the teachers do. Just like the teachers do.

HON. MR. KING: As far as the teachers are concerned, they are covered under the Public Schools Act where, by the mutual consent of the parties, they have a different way of resolving their problems.

MR. GARDOM: The law of the land.

HON. MR. KING: It's not the law of the land. It's their choice and they are prepared to abide by that.

MR. GARDOM: The law of the land is....

HON. MR. KING: But history has shown, Mr. Chairman, that when workers feel aggrieved, whether they are in the public service, the private sector or wherever, even in such sensitive areas as police and fire departments, they will, indeed, lay down their tools. The Member for Vancouver–Point Grey finds this reprehensible and suggests that because this happens on occasion we should make a presumption that the majority of people in those areas are not responsible enough to carry that right and to exercise it carefully.

Consequently, he wants to prejudge and write blanket legislation which prohibits by law any right to resort to those historic devices when the collective bargaining system breaks down. I want to say again that whether or not they have that right by law, they will engage in its use if they feel sufficiently aggrieved. I want to ask the Member for Vancouver–Point Grey (Mr. Gardom) what his remedy would be there. When they break the law, do you suggest that they be rounded up and all put in jail?

MR. GARDOM: It hasn't happened.

HON. MR. KING: Oh, certainly it has happened. Many people have gone to jail. But I say in terms of social controversy — and we have increasing social controversy in society today — that a persuasive approach is usually more effective to convince people that they do have a reasonable recourse in society, rather than a punitive approach which is going to try to pound them into submission and impose heavy penalties unless they comply with what, in effect, would be a one-sided effect, as anyone who is interested and anyone who is qualified in industrial relations knows, including the employer.

I wonder about that Member, Mr. Chairman. We've been accused in this House of pursuing policies which deterred investments by industry. In effect, what they're saying is that industry, because they are having to pay what we conceive to be their fair taxation, is striking the residents of this province, creating major unemployment and creating all kinds of conflict for vast areas of the province. I've never heard the Member for Point Grey get up and question the propriety or the morality or the legality of a private employer's right to create economic devastation in this province, to close down overnight and leave a company town. He has never advocated legislation that would curtail and control those kind of powers. But he is absolutely obsessed.

MR. GARDOM: Baloney!

HON. MR. KING: He makes the same tired old speech every session regarding the rights of workers that he would like to curtail. The rights — he says "the privilege"...those Members on that side should know all about privilege; they should be very familiar with the word. I don't view it as a privilege. I think it's a reasonable response, provided it's exercised in a responsible way.

True, it's not always exercised in a responsible way. Trade unions act irresponsibly, management acts irresponsibly, even lawyers, on occasion, act irresponsibly — even legislators. But in total, when you look at the performance in the federal public service, which the Member referred to, it's an exceedingly small percentage of instances where strike action has interrupted the public interest — exceedingly small.

I question the wisdom of using a meat hammer to deprive even those workers who do exercise their fair rights in a responsible way simply through the actions of one group who may have been precipitous and perhaps not as sensitive to the public interest as they should have been. I would rather develop a reasoned approach of persuasion

with these people.

It was harsh reaction — it was redneck reaction — that resulted in the shooting of students at Kent State University. It was a pretty reactionary response that

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resulted in vast social upheavals all through the United States. When we try to respond to legitimate social protest in this province or in this nation in a heavy-handed, legalistic and punitive way, I think we're inviting the same kind of upheaval. I'm surprised that one who has had legal training and who has been involved in this House for so many years would attempt to take that kind of harsh response as a remedy to occasional problems that do arise relative to strike activity.

However, I don't really think this debate is appropriate in terms of the estimates of the department. He's talking about legislation and he's talking about the Labour Code and the philosophy on which it is premised. So, Mr. Chairman, I understand the Member's point of view — he's made it abundantly clear on many occasions. I emphatically disagree with him. We usually manage to disagree on fairly amiable terms; I hope that disagreement continues. I'm just sorry that, apparently, the leader of the Liberal Party was unable to disagree with him on equally amiable terms.

MR. GARDOM: Might I just have a very short response to this pyrotechnic rhetoric of the Hon. Minister?

I've always referred, Mr. Minister, to both sides of the coin. Work stoppages, be it strikes or be it lockouts, in the public service are no longer rights; they have become privileges by virtue of the interdependence of society.

The Hon. Minister talks about the heavy hand and the meat hammer, Kent State, dragooning workers, jailing of people and so forth. I was referring, Mr. Minister, to the Public Schools Act of this province, which is a system that works.

HON. MR. KING: It's not under my department.

MR. GARDOM: Never you mind, my friend. We don't find the type of labour disruption in that area. Maybe it would be a good thing to get rid of the department if someone else could adopt philosophies other than yours, and we would have the same type of provisions in essential public services in this province — I'm only talking about public services — that we have under the Public Schools Act. If we had that type of thing we wouldn't find these unwarranted work stoppages and we wouldn't find the taxpayers being ripped off day after day after day after day.

HON. G.R. LEA (Minister of Highways): Mr. Chairman, I think everybody should be reminded once in a while of those words which they speak in this Legislature. The Hon. Member who has just finished, as the Minister of Labour pointed out, has made his perennial speech for the privileged few in our society. It's the same every year. I don't blame him for making it, because that is who he represents, and he wouldn't be doing his job in this House if he didn't make that speech. I commend him for making it. You are representing, Mr. Member, the people you represent and that's good — but it's probably not the vast majority of the people in this province.

One of the areas that he always puts forward when he's making this speech is that people who join the civil service should know what those terms of reference are when they join the civil service, that there is no right to strike. He says: "Once you have signed the contract and these are the terms of reference, then you are honour bound and shall be legally bound to follow those terms of reference." But you can't have it both ways.

It seems to me if you run for a political party as a Liberal you sign some terms of reference, Mr. Chairman. You say to the people in that constituency: "I am a Liberal. I believe in the Liberal philosophy. I've signed. I have nomination papers, I've signed them, and that's what I stand for. But if things get rough, then at some point I've got the option to change my mind."

Do you know something? He's right, Mr. Chairman, but he doesn't want that option to carry on to the workers

of this province — only the elitist few from Point Grey, West Vancouver, the Union Club, and that whole elitist group.

MR. WALLACE: Mr. Chairman, I certainly hope that you will give me the latitude to discuss this vote that you have just afforded to the Minister of Highways.

MR. CHAIRMAN: Well, inasmuch as we have broken nearly every rule this morning, we might as well break one more. Will the Hon. Member proceed?

MR. D.M. PHILLIPS (South Peace River): He's afraid to bring the Minister of Highways to order for fear he'll cut off his bridges!

MR. CHAIRMAN: I'm glad to see some Hon. Members concerned with the rules of the House. However, as some latitude has been allowed, I would ask the Hon. Member to exercise it very judiciously.

HON. MR. LEA: Evel Knievel's next feat is going to be to try to jump from one side of his mouth to the other. Ten-to-one he doesn't make it! (Laughter.)

MR. WALLACE: I was interested, Mr. Chairman, in the Minister's reaction — or maybe I should say over-reaction — to the Member for Vancouver–Point Grey (Mr. Gardom) because I think arbitration has to be the route that we should go to an ever-increasing degree. I think the Minister was trying to split hairs

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when he tried to hide behind the screen that he is not responsible for the Public Schools Act. Nor is he. I am not asking the Member for Vancouver–Point Grey to join our party. He'd be very welcome, but this speech hasn't got that intention.

Interjection.

MR. WALLACE: No, we are in very similar minds on this issue, Mr. Minister. There's a lot of people out there who think this way also. Don't be so smug and sure that because you honestly and sincerely believe in your ideas on this issue you are with the majority of people either.

AN HON. MEMBER: The voters will decide that.

MR. WALLACE: That's right, the voters will decide. It is a very important issue and I know we've had our fun this morning but it really isn't a laughable matter.

The principle of binding arbitration is established in this province in another field, and I admit that it's not the Minister's responsibility, but in looking for better solutions for society as a whole, surely we should acknowledge that kind of example that exists in the case of the teachers.

Goodness knows, Mr. Chairman, it's far from perfect. The Member for Vancouver–Point Grey talked as though the situation with the teachers was some Utopian situation in the labour-management field. It's anything but, and we'll talk about that later, as the lady Minister knows, on her bill. Nevertheless, there is some assurance that in that particular example the third innocent party will not suffer and the arbitration system that exists there gives that guarantee, albeit that there are many twists and turns of the road. I don't find that the situation is as good as it might be. But at least the principle of arbitration, I think, has a great deal to recommend it in our society today.

The Minister in his comments said that police and firemen, if they're unhappy beyond a certain point, will lay down their tools. And that is true. But I ask the Minister: what happens then? The Minister was all uptight about meat hammers and heavy authority and people being clobbered into submission.

I notice we've woken up the Member for Vancouver-Little Mountain (Mr. Cummings) again. It's only 20 to 12.

MR. R.T. CUMMINGS (Vancouver–Little Mountain): I wasn't clapping for you. I was clapping for my friends.

MR. WALLACE: Why don't you go back to sleep, Roy? We were getting along fine while you were snoozing. Just go back to sleep.

The point is that when the policemen and the firemen lay down their tools the government acts, as it should and as it did in the case of the firefighters. The Minister's argument that you can't compel people to do certain things when the whole of society is endangered is just false. His own government has shown that when in fact society is endangered, whether it be by fire or complete breakdown of law and order, as happened in Quebec, the government does act. So the so-called right to strike which he feels is enshrined in the laws of this country is really a mirage because when they do strike they get the meat hammer, all right. They get the whole weight of government down on them, and that's the way it should be.

Now, should we go through all these tortuous, time-consuming, expensive procedures to the great inconvenience of the public, when the end result is that government comes down with its heavy hand anyway, surely in this society we can find preventive ways or better ways. Arbitration, I think, is one of these better ways. The Minister also talked about "historic devices" in the labour-management battle. That's again my whole point: we're still using historic devices that might have been all right in the bad old days when children worked in the mines and some of the conditions of labour, for example in the mines, were absolutely inhuman. But we've moved a little bit along the road since then, as the Minister knows. Certainly the socialist movement can take a great deal of credit for that. But let's not be so blinded by the word "strike" as being some absolutely sacrosanct enshrined idea that the whole world's going to come to an end if some group of people are not allowed to strike. I think the pendulum's just swung so far that we're losing sight of the total picture.

The third party is often the public. As the Minister says, there's sometimes not a great deal of public inconvenience and he feels that the concept of removing the strike weapon in some instances, in essential services, is not justified because we haven't yet had enough trouble. Well, he may have an element of justification in that comment provincially, but certainly nationally I don't know where you've been in the last year or two. If you don't think we've had fantastic amounts of trouble to the public in the form of transportation strikes, the postal strikes and disputes.... The Minister shakes his head as much as to say, "Well they're nothing." Well, you must know the kind of time it takes to get a letter from Vancouver to Victoria these days.

MR. D.F. LOCKSTEAD (Mackenzie): That's federal, Scott.

MR. WALLACE: I know it's federal, but I'm talking about a principle. He said the principle of the right to strike hasn't really been a great public

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inconvenience — not to the degree that justifies legislation. We obviously have an honest difference of opinion, but I don't think you're listening to a lot of people out there in the general public who are pretty fed up with the amount of inconvenience they experience. If there were no alternatives, maybe the Minister's position would be reasonable, but there is this alternative of binding arbitration. As I said in an earlier debate, it was very interesting when our committee came up with their report regarding teacher bargaining, the draft report contained the words "compulsory arbitration," but some very astute and observant member of the committee managed to take that word "compulsory" out. They're trying to suggest that it's not compulsory. Whether it's compulsory or binding or whatever it is, the fact is that a certain deadline in negotiations the teachers have arbitration, and that arbitration is binding. As I said a moment ago, despite all its shortcomings, it works, in a long and tortuous and confusing sort of way many times.

It seems to me and certainly it's the policy of the Conservative Party that in essential services — I don't care what the historic devices have been which have led to a greater degree of justice in the marketplace, and I think the Minister would have to agree a great deal of progress has been made — the whole concept of arbitration leaves the potential to solve problems without the kind of inconvenience we have had in the past, or without the potential danger whereby this House has to be called back into session with some considerable difficulty, as the Minister

knows, at short notice and at great expense simply to put the particular party back to work in the first place. I just think that in our modern society, with all the facility we have for communication and negotiation and all the technology we have and the experience we have, surely arbitration — and particularly binding arbitration in the field of essential services — makes a great deal of common sense.

HON. MR. KING: We are discussing the philosophy of labour legislation. We are not discussing the estimates here. I say that is unfortunate. I hesitate to get into a debate where it is obvious, patently obvious, that the Members don't even understand the process of collective bargaining.

In the first place, I don't believe that there is anything sacrosanct about the right to strike. I try to avoid the exercise of the right. That is my function and responsibility, to try and mitigate, curtail — well, not to curtail but to minimize and cut down — the incidence of strikes and disruption to the public. But there is a basic question there. How much inconvenience does society tolerate before it starts to curtail what are basic rights of individual people?

You know, you can argue with me all you want, but institutions such as the United Nations, international labour organizations and every church group in this nation assert that it is a right of workers to lay down their tools. I'm not hung up on some dogmatic philosophy that pertains to our party. I also happen to know, Mr. Chairman, in terms of the bargaining process at the table, that unless there is a right to terminate employment, the collective bargaining process doesn't work. Why should it? Why should the employer bargain and seek a collective agreement with his employees if he knows that there is no penalty or sanction at the end of that round? He is simply going to hold out. He is better equipped to go into an arbitration process. He has at his disposal actuaries, economists and lawyers which the small unions can't afford. Why shouldn't he go into a process of arbitration? It's an economic sanction that makes the collective bargaining system work. It resides equally in both sides in the right to lockout and the right to strike, You are obsessed with the number of times it is exercised. Very few people pay attention to the great number of rounds of negotiations that are consummated without resorting to strike or lock-out activity. It just seems to me that to hold out compulsory arbitration as some panacea for solving industrial relations reveals an ignorance of the dynamics of the process. We have the indication of countries where that has been tried. Don't forget that within the public service areas, within firefighting, police and hospital areas where the public health and welfare may be held in jeopardy, we have a provision in the Labour Code that allows the union to opt for binding arbitration to settle it. In addition to that, through the policy of the department, where a third party is requested, we always seek an indication from both parties as to whether they will accept the third-party recommendation as binding.

To try and deal with all of these problems in a legislative way and say that you haven't got these rights because it is too disruptive to society, if we are going to proceed in that way, we had better start looking at industry and their right to close down a business because it is no longer profitable. Quite often that has a more profound effect on a community than any strike does. What about Ocean Falls where the schools and hospitals were walked away from?

How far are we prepared to start curtailing rights in this society? It's a bit blasé. I don't think that people really understand the inherent use of the strike threat and the lock-out threat to ensure that serious bargaining is undertaken by those responsible to consummate an agreement. That's what I think is sacrosanct, not because I encourage people to go out on strike; but until we find better devices, which we are trying to do....

You will note that there is an amendment before the House dealing with the very thing you have been

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discussing — the right to identify in advance certain areas that would be crucial to the maintenance of the public health and safety. These are factors the Members apparently just don't understand.

Vote 122 approved.

On vote 123: manpower development, \$10,635,689.

MR. WALLACE: Mr. Chairman, the manpower development branch deals with a variety of areas but I just

wanted to touch on one or two, particularly the question of apprenticeship training. I notice, for example, that under code 031 apprenticeship training is down from \$5 million to \$3,474,000. I have an article here that I remembered reading back in January in *The Province* pointing out that the Education and Labour departments were getting together because there was a real problem regarding the question of the adequacy of apprenticeship training. There was a joint committee formed. It stated in the article that there were some very important issues which had to be faced and that the Minister would be making a major policy statement. I'm referring to the Vancouver *Province* of January 15, 1975. It said that the Minister would be making clear his views on a range of matters, including the B.C. inflow of foreigners and migrants from elsewhere in Canada, northern development in concomitant labour demands, work force mobility, employee upgrading and improved ways of keeping educational establishments informed of upcoming job opportunities.

The Associate Deputy Minister, I guess, is Mr. Azad who stated that one possibility is an expansion of the province's pre-apprenticeship training programme. This is a programme that's being used widely, I gather, in the United States, where the members of the department go to the high schools and discuss the whole question of careers and jobs.

The other point that is mentioned in this article is the fact that in many of the crafts, because there are an inadequate number of apprentices, the average age of the work force in that class is increasing considerably. I notice here that in the construction trades industry, one-third of the total work force is over 50 years of age. This is stated in the same article.

I don't know how valid these comments are, or how accurately reported Mr. Azad was. I'm not criticizing him or suggesting that he didn't have the right to make these statements, but it seems to me that in the light of emphasizing the importance of apprenticeship, then to find the vote in the estimates reduced, as I say, from \$5 million to \$3.4 million, perhaps the Minister could tell us if since January, they've changed their attitude about the problem of apprenticeship training.

HON. MR. KING: I'd point out, Mr. Chairman, that in terms of facilities for apprenticeship training, this is done in collaboration with the Department of Education and also the federal department of Manpower and Immigration which also funds within the provinces vacancies or seats available for B.C. apprentices. We are working together, the Department of Education and the Department of Labour, in terms of trying to provide more facilities so that more and more of our own working people can be under training and available to fill the demands of industry in the next few years. There was an acute shortage of facilities, and we're coming to grips with that as effectively as we can. I hope that the Minister of Education (Hon. Mrs. Dailly) and I may be in a position to make a further announcement in that regard within the next few weeks or so.

MR. WALLACE: But there are very few things in this whole budget that are reduced in cost, for whatever reason. Is some of this cost then showing up in the estimates of the Minister of Education?

HON. MR. KING: No, that's not the case. The federal department does fund a good deal of this training, though, therefore there is a division of costs between this province and the federal government.

I'm not quite sure why there is a reduction this year. I'm aware that there are more people under training now than there were previously. However, I can check into that and let the Member know precisely.

MR. WALLACE: Just another quick point, Mr. Chairman, and it relates to the occupational environment inspection branch which is also listed under this vote.

Back in March there was a statement from the department that certain factories and plants were not being inspected with any kind of regularity. Some plants hadn't been even inspected from the day they were built. The statement here mentioned that often eight years could elapse between visits to particular properties, and the inspectors were concerned with the quality of air cleanliness, the adequacy of toilet facilities, luncheon arrangements and so on.

Apparently, the kind of costs that might be involved to the plants concerned in bringing their factories and

plants up to standard was quoted.... In Port Alberni, MacMillan Bloedel claimed that it was faced with a \$0.5 million expenditure. I'm quoting from a report of March 5 this year in the *Vancouver Province*. I know the Minister of Lands and Forests (Hon. R.A. Williams) should be interested to hear this: a statement was made at that time that independent consultants had looked at Can-Cel in relation to the requirements that it was to meet as an employer, and as much as \$1

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million might be involved by Can-Cel in providing better facilities and better conditions of work as required by the Act.

I notice that there has been an increase from 146 to 161 inspectors, or staff at any rate. Are most of these inspectors? Could the Minister tell us to what degree the inspections are being upgraded and made more frequently and more regularly, and what is the cost to the employers?

HON. MR. KING: They certainly are. We've employed considerably more inspectors to ensure that there are valid inspections and monitoring undertaken throughout the province.

It's true that some plants had not been inspected. Of course, with this increased inspectional service, naturally we are now determining that the employers have not in all respects been living up to the requirements of the law. Consequently they are being faced with fairly large capital outlays. The amounts, of course, depend on the extent to which they have voluntarily complied with the standards heretofore.

I have some information regarding the reduction in the apprenticeship that the Member asked about.

Apparently the reduction is a result of a change this year in reporting actual provincial training costs. In the past the department has always reported as a cost of apprenticeship training an amount fully paid by the federal government for subsistence and travel allowances. So that's the different. It's just an accounting procedure in terms of the division between the two levels of government.

Vote 123 approved.

The House resumed; Mr. Speaker in the chair.

MR. CHAIRMAN: Mr. Speaker, the committee reports resolution and asks leave to sit again.

Leave granted.

Hon. Mrs. Dailly moves adjournment of the House.

Motion approved.

The House adjourned at 12 p.m.

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