

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 25 June, 1985.

Time — 2:00 p.m.

**OPENING PRAYER** by Mr. Speaker.

**MR. SPEAKER, Hon. J. Walding:** Presenting Petitions  
. . . Reading and Receiving Petitions . . .

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**MR. SPEAKER:** The Honourable Member for River East.

**MR. P. EYLER:** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again. I move, seconded by the Member for St. Johns, that the Report of the Committee be received.

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Member for St. Johns.

**MR. D. MALINOWSKI:** Mr. Speaker, I beg to present the Fourth Report of the Committee on Economic Development.

**MR. CLERK, W. Remnant:** Your Committee met on Tuesday, June 25, 1985 at 10:00 a.m. in Room 255 of the Legislative Building to consider the Auditor's Report and Consolidated Financial Statements of A.E. McKenzie Co. Ltd., and the Annual Report of Manitoba Development Corporation.

Messrs. Ray Kives, Chairman, Keith Guelpa, President and Chief Executive Officer, and Ken Robinson, Vice-President - Finance, provided such information as was required by Members of the Committee with respect to the Financial Statements and the business of A.E. McKenzie Co. Ltd.

Messrs. Hugh Jones, Chairman, Greg Goodwin, Assistant General Manager, and Alex Musgrove, Treasury, provided such information as was required by Members of the Committee with respect to the Annual Report and the business of Manitoba Development Corporation.

The fullest opportunity was accorded to all Members of the Committee to seek any information desired.

Your Committee examined the Auditor's Report and Consolidated Financial Statements of A.E. McKenzie Co. Ltd., for the year ended October 31, 1984 and the Annual Report of Manitoba Development Corporation for the year ended March 31, 1984 and adopted the same as presented.

**MR. SPEAKER:** The Honourable Member for St. Johns.

**MR. D. MALINOWSKI:** Mr. Speaker, I beg to move, seconded by the Honourable Member for Thompson, that the Report of the Committee be received.

**MOTION presented and carried.**

### MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. SPEAKER:** The Honourable Attorney General.

**HON. R. PENNER:** Mr. Speaker, I beg leave to table the 1984 Annual Report of the Manitoba Human Rights Commission.

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. V. SCHROEDER:** Yes, I'd like to table the Department of Finance Annual Publication of the Financial Statements of Boards, Commissions and Government Agencies of the Province of Manitoba for the year ended March 31, 1984.

**MR. SPEAKER:** Notices of Motion . . . Introduction of Bills . . .

### INTRODUCTION OF GUESTS

**MR. SPEAKER:** Prior to Oral Questions, may I direct the attention of honourable members to the gallery where we have three exchange students from the Sarajevo, Yugoslavia, accompanied by three students from the R.D. Parker Collegiate, under the direction of Mr. Angus. This school is in the constituency of the Honourable Member for Thompson.

On behalf of all of the members, I welcome you here this afternoon.

### ORAL QUESTIONS

#### Statutes of Manitoba - translation info re media

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**MR. G. FILMON:** Thank you, Mr. Speaker.

My question is for the Premier, and I wonder if he could inform members on our side of the House whether or not members of the province's legal translation staff have been ordered not to speak to the media about the task that they are charged with, with respect to translation of statutes.

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, what they have been indeed advised to do is to work just as hard as they can with respect to ensuring that the translations that are required for this Session be completed and that is their top and foremost priority insofar as they are concerned. That means, unfortunately, there can be little time for any other kind of discussion that might be required. They are burning the midnight oil, I should inform the honourable member, to ensure that we have

adequate work, adequate bills completed so we can, in a businesslike way, complete the present Session.

**MR. G. FILMON:** Mr. Speaker, I know they are busy and recognize that they have a task to do, but where members of the media are able to contact them, as I gather from an article in today's Globe and Mail, why is the Premier muzzling them from speaking to the media about the tasks that they are performing?

**HON. H. PAWLEY:** Mr. Speaker, it has been a long

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please, order please. Order please.

**HON. H. PAWLEY:** Mr. Speaker, as the Leader of the Opposition I'm sure realizes, it is the elected representatives who are accountable. It is the elected representatives who are expected to respond to questions, and it is the elected representatives who will provide what information it is possible to provide insofar as whether it be members of the opposition or members of the media in regard to this or any other matter. It's a question of public accountability within the democratic system that it be the elected representatives who provide requested information.

**MR. G. FILMON:** Mr. Speaker, we have daily examples of people speaking on behalf of the government or the Premier. We often hear of the Premier's media secretary, one Garth Cramer, speaking on behalf of the Premier, answering questions.

Mr. Speaker, in this particular case this individual is being asked about the mechanics of the job that he is responsible for, the Director of Legal Translations, and I'm wondering why the Premier will muzzle him and not allow him to give information which is pertinent to the public and which is information that people are asking for.

**HON. H. PAWLEY:** Mr. Speaker, first and foremost, if a public servant is permitted to speak it ought to be within the democratic system as a result of his or her being delegated to speak. But, Mr. Speaker, more important, our translators - and I think they deserve some expression of approval from us all - are working long and hard in order to ensure that the translations are completed. They just don't have an opportunity in any event to get involved in many many interviews.

It is the elected representatives who are responsible for providing information. If there is specific information that honourable members would like across the way, present the questions pertaining to that to us in the House. We'll try to accommodate. If we can't, we'll certainly take the question as notice.

### **Twaddle Report, final Tabling of**

**MR. SPEAKER:** The Honourable Member for St. Norbert.

**MR. G. MERCIER:** Mr. Speaker, I have a question for the Attorney-General.

Twelve days ago, the Attorney-General said that he would table in the Legislature the final report or opinion from the Government Legal Counsel, Mr. Twaddle, with respect to the Supreme Court language decision. Last Thursday, he said in Hansard on Page 3149, "When I have received the final legal opinion of the counsel for the Government of Manitoba, it will be tabled."

Can the Attorney-General now confirm for the House that it is not his intention to table the final legal report or opinion in the House?

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Thank you, Mr. Speaker, and I thank the member for that question. Indeed, I may say just as a matter of information to the House, I have not in any event received the final report from Legal Counsel, but last Friday the Acting Director of Civil Litigation and subsequently on the same day the Legal Counsel strongly advised that since this case is still before the — (Interjection) — Supreme Court . . .

**MR. SPEAKER:** Order please.

**HON. R. PENNER:** . . . that since there are still contested hearings before the Supreme Court that are very crucial to the legal existence of this province, and since the legal opinion of necessity explores all aspects of and shades of meaning of the opinion, that until that matter is concluded before the Supreme Court on the doctrine of solicitor-client privilege, it would be not only inappropriate but positively harmful to our legal case to make the document a public document at this time. Accordingly with that advice from Legal Counsel for the province, Mr. Twaddle, and from the Director of Civil Litigation, it's with regret that I am unable to fulfill my undertaking.

I apologize to the House for having given that undertaking at the time, but it was only subsequently and indeed on Friday that I received that legal advice and I feel that I'm bound to accept it.

**MR. G. MERCIER:** Mr. Speaker, last Thursday the Attorney-General said in Hansard on Page 3150, when I asked him about this matter, "And when I have the final opinion, I've said before - and my word has always been my bond in this House - that that opinion, which I regard as an opinion to the people of Manitoba through its Legislature, will be tabled. I had no hesitation in doing that before and it will be done on this occasion."

Mr. Speaker, can I ask the Attorney-General if he could somehow explain away his statement of last Thursday and explain why this opinion, which he said was an opinion to the people of Manitoba through the Legislature, cannot be tabled so that the people of Manitoba have this information available to them?

**HON. R. PENNER:** Mr. Speaker, my word is my bond and in due course the legal opinion will be tabled. My advice now is that it cannot be tabled now, and the undertaking which I give and gave is an undertaking which I will be happy to fulfill; and if I have to do it in my second term of office, which will begin sometime next year, I will do it then.

**Standard Aero -  
Member for Inkster**

**MR. SPEAKER:** The Honourable Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Speaker.

My question is for the First Minister. In view of the fact that the First Minister this afternoon indicated that only elected people should speak on behalf of the government, could the First Minister indicate whether the Member for Inkster was speaking on behalf of the government and the First Minister at the demonstration last evening at Standard Aero?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, the Member for Inkster is a member of this Chamber and he has his viewpoints in respect to matters that are of importance to him and to many Canadians, I might say, and to many many Manitobans.

The Member for Inkster represents himself insofar as what he was doing last night, not the government. But, Mr. Speaker, I certainly understand the sentiments, sentiments insofar as what the Member for Inkster was trying to say yesterday in a world in which there is altogether too much repression, too much use of torture, in the vast majority of countries in this world.

I, for one, would not for a moment, Mr. Speaker, decry an individual attempting to speak out against those sort of occurrences in various parts of the world.

**MR. D. ORCHARD:** Mr. Speaker, then do the people of Manitoba assume from the First Minister's answer that he is now repudiating the Member for Inkster's statement last night, as he has done in the past with the now Minister of Labour and other Ministers who have been at similar demonstrations and spoken on behalf of the government and had to be repudiated by the First Minister at a later date?

**HON. H. PAWLEY:** Regrettably, the logic by the Honourable Member for Pembina is just about as twisted as that new moustache that he is wearing these days.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please, order please. Order please. I think it better for the procedures of the House if one member did not make personal comments about another one's appearance.

The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I do apologize to the Honourable Member for Pembina for making reference to his moustache. I think it was untoward of me to make that comment, and I would hope the Honourable Member for Pembina would forgive me for my comments. I hope that his spouse is able to live with it on a daily basis.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please.

**MR. D. ORCHARD:** Mr. Speaker, possibly the First Minister has to be dressed by his spouse before he

leaves the house in the morning. I can assure him that my spouse has no such obligation on me. Besides that, Mr. Speaker, since the First Minister has opened the topic of my moustache, I just want to inform the First Minister he is looking at the prize-winning centennial handlebar moustache in the Centennial of Thompson.

Mr. Speaker, the First Minister avoided answering the supplementary question in which I asked him if he is now repudiating the statements made by the Member for Inkster as he has repudiated statements made by his Deputy Leader at other similar demonstrations where the government was embarrassed to be present at?

**HON. H. PAWLEY:** Mr. Speaker, I certainly am not repudiating anyone's statements. In fact, in 1978, I had occasion personally to visit Chile on behalf of a number of relatives of disappeared people in Chile and to see first-hand in Chile the oppression that exists in Chile. I, for one, would not repudiate statements in respect to the cruelty and the oppression that exists in Chile, not for a moment.

**Safety procedure re students**

**MR. SPEAKER:** The Honourable Member for Morris.

**MR. C. MANNES:** Mr. Speaker, I address my question to the Minister of Education. Much speculation surrounds the tragic accident that took the life of Ron Combot who was working at the Monarch Metal Company as part of a high school work study program. Obviously, the program has merit in many respects, Mr. Speaker.

However, I ask the Minister of Education, how many students under that program are working in potentially unsafe working conditions without school supervision?

**MR. SPEAKER:** The Honourable Minister of Education.

**HON. M. HEMPHILL:** Mr. Speaker, yes, I agree that it is a terrible tragic accident and we do have to find out what happened in this particular case.

The program in question though, the Work Experience Program, has been one that has been in place for many many years and is in place in I believe almost every, or every school division in the Province of Manitoba. And there are a large number of students who have been educated through that program over a long period of time and there have not been any problems at all.

Obviously this is not only a tragic accident, it's something that should not have happened; and clearly we are all doing as much as we can to find out what happened in this particular case.

We will, at the same time, be looking at the program and at the policies, but it's important I think to wait for the information to come in, related to this particular case, to see exactly what did happen before we can make any judgments on the program.

**MR. C. MANNES:** Well, Mr. Speaker, I am not attempting to judge the program. I am sure it's most advantageous in many respects. However, how many students throughout all the school divisions in Manitoba find themselves working in this type of program off the

school setting? Does the Minister have any idea how many students throughout the province are part of this program?

**HON. M. HEMPHILL:** Mr. Speaker, what I was indicating is that all of the school divisions in the province are involved in the Work Experience Program and would have some students in the program. I can get the exact numbers of the students, but I think it would be quite a large number. I might even have it with me.

I think that in any given year there could be as many as 5,000 students involved in this program, probably in many many schools and in all school divisions in the province. So it's one where we have had a lot of students receiving an education through this program and it's a program in which we have had no problems before. To my knowledge there hasn't been a problem before.

So it's very important, as I said, that we look very closely; we will look at the program; we're always looking at it and when anything like this happens we have to give it much more scrutiny than you've ever given before.

We have to look at what the school board plays, the role, the province, the teachers in terms of supervision, but we also have to make very sure that we have enough information on which to understand what happened in this particular case, and I am still awaiting a full report on this matter.

**MR. C. MANNES:** A supplementary, Mr. Speaker. What special instructions are given to employers by school division officials with respect to the employers' responsibility in the matters of safety? And a further question to that, Mr. Speaker, are the safety instructions that come down any more onerous than those instructions that are in place for full-time employees?

**HON. M. HEMPHILL:** No, Mr. Speaker, they are no different. In fact, The Workplace Health and Safety Act applies to students who are involved in a Work Experience Program on an industrial or on a work site, so that all of the requirements and all of the regulations and all of the rules and all of the safety precautions that are required and expected to be taken for full-time employers must also be taken for students who are on the site. They have all of the protection and all of the regulations behind the students who are on site as they do full-time employees.

### **Underground nuclear research project - status of at Pinawa**

**MR. SPEAKER:** The Honourable Member for Thompson.

**MR. S. ASHTON:** Thank you, Mr. Speaker, a question for the Minister of the Environment.

I'd like to ask the Minister if he can indicate to this House the status of the underground nuclear research project near Pinawa?

**MR. SPEAKER:** The Honourable Minister of the Environment.

**HON. G. LECUYER:** Thank you, Mr. Speaker.

I want to thank the Member for Thompson for advising that he was going to raise a question in this regard. I presume it stems from the articles in today's paper, one of which most inadequately expresses the views expressed in this regard.

My understanding, Mr. Speaker, is that the shaft of the underground research laboratory is nearing completion and it means that the monitoring will shift on completion to monitor the actual research taking place inside after spending a number of years researching or gathering background data of the quality of water, underground and surface, vegetation and soil, in order to have this information in order to be able to determine later on whether it will be affected once the research takes place.

**MR. S. ASHTON:** A supplementary, Mr. Speaker. I would like to ask the Minister his position in regard to research into nuclear waste and nuclear waste repositories in Manitoba?

**HON. G. LECUYER:** The position of the government in general is, I believe, well-known, the Premier having expressed the fact that Manitoba could not be accepting nuclear wastes from other jurisdictions. I personally have made that position known to the group of citizens who met with me on May 25th, loosely grouped under the umbrella of the Concerned Citizens Committee. It is to be expected, Mr. Speaker, that those who rely upon nuclear energy to produce their electricity should also consider how best to solve this problem.

I have recently sent letters to the Atomic Energy of Canada Limited and the Minister of Energy in Canada, Pat Carney, asking a number of questions which were raised to me, and have asked status in that regard.

One has to make a distinction between the long established research facility in Pinawa and the underground research facility, both having to do with atomic energy following the federal jurisdiction. But one, of course, operates under a 20-year lease with conditions which do not allow for a nuclear waste disposal in that particular underground research laboratory.

**MR. S. ASHTON:** I thank the Minister for that assurance to the people of Manitoba. I'd like to ask one final question, and that is whether the Minister can inform the House as to the involvement of the U.S. scientists in the nuclear waste research that is scheduled to take place in the underground research laboratory.

**MR. SPEAKER:** Order please. Since the Minister has made it clear that nuclear energy is a federal responsibility, perhaps the honourable member would wish to rephrase his question to deal with a matter which is within the administrative competence of this government.

**MR. S. ASHTON:** Well, Mr. Speaker, I'm phrasing my questions in terms of the Minister's jurisdiction as Minister of the Environment and I would like to ask within his jurisdiction, if he can indicate what is going to happen in terms of the U.S. project, whether there would be any concerns for him as the Minister of the Environment related to that involvement?

**HON. G. LECUYER:** Although there have been speculations expressed in various media in that regard, Mr. Speaker, I don't know at this point whether this is to occur or whether it's just preliminary discussions.

I do share some of the concerns that have been voiced in that. It seems that the only research being conducted is in terms of underground repositories for nuclear wastes. In that sense, the concern is that maybe there are other alternatives, other safe approaches, and we should conduct research in order to determine whether new technology will make such nuclear wastes recyclable or whether they could be rendered neutralized in other processes. In that sense, I agree that to put all our research eggs, so to speak, in one basket may be foolish, but on the other hand we have to be satisfied that there is indeed some research taking place.

It perhaps would be irresponsible to conduct research in only one area, but it would be more irresponsible not to do any research whatsoever and leave the burden to be solved by future generations. If we accept that in our society we create wastes of various kinds, we also have to accept that we have to dispose of them. In that sense, research may be welcome.

Hopefully, if there is U.S. involvement as observers in this nuclear underground research laboratory, whatever savings they can encounter by not having to duplicate the effort will be put into conducting research in other areas of disposing nuclear wastes that are currently accumulating in many jurisdictions of the world.

### **Statutes of Manitoba - cost of translation**

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. R. DOERN:** Mr. Speaker, I would like to direct a question to the Attorney-General in reference to some estimates that were made for him two years ago by Roger Turenne, the senior advisor in the French Language Services Secretariat. Mr. Turenne, at that time, estimated that the cost of translating statutes was \$3.5 million, and the cost of translating the private acts, etc., was another \$1.5 million. Could the Minister indicate whether those figures still hold or whether there has been some escalation in those specific estimates?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** I would like to remind the Member for Elmwood that question has been asked at least twice in the last week, last few days. I've responded. It has not been answered because there is no way at this stage of calculating the costs of translation.

**MR. R. DOERN:** Mr. Speaker, can the First Minister indicate then how it's not possible to make that calculation now, but it was possible to make that calculation two years ago?

**HON. H. PAWLEY:** Mr. Speaker, I now realize, in fact, that the Member for Elmwood hasn't had an opportunity obviously to read the judgment. What is involved now that was not involved a year-and-a-half ago is that we

are required to translate what are called spent statutes and regulations. They may run in the hundreds; they may run in the thousands, Mr. Speaker. Because of the actions and initiatives and speeches of the Honourable Member for Elmwood, we are now stuck with this additional cost, Mr. Speaker - and other members.

When I have the information as to the additional costs, Mr. Speaker, at such time, that will be given to honourable members. But at this point, there is no idea as to the extent of that additional cost brought about as a result of the circumstances of the handing down of the Supreme Court decision a week ago this past Thursday.

**MR. R. DOERN:** Mr. Speaker, holding aside the fact that the entire costs of translation would only be a fraction - a fraction - of what the Honourable First Minister's program would have cost . . .

**MR. SPEAKER:** Question.

**MR. R. DOERN:** . . . one fragment of what his program would have cost, Mr. Speaker, I would like to ask the Attorney-General if he could give us any information on the demand for translated statutes and bills, acts and bills of the Legislature in view of the fact that a year ago or so the Honourable Member for St. Norbert asked that question — (Interjection) — may I finish? He was informed that only — (Interjection) — well, you're whole government's finished, so that's something to bear in mind, too.

Mr. Speaker, bearing in mind that the Member for St. Norbert asked this question a year ago, and there were only 25 single instances of bills or acts sold by the Queen's Printer in view of \$1 million of expenditure, so my question is, given that there were 25 bills sold a year or so ago, can we get an update on how many bills or acts have been sold to date?

**HON. H. PAWLEY:** Mr. Speaker, if the honourable member had been following the debate of a year, a year-and-a-half ago, he would have realized that in fact was the reason that we indicated over and over again in this Chamber and elsewhere it was ludicrous to be translating the statutes. There was very little demand.

But, Mr. Speaker, it was not us that wanted the outcome of the Supreme Court decision. It was not us who wanted a legal obligation imposed upon the province to translate some thousands of statutes. Mr. Speaker, that was a course of action that was recommended by the Member for Elmwood. Now, Mr. Speaker, rather than bitching about the outcome of the Supreme Court decision, the Member for Elmwood will be required to fulfill the obligations imposed upon the Province of Manitoba by the Supreme Court.

**MR. R. DOERN:** Mr. Speaker, I simply ask the First Minister whether he can provide this House with the total cost of his package, not just the translation costs, but whether he could give us information on the costs of bilingualizing the Civil Service, and printing and publishing every government publication in duplication? How many millions of dollars on an annual basis would that cost? Why don't you provide that to this House?

**HON. H. PAWLEY:** Mr. Speaker, what I do know is that the Honourable Member for Elmwood is true to his

usual form of participating in wild exaggerations insofar as what was proposed. The Honourable Member for Elmwood, like all other law-abiding Manitobans, is now required to live up to the obligations that are imposed upon the Province of Manitoba as a result of the Supreme Court decision.

The cost of the Supreme Court decision, Mr. Speaker, we know not at this stage. It will require some considerable time, probably even at a point which will be after the date of the application to the Supreme Court insofar as time that is required in order to accurately ascertain the costs imposed as a result of the Supreme Court decision.

### **Vicon - location of assembly plant**

**MR. SPEAKER:** The Honourable Minister of Culture.

**HON. E. KOSTYRA:** Thank you, Mr. Speaker.

Some time ago, I had taken a question as notice from the Member for Sturgeon Creek regarding Vicon Limited. I was asked whether or not they would be allowing their dies and brakes to be located at subcontractors' businesses that will be doing the work for them in their basic manufacturing process.

I am informed that they have purchased the dies from Co-op Implements and may be looking at using dies from their other plants; however, those would be few in number. In addition, since their basic process will be painting and assembly of the parts, that those materials will be located in subcontractors' premises, subcontractors who will be basically or primarily Manitoba-based.

### **Safety procedure re students - inquest into death of student**

**MR. SPEAKER:** The Honourable Member for St. Norbert.

**MR. G. MERCIER:** Mr. Speaker, a question to the Attorney-General following upon the questions of the Member for Morris to the Minister of Education. Could the Attorney-General advise the House whether there will be an inquest into that tragic death?

**MR. SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** I will take that as notice, but I expect that there will.

### **Bursary support - discrimination against rural students**

**MR. SPEAKER:** The Honourable Member for Arthur.

**MR. J. DOWNEY:** Thank you, Mr. Speaker.

I have a question for the Minister of Education. I have a constituent, Mr. Speaker, who made application for a bursary under a teacher program to improve her ability to teach in French, and that individual has been denied the bursary support from the province.

Can the Minister indicate as to why it is her policy to discriminate against either the rural student or

Brandon University where she is, in fact, getting that course?

**MR. SPEAKER:** The Honourable Minister of Education.

**HON. M. HEMPHILL:** Mr. Speaker, there isn't any discrimination in the program. What I expect has happened is that this is an area where there has been understandably a lot of interest and a lot of teachers that are interested in taking the program. Although we are increasing the numbers of bursaries that are available, and I don't have the exact figures but it's a reasonable increase this year over last year, my guess is that in this case there may not be a sufficient amount of money to cover all of the applications that are in.

So I know that there is an attempt, and there is some criteria that makes sure that the money that is available, and those that have access, are shared on a geographical and on a regional basis. I think we have done the best that we could in terms of increasing that section, or those bursaries, recognizing that there was a lot of interest. We may not be able to cover all of the requests that come in any given year, but that would be the problem, not discrimination.

**MR. J. DOWNEY:** Mr. Speaker, I would then ask the Minister of Education why she would allow her department to send out a letter, and I will quote from it - "I regret to inform you that you are not eligible to receive a bursary because your course does not take place at a bilingual or Francophone institution."

In view of the fact, Mr. Speaker, that it's not money, that it's the policy of this government forcing people to go to a bilingual or a Francophone institution, why is she discriminating against the rural student and the Brandon University?

**HON. M. HEMPHILL:** Mr. Speaker, in the second part of the question the member raises a point that he didn't raise in the first question, so he didn't get a response to that issue.

I would be pleased if he would provide me with a copy of the letter and the information so I can get exact information on that particular case.

**MR. J. DOWNEY:** Mr. Speaker, will the Minister of Education change the policy so that rural students can get the kind of educational opportunities provided in the western region of the province, as well as at these other institutions that she refers to? Will she change the policy?

**HON. M. HEMPHILL:** Mr. Speaker, I think, before I change any policy, I better get some facts and some information; it's useful to have when you are looking at a policy. So if the member would provide me with the information with that letter, I can look into that case and then respond on the broad issue of the policy. Right now I don't have enough facts about the situation to respond adequately.

### **Seniors Day - number attended**

**MR. SPEAKER:** The Honourable Member for Burrows.

**MR. C. SANTOS:** I would like to ask a question of the First Minister, Mr. Speaker.

Can the First Minister now report to this House as to the number of seniors who attended the Seniors Day yesterday at the Legislature?

**MR. SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Mr. Speaker, I am pleased to advise the Honourable Member for Burrows, and also to honourable members across the way, that there were in excess of 3,000 senior citizens that visited the Legislature yesterday.

Mr. Speaker, I regret very much some comments that had been made outside this Chamber by the Leader of the Opposition implying that our senior citizens can be bought; Mr. Speaker, our senior citizens cannot be bought. I think it's an insult to the senior citizens of this province to suggest, as indeed has been suggested, that they were bused in, that they were handed out political propaganda, etc.

Mr. Speaker, our senior citizens of Manitoba are very independent individuals, and they cannot be bought. If the Leader of the Opposition is unaware of that, certainly, we are aware of it, and I believe the vast majority of Manitobans are aware of that.

**MR. C. SANTOS:** Mr. Speaker, a supplementary. On behalf of the senior citizens of my Constituency of Burrows, and on behalf of all the senior citizens of this province, I would like to ask the First Minister if there is a policy in his government to keep senior citizens well-informed about programs affecting them, such as, health care, pensions and housing?

**HON. H. PAWLEY:** Mr. Speaker, I find that in my travels throughout the province that one of the areas of responsibility that indeed we must assume as a government is to increase . . .

**A MEMBER:** "Let me call you sweetheart . . ."

**MR. SPEAKER:** Order please.

**HON. H. PAWLEY:** I see we have a soloist in the Chamber, Mr. Speaker. Maybe we should adjourn for five minutes to allow the soloist to perform for us. We should have had him performing yesterday.

Mr. Speaker, we will turn every stone to ensure that the senior citizens of Manitoba are fully aware of the programs that this government provides to the senior citizens of Manitoba. I am pleased that in fact yesterday we had the opportunity to provide a great deal of information to the senior citizens in Manitoba as to various programs offered by the Manitoba Government to the elderly in this province.

#### **Tenders applications re land at MDC - number received and price**

**MR. SPEAKER:** The Honourable Member for Portage la Prairie.

**MR. L. HYDE:** Thank you, Mr. Speaker.

My question is to the Minister responsible for Government Services. On June 3rd, during the

Minister's Estimates, the Minister was questioned on an advertisement of four parcels of government land located at the MDC at Portage la Prairie. The four parcels of land were up for tender with a closing date for tender received on April 30th of 1985, Mr. Speaker.

My question is: in view of the fact that it is now three weeks later, could the Minister indicate to this House this afternoon how many applications were received on each of the four parcels of land?

**MR. SPEAKER:** The Honourable Minister of Government Services.

**HON. J. PLOHMAN:** No, Mr. Speaker, I don't have that information in terms of how many applications. I understand that those were up for agricultural lease and that that was already allocated, but I can get the information for the member.

**MR. L. HYDE:** A supplementary question to the same Minister, Mr. Speaker.

I would urge that the Minister, when he does indicate the information requested, if he would give me the number of bids or bidders that applied for the parcels of land, and at what price, Mr. Speaker, was the tender awarded?

#### **Windshield replacement, gravel - deductible paid by government**

**MR. SPEAKER:** The Honourable Member for Minnedosa.

**MR. D. BLAKE:** Thank you, Mr. Speaker.

My question is for the Honourable Minister responsible for Highways. On No. 1 East, in the area of East Braintree, there is a resurfacing project under way using a loose gravel application that is resulting in considerable damage to windshields, headlights on motor vehicles.

I wonder if the Minister could inform the House if it is Highway's policy that people receiving windshield damage, if they can bring it to the Highways Department, and the Highways Department will pick up the deductible on the cost of replacing the windshields.

**MR. SPEAKER:** The Honourable Minister of Highways.

**HON. J. PLOHMAN:** I understand, Mr. Speaker, there have been occasions, under certain construction situations, where the Highways Department has assisted motorists with broken windshields by picking up deductible. But in terms of a general policy as to whether it would apply in a situation like this, I'd take that question as notice, Mr. Speaker.

#### **Provincial Parks - Voluntary Liquor Surrender Program**

**MR. SPEAKER:** The Honourable Minister of Natural Resources.

**HON. S. USKIW:** Mr. Speaker, a day or two ago the Member for Turtle Mountain raised a question with

respect to authority under which the administrators of our parks were able to detain quantities of liquor on entry to the park gate. I simply want to advise him that under Sections 10 and 13 of The Provincial Park Lands Act there is provision for that.

I would also like to comment on the practice in that that practice was decided upon by administration of the parks and not by the politicians. I have some reservations about it; we have been having some discussions with staff with respect to the, shall we say, "ethics" of doing that, and I have held in abeyance any further activity of that nature pending a review. I believe there are some serious reservations that have to be considered before we adopt that as a policy.

**ORDERS OF THE DAY  
COMMITTEE CHANGES**

**MR. SPEAKER:** The Honourable Member for Emerson.

**MR. A. DRIEDGER:** Thank you, Mr. Speaker.

I have a change on the Economic Development Committee; Banman for Downey.

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

Mr. Speaker, would you please call the resolution standing in my name on Page 5?

**PROPOSED MOTION**

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

I beg to move, seconded by the Honourable Minister of Health,

WHEREAS the Supreme Court of Canada on June 13, 1985 ruled that from the date of judgment, laws not enacted, printed and published in both English and French will be invalid and of no force or effect ab initio;

AND WHEREAS it is therefore necessary to re-introduce legislation in bilingual form on which this Legislative Assembly has already made certain decisions;

AND WHEREAS revival of debate on matters already decided is not permitted;

AND WHEREAS it is necessary to so order House business that it may be carried out in an efficient manner.

THEREFORE BE IT RESOLVED that any motions relative to the following Bills be rescinded and the said Bills thereby be withdrawn:

2. An Act to amend The Health Services Insurance Act.
4. An Act to amend The Municipal Act.
6. An Act to amend The Consumer Protection Act.
7. An Act to amend The Agricultural Credit Corporation Act.
9. An Act to amend The Cooperatives Act.

11. An Act to amend The Amusements Act.
13. An Act to amend The Water Resources Administration Act.
15. An Act to amend The Planning Act.
21. An Act to amend The Financial Administration Act.
22. An Act to amend The Municipal Boundaries Act.
23. An Act to amend The Fires Prevention Act.
25. An Act to amend The Ecological Reserves Act.
26. An Act to amend The Teachers' Pensions Act.
27. An Act to amend The Wildlife Act.
29. An Act to amend The Architects Act.
30. An Act to amend The Registered Respiratory Technologists Act.
31. The Equal Rights Statute Amendment Act.
32. An Act to amend The Real Property Act.
33. An Act to amend The Registry Act.
34. An Act to amend The Special Survey Act.
38. An Act to amend The Payment of Wages Act.
39. An Act to amend The City of Winnipeg Act.
41. An Act to amend An Act to incorporate "First Presbyterian Church Foundation".
42. An Act to amend An Act to incorporate "The Winnipeg Real Estate Board".
43. An Act to amend The Housing and Renewal Corporation Act.
45. An Act to amend The Public Schools Finance Board Act.
46. An Act to amend An Act to incorporate "Niakwa Country Club".
48. An Act to amend The Municipal Assessment Act and Various Other Acts of the Legislature.
50. An Act to amend The Payment of Wages Act and Other Acts of the Legislature.
51. An Act to amend The Pension Benefits Act.
52. An Act to amend The Employment Standards Act.
54. An Act to amend The Health Services Insurance Act (2).

**MOTION presented.**

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

Mr. Speaker, this is purely a procedural resolution to meet some of the requirements of the decision as noted in the Whereas. If honourable members have any questions about it, I would be pleased to answer it in closing debate, but I have no introductory remarks other than that explanation.

**MR. SPEAKER:** The Honourable Member for Lakeside.

**MR. H. ENNS:** Mr. Speaker, I wish to indicate, on behalf of the opposition, that we are prepared to expedite the passage of this motion which is necessitated by the Supreme Court decision of June 13th. I also give a further undertaking to members of the government that



we are prepared to resume debate on the various acts at the particular stage that we had arrived at when the bills were before us in their unilingual form. I say that, Mr. Speaker, with a clear understanding that I assume that the bills will come back to us in bilingual form in precisely the same manner they were presented to us in a unilingual form.

The actions of the Attorney-General behooves that I put that on the public record, Mr. Speaker, because he made some pretty solemn commitments to my Member for St. Norbert with respect to a tabling of certain legal opinions and certain reports.

Suffice to say, Mr. Speaker, I do not wish to enter into a debate on the subject matter, we are prepared to pass the bills.

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. R. DOERN:** Mr. Speaker, this is a resolution put before the House and I would like to say a few words on it.

Mr. Speaker, I think that it is going to be an interesting procedure that the House goes through. If the court ruling stands as is, then one interpretation is that all of the statutes going back to 1890 will have to be translated into French. And this, of course, as we know will be an expensive procedure but, Mr. Speaker, there are I think several points that should be noted at this time before we begin a mechanical procedure of introducing bills and saying a few words over them and proceeding on.

One is, Mr. Speaker, that if this is the ultimate cost of burying the French language question in Manitoba, then it is probably well worth it. I think it is also fair to note that the Federal Government, and in particular the Government of Pierre Elliott Trudeau, forced Manitoba into a situation whereby we are now going to be confronted with the possibility of paying for the costs of translation. And that is, Mr. Speaker, because of the fact that the Federal Government, under Pierre Elliott Trudeau and Serge Joyal, engineered a situation in which they, first of all, began to fund violations of The Highway Traffic Act, first for Mr. Forest and then for Mr. Bilodeau at a cost of at least \$73,000 in legal fees and \$106,000 legal fees, plus other additional grants that were given; and also, Mr. Speaker, in addition to that, then forced this government to make a deal with the Franco-Manitoban Society which purported to represent French-speaking Manitobans and by implication represented all Manitobans, because the people of Manitoba were not, in fact, heard on this particular score. The government only negotiated with one organization which I don't think could entirely make the case that it speaks for the community that it purported to represent.

Mr. Speaker, we don't know what the costs of translation are going to be. — (Interjection) — They are going to be millions of dollars. But, Mr. Speaker, I want to make this point and that is, that since the Federal Government decided that they would fund social activists or social agitators, if that's what they did - they provided endless amounts of money to Mr. Forest and Mr. Bilodeau - to set up a situation to concoct a situation and then to hold a gun to the Government of the Manitoba and the people of Manitoba then, Mr. Speaker, the logic is clear.

Since the Federal Government wanted this, since the Federal Government needed this for political purposes, fine, but let the feds pay. Let the Federal Government pick up the tab for the costs of translation.

Mr. Speaker, I have made this statement before in this House and I will make it again. I made this statement first in 1980 on April 16th or 17th, in debate on Bill 2 when I argued at that time, I think correctly, and I think logically, that this was a cost of Confederation. Maybe this was the price of Confederation, but it was not a cost that should be borne by the taxpayers of this province.

Mr. Speaker, by way of comparison the First Minister said today, and of course members of the government delight in the prospect of a heavy burden and bill of taxation to be borne by the people of Manitoba because they need that, Mr. Speaker, for their own consciences. They need that because otherwise they will argue to the people that the higher they can make the costs of translation, the better in relative terms they think they can make their package. We all know, Mr. Speaker, that is somewhat of a joke.

It is very interesting to note the opinions of people on the two extremities of the debate as to whether or not Ottawa should pick up the costs of translation. I sat in a debate a week or so ago with somebody named Hiebert - I think it was Raymond Hiebert, I'm not sure of his first name - from St. Boniface College - or as the Minister of Finance would say, Hiebert. Mr. Speaker, this gentleman said not one penny should flow from Ottawa to assist in the costs of translation because he wants to punish — (Interjection) — he is a professor from the French-speaking community in St. Boniface, that's who he is. He wants to punish and make the people of Manitoba suffer for these "sins" that they committed in the past 95 years.

Mr. Speaker, on the other side of the debate was a gentleman who I know and respect, and his argument was totally contrary. He said, "Yes, I agree that the people of Manitoba should pay every single penny and the federal taxpayer none because he wants to drive the point home to every person in Manitoba what a foolish waste of money this whole exercise is.

So you have the two extremes: the French-speaking Manitoban who wants revenge and the English-speaking Manitoban who want English-speaking Canadians to suffer so they will have nothing to do with this whole exercise.

Mr. Speaker, the other point I want to make is this: whatever the cost is of this exercise that we are now embarked on, and I say that there still may be a question of distinction, there still may be arguments that may be put to the Supreme Court, and there certainly are some legislative remedies that I believe are available to this House that may not require us to go through this futile exercise of translating a bunch of musty and dusty statutes from 1890 to 1970.

I want to say to the First Minister and to his colleagues who delight at the prospect of a healthy bill coming into this House for the costs of translating all the statutes from 1890 on and we've heard estimates as high as \$20 million, that is hard to understand, Mr. Speaker, especially in view of the fact that every 10 or 20 years there are consolidations of the statutes that occur. In a sense, those tartan-bound copies that we all have are, in fact, containing all previous legislation. When

a new MLA comes into this Chamber and when a new member of the bar goes forth to practise law, they don't buy copies of the statutes from 1870 that in their spare time they can do some research. They buy a current updated revision which contains all the previous legislation and amendments.

So, Mr. Speaker, I simply will make this point, that the original proposals, the so-called halfway measure that would save us all this difficulty put forward by the government was far worse than what we are now confronted with. We are now confronted with translating, re-enacting, printing and publishing thousands of statutes. If that is actually what occurs because there is no way out, then so be it. But if that is the case, Mr. Speaker, that package is only a fraction of the package put forward, the so-called out of court settlement, the language compromise, the proposals put forward by the government of this day.

Mr. Speaker, I will sum up very briefly what I think the costs of that package would be. When it comes to the fact that the government was prepared to trade off and to put as lead sentence in the Constitution of Manitoba and entrench it into the Canadian Constitution that French and English shall be the official languages of Manitoba, nobody could put a price tag on that.

The ramifications of that proposal in terms of disharmony and unhappiness and negative results in our province I think, could be measured in the millions or the billions, if one could in fact, make a financial estimate.

But I want to say this to the government, when they talk about translating the statutes, and they now talk about a figure that ranges depending on how you want to read it, from \$5 million two years ago to \$20 million today, Mr. Speaker, their own estimate of their proposal to translate the main statutes, the tartan-covered looseleaves that we all have, we're going to run \$3.5 million, Mr. Speaker. But compare that to the fact that under a provision of the right to communicate, they were going to have every government publication, every annual report, every map, every pamphlet, everything produced by the government duplicated in French and English.

Mr. Speaker, that would have everything that is printed, that is out of a department, that is out of a Crown corporation, that is out of a board agency, or commission of the government, millions and millions and millions of dollars worth of printing every year would have to be translated into French and then produced in French where there is practically no demand whatsoever for it.

The final point I make here, Mr. Speaker, is this, they were going to begin the process of bilingualizing the Civil Service of Manitoba and the minimum estimate of how many positions would be declared for that purpose ran at about 400. Gary Doer of the MGEA said that unless the legislation was tightened up, there would be 4,000 positions in the Civil Service under loose language provisions, under loose English language lines of demarcation and he now says I think in a harder analysis by MGEA, 1,000 positions.

But no matter what your estimate is, whether it's a minimum of 400, a harder MGEA figure of 1,000 or a looser MGEA estimate of 4,000, that would run on an annual basis into the tens of millions. At \$25,000 a position, including benefits and salary, 400 positions

are \$10 million a year; and 4,000 positions are \$100 million a year ad infinitum.

So if you take the cost of translation under the government scheme and you take the printing and publishing of all those annual reports and documents that come out - and we have stacks that are three or four feet high, if not more - and you take the Civil Service on an annual ongoing basis, Mr. Speaker, there is no comparison. If this package will cost us \$20 million, if we have to go it alone - and I say we'll send the bill to Ottawa, or send the statutes to Ottawa - and compare it to the ongoing costs of this administration, they run in the tens of millions of dollars per annum. So one year under that package that we defeated in this House a year ago, would probably cost the same as translating all the statutes of Manitoba since 1890.

Mr. Speaker, I'm going to conclude my remarks . . .

**MR. SPEAKER:** The honourable member is straying somewhat from the resolution printed on Page 5. Perhaps he would like to bring his remarks back to that resolution.

The Honourable Member for Elmwood.

**MR. R. DOERN:** Well, Mr. Speaker, I'm looking at the fact that it's necessary to re-introduce legislation in bilingual form and I have made my remarks. But I simply say to this government that nobody in this province thought the package that they proposed was less expensive or more beneficial to the Province of Manitoba than what we are now confronted with. Oh, they will say and they have said, Mr. Speaker, and they'll keep on saying that this is costing us a lot, but they never put a price tag on their proposals which we all know were far more expensive and over a decade. There's no exaggeration, Mr. Speaker. (Interjection) — No exaggeration coming from the Member for Lakeside when he says hundreds of millions of dollars, he's right. Millions, tens of millions a year and over a decade and over 20 or 30 years, hundreds of millions of dollars would be the cost of that, plus the division and plus the disharmony that it would have cost.

So, Mr. Speaker, I simply say this, number one, their package was more expensive from every single measure that one could devise. Number two, Mr. Speaker, since their friends in Ottawa, the Federal Liberals, took them into again with the acceptance and outsmarted and outmanoeuvred them, Mr. Speaker, they are on the hook. They are forever tied to the lousy bilingual policies of Pierre Elliott Trudeau.

Mr. Speaker, I simply say again, it is incumbent on the government to re-examine and re-explore the Supreme Court decision and it is incumbent on the government to go to Ottawa and speak directly to Prime Minister Brian Mulroney and ask him to fully fund the costs of translation of the Statutes of Manitoba, because that was their responsibility and it was the engineering and the political manoeuvring and the funding of Pierre Elliott Trudeau that got the province into this state of affairs.

Thank you.

**MR. SPEAKER:** Are you ready for the question? The Honourable Government House Leader will be closing debate.

**HON. A. ANSTETT:** Mr. Speaker, I wish to thank the Opposition House Leader for his co-operation in expediting this motion. I wish to thank him for his commitment to assist the House in the necessary requirements to advance the bilingual legislation to the same stage that it was left in the House by this motion and actually withdrawn. I appreciate that assurance. I can give him the assurance, Sir, that it is our intention, subject to mistakes in printing or translation, that those bills be identical to the bills they replace. Now he asked for that assurance, Sir.

I trust he appreciates any mistake in that commitment will be a mistake, not by intent, but by accident, just as the Attorney-General's was and just as commitments that he and I have not been able to honour in the past, have not been made by intent but rather because of changes in circumstances or error.

So that is the commitment, Sir, and I believe we both have every intention of honouring it and I think we can expedite the business of the House on that basis.

Thank you, Mr. Speaker.

**QUESTION put, MOTION carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Mr. Speaker, before we proceed to the second readings that are already printed in the appropriate format, I would like to ask leave to revert to the first readings on the Order Paper, Sir, that we have had stand, because we were awaiting passage of the motion just passed. I would like, Sir, to move all of those on behalf of my colleagues by leave, and I would also ask, Sir, for leave to do the same with regard to those bills which are being replaced under this motion which were on notice yesterday for first reading tomorrow, and are on the Notice Paper for today for first reading on Thursday. If I have that leave, Sir, I would propose to move all those motions so that distribution can proceed as soon as they're received by the Clerk.

**MR. SPEAKER:** Is there leave to revert to Introduction of Bills? (Agreed) Is there further leave to introduce the bills for first reading standing on the Notice Paper today, and which appeared on the Order Paper yesterday?

Leave has been granted.

The Honourable Government House Leader.

**INTRODUCTION OF BILLS**

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Minister of Health, Bill No. 64, An Act to amend The Health Services Insurance Act; Loi modifiant la loi sur l'assurance-maladie.

**HON. A. ANSTETT** introduced, by leave, Bill No. 68, An Act to amend The Municipal Boundaries Act; Loi modifiant la loi sur les limites municipales.

**HON. A. ANSTETT** introduced, by leave, Bill No. 69, An Act to amend The Municipal Act; Loi modifiant la loi sur les municipalités. (Recommended by Her Honour the Lieutenant-Governor).

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Minister of Agriculture, Bill No. 70, An Act to amend The Agricultural Credit Corporation Act; Loi modifiant la loi sur la société du crédit agricole. (Recommended by Her Honour the Lieutenant-Governor).

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Minister of Finance, Bill No. 71, An Act to amend The Financial Administration Act; Loi modifiant la loi sur l'administration financière.

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Minister of Education, Bill No. 72, An Act to amend The Teachers' Pensions Act; Loi modifiant la loi sur la pension de retraite des enseignants. (Recommended by Her Honour the Lieutenant-Governor).

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Attorney-General, Bill No. 74, The Equal Rights Statute Amendment Act; Loi modifiant le droit statutaire afin de favoriser l'égalité des droits. (Recommended by Her Honour the Lieutenant-Governor).

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Minister of Labour, Bill No. 75, An Act to amend The Payment of Wages Act and Other Acts of the Legislature; Loi modifiant la loi sur le paiement des salaires et d'autres lois de la législature.

**HON. A. ANSTETT** introduced, by leave, on behalf of the Minister of Labour, Bill No. 76, An Act to amend The Pension Benefits Act; Loi modifiant la loi sur la pension de retraite.

**HON. A. ANSTETT** introduced, by leave, on behalf of the Minister of Labour, Bill No. 77, An Act to amend The Employment Standards Act; Loi modifiant la loi sur les normes d'emploi.

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Minister of Culture, Heritage and Recreation, Bill No. 78, An Act to amend The Amusements Act; Loi modifiant la loi sur les divertissements. (Recommended by Her Honour the Lieutenant-Governor).

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Attorney-General, Bill No. 67, An Act to amend The Registry Act; Loi modifiant la loi sur l'enregistrement foncier.

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Minister of Co-operative Development, Bill No. 81, An Act to Amend The Cooperatives Act; Loi modifiant la loi sur les coopératives.

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Attorney-General, Bill No. 82, An Act to amend The Real Property Act; Loi modifiant la loi sur les bien réels.

**HON. A. ANSTETT** introduced, by leave, Bill No. 83, An Act to amend the Municipal Assessment Act and

Various Other Acts of the Legislature; Loi modifiant la loi sur l'évaluation municipale et d'autres dispositions statutaires.

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Minister of Education, Bill No. 84, An Act to amend The Public Schools Finance Board Act; Loi modifiant la loi sur la Commission des finances des écoles publiques.

**HON. A. ANSTETT** introduced, by leave, on behalf of the Honourable Minister of Health, Bill No. 85, An Act to amend The Health Services Insurance Act (2); Loi modifiant la loi sur l'assurance-maladie.

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Mr. Speaker, would you please call second readings on Bills 8 and 53 appearing on Page 4 of the Order Paper?

## SECOND READING

### BILL 8 - THE AMBULANCE SERVICES ACT; LOI SUR LES SERVICES D'AMBULANCE

**HON. L. DESJARDINS** proposé appuyé par L'Ministre de Affaires Municipal que le projet de loi 8 intitulé Loi sur les services d'ambulance; The Ambulance Services Act, soit maintenant lu une deuxième fois. Le Lieutenant-Gouverneur, ayant été mis au courant du contenu du présent projet de loi le recommande à la Chambre.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Minister of Health.

**HON. L. DESJARDINS:** Mr. Speaker, this will be very short.

Since 1975, the Manitoba Health Services Commission has provided financial grant assistance to municipalities for the development and improvement of ambulance services throughout the province.

Since September of 1977, the Commission has also administered the Northern Patient Transportation Program. This program was transferred, if you remember, from the Department of Renewable Resources.

Now the Manitoba Health Services Commission has been administering these programs under the authority of The Health Services Insurance Act and The Public Health Act.

Since 1982, the Commission has undertaken an extensive training program for ambulance attendance, as well as training instructors, improving the level of pre-hospital care from a 16-hour first-aid course to a 19-hour first-responders course. Effective - it has been announced during the estimates and at numerous occasions - September, 1985, an Air Ambulance Program will be operational to provide a rapid emergency transportation in patient care system. The proposed legislation will provide the new legislative

authority for these related services under this new Ambulance Services Act and, of course, incorporate what was allowed under The Health Services Insurance Act and The Public Act before that.

Thank you, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Pembina.

**MR. D. ORCHARD:** Mr. Speaker, I move, seconded by the Member for Morris, that debate be adjourned, please.

**MOTION presented and carried.**

### BILL NO. 53 - THE PAY EQUITY ACT LOI SUR LEGALITE DES SALAIRES

**HON. A. MACKLING** presented, by leave, Bill No. 53, The Pay Equity Act; Loi sur L'égalité des salaires, for Second Reading.

**MR. SPEAKER:** The Honourable Minister of Labour.

**HON. A. MACKLING:** Mr. Speaker, I am proud to introduce this bill into debate. I believe it is an historic moment in Manitoba and Canada's history. A government in Canada is finally introducing legislation which will ensure pay equity for women.

Pay equity is a system which bases wages on the value of the work performed regardless of gender. Its goal is to eliminate gender discrimination from the wage-setting process. It means that women performing jobs of equal value to those performed by men in the same establishment will be entitled to receive equal pay.

Anthropologist, Margaret Mead, found that, "there are villages in which men fish and women weave, and ones in which women fish and men weave; but in either village the work done by the men is valued higher than the work done by women."

Mr. Speaker, pay equity is clearly an ideal whose time has come. For far too long we have relegated women to the lower paid jobs in society; for far too long we have fostered the idea that wages were not that important to women because they only work for pin money; for far too long we have ignored the plight of the many working mothers who are their family's sole supporters; for far too long we have ignored the basic injustice which we have all as a society inflicted on women by paying wages based on the sex of the worker rather than on the value of the work to the employer and to society.

Oh, Mr. Speaker, we as a society have made some attempts to show we are concerned. We passed equal pay for equal work laws; society patted itself on the back and congratulated itself for its enlightened stand and pretended everything was all right. Society has done its job, Mr. Speaker, there was nothing more we could do; equality had been achieved.

Society was wrong, Mr. Speaker. We found that there were few occupations where anyone was helped, and that women were concentrated in low-paid job ghettos. The main factor causing the female-male wage gap is the occupational segregation of women into a small number of low-paid undervalued jobs.

Of women in the Manitoba labour force in 1981, 70 percent were in clerical, sales, service or health care jobs. When a list of 10 jobs in which women workers predominated in 1971 is compared with the equivalent list for 1981, nine of the 10 jobs are the same. These 10 jobs accounted for 42 percent of the female labour force in 1981 and 41 percent in 1971 and we found that in male dominated occupations the wages were invariably higher. There is much left to be done, and the women in our society rightfully demand that we get on with it.

Mr. Speaker, I recall with pride the initiatives and the outspoken convictions of our late departed beloved colleague, the Member for Kildonan, Mary Beth Dolin. Mr. Speaker, this was one of the initiatives she held very dear and I am very proud to see that initiative moving forward in this Chamber.

The time has come, Mr. Speaker, we can no longer give token recognition to women; we can no longer make hollow promises and meaningless gestures to the women in our society. The time has come to end wage discrimination; the time has come to implement pay equity.

Mr. Speaker, it can be argued that society has come a long way, and it has, but we cannot forget how far we still have to go. Neither can we forget that the advances we have made for all workers, children, women and men have only been made in the face of great opposition from those who resist change, no matter how logical and just.

The world's entry into the 19th century brought with it great changes to all working people, Mr. Speaker. To be sure before this time, men, women and children laboured long and hard, but the industrial revolution brought into a clearer focus the shameful exploitation of women, children and men for private profit.

The factories of the industrial revolution did not add to the burden of occupied time, Mr. Speaker, but their discipline and regularity were a greater strain on the workers. The Belfast weavers called factories "lockups". Mr. Speaker, workers for the first time laboured under limited and crude artificial light amidst fast-moving machinery that required constant attention. The tyranny of the workplace had begun.

The first limitations of the tyranny of the machine in the British Empire were made in the case of children. An act of 1802, entitled Safeguarding the Interest of Poor Law Apprentices in Factories, limited the daily work of these children to 12 hours. The first intervention in the marketplace by society through government action was met by derision and abuse by the factory owners who cried "foul." After 1830 things began to change gradually, always with cries of "ruin" from those whose interests were profit first and justice later.

The Factory Act of 1833, while it did secure a 10-hour day for all persons under 18, did exclude children under nine from factories, and limited the work of children under 13 to 48 hours a week or nine hours in one day. No person under 18 could be employed for more than 12 hours a day or 69 hours a week. Regrettably, the act only applied to the textile industry, but the cries of interference in the marketplace rang forth.

In the 1840s attention turned to employment conditions in coal mines. In nearly every district children were employed underground at the age of six, in some

cases at five or younger. Typically, these child workers drew trucks along passages too narrow for grown men. Women and girls took part in the heavy work of drawing and carrying coal.

Mr. Speaker, in the House of Commons in Parliament, in England, labour spokesmen pointed out the viciousness of a society that tolerated women carrying baskets of coal in the coal mines until the late months of their pregnancies.

Mr. Speaker, finally in 1842, The Mines Act was passed prohibiting the employment of women and girls underground and setting an age limit of 10 in the employment of boys. Again the charges were laid that this would destroy Britain's competitiveness; the mining industry could not survive such terrible interference by the state.

Laws passed in the 1840s required machines to be fenced mainly for the benefit of girls and women whose clothing was being caught in shafts or gears. Again the factory owners claimed that these rudimentary safety measures would drive them out of business.

Mr. Speaker, during the course of the time that I was meeting and talking with people about pay equity in preparation for the introduction of this legislation, a businessman from Manitoba told me of his tour of a textile factory in the old country.

While they were going through that factory there was a massive door blocking the hallway from the factory floor, and there was a hole in the door. Someone said why is that kind of funny hole in the door there? The guide was most embarrassed to say, well, this was a textile factory, women worked in the factory, they had babies and they had to nurse their children through the door. Mr. Speaker, women weren't even given the right to nurse their children in those days and women worked hard, Mr. Speaker, hard to provide the daily bread for their families.

In 1847, the British Parliament passed legislation entitled "The Ten Hour Day Bill" for women and children. Every change brought with it charges that the workers were lazy, troublemakers, and it would drive business out of the country. Every change took years of workers' demands to realize that every improvement in the working conditions of women, children and men continued to be met with the same criticism.

Mr. Speaker, we know of the attempts of the workers in England through their guilds to try and establish better working conditions, and how those guilds were struck down by factory owners using the courts to prosecute those guilds because they were attempting to restrain trade.

Mr. Speaker, plantation owners made the same charges when Britain attempted to abolish slavery in its colonies. The policy of "melioration" was begun, by recommending the West Indian colonies to abolish the flogging of women. What was the planter's view of a phased in emancipation of slaves, Mr. Speaker? Predictable. They believed that it would mean a shortage of labour and much higher costs of production. It would price them out of business.

Are there not other concerns, Mr. Speaker? Are there not concerns for justice, human rights and equality? Even though time and again, the stated fears were found to be false, the same fears were fostered with every proposed change and continue to be fostered.

In America, the picture was much the same. Rather than being a recent phenomenon, unequal pay has been

experienced by working women for hundreds of years and has its roots in the beginning of the American industrial revolution. In 1812, Francis Cabot Lowell completed his design for the first American factory. The opening of this textile manufacturing plant heralded rapid industrial growth and mass employment of unskilled and semi-skilled workers. It also marked the entry of women and girls into factory work, as industrialists argued that females were less needed on the farms than their physically stronger male counterparts. Women and young girls filled the jobs at the textile mills, earning low wages. In 1833, a wage survey conducted in Philadelphia showed the majority of women workers received less for their 78-hour work week than male workers were getting for one 10-hour day.

In working outside the home, women filled the lowest paying jobs and tended to be segregated into work that closely paralleled the task they'd done at home: weaving, sewing, laundry and food preparation. Legislation designed to protect women and children from labour abuse in sweat shops helped to correct much of the flagrant exploitation of these workers. However, laws that protected only women from so-called strenuous or hazardous employment also limited their opportunity to earn overtime pay and to win skilled jobs with more responsibility and, thus, came to be restrictive and discriminatory.

Women's low status as workers continued through the first half of the 20th century despite increased education. During a brief period through World War II, women were temporarily accepted into "men's jobs", and at the end of the war, thanked and told to go home. How many, Mr. Speaker, in this Chamber will remember - some of the older members - those years during the war when women worked the factories, built the kind of equipment that was necessary for the men overseas? How many of you remember the stories about Rosie the Riveter; yes, Rosie doing the work of a man, but when the war ended the women were supposed to go home and do their knitting. Mr. Speaker, today job segregation and unequal pay remain stubborn obstacles to women's equality in the workplace.

The inequity women have faced for years has not been limited to wage discrimination, Mr. Speaker. We must not forget the battle that was waged for suffrage in the early decades of this century. A battle, Mr. Speaker, because it was not won without a fight. Women like our own Nellie McCiung waged that battle for us, Mr. Speaker, and society was not quick to respond.

Mr. Speaker, in 1929, the famous Persons Case finally decided in Canada that women were persons. Mr. Speaker, women only obtained the vote in Manitoba in 1916; and in Canada, as a whole, in 1918. I have to say, Mr. Speaker, that at least the Province of Manitoba was the first province in Canada to give women the right to vote. Mr. Speaker, political rights would still be a dream in 1984 if women had listened in 1914 to the Conservative provincial Premier Rodmond Roblin who said, "Nice women don't want to vote," or heeded the Victoria Daily Times editorial of 1891 which said, "The true woman who would make the most of her every God-given attribute asks not for the ballot," as though a woman's God-given attributes might not include brains and common sense.

While they struggled for political rights, women had to shut their ears to those who said, "It can't be done";

to those who said, "The world just doesn't work that way." They had to persist in their demands until experience proved that it could be done.

Likewise, Mr. Speaker, they have had to persist to see pay equity introduced, to see the beginning of the end of wage discrimination based on sex. Why is pay equity needed, Mr. Speaker? The obvious answer is to end the discrimination that has persisted for years. The main factor causing the female-male wage gap is the occupational segregation of women into a small number of low paid, under-valued jobs.

In 1981, Mr. Speaker, 70 percent of women in the Manitoba labour force were in clerical, sales, service or health care jobs. This segregation into pink-collar ghettos is not changing significantly. These are the same predominant fields where women were found in 1901.

Times are changing, Mr. Speaker. More and more women have entered the labour force either by choice or by the force of economic conditions. Since 1975, Mr. Speaker, the participation by women in Manitoba's labour force has risen over 11 percentage points, from 43.4 percent to 54.6 percent. By 1990, it is expected that 75 percent of all women between the ages of 25 and 54 will be in the labour force. Despite the years of inequality, despite the increase in participation, the wage gap has shown only limited improvement.

The average earnings of women in 1970 in Manitoba were 61 cents compared to every dollar earned by a man. By 1980, the difference had decreased, but still women in Manitoba earned only 66 cents of the dollar earned by men. While this is better than the average in Canada, which is 64 cents to the dollar earned by man, it is still plainly indicative of the need for justice and equity.

I am not suggesting that pay equity will bring women's wages totally into conformity with those of men, Mr. Speaker, but it will at least cut off a significant portion of that 34 percent imbalance, that percentage that is directly tied to the undervaluing of work because it is considered "women's work". Other steps will have to be taken, Mr. Speaker, and we have started to take those steps because we recognize that true employment equity can only be achieved by the dual strategies of pay equity and affirmative action. Affirmative action is in place in the Civil Service. The department committees are meeting and will have their targets in place by this fall when implementation will begin. Through affirmative action, we will see more training and more advancement to women in the senior levels of government where they are now grossly under-represented; but still wage inequity remains the problem, a problem we are facing with the bill today.

I would like to digress for a moment, Mr. Speaker, to give some praise to the Manitoba Government Employees Association. They have recognized their social responsibility, Mr. Speaker, by narrowing the wage gap to a significant extent through the bargaining process. Between 1973 and 1984, the wage gap in the Manitoba Civil Service dropped from 55 percent to 73 percent. The job has been started; we must complete it.

There are other reasons to implement pay equity than those I have listed, Mr. Speaker, economic reasons. Women are not working for "pin money", Mr. Speaker. During the last 20 years there have been significant changes in family patterns. There has been a large

increase in the number of married women who work outside the home, over 50 percent by 1983. Figures from the Canadian Advisory Council on the Status of Women show that 51 percent of two-spouse families and 61 percent of families overall would drop below the poverty line if the wife stopped working outside of the house. There has been a 59 percent increase in the number of female single parent families.

Let's clarify what pay equity is, Mr. Speaker. Most people understand equal pay for equal work. There are laws in place for this now to ensure that people doing the same or substantially the same job receive equal pay, but pay equity allows comparisons to be made between different kinds of jobs being done for the same employer. Overall, if the two jobs involved levels of skill, effort, responsibility and working conditions that can be fairly consistently equivalent, both jobs should pay the same.

For example, consider a general maintenance worker and a secretary, a forester and a home economist, or a police training director and a director of nurses, in each of these sets of occupations, the jobs are different, but when the job requirements are analyzed, they could be of the same value. If the secretary, home economist and director of nursing make lower salaries than the general maintenance worker, the forester and the police training director, respectively, pay equity would require the salaries in these "women's" jobs to be increased.

The concept of the pay equity or equal pay for work of equal value is not a new concept, Mr. Speaker. Canada has ratified three international conventions which commit us to equal pay for work of equal value. The concept already exists in federal law which applies to 10 percent of Manitoba workers.

Other countries have experience with pay equity. Australia, New Zealand and Britain all have legislation requiring equal pay for work of equal value. The European economic community requires its member states to conform to this principle.

Pay equity is being studied or being implemented in the public sector by 45 out of 50 U.S. states, and by numerous American cities and municipalities. The State of Minnesota is a leader in this field, having successfully implemented pay equity in the state public service as a result of 1982 legislation. Using a job evaluation system, that state found that many public service jobs predominantly performed by women were underpaid in relation to jobs of equivalent value performed predominantly by men. The state then passed wage increases to remove these inequities. In 1984, based on the success of the state model, the Minnesota Legislature passed a bill extending pay equity to local governments and school boards.

To achieve pay equity, we must first assign a value to the work performed. The value is assessed using the criterion of the composite of the skill, effort and responsibility normally required in the performance of the work and the conditions under which the work is performed. There are those who say it's impossible to compare different jobs, that you can't compare apples and oranges.

I reject that employers determine the value of jobs everyday by paying different wages for different kinds of work. Sometimes this process is haphazard and arbitrary. Job evaluation systems can be used to bring more objectivity to the wage setting process and to

redress gender discrimination in compensation practices.

Many employers already use some form of job evaluation. The Health Sciences Centre and the Canadian Union of Public Employees have negotiated and implemented a workable job evaluation system; so have the steelworkers and Inco in Thompson through their co-operative wage study.

The key to a successful pay equity system is a fair and just system of evaluation, one done in co-operation with workers, and one implemented without lowering the wages of one class of employees to obtain equity.

Here is the way it can work. Point factor systems assign points for the skill, effort, responsibility and working conditions involved in each job. The points are then added to determine the relative worth of the jobs. When the State of Minnesota used this approach, it found, for example, that a Clerk-Typist IV position was comparable in value to a Grain Inspector II.

We in Canada are committed to pay equity. The Charter of Rights and Freedoms guarantees men and women equal benefit and protection of our laws without permitting compensation systems that discriminate against women or violate the spirit, and quite possibly the letter of our new Constitution.

Quebec has established pay equity through its Human Rights Act. Unfortunately, like the federal initiative, it is enforced mainly on a complaint basis. It is reactive only, Mr. Speaker, and not proactive. Of the other provinces, only Prince Edward Island and British Columbia are apparently taking no action on the issue. The other provinces either have pay equity under active consideration or are studying the issue.

A recent survey in the United States, as I indicated earlier, has identified 45 out of 50 states which are studying or implementing pay equity. Six states have actually appropriated or set aside monies for pay equity salary adjustments. In part, this is in response to litigation under Title 7 of the U.S. Civil Rights Act which appears to permit comparable worth suits.

The State of Washington is implementing pay equity through two bills, but it has moved too late. A Title 7 class action suit ordered the state to eliminate the current pay disparity and to provide back pay to members of discriminated classes. While final damages have not been determined, back pay is estimated at \$500 million and current adjustments at \$130 million. Similar damage awards could affect Canadians once court cases are begun under the Charter of Rights and Freedoms.

The City of Los Angeles announced an agreement with its union on May 8, 1985 regarding pay equity. The Minnesota experience is clearly the most successful model in place today. It began by implementing 1982 legislation for pay equity in the state service of 34,000 employees. A point-based job evaluation which predated the pay equity legislation was used to identify and quantify pay inequities between male-dominated and female-dominated classes.

The legislation itself required the parties to report to the State Legislature as to the monies needed to eliminate pay inequities. Monies were then allocated by the Legislature for pay equity wage adjustments in amount sufficient to eliminate half of the inequity over the two-year period. The collective bargaining process was then used to determine the exact allocation and phasing in of the increases over the period of time.



The Legislature is now in the process of approving a second appropriation to eliminate the inequity completely over the two-year period, 1985 to 1987. The cost of full pay equity wage adjustments were determined to be about 4 percent of the state's payroll. Following the success of their program Minnesota passed legislation in 1984 extending pay equity to local governments, cities, counties and school districts which account for an estimated 163,000 workers.

Mr. Speaker, the bill before us today is partially based on the Minnesota bill and the Minnesota experience. We believe that it will prove to be the best system yet developed to achieve pay equity. As opposed to reactive, acting on complaints, our program will be proactive and will act against the injustice of wage discrimination. Our act provides for co-operation and bargaining with the workers involved for, without their co-operation, any plan is doomed to be inadequate.

This legislation sets out a clear process, a clear commitment and a clear timetable to achieve pay equity. We are confident that this will ensure that wages are based on the value of the job and not on the gender of the person filling it. Our legislation, Mr. Speaker, will implement pay equity in the Civil Service, in the Crown corporations, and in external agencies which receive substantial government funding; examples of the latter are hospitals and universities.

Starting no later than October 1, 1985, the Civil Service Commission, the government and employees, must begin the process and reach agreement on a single job evaluation process to be used throughout the Civil Service and on the classifications to apply. Agreement on this must be reached by June 30, 1986. Once job evaluation has been completed, a second round of negotiations will occur dealing with the exact allocation and phasing in of necessary wage adjustments. This second agreement must be reached no later than September 30, 1987. The same process will take place in all Crown corporations and in those agencies named in the bill or designated by subsequent regulation.

The timetable for this sector means that the process of implementing pay equity will begin no later than October 1, 1986. Agreement must be reached by June 30, 1987 on the job evaluation system and classes, and by September 30, 1988, on implementation.

Should parties fail to reach the required agreement on implementation of pay equity, impasses will be resolved by adjudication in the Civil Service through the appointment of an arbitration board; and, in the Crown agencies and external agencies, through a referral to the Manitoba Labour Board. Both boards will have sufficient remedial power to ensure that the process of job evaluation occurs, and that pay equity adjustments required by the act are made.

Three features of Manitoba's legislation distinguish it from other existing equal value legislation in Canada: its proactive approach, its utilization of the collective bargaining process, and its establishment of a Pay Equity Bureau with a broad mandate.

The act's proactive approach will oblige the public sector employers affected to apply a single, gender-neutral job evaluation system to female-dominated and male-dominated classes of employees in order to compare the value of the work performed by those classes. The purpose of the job evaluation process is

to identify pay inequities. A class will be considered gender-dominated if 70 percent or more of those in a class of 10 or more people are of the same gender. In the case of employers with more than 500 employees, other classes may be considered gender-dominated in accordance with the negotiated agreement of the parties concerned. The regulations may set out further criteria for gender domination for employers with fewer than 500 employees.

A fundamental part of Canadian labour policy is the commitment to the collective bargaining process. Manitoba's pay equity legislation, not only respects the collective bargaining process, but makes that process key to the identification of pay inequities and the determination of necessary pay adjustments. Through the collective bargaining procedures required by the act, employees will play a vitally important role in the implementation of pay equity. Bargaining agents or employee representatives, and the employers concerned, are obliged to bargain in good faith, making every reasonable effort to reach agreements respecting this process.

Once the evaluation is complete and agreement on implementation of adjustments is reached, pay equity adjustments will begin. The adjustments may not exceed 1 percent of the employer's payroll in any one year, and may be phased in over a four-year period.

The creation of a Pay Equity Bureau with a broad mandate is another feature of the Manitoba approach to pay equity of which we can be proud. A Pay Equity Bureau will be established in Manitoba Labour, managed by an executive director who will have broad powers to monitor compliance with the legislation. Reports must be filed with the Bureau by public-sector employers, and these will be summarized in the executive director's annual report which is to be tabled in the Legislature. Should the bargaining process break down the executive director will also have the right to refer unresolved matters to adjudication.

In addition to these important monitoring and reporting functions, the Bureau also has a broad mandate to provide pay equity information and assistance to employers, employees and bargaining agents in both the public and private sectors.

Other details of the pay equity bill also provide for careful consideration of the implementation process. We want to ensure that pay equity is not just a concept, but a reality. In addition to the defined timetables, clear principles and collective bargaining process, a Pay Equity Commissioner will be designated to oversee the day-to-day details of implementation within the Civil Service, while each Crown agency and external agency will be required to designate a person as a pay equity officer to perform a similar role for those organizations.

The Pay Equity Commissioner and officers are obliged to co-operate with the executive director of the Pay Equity Bureau, so that the executive director can effectively monitor progress and provide any needed assistance.

It is our intention, Mr. Speaker, to ensure that pay equity will also be implemented in school boards and local governments. We did not include them in this legislation since we want to fully consult with school boards and local governments on pay equity initiatives and discuss a suitable time frame for their implementation. This is a summary of our bill, Mr.



Speaker. I look forward to debate and to the presentations I am sure will be made at the committee. We all know, Mr. Speaker, that this bill, this concept, will have its detractors. Some will say they're totally against the concept, others will say it does not go far enough. Some I know who will support the bill will have some reservations; some may make suggestions for improvement. We'll look at those suggestions, Mr. Speaker, but we will not make any changes that will take away from its purpose, bringing pay equity to the workplace.

There are many detractors who will charge that this act will bring pressure on private enterprise to implement pay equity. They will say that women's wages are low, not because of discrimination, but because of market forces. Wages are low, not because of discrimination, but because of market forces. They will charge that this is interference in the marketplace and will lead to ruin; we will become uncompetitive. Does the argument sound familiar, Mr. Speaker? It should. It's the same argument that was used by the plantation owners in defense of slavery. It's the same argument that was used by the coal mine owners to keep young boys of five and six in the mines. — (Interjection) — Well, Mr. Speaker, I note some smiles; some smiles perhaps of derision when I talk about slavery and work in the mines.

Mr. Speaker, the blood of workers is new testimony to the fact that this is not a funny matter. It's the same argument that was used by the textile mill owners in their fight against a 48-hour week for those under the age of 13, interference in the marketplace, Mr. Speaker. Well, Sir, I say that some interference in the marketplace is justified. It is, in fact, consistent with society's belief that it's important to intervene to achieve legitimate, social and economic goals.

Government grants to businesses, an important example of market interference, considered appropriate. There are many others; minimum wage laws; pollution-control legislation; ban on extra-billing by medical doctors; all interfere in the market. Mr. Speaker, when the marketplace fosters discrimination in the payment of wages based on sex, I say it is justified to interfere in the marketplace.

It has been suggested in some quarters that pay equity for female employees may only be implemented at the expense of male employees. This is clearly not our intention. Firstly, a provision of the legislation provides that no employee will have his wages reduced in order to implement pay equity. Secondly, and perhaps more importantly, we are prepared to provide additional funding of up to 1 percent of payroll per year, for a maximum of four years. This money is intended specifically to raise the wages of workers who have been underpaid as a result of sex-based discrimination.

The parties, through the collective bargaining process, will work out the specifics on the way in which this additional money will be spent. Simply put, we intend to address the issue of pay equity by raising the wages of some employees without lowering the wages of others.

It is suggested by some that the private sector should fall into this legislation. Mr. Speaker, we decided against including that sector. It was our opinion that we should lead by example, that we should show that pay equity can be achieved at a reasonable cost and without disruption.

Mr. Speaker, equal pay for work of equal value may be a constitutional right under our Charter. In addition, Canadians have a duty and commitment to the implementation of pay equity as a result of Canada's being a signatory to three international instruments, namely, the International Labour Organization Convention 100; the International United Nations Covenant on Economic, Social and Cultural Rights and the United Nations Convention on the elimination of all forms of discrimination against women. Pay equity, Mr. Speaker, is a form of justice.

We feel confident that the private sector will proceed with pay equity willingly on their own. Our pay equity bureau will be available to offer them advice and help in implementing it in their workplaces. I am sure that this will continue to be an issue in collective bargaining. Sir, we are confident that the private sector will want to correct this injustice that has been carried on the backs of women for far too long.

We, in Manitoba, have a long and proud history of fairness, Mr. Speaker. In 1895, the Winnipeg Trades and Labour Council put together a political platform that included calls for child labour laws and for equal pay for equal work laws.

In the 1899 provincial election, that Winnipeg Trades and Labour Council called for a minimum wage regardless of sex. In 1918, a minimum wage of \$12 per week was set for women. During the depression, men's salaries dropped below that wage and then the law was rewritten to include men and that's how we had a minimum wage in this province that is uniform, Mr. Speaker.

We have continued to work towards fairness and equity, Mr. Speaker. It was the CCF and the NDP as the conscience of Parliament in Canada, that brought Canada old age pensions, family allowances, unemployment insurance and medicare. It has been the CCF and the NDP that has led the fight for justice and human dignity for all.

I am proud to be part of a government which continues with this tradition. I am proud to introduce this bill which will bring justice and equality to the women in our public service and which will establish a model to be used throughout the province and the whole of this country.

Mr. Speaker, I am proud to move this bill for second reading. I call on all members of this House to give speedy passage to it, so that we can begin to right the injustice that has persisted for so long. Not a giant step for mankind this, but rather a sure steady, purposeful step along the path of justice for all; a path not easy, but a path now proven through the dedication of many who came before.

**MR. SPEAKER:** Are you ready for the question?  
The Honourable Member for La Verendrye.

**MR. R. BANMAN:** Thank you, Mr. Speaker. I beg to move, seconded by the Member for Turtle Mountain, that debate be adjourned.

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

It had been my intention to move the House into Committee of Supply. However, in view of the time, I see that Bill No. 64 has been distributed. Perhaps I could ask leave to proceed with this bill through to third reading. I'm sure we can accomplish that in the next 20 minutes and then go to Private Members' Hour and we can go into Supply then at 8:00 p.m. this evening, if there's leave to do that.

Bill 64, Sir, replaces Bill 2, has now been translated and distributed.

**MR. SPEAKER:** Leave to introduce Bill 64 for second reading? (Agreed)

The Honourable Government House Leader.

**HON. A. ANSTETT:** Mr. Speaker, just before I move the motion, before procedural information, Sir, for the purpose of moving bills to the stage at which they were prior to the rescission motion passed earlier today.

As House Leader, I would propose to move those motions because they will simply be procedural and will not be spoken when we reach a stage of the bill that had not been previously accomplished in this Session. The responsible Minister would move the bill, for example, for second reading and speak to it.

### **BILL NO. 64 - THE HEALTH SERVICES INSURANCE ACT; LA LOI SUR L'ASSURANCE-MALADIE**

**HON. A. ANSTETT** presented, by leave, Bill No. 64, An Act to amend The Health Services Insurance Act; Loi modifiant la loi sur l'assurance-maladie, for Second Reading

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Speaker.

I beg to move, seconded by the Honourable Minister of Health, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole to consider and report on the following bill: Bill No. 64, An Act to amend The Health Services Insurance Act; Loi modifiant la loi sur L'assurance-maladie.

**MOTION presented and carried** and the House resolved itself into a Committee of the Whole to consider Bill 64.

### **COMMITTEE OF THE WHOLE HOUSE BILL NO. 64 - THE HEALTH SERVICES INSURANCE ACT; LA LOI SUR L'ASSURANCE-MALADIE**

**MR. CHAIRMAN, P. EYLER:** The committee will come to order. We are considering Bill No. 64, An Act to amend The Health Services Insurance Act, loi modifiant la loi sur l'assurance-maladie.

What is the will of the committee, bill-by-bill?

Bill-by-bill. Bill No. 64—pass.

Committee rise. Call in the Speaker.

### **IN SESSION**

**MR. P. EYLER:** Mr. Speaker, the Committee of the Whole has considered Bill No. 64, An Act to amend The Health Services Insurance Act, loi modifiant la loi sur L'assurance-maladie, and reports the same without amendment.

**MR. SPEAKER:** The Honourable Member for River East.

**MR. P. EYLER:** Mr. Speaker, I move, seconded by the Member for Inkster, that the Report of the Committee be received.

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Mr. Speaker, I would ask to move third reading on Bill No. 64?

**MR. SPEAKER:** Does the honourable member have leave?

Leave has been granted.

### **THIRD READING**

### **BILL NO. 64 - THE HEALTH SERVICES INSURANCE ACT; LA LOI SUR L'ASSURANCE-MALADIE**

**HON. A. ANSTETT** presented, by leave, Bill No. 64, An Act to amend the Health Services Insurance Act; loi modifiant la loi sur l'assurance-maladie, for Third Reading.

**MOTION presented and carried.**

**MR. SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** Mr. Speaker, at the suggestion of the Opposition House Leader we're agreeable to a 10-minute recess, to 4:30, in anticipation of Private Members' Hour.

**MR. SPEAKER:** The House will accordingly recess until 4:30 this afternoon.

Order please. The time is 4:30.

### **IN SESSION**

### **PRIVATE MEMBERS' HOUR**

**MR. SPEAKER:** The first item on the Order Paper for today is Adjourned Debates on Second Readings of Public Bills.

Bill 29 has been withdrawn.

**PROPOSED RESOLUTIONS**  
**RES. NO. 11 - PROTECTION OF ELDERLY**  
**AGAINST ABUSE**

**MR. SPEAKER:** Under proposed resolutions, Resolution No. 11.

The Honourable Leader of the Opposition.

**MR. G. FILMON:** Mr. Speaker, I move, seconded by the Honourable Member for Lakeside

WHEREAS many seniors, because of their dependency on others for care and support are vulnerable to various types of exploitation; and

WHEREAS increasing numbers of elderly persons in Manitoba are falling victim to physical, emotional and financial abuse; and

WHEREAS social agency officials, law enforcement officials and other experts have stated that Manitoba requires greater counselling and education resources to deal with the problems of elderly abuse; and

WHEREAS professionals and experts have called for laws to protect the elderly against elderly abuse.

THEREFORE BE IT RESOLVED that this Legislative Assembly urge the Government of Manitoba to enact legislation to protect elderly Manitoba residents against all forms of abuse.

**MOTION presented.**

**MR. SPEAKER:** The Honourable Leader of the opposition.

**MR. G. FILMON:** Mr. Speaker, I think it's fitting that we speak to this resolution during Seniors' Week here in Manitoba, because I think that seniors are looking for more than coffee and dainties from their governments. I think they're looking for more than just the opportunity to browse and chat with members of the Legislature and listen to an accordion being played by one of the members or any of those things. I think that they're looking, Mr. Speaker, for something that is worthwhile, something that they can say is of benefit to them, legislation that protects them or opportunities for programs or resources that are directed toward their special needs.

I think more than anything, there ought to be a concern for their well-being and their protection. I believe we owe it to all of the seniors of our province to ensure that they can live in an independent and happy lifestyle in their golden age years; to ensure that they need not suffer from insecurity, indignity, physical or financial abuse.

These would be, of course, the ideal circumstances that all of us would like to provide for our senior citizens in Manitoba. Hopefully, these circumstances would occur in a society in which protection, for all members from any form of abuse, is available. Unfortunately, we know that in our society there always are groups that are more vulnerable than others.

During the past decade we have recognized and moved to protect by legislation, by education, by counselling and support services, crisis intervention, temporary shelter, children who have suffered from abuse and, of course, women who have suffered from abuse. I think it's really only within the last number of years that the magnitude of the problems of abuse of these two particular groups, particularly children and women, the magnitude of the problems that they have faced in terms of the potential for abuse has been

recognized and acted upon. I think, Mr. Speaker, it's fair to say that, as well, we are now becoming more and more increasingly aware of the potential for abuse of the elderly in our society.

Earlier this Session we had a series of articles that detailed some of the abuse that does occur in society and, particularly in this case, instances of abuse that had been catalogued in Manitoba. Of course, they fall into three broad categories: financial abuse, psychological abuse and physical abuse. We're talking again about a group who, for a variety of reasons because of their dependence on others for care and sustenance in some cases, may be more vulnerable than the majority of people in society.

So when we look at the potential for abuse, we can look at some of the statistics that are available to us. In 1981, there were 402 cases of elderly abuse reported in Manitoba. Studies that were done to analyze those cases of abuse by various professionals in the field, indicated that they broke down basically into these percentages: 40 percent were financial abuse; 37 percent were psychological abuse; 22 percent were physical abuse.

They take a great variety of forms. Somewhere in the information that I have been reviewing it said that one of the most common forms is that people who are dependent on others, and in many cases they may be people who are closely related to them, want their monthly retirement allowance cheques taken from them, and they're not properly and adequately looked after in terms of their physical and emotional needs. In other cases, of course, there is much greater misconduct with respect to their financial circumstances and they are induced to sign away property, to sign away their valuables, and to sign away some of their assets perhaps unknowingly.

Mr. Speaker, we have to recognize that this potential for abuse is there, and can result from seemingly innocent circumstances. Last Friday, I know members on our side were disturbed at the thought that was perpetrated by the Premier when he suggested that a major list of senior citizens in this province, some 11,000, could be obtained by simply entering into an agreement with the Manitoba Telephone System. Now, Mr. Speaker, we haven't had confirmation as to whether or not that is indeed the case. I would tend to believe that it isn't the case but if it is it's so simple that somebody can obtain a confirmed list of 11,000 senior citizens sent, I don't think one has to think too long and too hard to determine what manner or purpose that list could be used for, and some of those purposes, in my way of thinking, are not purposes that we'd want to encourage.

For instance, people who wanted to go and approach elderly people for high-pressure sales circumstances, knowing that perhaps these people might, in their state of dependency, might be an easy mark for a high-pressure sales approach. People might approach them on - we've heard about confidence rackets that seek to take away things from the elderly, take away their assets and their possessions by gaining their confidence - all sorts of illicit and illegal means for that list, I think, could be gained. I think we would be very very concerned if those lists, for instance, were available to criminal elements who might find that it's easier to break into a senior citizen's dwelling and to do things

to them because they lack the capability of defending themselves and protecting themselves.

So we can understand how the seniors are more susceptible to various types of abuse when only we think about circumstances such as were conjured up as a result of, perhaps the inadvertent suggestion that was made by the Premier last Friday.

Mr. Speaker, we're speaking of people who may be physically and mentally capable people. We're not necessarily speaking of people who are suffering from any particular afflictions, although I am alarmed at some statistics that I recently saw about the increase in the incidents of Alzheimer's disease. The most recent statistics indicate that one in 10 of our seniors over 65 years of age, now suffer from Alzheimer's disease, a rapid mental deterioration that occurs as a result of that disease; and in fact, one in four over the age of 80 suffers from Alzheimer's. That's a staggering statistic and one that obviously should give us great cause for concern, knowing that these people would be even more vulnerable to various types of abuse in their unsuspecting state.

But even those who, as I say, are both physically and mentally capable for a variety of reasons, are still more vulnerable perhaps than the average person in society to the types of abuse that we've read about recently. For instance, here's an instance in which a city health department official opened a door of a four-metre trailer parked in a West end Winnipeg parking lot recently and what they found was not pleasant. On a cot was a woman in her 80s covered in flies, lying in her own urine and feces. She was emaciated, dirty, dehydrated and not cognizant of what was happening. It turned out that the woman's son, who lived in a nearby apartment block had put her in the trailer and was taking her pension cheque each month and leaving her nothing to live on.

This woman like hundreds of other elderly persons in Manitoba, is a victim of elder abuse, known sometimes as granny bashing and gram-slamming. It's victims are the frail and elderly who are often physically and emotionally dependent on others to provide for them.

One American specialist in Denver calls it the King Lear syndrome after Shakespeare's tragic hero, who fell prey to the ways of his two scheming daughters. She also says that as many as one million elderly people may be victims in that country, the United States. And obviously if those are the numbers that are prevalent or potential in the United States, then similarly there are considerable numbers here in Canada and here in Manitoba. So it's time that society addressed the issue of elder abuse. Too many people are suffering through the financial, mental and social abuse, unaided and alone. Communities should address themselves to this problem.

We have to remember that as much as the problem is becoming apparent today, it's likely to grow as our population ages and indeed, again, the statistics seem to confirm that the population is maturing at a great rate; estimated that by the year 2000 the population over age 75 will have increased by 53 percent from what it is today. And as more of our elderly elect to stay out of institutions the need to protect them in their own environment will become very great.

I think that we want to ensure that we provide the means for support and for protection of them in their

own independent environment, living as much as possible in their own homes, in their own circumstances, whether it be their apartments, we should do everything possible to encourage that. Not only because it's better for them in the sense of their own physical and mental well-being, but because it's better for the province, for the government because we don't have to invest nearly as much money as we do when they become institutionalized. And, indeed, we can never provide them with the kind of level of support that they can provide for themselves, if encouraged and given the incentive to be independent.

But in order to see that that happens, Mr. Speaker, we have to try and do a number of different things to facilitate an ensure that they can continue to live on their own and that they can be proud to live independently.

We look at some other studies, Mr. Speaker, and there's a study that was done by Hickey and Douglas and it said that 60 percent of professionals deal with abuse on a weekly basis. — (Interjection) — Mr. Speaker, I'll pass my references over to the Minister of Labour because I have them here.

But, in addition, this study that was performed said that 93 percent of abuse cases studied revealed the family member as the perpetrator; 22 percent of the cases involved were passive, that is, they were dealing with primarily problems of personal hygiene, 19 percent of the cases revealed financial abuse; 32 percent of the cases involved injury or a fall as a result of inadequate attention; 26 percent involved physical abuse by a family member.

Case studies indicated that victims are usually female, frail and functionally dependent. The research further suggested that a greater degree of involvement of protective services in domestic situations is warranted. The research indicated that there is a growing trend towards the rejection of nursing homes, and that families are being more involved in the care of their elderly members and I support that. In fact, I've always admired many different ethnic groups in society who, as part of their society, want to have their seniors living with them, want to have them as an integral part of the family and they participate to the fullest extent, and they have a sense of self-worth and contribution by participating within the family structure.

All of this information I know, Mr. Speaker, is available to the government and is available to the Minister of Health, because I want to indicate that the Minister of Health has said as recently as last July that, firstly, a complete study was presented to him, a study that was done in 1982 by Donna Shell; that there were various recommendations contained within that study which the Minister has at his disposal. In fact, in July of 1982 it's quoted in an article in the Free Press: "Desjardins said he expects to take the committee's recommendations to Cabinet's Social Resources Committee next month. He said, if it is approved and then passed by the full Cabinet, some of the measures could go into effect before next year." That's this year, 1985. "It's obvious there is abuse of the elderly, he said. There has to be some protection."

So I know that the Minister is well aware of it. He has various reports on this matter, and he's prepared to act. But the question is, Mr. Speaker, when? Because some of the recommendations that were put forward

in this study by Donna J. Shell that he has, are firstly, "... to alert professionals to the problems and the signs and the symptoms of elder abuse because at present there appears to be a lack of professional awareness of the problems and a reluctance to identify it."

A second recommendation was that training sessions and seminars that focus on the forms and dynamics of elder abuse, as well as risk indicators and possible treatment strategies be adopted. Counselling should also be made available to families faced with caring for an elderly person, so that they can know about the eligibility for and methods of acquiring financial aid, as well as information on community home care services.

As well, we need laws for protection of elderly persons clearly. This includes a need for a law which would provide for mandatory reporting of elderly abuse cases, such as we have in the instance of child abuse in this province.

As well, a need for a central registry so that it would be a social service protective agency, rather than a law enforcement agency so that the information base upon which we can base our future counselling and education programs would be more available.

We need halfway houses or shelters for abused elderly people who have to be looked after temporarily and taken out of the environment in which they are.

Mr. Speaker, we need consultation teams to be developed to aid in determination of the need for intervention and subsequent corrective strategies in the case of elderly abuse.

So, Mr. Speaker, there is a good deal of information available. I know that the Minister of Health has much of this information at his disposal, in fact, probably all of it. What is needed now is having recognized that the problem exists, that the problem is growing and that, in fact, as the numbers of elderly in society continue to increase between now and the end of the decade, we will have to take concrete steps, concrete action to ensure that the legislative framework and, in fact, the support systems and structure are there to protect these people who have contributed so much to our society, the building of the foundation which we have inherited and that we intend to carry forward with in future. These people deserve our utmost care and attention and all the protection we can give them.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Are you ready for the question?

The Honourable Attorney-General.

**HON. R. PENNER:** Thank you, Mr. Speaker.

Mr. Speaker, I think there is probably no one in this House or indeed any decent person in our society who, being aware of the existence in a variety of forms of elderly abuse, would not subscribe to the general comments, let's do something about it.

The difficulty with the resolution of the Leader of the Opposition and, even more so, his remark is that it leaves it exactly there, resolved that something should be done about it. But it is almost incomprehensively vague in terms of specific action. Indeed regrettably, it seemed to me for the best part of the submission of the Leader of the Opposition, it was little more than

a thinly veiled attack on the government and I think that's regrettable that you take an issue which is of such importance to this group in society and use it as a vehicle to attack the government. There is plenty of other opportunity to attack the government should that indeed be the desire of the Leader of the Opposition - he has so far shown himself rather inept at doing that - why would he piggyback that kind of attack on this resolution?

First of all he was dripping with sarcasm, both in question period and in his speech, about the tribute that was paid in this House by this Legislature, not just by the government, to the senior citizens of this province. Now he did not, I assume - I certainly did - mix and circulate with the seniors. Indeed I had, albeit, Mr. Speaker, in the pouring rain, a couple of hundred who came to my place on Saturday for a garden party. There was a tea last week that I attended with the Premier at 33 Edmonton.

I want to tell you, Mr. Speaker, that seniors who have contributed so much, elders in our society who have contributed so much through the course of their lives to the building of this society, that kind of recognition means to many of them a lot more than material things. So we shouldn't really downplay that kind of recognition. I think, rather than that, we should find ways of all of us being involved in dealing with seniors in that way.

Mr. Speaker, it is true that elderly abuse can take a variety of forms, not the least of which is economic. I am going to come back to that theme in a moment. It's important to identify the forms and to see what is presently being done so that we can begin to identify, as the Minister of Health will when he speaks to this resolution a little later, with great precision the kind of areas in which there may be deficiencies and in which movement should take place. There is economic abuse, and I will come back to that. That's the most pervasive and the most difficult.

There is physical abuse. With respect to physical abuse, Mr. Speaker, in the main that, of course, like spousal abuse and like child abuse to which adverbence was made by the Leader of the Opposition, are dealt with by provisions of the Criminal Code, because any kind of abuse that is physical in nature constitutes an assault. Even a threat of physical assault with the present intention to carry it out is an assault under the criminal law, and is addressed, in the main, by the provisions of the Criminal Code.

There are some enforcement problems where, until about two years ago February, the police were not normally laying charges in spousal abuse. Now they do, so that's an enforcement problem which has been addressed. There was a need in that area for shelters, and that may well be an area that we will have to look at with respect to elderly abuse, to take the abused person out of the context until the situation is properly dealt with.

There are evidentiary problems with respect to child abuse. Let me say here, parenthetically, I strongly support recent recommendations for law reform in that area so that the uncorroborated evidence of a child can be received, subject to certain safeguards. But in the field then of physical abuse, substantially that kind of thing if it comes to light - and therein lies part of the problem - can be dealt with by the Criminal Code.

With respect to other forms of abuse, there are provisions in terms of the legislation of the Province

of Manitoba that I would like to deal with in a few moments.

Mr. Speaker, I said that one of the principal problems is economic abuse. In Manitoba, looking at the kind of legislation we have so that we can see what we need, our Public Trustee, because of certain provisions in The Mental Health Act administered by the Minister of Health which is unique in Canada, is not only the guardian, where appointed, of the estate of the elderly who need that kind of help, but is a guardian of the person. Our Public Trustee has powers presently which perhaps should be amplified, but he has powers where he can and does intercede . . .

**MR. C. BIRT:** We're great, but not that good.

**HON. R. PENNER:** Yeah, we're great but everything can be improved. The Member for Fort Garry probably has been in this House long enough by now to know that nothing is perfect. He has been in this life long enough to know that nothing is perfect. He has listened to his leader long enough to know that very little is perfect — (Interjection) — look, sure it can be improved, but let's look at what we have so we can see where we want to go.

The Public Trustee, in the Annual Report filed for the year 1983-84, cites at Page 4 the cases in which he has been able to intervene. He cites 28 cases where elderly persons came under the jurisdiction and protection of the Public Trustee. They had suffered sufficient financial, emotional or physical abuse to warrant legal intervention on behalf of these persons.

Now, Mr. Speaker, there have been suggestions that are being considered that we ought perhaps to model and improve legislation on The Alberta Adult Dependents Act, but The Alberta Adult Dependents Act probably does little more than is presently done under the provisions of The Mental Health Act.

It seems to me, since the revision of The Mental Health Act is being worked on by the Minister of Health and he will speak about that, that consideration might well be given to examining the powers of the Public Trustee and seeing whether or not provisions of The Mental Health Act might be strengthened so that we perhaps are able to do what becomes pretty key with the abuse of children, namely, early identification since so much of it is in the family. It's not all in the family, but so much of it is in the family.

With early identification - and that then is the major part of the problem - the Public Trustee, with the powers that he presently has, perhaps with some amplification of those powers, can move in, make an application to court, become not only the committee, as it's called, of the estate, but of the elderly person who is being abused and take such remedial steps as may be necessary, including sending information to law enforcement authorities with a view to possible criminal charges where those are warranted.

The example given by the Leader of the Opposition certainly is the kind of situation - I wouldn't say all too common, but it's not uncommon - where the early intervention of a person in the Public Trustee's office would have been helpful had that situation come to light. We have to look, as we have done with child abuse at how we can find out what is happening within

the four walls of a person's home where often children or the family of the elderly person who may be ill in a way suggested by the Leader of the Opposition, who may be suffering from Alzheimer's disease, for example, might be abused, and no one knows about it. We might have to use a variety of persons in society as a front line of identification. That's why it's not enough simply to say there is a problem. Let's do something about it.

The difficulty is that we cannot assume - no one would want to assume and, even if someone did, we cannot assume because of Section 15 of the Charter that, because somebody is elderly, therefore they are infirm in the sense of being unable to manage their affairs. We can't make such assumptions, and then proceed to intervene in the lives of the elderly in the same way that under the Child and Family Services legislation, formerly, well, still The Child Welfare Act, there are certain provisions that recognize, in a deeming way, that children of a certain age are dependents and that the state is the parent of them all and the state has great powers with respect to children.

We have to ask the question whether we would want the state to have the same powers with respect to the elderly simply because they are elderly. I think everybody would agree, if you posed the question in that way, that it doesn't necessarily follow - God help us if it does - that because someone is elderly - and where does that begin - that therefore they are in a state of a dependency, and the state has the right to move in and say we are taking care of you, we're looking after you. Surely that has to be avoided.

That is why, even though the Minister of Health and others, the Leader of the Opposition, are in receipt, among other studies, "The Protection of The Elderly" by Donna J. Schell, and there are recommendations there, they have to be articulated in the form of proposals for legislative action and program action very very carefully, and put in the context of what we have available, put in the context of the laws that are presently operating so that we are not starting from Square One; we're not starting from Ground Zero. We have fairly strong provisions in the Criminal Code. We have in Manitoba a Public Trustee, and we might expand the powers of the Public Trustee. We might expand the ability of the Public Trustee to identify in an early way some of the problems.

But, Mr. Speaker, I think that in facing what has to be done, in recognizing problems - and I commend the Leader of the Opposition for that - that we have to take a look at what is in place and how we can build on it.

I just want to point out, for example, that in Manitoba, and I don't say that this is the product of our government only, but let's recognize what we as Manitobans have - I'm speaking as a Manitoban, and not in a narrowly political way - with respect to elderly persons housing. In many ways, on a pro-rated basis, we lead the country with respect to the provision of decent, and in some cases, top-notch elderly persons housing - there is a lot of it in my Constituency.

With respect to personal care homes, our Home Care Program - yes, it can be improved - but our Home Care Program is magnificent, and it helps to maintain, not only the body, but the spirit and soul of elderly people who are, because of the Home Care Program,

able to stay in their own environment for much longer than would otherwise be the case. The SAFER Program, the Public Trustee, these are already in place.

Mr. Speaker, I pose these few remarks to just set the stage, by not only saying, well here are the areas of problem, but let's look at what we have, and later the Minister of Health will be able to, on the basis of what we have, begin to project some paths along which we want to travel.

I would like to close by noting something, and I hope it is not in a narrowly political way because it has been the subject of a resolution endorsed by both sides of the House. I spoke at the beginning of these remarks about the fact that one of the greatest forms of abuse is economic abuse, and it seems to me that the question of the pensions that have been built up, one would have thought as part of a social consensus, as something for our senior citizens so the terrible conditions under which they lived, and we all remember them, some perhaps not as much as others because it goes back to the 20s, 30s, 40s, particularly, and into the 50s. But through the building up of a social consensus, led, yes, by people like Stanley Knowles but, not only by him, we have achieved a certain understanding about the fact that these pensions are a matter of right and not of some handout, not welfare, not something, in my view, to be put on a means test basis. When, having reached a certain standard, there is a partial de-indexing, that too is a form of economic abuse, and it should be recognized as such.

I'm proud of the fact that our Legislature has taken action on that, so it need not be the subject of action as proposed by the resolution.

The weakness of the resolution, and it is not in its intent, but in the fact that it ends up in a very vague way that the Assembly should do something. It is my hope that the debate, as it develops over the next week to 10 days, whatever time is necessary, develops some of the notions that are suggested in the Leader of the Opposition's resolution and that, indeed, when we are at that point of moving on the Resolve, there is something more in the way of teeth and specific recommendations than is presently the case.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Are you ready for the question?

The Honourable Member for Emerson.

**MR. A. DRIEDGER:** Thank you, Mr. Speaker.

I'd like to take this opportunity to compliment our leader on bringing forward this resolution. It would have been possibly more appropriate if we could have debated this resolution yesterday already when we had the seniors in the building here.

The Attorney-General, in speaking, was critical of our leader. He said it seemed sarcasm was dripping at certain times today during question period and in his comments yesterday about our seniors. I think maybe that is one of the reasons why this is a very timely subject that we will be discussing here.

He also criticized our leader for lack of specifics in terms of what should be done. I think just the fact that this resolution is before us and that we are talking about it in the House will already illustrate and bring forward many concerns that I think have to be talked

about. When the Attorney-General indicated that our leader was critical, to some degree, or smacked of criticism on yesterday's program with the seniors here, I don't have any qualms about indicating that it smacked of politics to me because, if we had really wanted to be concerned, if the government had wanted to be concerned, about making the seniors aware of what happens in this building, why was there not a total involvement of all members of the House? It was a very close-knit type of thing. All the EA's were running around and doing the promotional job. We saw the signs being hauled into this building with big NDP signs — (Interjection) — Mr. Speaker, this is a source of part of my speech here today is a certain type of abuse to some degree. I think it's very timely that we're doing that.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. SPEAKER:** Order please.

**MR. A. DRIEDGER:** Mr. Speaker, let's roll back the clock a little bit to the time when, for example, I was a youngster, when we didn't have personal care homes; when we didn't have pensions; when many groups looked after their seniors themselves; when our grandparents and great-grandparents looked after the elderly, because there were no programs available at that time. I think we have come a long way since that time, because I think that possibly there was more physical abuse with our seniors at that time. Many of the seniors at that time had to move in with their children who had their own families. At that time, I think there was possibly more pressure and more abuse of our seniors than maybe at the present time.

I think our laws give protection now. We have nursing homes; we have senior citizens' housing, we have things that are in place. So I think the physical abuse in my mind, Mr. Speaker, is not as dramatic as it maybe used to be. I'm not saying it isn't there. I still think it is there in cases, but I think our society highlights these things a lot more now and it isn't quite as obvious. There probably is physical abuse behind the scenes, and it's going to be very hard to get into that if it's behind the doors that you can't get at it properly.

Then let's talk about the three areas of abuse. First of all, the physical, and we covered that to some degree; the financial abuse in our society. I think we've come a long way in that respect as well where we now have a pension program where many people - and I can't talk about the city as much, I can talk more about the rural area - where many of our seniors worked hard all their life, raised big families, ended up, ultimately because of economic times, with very little means available to them. Whereas now, we have people who have come through those circumstances, now qualify for old age pension, and a supplementary pension has come in as well. I daresay that, if I did a survey in my rural area, in terms of how our seniors are living now financially, they probably never had it better, and I grant them that. I think we owe that to them. I think they are the most deserving people we have. They have built this country. They've made it what it is for us, and hopefully we don't abuse the country.

So I think the financial abuse - and granted there is. I'll touch on that a little later on. There are cases



where people who have assets, because of the system get abused, either by children or by others, and I want to touch on that. But the thing I think that we have to concern ourselves with is mental abuse to some degree, because we have developed now a program and a society where we look after our seniors, hopefully, as best we can due to the economics.

We have now come to that point where people are looking forward to the golden years. It never used to be considered, I think, golden years until we had these programs in place. Now they're looking forward to the golden years. When they get to be age 65 they qualify for the pension. If they haven't got any other means for backup, they have the supplementary pension. I can say very honestly, Mr. Speaker, for my parents who never were people of great means, they live very comfortably at this stage of the game. My mother-in-law lives in her own house, lives comfortably.

**A MEMBER:** They worry about what you do.

**MR. A. DRIEDGER:** They probably have their reasons sometimes.

But the mental abuse is what happens, how we treat them now. Now we get to the point where, I think, our society is opening the door to allow people to go and put mental pressure on our senior citizens. For example, we have these various programs that are available, Critical Home Repair Program for our senior citizens, fix up your windows, your heating, your roof, whatever the case may be, your insulation. Then we have companies that take advantage of this, go out on a door-to-door basis and say listen, the government is going to pay the biggest portion of this. It will only cost you a small fraction. We will take and do this with your house; we'll do that with your house, and government is paying most of it.

Many of our senior citizens, especially when a high-pressure salesman comes on - and I've seen them, I met with them. I had a real fight with them in one case, because they're polished salesmen. They come on very strong. They're professional people, and our senior citizens cannot cope with it. They think well here I'm getting something. If I don't take it, you know, I'm doing something wrong if it only costs me a portion of my money. That is where we get some of the mental abuse that takes place. It's the stress that we create in some of these with the anticipation that they have.

I want to get a little political here at this stage of the game, Mr. Speaker, because it was during the last provincial election, when some of the candidates running around the country vying for votes used the example that one party or the other would cut off people's pensions or senior citizen's pensions, would turn them out of nursing homes. It was members on the government side that used that approach and said, if you elect the Conservatives . . .

**A MEMBER:** Look what they're doing in Ottawa!

**MR. SPEAKER:** Order please, order please.

**MR. A. DRIEDGER:** But, Mr. Speaker, that is what was happening. I think, Mr. Speaker, that our citizens are afraid of elections coming, because invariably they are

going to be exposed to this kind of rhetoric again and threats, to some degree. It was last time, they walked into senior citizens' homes and indicated to our seniors that, if you elect a P.C. Government, you're going to be turned out of your homes; your pensions are going to be cut off - scare tactics. If that isn't mental abuse, tell me what is? That is mental abuse, and it petrifies the seniors.

I will touch on it. When we talk of this de-indexing of the Federal Government which I do not support or condone, but the same approach has been used and, in many cases, said there are seniors who believe with what the Federal Government has done that their pensions are going to be taken away. That is mental abuse. The people who represent it in that way are creating mental abuse for our seniors.

Stress is very easily created for these seniors in this respect. They are concerned. In fact, Mr. Speaker, there are many seniors who are looking forward to their pension years and are afraid there won't be any programs left by the time they get there. When we see the spending of governments and the deficits being run up, they have concerns that there might not be any money left for their pensions when they get to that stage. In fact, Mr. Speaker, sometimes even I have a concern about that.

It is the government programs that have been used. I'm saying this to the Minister of Health, not because the programs are bad, but because they have been abused by entrepreneurs for private gain and have created this kind of problem for people. I have indicated how the politicians have created mental abuse to many people, and they have.

In my case, Mr. Speaker, I have my parents and my mother-in-law. They live within a stone's throw of my residence. When something comes up and somebody approaches them with a sales gimmick or there is something in the correspondence that they do not understand, they have no problem. They get on the phone or they come down, and they ask me what is this about and I give them the best advice I can. If I don't know, I can get the advice for them. Not all our seniors are lucky that way. Many of their children have moved away. In some cases, their children don't care. It is these kinds of people that need help, that need some kind of a protection from our society.

Mr. Speaker, isn't it the easiest thing for all of us when it comes to our parents to say, well look what we have done for you? We've built you nursing homes. We've got senior citizens' housing. We've got pension. Why should we even worry about them? That is not enough. In many cases, as I indicated before, they get exposed to situations that they should not have to be faced with.

I think all of us members in the House have been exposed to some of the problems of our senior citizens. There are those that would like to get into nursing homes. There are not enough beds. Economically, I don't know when we would ever hit that plateau where we could satisfy everybody's needs in that respect.

I believe this Home Care Program is definitely something that is a real plus, because I have people, an older couple, living in the Woodmore area - and I'll mention their names, Mr. and Mrs. Thomas Pott - married over 65 years. They've finally taken away his driver's licence because they feel he is too old to drive.



We appealed it, and they gave him a restricted licence to at least drive up to the doctor and to pick up groceries. They've been living there all their life. They're getting a little meager, but their children are around to help, but they get a homemaker coming in doing a little bit of the things that they can't do. That is why this kind of program is good.

I think we have to look at getting more of this kind of a thing going so that people can stay in their own homes. The nursing homes, the personal care homes are nice. They're beautiful, but I'll give you an example. For example, somebody from Sprague who needs personal care has to move to a place like, for example, either Vita or Steinbach, out of their environment. Many of them who have lived in a community all their life and some of our senior ones who now require personal care, maybe don't even know the language that well - maybe they're of German background; maybe they're of French; maybe they're of Ukrainian and we move them into a different environment, a different community in a nursing home, and it might be the nicest home, but it creates some problems for them. — (Interjection) — It does.

Mr. Speaker, for the children that are asking their parents and putting them into a home 50 miles or 80 miles, wherever the case may be, away from their home community and their friends, for these senior citizens, it is mental abuse. They agonize over it, because they don't know anybody there. Even if the place is nice, they have that feeling for their own home. That is where the Home Care Program is, I think, very beneficial and should be expanded on.

Mr. Speaker, the Attorney-General indicated before, he asked for the role of the public trustee as a caretaker for senior citizens. I think we need that system in place. But I have to raise some criticism in terms of the role of our public trustees because I have been involved in three cases now with public trustees where they stepped in - and one a very personal one - where my wife's aunt, the only one that was on that side of the family, happened to have a stroke and couldn't speak anymore. In her will, my wife along with her two sisters were the beneficiaries and were looking after things to some degree and when she went into the hospital, they looked after the home, and some individual complained and said that the nieces were abusing the privileges of the aunt. So the Public Trustee was called in - it's a long story; it would take longer, Mr. Speaker, than I have time for - but I was very frustrated with the dealings of the Public Trustee at that stage of the game.

Since that time I have had two more cases where two people took in an older lady, looked after her, and this lady had financial means, very financial means. She was happy with this couple who were looking after her. They would take her on holidays down to the states and what have you, and she was very comfortable. Somebody decided to throw a monkey wrench into it. The next thing you know the Public Trustee is on the scene. She was moved out of the home into an area she didn't want. Everybody is frightened about their money. There are five lawyers having a heyday with the money end of it. It is this kind of thing that I think we have to look at trying to get a control on. I don't have all the answers.

The Attorney-General was critical of our leader for not having specifics on these things. I don't have specifics, but I am illustrating some of the problems that are there. I think the fact, once again, the fact that we are debating and discussing it in this House here, I think brings forward these problems. There is a green light for the Minister of Health and for the government to look forward to answers in this area. There have been studies going on; that is fine. We all individually know of circumstances where we've had abuse of our elderly, where it has been financial, physical or mental.

So I am very pleased, Mr. Speaker, that our leader saw fit to bring this forward and hopefully we can encourage the government in the short time that they have to maybe initiate some movements, because if they don't, I know that our government will when we take over the government in a little while.

Thank you.

**MR. SPEAKER:** The Honourable Minister of Community Services.

**HON. M. SMITH:** Mr. Speaker, I wonder if it would be appropriate to call it 5:30.

**MR. SPEAKER:** Is it the pleasure of the House to call it 5:30? (Agreed)

The time then being 5:30, the debate will stand in the name of the Honourable Minister of Community Services.

The time being 5:30, I am leaving the Chair until 8:00 p.m. this evening.