



**House of Assembly**  
*Nova Scotia*

DEBATES AND PROCEEDINGS

Speaker: Honourable Gordon Gosse

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Third Session

FRIDAY, DECEMBER 9, 2011

TABLE OF CONTENTS	PAGE
<b>GOVERNMENT NOTICES OF MOTION:</b>	
Res. 2935, Richards, Bobby: Crystal Tourism Award	
- Congrats., Hon. P. Paris.....	5094
Vote - Affirmative.....	5094
<b>NOTICES OF MOTION:</b>	
Res. 2936, Int'l. Human Rights Day (12/10/11) - Acknowledge,	
Hon. S. McNeil .....	5095
Vote - Affirmative.....	5095
Res. 2937, Morrison, Scott/Flavor Catering: Persons With	
Disabilities Award - Congrats., Mr. A. MacLeod.....	5095
Vote - Affirmative.....	5096
Res. 2938, Arbuthnott, Joanne - Children's Wish Fdn.:	
Fundraising - Congrats., The Premier.....	5096
Vote - Affirmative.....	5097
Res. 2939, Planet Paws/Habib, Rodney & Fam.: Shubie Park Community	
Tree Lighting Celebration - Congrats., Mr. A. Younger .....	5097
Vote - Affirmative.....	5097

Res. 2940, Hickman, Maureen: Wrestling Silver Medal	
- Congrats., Hon. J. Baillie.....	5098
Vote - Affirmative.....	5098
Res. 2941, Beaton, Don - Peoples Jewellers: Retirement	
- Congrats., The Speaker (by Mr. M. Whynott).....	5098
Vote - Affirmative.....	5099
Res. 2942, Barra Food Bank Soc.: Vols./Organizers/Contributors	
- Thank, Mr. K. Bain.....	5099
Vote - Affirmative.....	5100
Res. 2943, Cumb. Health Care Fdn. Light the Way Campaign:	
Anniv. (14 <sup>th</sup> ) - Congrats., Mr. B. Skabar .....	5100
Vote - Affirmative.....	5101
Res. 2944, Sparling, Greg: Harness Racing Milestone	
- Congrats., Mr. E. Orrell.....	5101
Vote - Affirmative.....	5101
Res. 2945, So. Col. Academy - Science Prog.: Achievement Level	
- Congrats., Mr. G. Burrill .....	5101
Vote - Affirmative.....	5102
Res. 2946, LeBlanc, Falon/Team: Wedgeport Tuna Tournament	
- Congrats., Hon. C. d'Entremont.....	5102
Vote - Affirmative.....	5103
Res. 2947, Sexual Abuse Victims - Reporting: Bravery	
- Acknowledge, Mr. A. MacMaster .....	5104
Vote - Affirmative.....	5104
Res. 2948, MacKenzie, Graham/Baddeck Auto Supplies:	
Dedicated Serv. - Compliment, Mr. K. Bain .....	5104
Vote - Affirmative.....	5105
Res. 2949, Sydney Mines Ramblers: Baseball Season	
- Finish Congrats., Mr. E. Orrell.....	5105
Vote - Affirmative.....	5106
Res. 2950, d'Entremont, Pauline/Comm.: Argyle Mun. Hist. & Genealogical Soc. Award - Congrats., Hon. C. d'Entremont.....	5106
Vote - Affirmative.....	5107
Res. 2951, Port Hawkesbury Nursing Home: Almon Chisholm Wing	
- Opening Congrats., Mr. A. MacMaster .....	5107
Vote - Affirmative.....	5108
Res. 2952, Thompson, Mallory: Wrestling Achievement	
- Congrats., Hon. J. Baillie (by Hon. C. d'Entremont) .....	5108
Vote - Affirmative.....	5109
Res. 2953, MacArthur, Rod - B.C. Legislature: Recognition	
- Congrats., Mr. A. MacLeod.....	5109
Vote - Affirmative.....	5109

GOVERNMENT BUSINESS:

PUBLIC BILLS FOR THIRD READING:

No. 102, Trade Union Act	
Hon. C. d'Entremont.....	5110
Amendment moved	
Hon. F. Corbett .....	5110
Hon. J. Baillie .....	5110
Hon. F. Corbett .....	5111
Hon. J. Baillie .....	5111
Hon. C. d'Entremont.....	5112
Hon. S. McNeil .....	5121
Hon. J. Baillie .....	5124
Mr. A. MacLeod .....	5128
Vote - Negative.....	5130
Hon. S. McNeil .....	5130
Mr. A. MacMaster.....	5146
Mr. L. Glavine.....	5159
Mr. T. Zinck .....	5161
Mr. K. Bain .....	5163
Ms. K. Regan .....	5166
Mr. C. Porter .....	5171
Ms. D. Whalen .....	5173
Mr. J. Baillie .....	5180
Hon. M. More .....	5184
Vote - Affirmative.....	5188
No. 55, Medical Act.....	5188
No. 100, Municipal Elections Act and Municipal Government Act.....	5188
No. 106, Libraries Act .....	5188
No. 114, Consumer Protection Act .....	5189
No. 115, Labour Standards Code.....	5189
No. 116, Elections Act .....	5189
No. 118, Motor Vehicle Act .....	5189
No. 121, Education Act.....	5189
No. 122, Environment Act.....	5189
No. 123, Correctional Services Act .....	5189
No. 124, Arts Nova Scotia Act .....	5189
No. 125, Creative Nova Scotia Leadership Council Act .....	5189
ADJOURNMENT, House rose to meet again on Mon., Dec. 12 <sup>th</sup> at 4:00 p.m.....	5189



House of Assembly  
*Nova Scotia*

**HALIFAX, FRIDAY, DECEMBER 9, 2011**

**Sixty-first General Assembly**

**Third Session**

**9:00 A.M.**

**SPEAKER**

Hon. Gordon Gosse

**DEPUTY SPEAKERS**

Ms. Becky Kent, Mr. Leo Glavine, Mr. Alfie MacLeod

MR. SPEAKER: Order, please. We'll begin the daily routine.

**PRESENTING AND READING PETITIONS**

**PRESENTING REPORTS OF COMMITTEES**

**TABLING REPORTS, REGULATIONS AND OTHER PAPERS**

**STATEMENTS BY MINISTERS**

**GOVERNMENT NOTICES OF MOTION**

MR. SPEAKER: The honourable Minister of Economic and Rural Development and Tourism.

**RESOLUTION NO. 2935**

HON. PERCY PARIS: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Mr. Bobby Richards has been recognized by the Tourism Industry Association of Nova Scotia with a Crystal Tourism Award for experience and excellence; and

Whereas Mr. Richards was presented with the tourism Champion Award for making significant contributions to improving the current-day tourism industry; and

Whereas he has worked hard in his role as a taxi driver to understand and improve the role and impact that his profession has on visitors' perception of Nova Scotia;

Therefore be it resolved that the members of this House congratulate Mr. Bobby Richards on his Crystal Tourism Award, and wish him continued success in the future.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

**INTRODUCTION OF BILLS****NOTICES OF MOTION**

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

**RESOLUTION NO. 2936**

HON. STEPHEN MCNEIL: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas December 10, 2011, marks the 63<sup>rd</sup> Annual International Human Rights Day; and

Whereas the observance of human rights provides us all with an opportunity to conduct a thorough examination of our thoughts, words, and actions; and

Whereas whenever human rights are violated, whether they are in our province, in our country, or in far, remote places in the world, the decline in society is universal;

Therefore be it resolved that all members of this House of Assembly acknowledge December 10<sup>th</sup> as International Human Rights Day and recognize the powerful role education plays in disseminating the values of tolerance and understanding.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Cape Breton West.

**RESOLUTION NO. 2937**

MR. ALFIE MACLEOD: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Scott Morrison of Flavor Catering and Fine Foods from Sydney was the recipient of a regional award and the overall provincial award for outstanding achievement in recognizing persons with disabilities; and

Whereas Scott received the award from Lieutenant Governor Mayann Francis; and

Whereas Scott integrates persons with disabilities into his workplace and considers it a morale booster that makes his business a great workplace;

Therefore be it resolved that all members of this House of Assembly congratulate Scott Morrison and Flavor Catering and Fine Foods on winning this award, and wish him and his staff the very best of luck in the future.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable Premier.

### **RESOLUTION NO. 2938**

HON. DARRELL DEXTER (The Premier): Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas since 1987 the Nova Scotia chapter of the Children's Wish Foundation of Canada has been working with the community to provide children living with high-risk, life-threatening illnesses the opportunity to realize their most heartfelt wish; and

Whereas Joanne Arbuthnott, a mother of two young children, has been painting a canvas a day since January to sell on-line and at a local craft show to raise money for the Children's Wish Foundation; and

Whereas her paintings have already generated \$1,300 of the \$2,000 she hopes to raise;

Therefore be it resolved that all members of this Legislature recognize Joanne Arbuthnott's hard work and creative efforts to raise money for this noble cause.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Dartmouth East.

### **RESOLUTION NO. 2939**

MR. ANDREW YOUNGER: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas on the weekend of December 9, 2011, Shubie Park will host its first-ever community tree-lighting celebration; and

Whereas the event will include music from local schools, special treats for furry friends, and marshmallow roasting over an open campfire; and

Whereas the event was created and supported by Planet Paws, Rodney Habib, and the entire Habib family;

Therefore be it resolved that all members of this House of Assembly join me in congratulating all those involved in making the first-ever Shubie tree lighting a success, especially Rodney Habib and his family.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable Leader of the Progressive Conservative Party.



**RESOLUTION NO. 2940**

HON. JAMIE BAILLIE: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Oxford wrestler Maureen Hickman is a silver medalist who received that title at the Beamsville District Secondary School wrestling tournament on November 25<sup>th</sup> in Ontario; and

Whereas Maureen Hickman is a member of the Nova Scotia Storm Wrestling Club and has trained hard and has recently attended a training camp in St. Stephen, New Brunswick, with double Olympic medalist Tonya Verbeek; and

Whereas Maureen Hickman has represented the Nova Scotia Storm Wrestling Club, which offers an opportunity for Cumberland County youth to try a different and difficult sport, and is coached by Mark and Ruth Collins;

Therefore be it resolved that all members of this House congratulate Maureen Hickman on this outstanding achievement and wish her continued success in the future.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Hammonds Plains-Upper Sackville.

**RESOLUTION NO. 2941**

MR. MAT WHYNOTT: Mr. Speaker, on behalf of the honourable Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas in 1964 Don Beaton began his illustrious career with Peoples Jewellers;  
and

Whereas Don Beaton provided 47 years of dedicated service, managing 13 different stores; and

Whereas in September 2011 Don Beaton retired from Peoples Jewellers;

Therefore be it resolved that all members of the House of Assembly congratulate Mr. Don Beaton on his retirement from Peoples Jewellers and wish him all the best in his future endeavours.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Victoria-The Lakes.

#### **RESOLUTION NO. 2942**

MR. KEITH BAIN: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Barra Food Bank Society has been serving the community since 1999; and

Whereas the profound generosity of neighbours is found in the spirit of giving shown by volunteers like Patricia MacNeil, Charles MacDonald, Dolores Murphy, Gail MacNeil, and Michael MacNeil throughout the year; and

Whereas families, businesses and non-profit organizations support local families throughout the year through the local food bank and the spirit of Christmas increases support when it's most essential;

Therefore be it resolved that all members of this House of Assembly extend a special thank you and a very Merry Christmas to volunteers Patricia, Charles, Dolores, Gail, and Michael, and thank past volunteers, organizers, and contributors to the Barra Food Bank Society for the overwhelming support over the years.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Cumberland North.

### **RESOLUTION NO. 2943**

MR. BRIAN SKABAR: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas hospital foundations are the fundraising arms of hospitals and they coordinate the support of community for programs, equipment, and services not provided with government funds; and

Whereas the Cumberland Health Care Foundation is dedicated to assist in maintaining high standards of health care for all residents of Cumberland County, and to this end undertakes an annual Light the Way campaign to raise funds for purchasing much-needed equipment for the Cumberland Regional Health Care Centre; and

Whereas this is the 14<sup>th</sup> holiday season for the Light the Way campaign, which allows people to remember those who are no longer with us or to recognize others for the contributions in our lives by purchasing and naming a light, wreath, or an angel in memory or honour of someone special;

Therefore be it resolved that this House of Assembly promote the season of giving by joining me in congratulating the Cumberland Health Care Foundation on its 14<sup>th</sup> Light the Way campaign, the proceeds of which, this year, will be used to fund the replacement system for the Vital Life Signs Monitoring System.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Cape Breton North.

#### **RESOLUTION NO. 2944**

MR. EDDIE ORRELL: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Greg Sparling notched his 1,500<sup>th</sup> lifetime career driving win at the Northside Downs in North Sydney, guiding nine-year-old mare Dusty Lane Lass to victory; and

Whereas Sparling began his driving career in 1977 at the Tartan Downs Racetrack in Sydney and moved to Northside Downs when racing returned there in 2007;

Whereas a large crowd of drivers, family and friends greeted Sparling to congratulate him on his milestone in September of this year;

Therefore be it resolved that all members of this House of Assembly recognize Greg's harness racing milestone and wish him continued success.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Colchester-Musquodoboit Valley.

#### **RESOLUTION NO. 2945**

MR. GARY BURRILL: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Sanofi-Aventis Bio-Talent Challenge at the regional level for Nova Scotia was held in Halifax on April 19<sup>th</sup> at the National Research Council - Institute for Marine Biosciences, where the high-level biotechnology competition was hosted by BioNova, the Life Sciences Industry Association of Nova Scotia; and

Whereas four of the five finalists at the Nova Scotia competition, as recognized in an awards ceremony held at the Prince George Hotel in Halifax, were students of South Colchester Academy in Brookfield; and

Whereas these finalists were Aiden Schenkels, for his research on ammonia and phosphate in municipal wastewater, Maria Rutherford, for her work on reducing food spoilage, Brandon Verboom, for his project aimed at prolonging the post-harvest lifespan of harvested Christmas trees, and Samantha Wright-Smith, whose work on bio remediation took first prize, thereby advancing to the national level in Ottawa;

Therefore be it resolved that the Nova Scotia House of Assembly applaud the singular level of achievement in the science program at South Colchester Academy as evidenced in these results, and congratulate all these outstanding Colchester County students whose research efforts have resulted in this recognition.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Argyle.

#### **RESOLUTION NO. 2946**

HON. CHRISTOPHER D'ENTREMONT: Monsieur le Président, à une date ultérieure, je demanderai l'adoption de la résolution suivante:

Attendu que le 8<sup>ième</sup> Festival et tournoi de thon de Wedgeport s'est déroulé du lundi 22 au samedi 27 août 2011; et

Attendu que pendant les années 1935 à 1960, la communauté de Wedgeport était connue comme la capitale mondiale de la pêche sportive au thon, adopte par une résolution par cette Legislature, et qu'en 2004 le tournoi était relancé; et

Attendu que dix bateaux ont participé dans ce tournoi, dans lequel Falon LeBlanc, à bord du Ol'East Sider et son équipe qui consistait entièrement de femmes, ont remporté le tournoi de pêche avec un thon de 626 livres;

Par conséquent, qu'il soit résolu que tous les membres de cette Assemblée félicitent Falon LeBlanc et son équipe à bord du Ol'East Sider pour pêcher le plus gros thon, et remercient la communauté de Wedgeport de la relance du tournoi.

Monsieur le Président, je demande l'adoption de cette résolution sans préavis et sans débat.

Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the 8<sup>th</sup> annual Wedgeport Tuna Tournament and Festival took place on August 22 to 27, 2011; and

Whereas from 1935 to the mid-1960's Wedgeport was considered the sport tuna fishing capital of the world, adopted in this House by resolution, and in 2004 the tournament was revived; and

Whereas 10 boats participated in the tournament this year, and Falon LeBlanc and her all-female team aboard the Old East Sider won the tournament with a 626-pound tuna;

Therefore be it resolved that all members of this House of Assembly congratulate Falon LeBlanc and her team for catching the biggest tuna, and thank the community of Wedgeport for reviving this tournament.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Inverness.

**RESOLUTION NO. 2947**

MR. ALLAN MACMASTER: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas survivors of sexual abuse suffer indignities that cause lifelong pain; and

Whereas it takes great courage for these people to come forward to tell us about their personal experiences; and

Whereas those who come forward, but whose stories do not result in conviction of the abuser may feel despondent that our society has not recognized what they have endured, and that what was done to them was wrong;

Therefore be it resolved that the members of this House acknowledge the bravery of these people and all people who have been sexually abused, and offer our wish that they may find peace and know that they have the love and support of our communities in this province.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Victoria-The Lakes.

**RESOLUTION NO. 2948**

MR. KEITH BAIN: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Baddeck Auto Supplies is a long-time and well-respected business; and

Whereas Baddeck Auto Supplies, with a staff of nine individuals, is a thriving economic engine in Baddeck, having been incorporated 47 years ago, in 1964; and

Whereas the maintenance and care of today's modern vehicles requires knowledge and a mastery of technology that is available at Baddeck Auto Supplies;

Therefore be it resolved that all members of this House of Assembly compliment Baddeck Auto Supplies President Graham MacKenzie and his employees for their dedication to serving residents of Baddeck and Victoria County for nearly five decades.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Cape Breton North.

#### **RESOLUTION NO. 2949**

MR. EDDIE ORRELL: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Sydney Mines Ramblers finished the Canadian Senior Little League Championship in fifth place, after defeating Regina Leslie 6 to 3; and

Whereas Ramblers' manager Jim Martin had Kevin Julian pitch the entire game for the Ramblers; and

Whereas Mitchell Foss paced the offence for the Ramblers going three for four with three singles;

Therefore be it resolved that all members of this House of Assembly congratulate the Sydney Mines Ramblers for the remarkable finish to the baseball season and wish them well next season.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?



It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Argyle.

### **RESOLUTION NO. 2950**

HON. CHRISTOPHER D'ENTREMONT: M. le Président, à une date ultérieure, je demanderai l'adoption de la résolution suivante:

Attendu que le prix Argyle Township Heritage a été remis à Pauline d'Entremont en tant qu'auteure principale ainsi qu'aux membres du comité de la rédaction et de la publication du livre de généalogie, intitulé *Jacques II Mius d'Entremont (c. 1679-1759) et Marguerite Amirault (1704-1796) - Cinq générations de descendants*; et

Attendu que le prix est remis tous les ans par la Société historique et généalogique de la Municipalité d'Argyle; et

Attendu que cette reconnaissance est accordée à une personne qui a apporté une grande contribution pendant une longue période de temps, non seulement à la Société historique et généalogique de la Municipalité d'Argyle, mais à la préservation et à la promotion de l'histoire et du patrimoine de notre municipalité;

Par conséquent, qu'il soit résolu que les membres de cette Assemblée félicitent Pauline d'Entremont et le comité du livre sur les pour recevoir ce prix et les remercient de tous leurs nombreux accomplissements et leur dévouement à la promotion de l'histoire et du patrimoine de notre municipalité.

M. le Président, je demande l'adoption de cette résolution sans préavis et sans débat.

Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Argyle Township Heritage Prize was given to Pauline d'Entremont, who was the principal author, along with the members of the committee, for the publication of a book entitled *Jacques II Mius d'Entremont (c. 1679-1759) et Marguerite Amirault (1704-1796) - Cinq generations de descendants*; and

Whereas the prize is awarded each year by the Argyle Municipality Historical and Genealogical Society at its annual general meeting; and

Whereas the award is given to a person who has consistently contributed to the preservation and promotion of culture and heritage of not only the society but also the Municipality of Argyle;

Therefore be it resolved that all members of this House of Assembly congratulate Pauline d'Entremont, and the committee that assisted her in the publication of the book, on receiving this award and thank them for their dedication in promoting the history and heritage for generations to come.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Inverness.

#### **RESOLUTION NO. 2951**

MR. ALLAN MACMASTER: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas the Almon Chisholm Wing was recently opened at Port Hawkesbury Nursing Home; and

Whereas the opening of the Chisholm Wing is the culmination of two years of hard work by all involved and is a great addition to the community, providing 12 new beds to the home and 25 positions for new employees; and

Whereas staff of the nursing home say that new wing would not have been possible without the help of former Port Hawkesbury Mayor Almon Chisholm, therefore the new wing bears his name;

Therefore be it resolved that all members of this House of Assembly acknowledge the hard work and dedication put forth by all involved in opening the Almon Chisholm Wing in the Port Hawkesbury Nursing Home and congratulate Almon Chisholm on this honour.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Argyle.

### **RESOLUTION NO. 2952**

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, on behalf of the Leader of the Progressive Conservative Party, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Oxford wrestler Mallory Thompson is a gold medallist who received that title at the Beamsville District Secondary School Wrestling Tournament on November 25<sup>th</sup> in Ontario; and

Whereas Mallory Thompson is a member of the Nova Scotia Storm Wrestling Club who has trained hard and has recently attended a training camp in St. Stephen, New Brunswick, with double-Olympic medallist Tonya Verbeek; and

Whereas Mallory Thompson was representing the Nova Scotia Storm Wrestling Club which offers an opportunity for Cumberland County youth to try a different and difficult sport and is coached by Mark and Ruth Collins;

Therefore be it resolved that all members of this House of Assembly congratulate Mallory Thompson on her outstanding achievement and wish her continued success in all future endeavours.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The honourable member for Cape Breton West.

### **RESOLUTION NO. 2953**

MR. ALFIE MACLEOD: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution:

Whereas Rod MacArthur, an outstanding servant of this House of Assembly for 35 years, 24 years of them as Chief Clerk; and

Whereas Rod's passion for the independence of this House and its members' privileges, as well as his extensive knowledge of the rules and procedures of this Legislature, is well known; and

Whereas Rod's knowledge and experience is well-respected across this country, as demonstrated by B.C.'s call for Rod MacArthur to sit at their Clerk's table;

Therefore be it resolved that all members of this House of Assembly congratulate the B.C. Legislature for recognizing a dedicated and highly-experienced individual, Rod MacArthur.

Mr. Speaker, I request waiver of notice and passage without debate.

MR. SPEAKER: There has been a request for waiver.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

### **ORDERS OF THE DAY**

#### **GOVERNMENT BUSINESS**

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would you please call the order of business, Public Bills for Third Reading.

**PUBLIC BILLS FOR THIRD READING**

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, would you please call Bill No. 102.

**Bill No. 102 - Trade Union Act.**

MR. SPEAKER: The honourable member for Argyle.

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, I want to move that the Bill No. 102 motion be amended by deleting all the words after the word "That" and substituting the following therefore:

"Bill No. 102, An Act to Prevent Unnecessary Labour Disruptions and Protect the Economy by Amending Chapter 475 of the Revised Statutes, 1989, the Trade Union Act, be not now read a third Time but that the Order be discharged and the Bill be recommitted [sic] the Committee of the Whole House on Bills."

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, the Third Party wants this referred back to a committee that it was democratically taken from and brought to third reading. They had the 20 hours that we usually use in Committee of the Whole House on Bills. They chose not to use those 20 hours, but for some strange reason, now want it reported back at a time that they did not want to use it. I think this is at best a dilatory motion and should not be allowed.

MR. SPEAKER: The honourable Leader of the Progressive Conservative Party.

HON. JAMIE BAILLIE: Mr. Speaker, far from being simply a dilatory motion, this is a very important motion to recommit. There is a lot that has happened even since the Committee of the Whole House on Bills met on this matter.

For example, we now know that one of the presenters at the Committee on Law Amendments made some statements - I'm speaking of Mr. Clarke, just to be clear - around his lack of interest and the lack of interest of the Federation of Labour and their associates in pursuing the Michelin Bill. Since that statement was made, it's been reported publicly and we've found out that he tells people that he routinely meets with every new Minister of Labour for the purpose of lobbying to make changes to, or do away with, the Michelin Bill. For that reason, it's very logical that at this point, in light of this new information, the bill

be recommitted back to the Committee of the Whole House on Bills so that the House in Committee can make a proper, further examination of it.

I'll also point out that since the Committee of the Whole House on Bills last met, a new group of employers in our province, representing 9,000 employers and over 200,000 employees, has written to the government and asked that the government reconsider. They have said this will have a detrimental effect on the creation of jobs and opportunity in our province, and that at the least, in the face of a majority government, it deserves to be recommitted for further study.

Mr. Speaker, what I'm saying to you is that far from being simply a dilatory motion, in light of all this new information, in light of all the public discussion that's gone on, in light of the unanimous views of the employers of the province that this is a bad idea, and in light of the fact that we have testimony at a committee of this House which turns out to be at variance with the stated intent of the person who made that testimony - which is a very, very serious matter - the bill should now be recommitted.

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, whether those statements were issued or not, they were issued on an entirely different bill, as he mentioned, or another fact that was in this House over a quarter of a century ago. Now he's trying to drag that up. They are trying to drag stuff up that's over 30 years old to make a point that makes absolutely no sense. Are we - because everybody in this province doesn't agree on a bill, we're supposed to now bring it back to Committee of the Whole House on Bills? It makes absolutely no sense. They are just sore losers. This should not be accepted.

MR. SPEAKER: The honourable Leader of the Progressive Conservative Party.

HON. JAMIE BAILLIE: Mr. Speaker, first of all, the testimony that I'm referring to was on Bill No. 102, the very bill that we are discussing and that this motion intends to deal with. Secondly, Michelin is the subject today because Michelin came before the Law Amendments Committee with regard to Bill No. 102 and called it a black mark against Nova Scotia. They said it would definitely affect their ability to make investments in our province because Mr. Rick Clarke and Michelin made this an issue in committee, it is important . . .

MR. SPEAKER: Order, please. I've made my decision. I think that the motion is in order, and I think that we will now begin debate on the motion by the member for Argyle. I'll remind all members that they should confine themselves to the motion, which is the merit of recommitting Bill No. 102 to the Committee of the Whole House on Bills.

The honourable member for Argyle.

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, I thank you very much for that ruling because ultimately there are so many other things that have come to light over the last number of days that have really pushed us towards wanting to recommit this bill so that it can continue to receive the true consideration of this House of Assembly.

Mr. Speaker, we are sent here not only to oppose - and I know that the government is trying to say, well, you're opposing the issue, you're opposing the bill, but really what it is, is that there are so many Nova Scotians who came to see us who spoke against it. If there was a huge lineup of Nova Scotians who said this is the bill that we want, this is the bill that we want, then, of course, we would say we would run it through the regular process and we would have allowed the vote. We would have voted no against the bill and that would have been the end of the day, but because of the number of Nova Scotians, and that we continue to hear from organizations that represent thousands and thousands of Nova Scotians, then we want to take this bill and move it back into a Committee of the House of Assembly, which of course is the Committee of the Whole House on Bills, to continue the examination of this.

Mr. Speaker, is the issue of spending a little more time - that maybe through that, that the government might see the error of this bill in its entirety and be able to allow it to be put away for a little bit until further consultations are had on this bill.

We continually say that there have been relatively harmonious labour relationships in this province for many years, being that there has really only been three cases since 1996 that have actually even come close to a requirement of first contract arbitration. So, again, we continue to question why this is here. So that is why, in third reading, we would rather move this back off to the Committee of the Whole House on Bills and to allow a further look at this.

Of course, as all members of this House of Assembly have received, I believe, a letter; it was an open letter to the Premier that did show up over the last day or so, as members of the organizations were sitting in the House of Assembly, who were sitting watching the proceedings, and as we finished up with the Committee of the Whole House and the information, I think, is valid to allow for the recommittal of this bill.

Mr. Speaker, I'm going to read some points of this letter, again, which I think makes a further case of recommittal of this bill but also I think it's very important that all members of this House - especially the members of the governing Party - understand what's important in this bill and why I think this should go back to the Committee of the Whole House on Bills. I'll just have a little drink here. There was not enough coffee this morning, so I'm trying to clear my throat.

This is an open letter to the Premier. It is dated December 8<sup>th</sup>, and it comes from the Atlantic Building Supply Dealers Association, the Canadian Federation of Independent Business, the Canadian Manufacturers and Exporters, the Canadian Restaurant and

Foodservices Association, the Construction Association of Nova Scotia, the Canadian Taxpayers Federation, Contact Centre Nova Scotia, the Halifax Chamber of Commerce, the Hotel Association of Nova Scotia, Merit Contractors Association of Nova Scotia, the Nova Scotia Chambers of Commerce, the Nova Scotia Home Builders' Association, the Nova Scotia Road Builders Association, the Restaurant Association of Nova Scotia, the Retail Council of Canada Atlantic Office, the Sackville Business Association, the Scotia Group of Companies, the Tourism Industry Association of Nova Scotia, and the Truro and District Chamber of Commerce.

This letter that went to the Premier yesterday, co-signed by these organizations. Again, it basically says:

“With one voice, we’ve asked why this legislation is needed. The only response that you have provided is that it exists in other provinces. The fact is that the model being introduced exists only in one province - Manitoba.”

I’ve heard members in this House stand on this and say that there are only 4 per cent of Canadians who are covered by this type of legislation, who, of course, are those workers in Manitoba. Again, it’s an issue of why this amendment needs to be brought forward, so that we can bring it to further debate the importance of this letter correctly, so that we’re able to fully give the vetting of this bill that is required.

I think it was very telling that this letter ends, I believe, very poignantly - and again, I will table this as soon as I’m done with it. It says:

“So, together and united, Mr. Premier, we are urging you to step back, consider the messages your actions will be sending if you move forward, and compromise. We believe there is a win in this for us all.”

So you have thousands and thousands of employers who employ tens of thousands of Nova Scotians saying the same thing, saying it in a united voice, that this bill is the wrong bill for this type of legislation. This legislation is wrong.

I think we still have an opportunity to send it back to this committee, to be able to further discuss it, and I think to hold it up. Maybe the government will find that there are some drastic amendments that could be made on the bill, ones that, after a true vetting and acceptance by the number of organizations that are listed in this open letter to the Premier, maybe we can make it either a better bill or leave it absolutely right where it is, because we believe this is the wrong bill.

The other great part in this one is the comment where it says, “United and unprecedented, businesses of all sizes appeared before Law Amendments.” This is true. We had small businesses, big businesses, and business organizations and such that came before the Law Amendments Committee. The letter goes on to say:



“There, we suggested improvements to the proposed legislation that would maintain a commitment to collective bargaining and ensure that a third-party agreement is introduced only as a last resort. Such principles exist in all FCA legislation - except for the model we seem to be intent on adopting. Again, we were ignored.”

It goes on to say:

“Mr. Premier, there is still time to listen to our concerns and consider our amendments. By doing so you will demonstrate that you understand the debate around FCA has evolved into a much wider concern within the business community. At its core, this is about how government involves job creators in decisions that will ultimately impact how they operate. It is also about whether - or not - their perspective matters. Business owners need confidence that their government will listen and work with them to address their concerns. Now more than ever, they need you to give them this confidence.”

These are pretty strong words from a large group of organizations that will continue to ask that further work be done on this bill. I’m trying to be realistic about this, I’m not going to say that government, with all their ideas are not going to try and continue to push the bill forward, but there are many occasions that if you go down this road, and if there is a true consultation on this matter that we as the Progressive Conservative Party can accept what has been brought forward by the community, that we can accept that maybe we don’t believe in the premise of the bill but if those organizations can accept it well then okay I guess that’s where we’re going to go.

Continually through this process we’ve seen what I believe to be a bit of arrogance, that there is really no listening to that true common sense that has come from many organizations that have come before this House of Assembly. I can say that sure they’ve come to Law Amendments Committee and they’ve all presented in one clear voice but we’ve heard it in many other places. I know that all caucuses have had presentations, or at least the two Opposition caucuses have had presentations, by that group of employers and investors in this province and their message was clear.

I wonder whether the government did receive that same heartfelt, very structured, very informative, very important, very sensible presentation that was made by those organizations. I would think not, because ultimately when somebody comes to present to any caucus when they have something that is reasonable that the caucus would believe them and understand them and present something that is in the best interest of all Nova Scotians. Of course we don’t see that in this bill, we don’t see it anywhere in this bill which is, again, why I think it needs to go back for further examination. It needs to be allowed to have true consultations happen on this because it didn’t happen.

Of course the minister has stood, and other members have stood and said, this went through a study day. A bill that is as important as this one is, that apparently is supposed to do what it does, got one day of consultation, one, and it wasn't a true consultation. If you were saying that the organizations, the businesses showed up there to voice their concern to see that echoed in a piece of legislation then I feel bad for the people who showed up there and expected that because that, of course, is not what happened. Basically I think that Nova Scotians, the organizations showed up to this study day, this consultation, to hear what the government was going to do with or without the acceptance of the government.

The whole process has been one that has been questionable, which is why, again, we think that this amendment is fully within order to allow a recommittal to the Committee of the Whole House on Bills. At the same time we were asking - there's been a number of issues that have been asked in media, have been asked to the minister - of where was FCA, and that's what we found interesting too is as this House got going during the session there were a number of questions to the minister, what are you doing about FCA and what we heard is that we're thinking about it, we're taking that consultation, we're taking those submissions into consideration of whether or not we think this is the time.

Basically what has happened is, that has been ignored so that's why we think at this juncture that we, as a Party, cannot allow this bill to go much further, that we need to have a further examination of this and have it recommitted which, again, is why we believe that this should be recommitted back to the committee.

This is not done lightly - and I saw the Government House Leader looking aghast at this move to try to recommit the bill. I feel bad for him because he doesn't understand that this bill will impact people in his constituency, it will impact all Nova Scotians from Glace Bay right down to Yarmouth. I don't think it's fair to them to all of a sudden have to hear their companies, or hear their businesses say to them, listen, because of this we're going to have to lay off people, we're going to have to not expand and employ more people in the Province of Nova Scotia. And these are the things we continue to hear time after time about any first contract arbitration bill that has found its way across Canada.

This needs a proper sounding, this needs a proper, sober second thought, if you want to call it that. Again, I can't underline it enough why it would be important for this to continue to go through the process, to go back and continue to have another look.

There are the comments, and I've heard some chatting going on behind me and the issue of well, you know you didn't use - and I know I've heard the Government House Leader use it as well - you didn't use all your hours. Well, quite honestly, Mr. Speaker, there is further information that has shown up that has made itself available to us, that is available to all MLAs in this House of Assembly, so why wouldn't you, if so many people are speaking out against something, why wouldn't you ask for further time to look at a bill? That, again, is why that committee is there - in order to hear from the government.

That was the other thing that I found disheartening by the first Committee of the Whole House on Bills process, that there was really no comment from the government side. Still, as of yet, as Opposition Parties, have we been given a reason why first contract arbitration is before us, why Bill No. 102 was brought forward to this House. So that, in itself, should give the opportunity for the government to spend some time and do a bit of a sales job - explain to me, sell me on why this should happen. And if you sell me, you sell other members of the House of Assembly that this is an important bill.

Well, okay, then at the same time you're selling the principles of the bill to all those organizations that have spoken out against it. I don't think those organizations are unmoving as well, that it's their way or the highway - I think that anybody or any reasonable person or organization in Nova Scotia, that as they're working with the government, that they feel their thoughts and concerns are being heard, that they would accept a bill that is better for them.

Personally, I feel that this bill should be left behind completely, and something else needs to be drawn up in concert with the organizations. This hasn't happened, and we've seen this - this is the second time that we've seen this - as we saw, the running through of Bill No. 100. Bill No. 100, many, many organizations came here and said that we don't need the LMRC, that the LMRC, of course, should have been made up of the majority of employers in Nova Scotia. The majority of employees in Nova Scotia, of course, are working for private companies, are working for the private sector, they're not working for government. So why wouldn't you take our suggestions, the suggestions of the Liberal Party and of the Progressive Conservative Party, that there needed to be business people on that committee? I think that would have tempered a first contract arbitration bill that came to this House of Assembly.

Again, we all received a letter that had that LMRC split on the whole issue of first contract arbitration, that they felt that probably it wasn't the best time to bring it in - they couldn't come up to agreement amongst them. And I think that's very telling, that even the committee that should have been the one that was going to suggest this, couldn't come to a consensus with it. So why did the minister bring this here in the first place?

So listen, this process is one that allows us to go back to look at this some more, to truly listen to Nova Scotians about this bill, and I can say that there are a number of MLAs in this House of Assembly that will be directly impacted by some of these decisions, these investment decisions, as we've heard time and time again in the House of Assembly or over at the Law Amendments Committee, and things that I know I could probably read verbatim here over and over again, but I'm not apt to do that because I think you all know the same sentiment that found its way through this process: consult with us, talk to us, this isn't the right bill, this isn't the right time. I find it discouraging because our process is supposed to be one that is inclusive and open to all Nova Scotians.

We're going to continue to watch this one. Here's the other thing, there are a lot of processes that can be brought forward in this House of Assembly to work on a sober second thought, this is but one of them, and I think the government should accept the fact that this is something that should be done.

It's interesting that so many organizations are working together, you know, a lot of times these businesses are busy. They have businesses to run, a place to take care of, purchasing to do, sales to do, on and on and on, and to see such a large group of organizations working together to oppose something, I think it's something I have never really seen in my 12 years of hanging around Province House, in my eight years of being an elected member, I have never seen that kind of co-operation amongst all these groups.

I think it's marvellous because I think this turns a large group of individuals into a real powerhouse in trying to impact legislation in this House that is not only good for workers because workers' rights are extremely important and don't diminish that we're opposing this bill to be that we don't believe in workers' rights, that we don't believe in workers' safety, that we don't believe in the right of collective bargaining. By far that's not what we're saying at all. We're simply saying that this is the wrong time for this kind of bill, looking at the economic climate that we are in right now.

I just saw there were some new numbers out by the labour market brief from HRDC and I would love to have a chance to print them off and talk about them. I know this government, many times, has talked about - we're in a nice economic climate, look at all the new jobs that are happening here in metro, but I saw another loss of jobs in southern Nova Scotia. We saw another loss of jobs in the Valley. We've seen another loss of jobs, of course, in Cape Breton and northern Nova Scotia. The only place that's really doing well, of course, is here in the capital. We're very happy that it's happening here but it should be happening in other places. That's why this bill is the wrong bill, which is why we believe it should be recommitted back to that committee so that further work can be done.

If Michelin, if Clearwater, if Sobeys, if all these companies are coming to us and saying this will impact further investments in their companies, we should be very concerned about that. The success of Michelin has been phenomenal for the communities and all of Nova Scotia that they reside in and when an investment comes along, whether it was the double-wide tires, I believe that that went to the Valley plant; whether it's the further work at the Bridgewater plant, et cetera; those are important investments that not only maintain the jobs in these communities but also allow for further investment and more jobs to happen.

If you look at the 3,500 jobs at Michelin, well, gee, that's actually more than this \$25 billion shipbuilding contract will produce in this province. (Interruption) You know, it's a lot more. It's double, and I thank the Leader of the Liberal Party for that. It's double. Why don't we try to work with these companies to make sure that it maintains? It's not just empty and hollow discussion that a company like Michelin would come forward and say

these things. I'm not going to profess that I'm smarter than Dana LeBlanc, the president of Michelin for North America - I think he's a very intelligent individual and there's a reason why he's president of Michelin for North America.

He came. Probably, what, only once or twice that the national president of Michelin has ever come before this Legislature? I think we should heed his warning that this is bad for investment. I think we should heed the fact that he feels it will stifle investment in Michelin Nova Scotia. As he tried to explain during his presentation at the Committee on Law Amendments, Michelin competes internally for new processes, for new technology, for new jobs in Nova Scotia. I think that's extremely important for this and we need to realize that.

If the government is so - "hell bent" is the wrong word and I don't really want to use it, but if they're so apt to run this one through, then why wouldn't they have spoken to companies like Michelin or Merit Contractors? Why wouldn't they just have spoken to them and said, we really would like to do this? Again, being the sensible organizations that they are, I'm sure they would have said, okay, how about this? Let's trade off here and let's let that happen.

That's not what happened here. This is the issue that I think all of us have taken on this bill: it's the fact of the arrogant way in which it was done. It was, never mind what anyone else has, we have a debt to pay here, so we need to bring this bill in. That, I think, irks a lot of people, that you had union leadership that have had a tremendous influence upon the NDP over the years stand and say, there you go, we're asking for this, this is the payback we require for all those years of work.

I have a hard time with that. I really have a hard time with that. It just smells of old politics and old payoffs, and we thought we had moved on from this one. This is not something that we should be seeing. We should be doing this on the fair consultation with Nova Scotians. That's what it should be about.

We didn't see it here. We didn't see it here at all. Again, because of the weird way that this came in, it questions or puts a bit of a black cloud over it. Even though the minister had said time and time again that we're still reviewing it, we're still looking at it, what happened was, well, we need to bring it in anyway. Never mind how it works; we're just going to do this anyway.

This continues to need to go back. This amendment is reasonable, I think, that it needs to go back. It needs to have some true consultation. I think that would be great if the minister would stand and say, listen, we're going to put it away, we're going to consult with all these organizations, we plan on bringing in a new bill in the next sitting. Great. Great. That would be a wonderful way to go about things, but we have the bill before us and it's the government's intention that this bill go forward. As an Opposition Party, the

Progressive Conservatives have said this is not the bill for Nova Scotia. This is not the right time.

That's why it needs to go back, which is why I'm bringing this amendment forward. I think that we need to continue to look at it, to consider it, and should we all go home for Christmas in a few days, then fine. It gives more time for those organizations to truly look at it, to truly have an opportunity to formulate their thoughts and provide it to the Minister of Labour and Advanced Education, so that you truly can have a discussion. Maybe the department will look at it and say, okay, because of the recommendations and the concerns that are being brought forward, we'll come up with a new bill. We'll bring it in.

As I've said, I've committed that should the organizations say, this is not the bill that we completely want, it's not the bill the government completely wants, but it's something that we can live with, great. I think everybody could be so reasonable as that. That's how government, I believe, should work.

And maybe over the number of years that is not how it happened. I've heard the government throw things back at us and say, well, that's not how the Tories did it, that's not how the Liberals did it. What we're hearing is we're seeing either the same old - or actually we're seeing just a step worse. That's why we need to bring this back. That's why this needs to go to the Committee of the Whole House on Bills, so that there is an opportunity to hold onto it, to truly consult.

Again, this has never been clear to me over this whole process of how this ever showed up, how there has ever been consultation on this. It sort of seemed like there was a light bulb that went off in someone's head somewhere - we don't know who - and, all of a sudden, a bill appears out of thin air.

Mr. Speaker, we know that this doesn't actually happen that way, that there had to have been hours of work and research that would have gone into this, and you would think the reasonable part would be to truly look at and to truly consult with the people that it would affect. That didn't happen and, truly, what we're asking is for it to go back.

At the end of the day the government will have to make its decision - and I don't have much hope that they're going to change their mind on this one because they have been, I think, that closed-minded on this bill time and time again. As this one has gone through, we've heard the Premier speak outside this Chamber time and time again, after Question Periods and in the media, about we're going to be doing this bill regardless of what the Opposition is saying, regardless of what the majority of Nova Scotians are saying. He never goes as far as saying that this, of course, is just paying that debt to their labour friends, but that's really what it means, and I think Nova Scotians understand that.

A barometer that I use quite often on whether a bill is a good bill or a bad bill, or whether an idea is a good idea or a bad idea, on behalf of government, is to go down to a coffee shop and listen to the scuttlebutt, to see what Nova Scotians - who may not be quite as informed about certain things, but hear the information flowing through the news, read the newspapers, hear the radio - to hear what they say.

I can say that visiting my local coffee shops, Dennis Point Cafe and such, people are talking about Bill No. 102 - they are actually talking about it. And they are saying, what is this government trying to do to rural Nova Scotia? They look at this as being an affront to rural Nova Scotia, they look at this bill as not to be in their best interests, so they say, do what you can do to make sure that this bill either gets a better sounding, gets the government to listen a little more, do whatever you need to do to make sure that Nova Scotians are not affected by bad legislation.

That's what I hear at places like Dennis Point Cafe; those are the things I'm hearing at the Hickory Hut; those are the things I'm hearing at the places I continue to use as a barometer on the mood of Nova Scotia, the mood of employees and workers and retired folk, and you name it. We have the opportunity to consult with them on a regular basis. That's the barometer that I put on things.

Mr. Speaker, this bill was wrong when it came in, and it was wrong the way it came in. And that's why I think the recommittal to the other committee is, again, fully within order, to at least give the government the opportunity to stand and tell me - well, not just tell me, to tell me is one thing, write it on a hunk of paper and give it to me later on, but to truly sell me on the issue of first contract arbitration, sell me on why the government believes that this bill should go forward for the protection of employees, why the government feels that this is the right time to put a cloud over the economy when we're so starved for investment by different companies or different organizations or different kinds of businesses in this province.

I would love to see further investment happen in places like southwestern Nova Scotia or the Valley, further investment by individuals who have now said that this will create a cloud, this will create uncertainty, this will create something that is not appropriate for us, and that's why this bill needs to be recommitted to the Committee of the Whole House on Bills. We have not had the opportunity, or at least the government has not had the opportunity to sell the idea, to sell the issue of first contract to us or to all of Nova Scotia, and I think it is time that the government does this.

There is so much that we can say, but I can see that the government really isn't listening to anything here. I will take the opportunity to see what will happen over the next stages of this debate. I still believe that this is the right thing to do, that a recommittal to the Committee of the Whole House on Bills is the correct thing to do. It is something that we, as Opposition Parties, have in our toolbox to allow further debate, to allow further sober and second thought to happen on it but, again, this really falls within the hands of the

government on whether they want to be known as an anti-investment government, want to be anti-business in Nova Scotia, and want to be anti-rural Nova Scotia.

This bill does all of those things and I think that is one of those things that I don't understand why many members of this government are allowing this to go through, because many of those members have Michelins in their backyards, have Clearwaters in their backyards. All of us have Sobeys - well, actually I don't have a Sobeys, but many of you do - so why? Why? And I think a recommittal of this bill is extremely important to allow that continued sober second thought to this bill.

With that, Mr. Speaker, I want to thank you for the opportunity for speak to this amendment. I think this amendment is in order; I think this amendment is the right thing to do at this time - and I hope that all members of this House will support the amendment as it moves forward.

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

HON. STEPHEN MCNEIL: Mr. Speaker, I am pleased to rise for a few minutes and speak to this amendment. We just came out of Committee of the Whole House on Bills and I'm sure you remember the debate, because even though you weren't in the Chair, I'm sure you were listening downstairs to all of the discussions that were happening.

We went through the Law Amendments Committee and we listened to employers across this province. They came in here; they actually quite thoughtfully and respectfully came to this Legislature, to Law Amendments Committee, made suggestions about how this bill could be improved. Mr. Speaker, in my comments in Committee of the Whole House, union leaders came forward also suggesting there could be changes. We made those suggestions to government and, ironically, we made the very amendments here in this House, we put them to the floor of this House, and the Leader of the Progressive Conservative Party stands up and says, there's not enough lipstick to put on this pig to make it acceptable.

Well, Mr. Speaker, I suggest they found the lipstick at some point over the last few days. My suggestion is they probably realized that they were dug in too deep on this piece of legislation, that Nova Scotians said let's find compromise - and the very letter that has come forward actually talks about supporting the amendments they voted against, the very letter they're using says they voted against.

What we need to know is, if we go back to the Committee of Whole House are they going to vote for the amendments with us, or are they going to vote with the government? They voted with the government against Sobeys, against Clearwater, against almost every presentation that happened in Law Amendments Committee. What happened? This very letter that they're using to move this back to Committee of the Whole House speaks to our



amendments, speaks to the very amendments they voted against - they sided with government.

Do you know what this letter says, and what this amendment says, and what we said in Committee of the Whole House? We need compromise; we absolutely need compromise. Every Nova Scotian - listen, ideally we'd like this bill to disappear, but you know what? Even the businesses in this community recognize they have a majority government - just like they had a majority government at one time and just like we did at one point. But we went to the Law Amendments Committee and we asked the business community to come in and we asked union leaders to come in.

Mr. Speaker, I would encourage every member of this House to read what was said in the Law Amendments Committee. There was a moderate middle that was in the Law Amendments Committee and the moderate middle was to say, put these amendments forward so that we can move FCA, first contract arbitration, away from the Manitoba model, which is what's being presented by this government, more towards what most Canadians fall under, which is the federal model, Ontario model, where you don't just automatically go in to an arbitrator, you have to prove somebody is bargaining in bad faith.

That's what business communities are saying and that's what our amendments were about and they voted against them. That's what Sobeys said we should do. They voted against them. That's what Clearwater said we should do. They voted against them. We're trying to find a way. Listen (Interruption) I know they have a majority government, I recognize that - do you know what? It's my hope, just like on Bill No. 100 - there was an amendment at some point during third reading - it's my hope that over the last number of days - this is no secret, we've asked Nova Scotians, we took radio ads out in parts of this province, asking Nova Scotians to reach their MLAs. We hope they have. We hope they listen.

We hope they've listened to the employers but quite frankly, Mr. Speaker, we hope they listen to the union leaders because as an awful lot of union leaders have suggested, we just need FCA and we can take a more moderate approach. If we're going back into Committee of the Whole House, and if we go back, we're more than prepared to participate, more than prepared to continue the debate, but let it be about accepting the amendments that were put before the Law Amendments Committee that they've already voted against. Can we have some commitment out of them if we go back into the Committee of the Whole House, and we present the amendments, that they're going to stand with Sobeys and Clearwater and the Liberal caucus to try to make changes to first contract arbitration?

Mr. Speaker, there's a moderate middle in this province. We all try to find a way, politically; we all say we move to the centre. Well, this piece of legislation gives everyone in this House an opportunity to send a very clear signal to Nova Scotians - the process works. We've invited you into the Law Amendments Committee to make suggestions.

We've presented our amendments. We recognize the majority government. We know you're not going to get rid of the legislation but here's what we think you can do to improve it and, do you know what? Everyone who presented would say to government, you listened. You listened.

Government could also turn around and say to their base, whoever wants FCA, the vast majority of them want FCA - they don't necessarily want the Manitoba model - they can say to them, do you know what? We listened and we delivered. Then they could go to the business community and say, we're not as scary as you think. We've listened to what you've told us, we've made some amendments.

Mr. Speaker, do you know what? It could really go a long way to actually, maybe, improving participation at the Law Amendments Committee. It could go a long way in improving participation in democracy. All of these business owners don't have extra time to sit around so that they could come down here. They want to make sure, when they come to present, that someone is actually paying attention and I think if we go back and look at what was presented at the Law Amendments Committee, and look at the amendments that our caucus presented in Committee of the Whole House, that the Progressive Conservatives voted with the government against them, I think you would find that we listened and we found that moderate middle. We found that spot in the centre that would give some reassurance to the business community and to employees across this province that their government is listening not only to the unionized workforce but the non-union workforce as well.

Mr. Speaker, it is important for someone in that caucus to stand up and say, as we go through, if we are going back to the Committee of the Whole House, that they're going to stand with the Liberal caucus on their amendments to improve this legislation. (Interruption) You would have your answer. The Leader of the Progressive Conservative Party says they're not. The very basis of this letter - they're against Sobeys, they're against Clearwater, they're against the largest private sector employer in this province - 10,000 employees - they're against them.

Now, think about that, Mr. Speaker, a Progressive Conservative Party in Nova Scotia is against the largest private sector employer, the largest private sector employer and they're against them. It makes no sense.

When we go back to this, we're going to go back to the Committee of the Whole House on Bills, stand with us. Stand with Sobeys. Stand with Clearwater. Make sure your voice is heard. We can be united on this side, Mr. Speaker. Just imagine all of us elected on this side, 10,000 people working for Sobeys, 1,100 working for Clearwater, and countless hundreds of other private-sector employees would be standing behind us with the changes to the amendments and we would be looking squarely across at government.

That's how we're going to get this bill changed. That's how we could have changed it. That's how we should have changed it. It is my hope that government listens as we debate this, whether it's in Committee of the Whole House on Bills or third reading. Equally important, it is my hope that they listen to the Nova Scotians who are calling their office and saying, find moderation, find the middle ground, cause my employer to feel more comfortable, I want job security - all of the things that we're hearing. They can do that.

If we're going back in Committee of the Whole House on Bills, let's get some assurance out of that caucus that they're going to vote for the amendments that were put in front of the Committee on Law Amendments by the largest employers in this province in the private sector. With those few words, I'll take my seat. (Applause)

MR. SPEAKER: The honourable Leader of the Progressive Conservative Party.

HON. JAMIE BAILLIE: Mr. Speaker, I wasn't expecting to get such a chuckle on the debate over this amendment, that we were into comedy hour here in the House, but I did note with amusement the remarks of the previous speaker, because the fact of the matter is, we are against what the government is proposing to do. I believe that we are of similar mind on this side, that we are against what the government is proposing to do.

The purpose of the amendment is to refer back to committee for a whole variety of reasons. Every member on the Opposition side can pick which reason they prefer. If a member wants amendments, the chance for amendments can come back again anew. That is a good thing. If you want to ensure that more Nova Scotians have a chance to have their say on this bill, you should also be in favour of the amendment to go back to committee, because that is exactly what the amendment purports to do.

I believe that the previous speaker was saying that he supports the amendment. I'm not certain, but I just want to remind all members on this side of what we're trying to accomplish, which is to wake up the government, to show the intensity of the Opposition to what they're doing, that we all shoot in the right direction - which is over there - so that something good can happen for Nova Scotia and we can avoid something bad that is about to happen for Nova Scotia.

With respect to the government - who is, of course, the target of all this - I couldn't help but note with great dismay that the Government House Leader, the Deputy Premier, in arguing against even allowing the amendments, referred to some of us over here as sore losers for wanting to have further debate, further discussion and further input on Bill No. 102. Well, setting aside how arrogant a statement like that is, it is not only directed at the .

..

MR. SPEAKER: The honourable Government House Leader.

HON. FRANK CORBETT: Mr. Speaker, on a point of order, I'd ask you to keep the Leader of the Third Party speaking about the amendment - not something that bothers him, but the reality of what's in the substance of the amendment. A Party that has very little substance, Mr. Speaker.

AN. HON. MEMBER: Oh, telling the Speaker to do his job.

MR. SPEAKER: Order, please. No, I'm sorry, he doesn't tell me to do my job, sir. That's one thing he doesn't do, I'll tell you that right off the bat.

But I'll tell you one thing right now, when I read this amendment and I agreed the motion was in order, I read to all the members of the Chamber that they confine themselves to the motion that is the merits of recommitting Bill No. 102 to the Committee of the Whole House on Bills. I will remind all members again to please do that.

The honourable Leader of the Progressive Conservative Party.

MR. BAILLIE: Mr. Speaker, I will certainly do that. The reason for the amendment to recommit to the committee is that there are lots of new pieces of information that have come forward, even in the last little while, that make it very important that this House recommit to committee and reconsider its actions.

Among those reasons is the most recent labour market brief, which does bother me and I'll tell you why. It's very relevant to this bill, because it's new since this bill first came before the House in committee. Here's what bothers me about the labour market brief for November 2011, and I'll quote from it and then I'll table it and I'll tell you why it's relevant to this amendment. It says, "The Cape Breton labour market continued to deteriorate . . . The labour market also continued to weaken in Northern Nova Scotia . . . The labour force decreased sharply in the Valley . . . The labour market continued to deteriorate in Southern Nova Scotia . . ."

Mr. Speaker, in the Valley, in the northern region, in Pictou County, in the South Shore, there are some very important employers in those areas, Michelin being an obvious example. The labour market brief points out: in the Valley 2,200 jobs gone, there is a Michelin plant in the Valley; in southern Nova Scotia - in the South Shore - 1,700 jobs gone in the last year, there's a Michelin plant there. Michelin came forward. They said we don't want this at all; it's a black mark against Nova Scotia.

Now we find out that in the very areas where Michelin actually operates as the largest private employer, they say this is a bad idea; this is why we're opposed to first contract arbitration. This is new since the committee met. This is something worthy of consideration, that in those areas jobs are being lost and the biggest employers in those areas are telling us first contract arbitration would be a black mark when they are considering reinvesting in the plants that they have now or future investment.

Mr. Speaker, that's why this amendment to recommit is so important, because we have new information, like the labour market survey, which I will table for everybody's benefit.

Of course, just yesterday, an open letter to the Premier, from 19 employers who are signatories to the letter but representing tens of thousands of other employers and 200 employees, are telling the Premier, are telling this House this is a bad idea. We ought to go back to committee and consider what these people are saying. That is exactly what the amendment is for. The letter here says they are speaking unanimously, with one voice, that first contract arbitration is a bad idea.

Now, Mr. Speaker, at this time when we are losing jobs by the thousands, in the Valley, in the South Shore, in Pictou County and in other places, and 200,000 employees worth of people come forward and tell us now is not the time for first contract arbitration, well, you know, we should listen to that. The government has failed to listen to that and the amendment gives them one more chance to listen to that. That's why the amendment is so important. That's why the motion to recommit is so important.

In fact, Mr. Speaker, two days ago the Premier spoke to the Halifax Chamber of Commerce and he told them that anyone with a good idea can call his office about how to create jobs. The very next day 200,000 people write to him, through their representatives and say, here's a good idea - stop first contract arbitration. So let's go back into committee and consider that. That is exactly what the Premier, apparently, is inviting people to do, so let's give him that chance. Let's give the government that chance.

If you are in the Liberal Party and you think, great, we can bring back our amendments again and take a bad bill and make it a little less bad, that's a good reason to support the amendment. If you're in the PC Party and you say it's a bad bill, more people need to come forward, they're going to tell the government it's a bad bill, 200,000 are lining up to come tell them that, then you should also be in support of the amendment because we'll give them that chance.

Mr. Speaker, the government cannot afford or, more importantly, Nova Scotia cannot afford, at this time, to get this wrong. So if this many people are making that point, we ought to give them the chance to make that point and reconsider this bad step that the government seems so determined to take, so that when the Premier says to call my office if you have an idea, that people don't get a dial tone when they do, or that they don't conclude that the Premier only means call my office if you agree, or if I agree with what you have to say, but if I don't agree with what you have to say, you can write me a letter, but it doesn't matter because you can call my office and we're not going to listen. This is a chance to actually make the government listen.

Mr. Speaker, just to be clear on the testimony of companies like Michelin and Sobeys and the wonderful Canadian Federation of Independent Business and all the people

that they represent, Merit Contractors and their great representatives and all the people that they represent - they came to Law Amendments and they said, over and over, this is a bad idea, it is the wrong time, this will hurt investment, this will cost jobs, there is no problem to solve, things are going well, why would you mess it up now?

That's what they said, and their first choice is that we stop this bill in its tracks. Their first choice is that there would be no bill at all. Their first choice is that we allow the process of free collective bargaining where each side has a motive to reach an agreement, to bargain in good faith, to set the price of wages and benefits and other things between employer and employee, to come together to make their business as great as it can be, to create as many jobs as they can. That is the process that is working in Nova Scotia. That is what they are asking for.

The government is not going to give it to them, because they're determined on first contract arbitration. We are representing them when we say this is a bad idea and it should be stopped. That is why I say, Madam Speaker, that when the House Leader on the government side says the PCs are sore losers because they're not getting their way in first contract arbitration, it's very relevant to this amendment, because through us he's also making that point to all of those people who came forward and said it's a bad idea, who expected their government to represent them, who said there should be no first contract arbitration, who said this is the wrong time.

Perhaps what they're really hearing through their representatives who are trying to stop it is that they're not getting their way, so they're all sore losers too. With all due respect, Madam Speaker, that is a very disrespectful position for the government to take on this amendment, that if you're in favour of the amendment you're a sore loser - which is what they said. They have to realize that through us there are thousands of employers and 200,000 employees who are not going to appreciate, as they look at the debate on the amendment, that the government considers them to be sore losers. That is a real shame, and I probably should have tabled this letter a while ago, but I keep referring to it for the very reason that there's far more than the members of the Progressive Conservative caucus who are trying to tell the government that this is a bad idea and this is a bad time.

So for all of those reasons, Madam Speaker, I can only urge the government to listen, to wake up to what they're doing, to hear from all the people in the province - employers or employees - who are saying this is a bad idea, that this is the wrong time, that this has to go back to committee so we can hear from more people, amendments or otherwise. That is what has to happen. That is what the amendment allows to happen, and I hope that somewhere on the government side there is a member who has a Michelin plant in their riding or who has another manufacturer in their riding, who has a blueberry manufacturer in their riding, has a Sobeys in their riding, has a contractor in their riding, has a road paver in their riding, has a underwear manufacturing plant in their riding - which, by the way, makes very good underwear, I can tell you. (Interruption) I happen to be wearing their product myself right now.

MADAM SPEAKER: Order, please. I would remind the member that underwear is not on the amendment. Perhaps we can come back to what the merits of the amendment are.

The honourable Leader of Progressive Conservative Party.

MR. BAILLIE: Thank you, Madam Speaker. I do agree I strayed a little bit off topic there at the end when I got into that particular product.

The point is, going back to committee gives members on the government side who have important manufacturers - like Stanfield's, like Michelin, like Sobeys and many many others, like PolyCello, like Oxford Frozen Foods - a chance to reconsider their actions before some real damage is done. With those few remarks, as colourful as they sometimes were, I will take my place.

MADAM SPEAKER: The honourable member for Cape Breton West.

AN HON. MEMBER: Are you going to talk briefly?

MR. ALFIE MACLEOD: Thank you very much, Madam Speaker. I heard someone say, are you going to talk briefly? I can guarantee it.

Madam Speaker, what we're talking about here today is going back into the Committee of the Whole House to talk about a bill that has been on the minds of many Nova Scotians for the last few weeks. The motion was made, the Government House Leader said, well you had your chance, you had your time. He was right and factual in that but the reality is that in the past 24 hours some new information has come to light. That information was on behalf of 200,000 employees in the Province of Nova Scotia.

Now I'm not sure what the other members of this House think but I know what I think. I think that my job here and the job of everyone who has been elected by the people of the Province of Nova Scotia is to bring forward their wishes - not the wishes of my caucus or the Liberal caucus or of the NDP caucus. My job is to bring forward the wishes and the concerns of the people that we represent. A letter representing 200,000 people tells me that they still feel that their wishes haven't been heard and that's why I believe that this motion is in order because I think, Madam Speaker, that what we need to do is make sure that everyone feels they have been heard. As we go down the road past that, whatever the decisions are made in this House, that will happen. We know there's a majority government and we know where it could take us.

We've also got a responsibility to the ones who sent us here. I think that all members of this House are failing in doing that. We're failing in doing that because time after time we're hearing from people; they're saying they are not happy with this legislation.

I sat in the Committee on Law Amendments, Madam Speaker, when Colin MacDonald was there and he brought forward his concerns on this piece of legislation. He said at that time that there were some amendments that could be made, but when he was finally asked at the end of that session, does this province really need this bill, will these amendments make this bill any better, he said no.

The long and the short of it is, this bill is not a good bill. That's the reason we have to go back to the Committee of the Whole House and listen to the thousands of employers and the thousands of employees who want their voices heard. That is an obligation of every member in this House, to make sure that people have the opportunity to be heard, not just listen to the wishes of the front benches of our Parties, not just to listen to the chiefs of staff of our Parties, but to listen to what the individuals who elected us to be here want us to bring forward.

Madam Speaker, I would say to you that if we, as a group of people, fail to do that, then we are bringing dishonour on this House, on this process and on the people of Nova Scotia who put their trust in us to do what was right for them. Thank you.

MADAM SPEAKER: The motion is that Bill No. 102 be recommitted to the Committee of the Whole House on Bills. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

A recorded vote is being called for.

Ring the bells. Call in the members.

[10:34 a.m.]

[The Division bells were rung.]

MR. SPEAKER: Are the Whips satisfied?

A recorded vote has been called for. Is the House ready for the question?

[The Clerk calls the roll.]

[11:33 a.m.]

**YEAS**

Mr. Gaudet  
Mr. Glavine  
Ms. Whalen  
Mr. McNeil

**NAYS**

Ms. More  
Mr. Estabrooks  
Ms. Peterson-Rafuse  
Mr. Corbett



Mr. d'Entremont	Mr. Dexter
Mr. Baillie	Ms. Maureen MacDonald
Mr. Bain	Mr. Paris
Mr. Porter	Ms. Jennex
Mr. MacMaster	Mr. MacDonell
Mr. MacLeod	Mr. Belliveau
Mr. Orrell	Mr. Preyra
Mr. Younger	Ms. Zann
Ms. Regan	Ms. Kent
Ms. Casey	Ms. Conrad
Mr. Colwell	Mr. Wilson
Mr. Zinck	Mr. Parker
Mr. Theriault	Mr. MacKinnon
Mr. MacLellan	Ms. Raymond
Mr. Churchill	Mr. Smith
	Mr. Epstein
	Mr. Prest
	Mr. Ramey
	Mr. Skabar
	Mr. Whynott
	Mr. Morton
	Ms. Birdsall
	Mr. Boudreau
	Mr. Burrill

THE CLERK: For, 19. Against, 28.

MR. SPEAKER: The motion is defeated.

The honourable Minister of Communities, Culture and Heritage.

HON. DAVID WILSON: Mr. Speaker, I move that the question be now put.

MR. SPEAKER: The motion for the previous question has been made. We will now continue with debate on Bill No. 102.

**[Bill No. 102 - Trade Union Act.]**

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

HON. STEPHEN MCNEIL: Mr. Speaker, I'm pleased to rise again to talk about Bill No. 102. This bill has been before our House for quite some time. I would say it has caused most of the debate that we've seen here, and certainly the interaction that I've been receiving when I've been outside of this Legislature. Oftentimes we wonder if anyone

knows we're actually sitting, but when Bill No. 102 came forward, we quickly recognized that there are a tremendous number of Nova Scotians who are recognizing that we're definitely here.

On the basis of Bill No. 102 - the title of the bill is an Act to Prevent Unnecessary Labour Disruptions and Protect the Economy, but really what we're talking about is first contract arbitration, which basically is on first contract, after a company becomes certified, that in our case we would force them directly into arbitration after a short period of time.

The Premier on many occasions said that 80 per cent to 85 per cent of Canadians fall under this form of first contract arbitration. That's simply not true. Many people refer to this bill and to this form as the Manitoba model, where it is really the most difficult piece of legislation in terms of cultivating that first contract, that first relationship, the first interaction between a certified workforce and their employer. If you look at Ontario and the federal model, you don't end up going into arbitration at any point unless one of the two parties can fully prove that either the employer or the union have been bargaining in bad faith.

I want to speak to that particular point, because it is that point that makes a lot of sense. I think one of the things that's missing in this entire debate is that employees have the right to certify, and we, as Nova Scotians, should respect that. But by the same token, employers have the right to define how they're going to run their operation and their business. Oftentimes, like in any kind of relationship between two people, it's that first interaction that becomes the foundation of the future relationship. So even though we all know it is difficult at times to find common ground on contracts, common ground in negotiations, it is absolutely critical, and I believe it is the fundamental principle of open and free collective bargaining, that we force employers and employees to stay at the table. If the employees want to certify and become unionized, that is their right, but I believe it is also their responsibility to stay at the table.

It's the same thing if an employer wants to prevent certification, wants to prevent their employees from being unionized - they need to be forced to stay at the table, because it is this beginning of this relationship that will be the foundation for that future relationship or future contract talks as we go forward. Oftentimes we believe in this House - and I don't think it's just here. I think most Nova Scotians, when we think about certification, when we think of a union and employer, it's always about wages. It's always about some benefit. In actual fact, a good part of the time it is, but I think if we allow this, if we move down the road of first contract arbitration, where the government is going, if we continue to move toward the Manitoba model, we have failed Nova Scotians; we have failed a lot of Nova Scotians. If they are going to be certified and if there is going to be a first contract, it should be settled at the table where employers and employees get an understanding of each other, just like we do with most other relationships we have. We sit down and we discuss it, figure it out so employees get an opportunity to understand where

an employer is and, quite frankly, an employer gets an opportunity to see where the employees are coming from.

Under the Manitoba model we have taken that off the table. We are actually forcing them into arbitration. I know that members of the government are going to say that we're not forcing them there immediately, but we do end up there eventually, and either one of the two parties could drag the debate out, could drag the discussion out, to allow a third party to settle their differences. Well, Mr. Speaker, that agreement, that first agreement will be the foundation of the future of that business in that workforce. Why would we want to propose a piece of legislation that would bring someone in from the outside that has little to no understanding of a particular business.

We spoke earlier about Michelin. They have 18 plants in North America: one in Mexico, 14 in the U.S., three here in Canada and they're in Nova Scotia, how lucky we are. I have had the opportunity to go to those plants and have them describe to me how they're interconnected and, as you go further, their entire operation is connected in North America. So how would anyone outside of the people who work in that environment, or the employers, understand that operations and understand what it would mean if this benefit was given or taken away? It's very difficult.

Well, let us imagine that happened and we allow a third party to come in and do that. The employer has a number of options: to leave, shut it down, plea, or to try to figure out if they can survive. The employees are in the same boat, but when you go to an arbitrator somebody is unhappy and when it is our first contract, what we're setting up here, in my view, is a recipe for a business that is certified to create that unhealthy work environment that none of us want. If the employees lose and not receive what they believe they're entitled to by a third party, we have not given them what should be their right under a free and open collective bargaining, to continue to negotiate at the table. If an employer loses, and takes the step of closing or taking away other benefits, reducing hours, nobody wins and what we have done is, in actual fact, poison the working relationship between the employer and the employees.

Mr. Speaker, it's not as if there are not other models that work. The Ontario model has been working. Are there problems? Of course there are. The federal model has been working. But we in this province, for some reason, are going to the Manitoba model and I don't know why.

I can tell you - to me - how refreshing it was when we went to Law Amendments Committee. When this debate started on Bill No. 102 all of us were entrenched in our positions. Let's be honest about it. All of us over here, we don't want first contract arbitration - I think it's safe to say. We all said that. Employers, a large number of them said we don't want first contract arbitration. As a matter of fact, I have yet to find one who said they did in the beginning. We all believed that the unions across this province were all looking for the Manitoba model of first contract arbitration. Well, lo and behold, we had a

debate in this House, and we went to Law Amendments Committee, and then we listened to the employers and to the union leaders.

Some of them came in entrenched in the same positions we were in. There are some union leaders who believe in the government's Manitoba model and they are stuck on that one, but there are others who are not. They are more towards the moderate middle, as I like to call it, and we were - said here - we don't want first contract arbitration but we recognize in our democracy, a majority government wins. So when I think what employers did, employers came in and presented their case - Sobeys, Clearwater, Michelin, and the list goes on - and small business operators from across the province were here expressing their views, and many of them for the first time quite honestly, coming back and participating in the legislative committee and expressing their views.

What they said was we understand that government wants to deliver first contract arbitration - we don't agree with it, we know you're going to do it, but would you please listen to our suggestions on how we can amend this legislation to make it more workable for us and for our employees?

They laid out a couple of things which would move us away from the Manitoba model - which only 4 per cent of Canadians serve under - more towards the middle ground, more towards first contract arbitration, Mr. Speaker, where you actually force the employer and employee to sit down at the table and negotiate, and the only way you end up with an arbitrator is if somebody has proven to be negotiating in bad faith.

In the last sitting of the last government, our caucus stood with health care workers so they could maintain the right to strike, because we believe it is a fundamental principle of collective bargaining - but there are also some for employers, and that is they have the right to lock you out and they have a right to say no, this is all we can do. And, Mr. Speaker, it is the balance inside of that equation that allows us to have the labour peace we have in Nova Scotia.

Ironically, whenever there's a disruption in labour, whenever there's an issue, it's usually the government that is the employer. I've been thinking about going back through - how many large work stoppages have you seen in the private sector lately? That's it; it's hard to think of them. But when you start thinking about the large labour disruptions we've had, it's with the government and their union. This bill is applying to, quite frankly, Mr. Speaker, the private sector where there isn't the issue.

When I look at the Law Amendments Committee - and I listened and I sat in on a fair bit of the discussion - I came to the realization that if we had had a discussion about first contract arbitration in the beginning, if we'd reached out to our largest employers, our small businesses across the province, government could have delivered a message that said we're going to deliver first contract arbitration, there's going to be a form of it in Nova Scotia, and we want you to help us figure this out.

I spoke in Committee of the Whole House about Rick Clarke. Mr. Speaker, while Rick Clarke and I do not agree on a number of issues, I do honestly believe he is a person who has Nova Scotia's best interests at heart, in my view, just like I believe Sobeys does, Michelin does, the Braggs do, and the list goes on. I believe that if all of those people were allowed to sit down and say this is what we're looking for, where is there a middle ground that we could agree on, I would bet you that the legislation we see today would be very different - it would not be the Manitoba model.

I think, quite frankly, union leaders would have appreciated that. It would have been more towards the Ontario model or the federal government model, one that forces people to negotiate, because at the very heart of collective bargaining is the ability to do it freely and openly, to be able to negotiate at the table - the very thing that we, as a caucus, the Party stood with, ironically, Mr. Speaker, the NDP to oppose taking away the right to strike because we believed it was at the heart of that.

This piece of legislation, in my view, takes away the rights of employers and employees to free and open negotiations. You time out, the clock starts ticking, and that is unfortunate; it is unfortunate. What I found interesting is during Law Amendments Committee, some of the employers who came in, who everyone said were anti-union and wouldn't be in favour of this, they have global operations and there are parts of their operations that are unionized - it just may happen that pieces of it here aren't.

They're not anti-union. As a matter of fact, I think when you go back and look at some of the submissions to the Law Amendments Committee, they talked about that. But they have major concerns about this one and about the model that we're using around the Manitoba model, which takes away their right to negotiate. I think the further into the Manitoba model we start looking, and you look at what's happening there after we force a contract onto an employer or an employee, the second round leads to more strikes than in any other jurisdiction. I believe it's because we've poisoned the relationship. I think it's because they poisoned the relationship in Manitoba by forcing a settlement.

I bet that if you look at other jurisdictions - and I know the minister has done this - you will see that second contracts under FCA in the different models do not go on strike the second time around. I believe there's one reason for that. It's because under the Ontario model, under the federal government model, and I think under every other jurisdiction, they have to stay at the table to figure it out. They end up understanding each other a lot better. It's difficult, absolutely, but they understand one another, right? In Manitoba they don't. Somebody wins and somebody loses, and imagine that's your first experience with someone. You feel that you've been taken advantage of, that you've been forced to do something you don't want to do, accept something you don't want.

What do you think is going to happen the next time you have a relationship with that person? It's going to make it strained. It's going to be difficult - no trust, a complete breakdown - and that's what we're seeing in Manitoba. I can't stress enough that we can

send a clear message to Nova Scotians that we're listening in this House, and I believe, as I said earlier in the debate and I said in the Committee of the Whole House, that government has a wonderful opportunity in front of them.

Mr. Speaker, it is a win-win for them. They can deliver first contact arbitration and they can speak directly to their base - or whoever it is that wants first contract arbitration - they can speak directly to them and say we've delivered on it. In listening to the union leaders who were there - not all of them, some of them were hard and fast on the Manitoba model - a good number of them would be happy with a different model, and they could say that. Then they could send a very clear message to Nova Scotians and to employers and employees that we're listening - we've heard you and we have responded. Not all employers, because some employers aren't happy. Some employers don't want first contract arbitration at all, but I think if we send the message, just like union leaders, the employers in this province, the majority of them, would accept and understand that.

That's that moderate middle that was in to the Law Amendments Committee, the group that says, we know you have a majority government, we know you're going to deliver first contract arbitration, let us help shape it, let us help present one out there that works for Nova Scotia, for our workforce, for our business. When you think about that, when you think - I was thinking about this whole issue and thinking about Sobeys, the largest employer here, and I was thinking about the presentation by Colin MacDonald and Clearwater, when he spoke to the Law Amendments Committee. I saw the presentation by Michelin. I was in listening at the time. Merit Contractors Association was in; I listened as they made their presentation. I'm thinking about major employers - Oxford Frozen Foods, EastLink, John Bragg.

While Michelin may be an international company, its leaders in this province are Nova Scotians, the people who have fought internally inside Michelin North America to ensure that we as a province get our share of their investment that they're making in North America. They've done a tremendous job in conjunction with previous governments. At different stages throughout they've worked together to be able to ensure that those 3,500 good-paying jobs are still here.

I was thinking about these global operations, and I must confess I learned a lot about some of these operations that I didn't know until they started making their presentations, that parts of their operations are unionized. They work in jurisdictions there, but I was really struck by how global these businesses are. Then I'm asking myself, why are they still here in Nova Scotia? As we all know, it's a difficult environment, but it's because they have, in my view, an ancestral tie to our province, it's where either they started that business or their parents or grandparents started that business. It's where they have grown their business working with their employees. It's quite amazing to me.

I represent the riding of Annapolis. There is no Michelin plant in my riding, there are some of my constituents who work for Michelin, but I can tell you I am the beneficiary,

and my constituents are the beneficiary, of Michelin every day, by the contribution they make to the arts activities that happen in our community. I have a special place in my own heart for the Special Olympics, I am involved with them at home in my riding and I'm going to tell you, on January 27<sup>th</sup>, Michelin will be a major sponsor in a province-wide event that we're going to hold down at Pier 21 or the Cunard Centre. That's because, Mr. Speaker, they are connected in this province and they are contributing every day.

I look at Sobeys, whether it's buying uniforms, whether it is contributing to events, they do that every day and the list could go on. They do that because they are proud of their workforce, they are proud of the people that work for them, they contribute to things that the men and women who work with them and stand with them and help grow their businesses are thinking about. They contribute to minor hockey because one of their employees might be the coach or president of the local minor hockey association and they realize that someone has lobbied them for new jerseys, or they contribute to the Special Olympics because it's near and dear to employees' hearts, why they are a major sponsor.

I can't, for the life of me - why would we want to enter into a piece of legislation that, in my view, could directly affect what has been a good relationship, and that is by the Manitoba model of first contract arbitration. I can't stress enough to government that if we're going to go down the road of first contract arbitration, which I know we are, that if we could move off of that and on to - and send a signal that we're listing more towards the federal government model or towards the Ontario model. What a signal it would send for us, what a difference, Mr. Speaker, I think it would make in the relationship for government.

I had the opportunity to go and listen to the Premier this week on his State of the Province Address, Mr. Speaker. He spoke, and at the end of it, I had a chance to speak to a number of people who were there. I was interviewed in the media and it was interesting what was on their minds. The Premier had a great presentation, talked about a number of things they talk about here, while we might not always agree with him, I thought he did a good job delivering his message. But they were thinking about first contract arbitration and one of the things that was really worrying them was, why is government so committed to the Manitoba model, why is this particular version of first contract arbitration better? If only 4 per cent of Canadians fall under this model, why is this one the best one and why are we digging in on it. You know what? I couldn't answer it, nor has government yet and I think it's important.

The other thing that was worrisome to business and the people I spoke to was what's next, is there more labour legislation coming? And they wanted to send the signal that they want to be consulted if there's going to be future labour legislation changes in this province. They want to be part of the discussion, not after it's introduced but as we start building the changes. To me, Mr. Speaker, those are reasonable asks and questions, and I hope as we move through third reading that government sends a message or sends a signal

to the business community why this particular model is the only one that would work here and why they are unwilling to move from that position.

I think we owe, quite frankly, to the men and women who have been committing their own money to grow their businesses and to grow their communities, at least that. At the end of the day they know, and we know on this side, there is a majority government and they can deliver whatever legislation they want to deliver, but what a signal it would send - just as, quite frankly, previous governments have ignored union leaders, and I don't think that's right either. I think somewhere inside of all our organizations lie moderate Nova Scotians who believe in the best interests of our province, understand there's a way to move forward, understand that together we could grow and work and build this province.

I think we could send a very clear message to everyone that, you know what? We're listening to you in this House and we're going to accept the amendments that you brought forward at the Law Amendments Committee, and we're going to adopt first contract arbitration, but a more moderate model. Wow, what an opportunity for government. This is really a chance to show the difference in the new government, to say, we heard you and we're going to accept those changes.

Mr. Speaker, I know the members on this side of the House would applaud government for doing that. I would acknowledge that, whoever asked, that they moved more toward and they listened to Nova Scotians about making this a more palatable piece of legislation that works for government, private sector, employers, and employees. That would make a lot of sense.

When I looked at and listened to those presentations - and I've had a chance, like I said earlier, to be in some of the operations. I had an opportunity more recently to go, as I travelled the province, to stop and visit employers. I had an opportunity more recently in the Strait area to meet with the union around Stora when I was down there, to talk to them about our position on what was happening there and to see if there's a way that we could help or work together with them to go forward. It was a great conversation. You know what? They enlightened us on a few things, positions they've taken, just as we've spoken with employers from one end of this province to the other.

When I look at my own riding of Annapolis, the average employer in my constituency would probably be four or five people. There isn't a major employer there. So first contract arbitration may not have a direct impact on them today, but they certainly are worried a little bit about it. It's not what is on the top of their minds, I can tell you.

I hear a lot more about power rates. I hear a lot more about taxation in general. I hear a lot more about how there's not a lot of economic opportunity here for young people. Those are the kinds of things that they want us focused on: what are we going to do to address power rates, not in the long term but also in the short term, to make sure that we can



actually live and work here? So why we're going to push down the road of first contract arbitration, and particularly this model, makes little to no sense to me.

As we were going through Question Period a few days ago, we asked the Premier about first contract. We asked about why we were doing this, and he made the suggestion that there are already 15 per cent of Nova Scotians who fall under first contract arbitration. Well, that's not true, Mr. Speaker. I think what he was referring to - and perhaps at some point he will clarify - was that there are 15 per cent of the unionized workforce that have arbitration as their solution to their problems. They have that because they negotiated it at the table.

I know the police force here has negotiated arbitration instead of strike, here in HRM, I think for a 10- or 12-year period. They'll go back and renegotiate, I guess, the next time that runs out. I know the member for Cape Breton South has introduced legislation here that provides it to, I believe, first-responders, maybe, or firefighters in Cape Breton, who wanted that. Their employer and employees wanted that, so they negotiated that, but no one in Nova Scotia falls under first contract arbitration today, until this comes in, and then we'll start seeing how it falls out and works out. But I think what has been important and refreshing for us, and for me, is that while this whole process was unfolding, we were all getting an education and a better understanding of how it worked, what worked and what didn't work.

I think the fact that we are using the Manitoba model worries us more than first contract arbitration. As we started this discussion at the beginning, and I will say I was one of the first ones to say no to first contract arbitration, period, but as we started the conversation and as we listened at the Law Amendments Committee, I think employers and employees have said that it can work, but we need to be part of shaping the bill. I hope that the minister will, as she proceeds and before this bill becomes law, or maybe even here in this House, ponder what has been said at the Law Amendments Committee, ask some of our largest union leaders - and when I say some of our largest union leaders I mean the largest membership - does it really matter that we stick with the Manitoba model? Do we really have to stick on the Manitoba model or can we move to a more moderate model that the business community seems to focus on?

I would also encourage you to speak to some of the presenters at the Law Amendments Committee who were from the business community, who said, absolutely no way do we want first contract. They were not willing to bend. I would encourage you to call them and ask them and say, listen, I know you were entrenched in your position of no way, but is there any way that you can see that maybe a less intrusive model, a less aggressive model could work? I think we would be surprised what you would get back for an answer and I think it would also work well for your government to send a message to employers that you paid attention, and I think to employees.

One of the interesting things for me, I heard from a lot of employers at the Law Amendments Committee, as all of us did, but I've actually heard from a few employees. As I said in the Committee of the Whole House on Bills, I was really surprised that when I opened a volleyball tournament in Middleton, I guess it was a week ago today, a constituent of mine came up to me. Her husband works at Michelin and she's a health care provider. She works, I believe, at Soldiers Memorial Hospital and she was worried about having to move. She said, what's this bill all about? It was because she read the headline about Michelin being at the Law Amendments Committee, and she recognized, as I'm sure all the employees do, that Michelin is a very private company. They don't normally show up at the Law Amendments Committee and they don't normally come to government. Because of the size of their operation, I'm sure if they have a problem with government, they pick up the phone and call the Premier, but they felt strongly enough about this particular issue that they showed up.

So it sent a bit of a shock wave through their operation, through the people who actually understood how Michelin works and she was quite worried. I thought to myself, if we moved away from this Manitoba model and more towards the Ontario model - quite honestly, I believe the federal model and the Ontario model are pretty similar - not only would we be saying we were listening but we would also leave some of the anxiety that people are feeling and that people are worried about.

That's a positive thing for us, Mr. Speaker, I think it would be a positive thing for government and it would be, for us and our constituents. I know that I'm not the only one who would have had their constituents come up to them and express their concerns about this legislation because it has been the major topic in this House, really, up until a few days ago, and it has certainly had the most representation, I think, of any bill at the Law Amendments Committee. It brought out people who traditionally don't come here, people who traditionally don't come to the Law Amendments Committee, and participated in the debate. So I'm not surprised, and I wouldn't be surprised, that they received a number of calls.

We, as a caucus, said at the very beginning that this government has a majority mandate and they are going to push through legislation. Our job is to try to figure out how we can best improve that, try to find the middle ground here, the moderate ground. We came to the conclusion, Mr. Speaker, by listening to Nova Scotians at the Law Amendments Committee, regardless of which end or which side of this argument you are on, or this discussion you are on, they, too, will come to the middle. I think that's one of our greatest traits.

Mr. Speaker, a few minutes ago I asked about these major employers and why they stay in Nova Scotia. I talked about power rates, taxation, all of that, but I think they stay - and I talked about their ancestral ties here, but do you know what? - I think one of the major reasons they stay is because we are a moderate province. We do compromise; we do find the middle most of the times. We work together, understanding that we can't have it one

way or the other. It can't all be one-sided, there has to be a middle ground, and all of us try to move to that middle ground. It's extremely important that, in my view, we do as well with legislation.

I don't believe this legislation is middle ground; I believe this legislation is tilted one way. It is important, Mr. Speaker, as we move into looking at labour legislation and look at this particular piece of labour legislation, and it is one that government is going to move forward on first contract arbitration, we need to do it in a way that looks at the labour environment in Nova Scotia.

I think it's fair to say it has been working quite well, so if we're going to introduce first contract arbitration, why not introduce legislation that allows the peace and harmony to continue, the moderate middle ground that Nova Scotians often find and, quite frankly, the middle ground that was found in Law Amendments Committee, the one that was presented by some union leaders and by some employers - that's where we should be.

If we're going to go down the road of first contract arbitration, we need to do it in the context of our labour environment today, the relative labour peace that we have, and ensure that the legislation we're bringing in allows that to continue. If we go down the road of tilting the balance too far one way or the other - and employers should not have too much power in negotiations nor should the union, it's about keeping it level so that when they sit down at the table they are equals. They each have certain things they can use - strike, lockout, negotiate, all of those things happen. Allowing that to stay makes sense.

I know the minister's department has been called upon a few times in the last decade and a half to go in where there have been difficulties, where unions and employers have not been able to - quite honestly, weren't willing to - bargain in good faith, and the department has responded and settled that. But if that mechanism needs to be modernized or changed into first contract arbitration, then let's do that, but let's do it in a way that reflects what was working. Let's not do it in a way that is bringing legislation in that, quite honestly, I don't believe is working in Manitoba either - but that's their business, not mine.

I think we need to bring in legislation that would make sure that if one or the other is bargaining in bad faith, they have to prove that and then we'll bring someone in to deal with it. That, Mr. Speaker, is the middle ground here, and that is what would, in my view, keep the labour stability that we have. I keep repeating myself, and I want to say this again, I think it's where a good number of the union leaders are and a good number of our major employers are: in the middle, on the middle ground. Why wouldn't we be there? Why wouldn't government be there?

These were reasonable requests that were put before government to make those changes. It allows them to continue to bring in first contract arbitration, but it also tells employers and employees that they've listened and they're going to make this a more palatable piece of legislation in the long run. It would also help - and I know earlier today

there was a letter that was referenced. It's been sent to all of us as members of the House by major employers, and it was interesting. They had taken the position that I'm trying to articulate here, and perhaps - I don't believe I'm doing a good enough job to convince government, but I'm trying to articulate my position here and their position on the moderate middle ground.

One of the things that I found interesting in that letter was that it would also level some of their anxiety about labour legislation and the process they weren't thrilled about. The fact that these study days, they - I mean, for goodness sake, Mr. Speaker, the largest employer in Nova Scotia wasn't participating. We need to figure that out.

There is some growing anxiety amongst the business community about future labour legislation. While during this process they might not have been consulted in the beginning, they certainly expressed their views at the Committee on Law Amendments, and they respected the government's position and they found that middle ground. I think if we say we have listened to that it would lower some of the anxiety they are feeling about future labour legislation, because we could send a signal to them that, whatever changes are coming and whatever they may be, you'll be part of the consultation. You'll be part of it early on, before it ever gets to the House of Assembly. You can be part of that. We'll sit down.

Despite our differences here in this House, the Nova Scotians who arrived at the Committee on Law Amendments, who were of very different views at times, found the moderate middle. I think we should listen and I think we should send a signal to them that we've heard that. We've had to change our position; we've had to listen to them. They said we want our bill amended, so we said, okay, we hear you, make sense for your employees, then we will listen and respond and we'll deliver that to the House. We were disappointed, of course, when our amendments weren't supported by either Party. It's unfortunate. But we still have time. Minister, you have time. Government has time to accept those amendments, and then we can move on to sending a signal to Nova Scotians - quite frankly, the people who are creating our jobs - an encouragement.

As I said to you earlier, they are very concerned about what other pieces of labour legislation are coming and by sending the signal that we've listened during this one, I think we will lower that anxiety. We will ease the concerns of my constituent who was worried about Michelin leaving here because of what she'd been reading in the paper and her husband working in the U.S. and her having to leave. She gave me a whole list of things that she had been worried about - how does my professional status change if I go to the U.S., what happens to my credentials here if I go there? She thought about this in a very short period of time from reading something on the front page of the paper, because she saw how strong a position Michelin had taken and their concerns about this legislation. I think it would help.

I say to government again, you have a chance to win twice on this piece of legislation. You have a chance with your base, whoever wanted this piece brought forward, and you have a chance to win with every employer in Nova Scotia by saying, I heard you, I've listened, your changes reflect a moderate view, your changes reflect first contract arbitration that the vast majority of Canadians fall under, and we're going to adopt your changes to make our legislation better and one that works for Nova Scotia. Wow, that's the right thing to do; it's absolutely the right thing to do for all of us. And I can tell you, we'll applaud you; we'll recognize that.

The member for Cape Breton South stood up yesterday about the Equity Tax Credit Bill that went through - I can't remember the bill number - and he expressed his appreciation and thought it was a good piece of legislation. He said it was good, that he was encouraged by it. We'll do the same thing - we'll say the government listened, that they listened to what Nova Scotians had to say and they allowed Nova Scotians, quite frankly, to help shape good legislation. But if we don't listen, I think what we've done is we've really then eaten into the confidence of the very people who are investing here.

Michelin didn't say they were going to move - that's not what they said, and I don't think anyone who presented said that. What they said was that it would affect the future investment; it would affect our ability to grow. We all know, regardless of what it is, as individuals, if we stop growing and experiencing we begin to wither away.

It's the same thing with a company. If a company doesn't grow, if it stands still it gets eaten up, it gets passed by, someone else takes it over. It can't exist, the numbers don't work anymore. So without that future investment, that's what we worry about long term, down the road. That's what they were saying: we can't negotiate with Michelin International to bring that money back here to invest in good-paying jobs for Nova Scotians.

It's the same with Sobeys, they weren't saying they were going to move, it was about where do I invest next, though, where do I put my money? It's the same with Clearwater, it wasn't about we're leaving, but if I'm going to grow in my business do I do it here or elsewhere? If I have extra money that I'm going to put in here if I think I'm going to grow, where do I do that? That's what they were saying.

By us not listening in this House to those concerns, I believe we'll do a tremendous amount of damage to the economy in the long run. When the very people who have the money are not putting it out to invest, because they don't have confidence or they're uncertain about what's happening, we lose, our jobs are gone. That's just the reality of it.

So much has changed. I often say that this is not the province of my grandparents. It used to take them an entire day to leave Cape Breton to come to the Valley. Well, my son drove down from Cape Breton a few nights ago, and the next morning he was gone back. He didn't think anything of it. Well, globally that happens with the economy; that's what's

happening with businesses. These businesses, while their roots are here in Nova Scotia, these are not the businesses that their grandfathers or great-grandfathers started, these businesses are international now, or national, and that means so are their options to invest, so are the options to grow their economy, grow their businesses.

When you think about it, even if we're a national company, we're at one end of the country. We're a great place, the population around one million, a great place to do business, but if you're doing business across our entire country, you really have to have a reason to be here, and we shouldn't be putting in place things that may affect their future investment decisions because they're here because it's where the business started or they want to be here. We shouldn't be discouraging them from being here; as a matter of fact, we should be embracing them.

I think it has been said in this House that if Michelin wants to expand in Nova Scotia, there are 52 people here who will try to convince them to expand in their riding because we understand they are a good employer, because they have continued to modernize their operation, and they continue to compete globally in the world. They come here because of good employees, they come here because they like this province, but we shouldn't be putting in front of them things that would slow down their investment into this province.

Sobeys, growing a national food chain here, from Stellarton, their headquarters in Nova Scotia, we shouldn't be putting in front of them things that would prevent them from continuing to invest here, because as we all know they can invest in any province across the country. That's where they've got businesses; that's how they're going to grow their operation. As they grow it, wouldn't it make sense that we would want them to grow it here, to put Nova Scotians to work - than have a Nova Scotian grow their company in Ontario or Quebec or somewhere else to put other Canadians to work? Of course not.

I spoke about Oxford Frozen Foods. They have land, they do stuff in Maine; they do stuff all over the place. We should be reaching out and embracing them, not putting in front of them issues that erode their confidence. While first contract arbitration may not hit their businesses tomorrow, without us accepting their amendments, in my view, we will have eroded their confidence even further by not listening and we will have eroded their confidence about relative labour stability. They will be wondering, what's coming next? What should I know? What is government going to do that I don't know?

Mr. Speaker, those are all legitimate questions, considering we are debating a bill that they did not participate in and were not asked to participate in. I think if we really want to send a signal out of this House, we need to do it by amending this piece of legislation, by putting in place these moderate amendments that were put here. They were made by those Nova Scotians I referred to, who have many options when it comes to putting their money into an investment to grow their businesses. They can invest it globally. They can grow their operations in other parts of the world.

We don't want to erode their confidence. We want to encourage them to be here, and I think if government sends the signal that they've paid attention, if government finds a way to say, we've heard you, we understand, you know we're going to get first contract arbitration and we appreciate that, but we're going to accept your amendments that will move it more toward the middle. That would send a great signal down the road, and I would love the signal to be sent to Sobeys, to Michelin, to the Braggs, that we've heard you and if you've got money to invest in your international operations, we want you to invest it here and we're going to do everything we can to help you invest it here.

I think without a phone call, without doing anything else but reading what happened at the Law Amendments Committee, accepting these amendments would send a clear signal to all of them that we've heard you and we're ready to work with you. I think that is the best message that could come out of the changes of this legislation, that we've listened and that we want you to invest your money here. After all the things that have been said in this House, nobody said at the Law Amendments Committee that they were going to move their operation - nobody - but they all talked about future investment, and that's what I think we need to keep our eye on.

When I listened to what happened at the Premier's State of the Province Address, and when speaking with business people afterward, it was about what is coming next after first contract arbitration. I think there's an opportunity for government to have kept this piece of legislation, amended it in a way that is palatable for most Nova Scotians, and it sends the signal, do you know what, you can still invest in Nova Scotia. You can still negotiate inside of the larger Michelin family for a reason to invest in the Province of Nova Scotia. You send a signal to Sobeys: this is the right province to continue to put your money in, we are forever grateful that you've invested the kind of money you have in this province, we are forever grateful that you are growing an operation here, but we want you to continue to put it here, to keep your headquarters here, to keep people working in Nova Scotia; any expansion, we want it to happen here.

It sends a message to the Bragg family: do you know what, you've built an international company in Oxford, but we want to help you grow that. We want you, if you're thinking about investing - don't be worried about what is coming down the road, because you've got a government that is going to listen and continue to invest. Colin MacDonald talked about Clearwater's operations globally. It sends a signal to them to invest in our province.

One of the things that I think is important - and I know I'm running out of time, Mr. Speaker. How much time do I have? I'm running out of time, but I want to say, and I want to just go back to the position we have, and that is let's accept the amendments that were brought before the Law Amendments Committee by some of our major employers. They know you have a majority government. They know that. They know you can do as you wish.

I was thoroughly impressed by how thoughtful and respectful many of the submissions were by all presenters, and I was struck by how, even regardless of whether union leaders and any of them had understood each other's position when they made their presentation. That's why I believe they ended more toward this middle ground.

What people are confused about is, why won't government find that middle ground? No one has been able to explain that. No one has been able to explain why the Manitoba model of first contract arbitration is the one that works for us, why it's best. It's the model that only 4 per cent of Canadians are under. Why is that one the one that we have to have? Why is that the model? I think it's an important question: why that one? If you believe that we have to have it at all, why the Manitoba model?

You can send the signal that we don't have to have that. You can speak to your base, you can speak to the people who wanted first contract arbitration and say, do you know what? We've listened and we've delivered. But on the flip side, you can also say to businesses, we've listened, we understand. We understand you are worried about future investment and we understand you are concerned about first contract arbitration, but we have moved to the middle of the road and we have accepted your amendments. You can win in both cases.

Very seldom do governments get a chance to do that, to win in both cases. Let's remember that at the heart of collective bargaining is the ability to negotiate freely and openly at the table. If employees want to certify, that's their right, and we'll protect that in this House. As I said earlier, my father was one of the original signatories on the IEBW, the electrical brotherhood. A number of my family have been negotiators, sitting down at the table to negotiate contracts for the respective unions. It's their right - a group of employees have that right.

An employer needs to have some rights too, and they need to be equal. Every employer knows that if he or she has a good workforce, they've got a good business. On the flip side, employees know if they've got a good employer, they've got a great place to work. (Interruption) IBEW, thank you very much. They have a great place to work. That's because it's a partnership.

The Manitoba model will destroy that partnership before it starts, in my view. I honestly believe that. No one wins here. When a third party forces a settlement, nobody is happy. It destroys the very foundation of what a relationship should be about. At the end of the day that's what a first contract is: it's the beginning of a new relationship, it's the beginning of a way of working together; it's an understanding of each other's position.

I want to say one more time to the minister, that's what we should be doing: building relationships, finding a good, solid foundation for those relationships to flourish, not putting in legislation that I believe will make it very difficult in the long run.



There is evidence to prove it. Manitoba is a prime example. Look beyond the first contract - go to the second one and then the third, but sometimes there isn't a third. But if you look in other jurisdictions, when they go to the second they find an agreement because they've allowed the first one to be settled at the bargaining table, not to be settled by an arbitrator. That is the fundamental issue that people are having with this whole bill. You're taking away our ability to negotiate; you're taking out of the heart of what is the basic principle of open, free collective bargaining - the bargaining table. I asked the minister to listen to what businesses have said, listen to what some of the union leaders have said and find that moderate middle ground so that we can move forward. Thank you, Mr. Speaker.

MR. SPEAKER: The honourable member for Argyle on an introduction.

HON. CHRISTOPHER D'ENTREMONT: Mr. Speaker, I am very proud to bring to the attention of the House a Grade 7 student from École Par-en-Bas in my constituency, a swimmer with the Yarmouth Y Whitecaps. He's in town for the Nova Scotia Team Swimming Championships and I'll ask him to rise. His name is André d'Entremont, he happens to be my 13-year-old son. I can tell him that I'm a pretty proud dad and looking forward to a guys weekend as he swims in the morning and we get to hang out in the afternoon - well, except when we're here. With that, I give the warm welcome to my son, André d'Entremont. Thank you. (Applause)

MR. SPEAKER: We welcome all our guests to the gallery and hope they enjoy this morning's proceedings, and good luck in your swim meet this weekend.

The honourable member for Inverness.

MR. ALLAN MACMASTER: Mr. Speaker, it's good to have future - maybe even future politicians - in the House with us here today.

There is good reason for us not to move ahead with this legislation. We know businesses all across Nova Scotia are pleading with the government to reconsider. Their voices should be heard and they should be listened to. I know my colleague, the member for Argyle - who was just speaking here earlier today - referenced a letter from organizations that represent over 200,000 workers in the province, which is really almost half the actual working population of our province; a lot of voices, Madam Speaker - and welcome to the Chair. That's a lot of voices and I think we should be doing everything we can to ensure they have enough time to convince the government to remove this bill from the floor of the Legislature.

The very fact that they're still coming forward by means, most recently, of the letter that they've written and still expressing their concerns proves that they want to be listened to. They've been trying; they've been at the Law Amendments Committee; they've been questioned by the media; they've been writing letters. I know I've received letters and e-mails from employers in my area and other parts of the province. They've been coming

forward and they want to be listened to. When you think about it and you think about all they do for our economy in Nova Scotia, I believe they deserve to be listened to.

I think there's a difference between being heard and being listened to. I think that needs to be distinguished. It's one thing to be heard, but it's another thing to be listened to. I think if the government listened to these people - the job creators in our province - they would respect their wishes, they would support them and they would pull this bill from the legislative floor.

It's not like it is just one sector of our economy that has come forward to express their concerns. Job creators across the board have very serious concerns that need to be addressed. Let's look at some of these organizations and consider the impact that they have on our province's economy. I think of the Canadian Restaurant and Food Services Association, I know we have a member, their representative in our gallery with us today. That industry employs thousands of Nova Scotians all across our province. That industry is opposed to this legislation.

We have the Nova Scotia Home Builders' Association, important contributors to our province's economy. They have called on the government to put an end to this first contract arbitration. The Nova Scotia Road Builders' Association, we also depend on them. They too have come forward and asked the government and not to forge ahead with this legislation.

What do these groups all have in common? Well according to our Deputy Premier, they're sore losers - because I believe that we are standing here and speaking on their behalf today, and we were referenced as being sore losers for not wanting this legislation to pass.

I think it's sad when we have government in this province that looks to the people who employ people in the province, the people who take risks to create jobs and looks at them as losers, because they've lost with this legislation. I can't imagine how any member in the government could be proud of that, because I know that I'm proud of the people in my area who create jobs, and right around the province, and if there's something I can do to help them, because you know what, Madam Speaker, I think these are good people, they're good Nova Scotians.

Most of the employers in this province are not that much different from their workers - they work hard, they're good to their employees. The fact that we have only seen three instances of disruptions in the last 14 years - and that had been referenced by people who came forward to Law Amendments - is proof that employers in Nova Scotia are good people and they're treating their workers well. Madam Speaker, I think it's a sad reflection when the government would refer to these people as losers, sore losers.

All of these employers have suffered enough already because of government policies like increasing the HST, letting power rates get out of control, and having an uncompetitive business environment. This is all on top, in the midst, of an economic climate of great uncertainty in our world. There is a lot less spending going on in our world today because people have fear; there is less investment because people have fear. People don't want to take a chance to invest in either making goods, or services, and trying to sell them because they know that consumer expenditure is on the decline, because people are losing jobs, because people's savings have been eroded by the investment markets. Companies fear to take risk to invest at this time because they don't know if they are going to be able to recoup that investment.

This is the very worst time in this province that we could see having a government come forward with kind of legislation on top of everything else, to throw this in the mix, and that's what the employers of our province have told us.

Madam Speaker, I think first contract arbitration runs the risk of putting those businesses over the edge and out of business, and I guess that remains to be seen - and we may see it. That is why it is so important that we make sure that these job creators have a chance to make their views known, to make sure their voice is heard and, as I've said before, for this government to listen to them. These organizations have priorities, important ones that the members of this House ought to be addressing. But I can assure all members of this, first contract arbitration is not one of their priorities - far from it.

Now we heard today some spirited speeches about, why didn't the Progressive Conservatives support amendments to the bill? Well, Madam Speaker, when I was at Law Amendments, because I sat in periodically throughout Law Amendments, it was very clear to me what I heard was that employers did not want this bill. Yes, some came forward and said amend it, but I what I heard from most of them was we don't want this bill, we haven't asked for it - and I also got the sense that they didn't have the feeling that their employees were asking for it either.

I think really if we got to the climax of it all, in the November 24<sup>th</sup> letter of the Minister of Labour and Advanced Education to The ChronicleHerald, the minister suggested that first contract arbitration is very attractive to people wanting to invest or expand their business in Nova Scotia. The president of Michelin North America - responsible for 2,300 jobs in this province, jobs that depend on a company that has to be competitive in a world marketplace because there are all kinds of other companies making tires out there - came to the Law Amendments Committee and he referenced the minister's exact quote from her letter in the November 24<sup>th</sup> edition of The ChronicleHerald. The president of Michelin North America said nothing could be further from the truth than that first contract arbitration is very attractive to people wanting to invest or expand their business in Nova Scotia.

That pretty much sums it up, and that pretty much tells me that this bill is not to be amended - it is to be eliminated. That, to me, sounds like the president of Michelin North America wanted us to get rid of the bill. That's what I heard, Madam Speaker. The reason I'm standing up here today is because I listened to his comments and I listened to other comments by other employers. When I stand here and say that I didn't vote for those amendments, that's why.

Now, recently the federal government made a significant contribution to our economy here in Nova Scotia through the shipbuilding contract. The businesses I mentioned earlier see great things in their future and they see the shipbuilding opportunity as a tremendous boost for them. It's incremental or extra activity that was not there before that announcement, and one of the companies that I know came to the Law Amendments Committee - and it's not technically located in my constituency, but it's very close - is Mulgrave Machine Works.

I know the member for Guysborough-Sheet Harbour knows people who work there and knows the management of the company. They employ upward of 55 people. Now, 55 people working in the Strait area is a lot of people. That's a company that's likely to benefit from the shipbuilding contracts. They came forward at the Law Amendments Committee, and they said, we do not want this legislation. They spoke against this legislation. That's what I heard. I listened to them, and that's why I'm proud to stand here in my place and vote against this bill every single step of the way. I would trust the people who are creating work for people in my area at Mulgrave Machine Works before I would trust somebody on the minister's Labour Management Review panel, because I can see it. I can see jobs in my area. (Interruption) I won't get into that.

So that's why I'm standing here, and I think that members opposite are going to have to answer for this in the next election. I know we'll be talking about it. I'll always be able to walk into Mulgrave Machine Works and speak with them there, and they will know that I've been supportive of their business and supportive of having a government in this province that listens to them, and I think that counts for something.

Look at the Nova Scotia Home Builders' Association. Thanks to this contract, we should have thousands of new Nova Scotians building homes here in our province. Or look at the Construction Association of Nova Scotia - this shipbuilding contract will mean great things for them too. Economic spinoffs and new infrastructure needs should mean Nova Scotia construction workers will have work for years to come, but now, thanks to first contract arbitration, we can't trust this government to make the most of the shipbuilding opportunity.

Quite frankly, this contract has energized Nova Scotians right across the province. There's going to be positive spinoffs from the project that will affect all of us. Now we know we have another knock against economic activity in the province with this piece of

legislation. Is that just me standing up here and saying that today? No. All of the employers who came forward at the Law Amendments Committee said that.

So you know why aren't we going home for the holidays, Madam Speaker? I know we've certainly got - I know that every chance I get I'm out trying to make a phone call in the booths outside. I know there's work, things that I'd like to be getting to that are piling up. Why am I sacrificing my time to do that? Because I think this government should start to listen to the people who came forward at the Law Amendments Committee, the employers of the province who told us to stop this bill. That's why I'm here today.

I think the reason we did see the business community come forth and ask for compromise was because they feel powerless. I know I certainly feel powerless today, because I think my comments are falling on deaf ears. They didn't listen to them at the Law Amendments Committee. Why would they listen to me here today?

I think the business community has been asking for compromise in the form of amendments because they feel they have no choice, but in this Legislature, we do have a choice. The Progressive Conservative caucus will not compromise on this bill. I think that would send the wrong message to the people who we have been standing up for, to say that we can make a little change here and everything is okay. I think that's the wrong message. Quite frankly, that's why we voted against the amendments that were proposed to the bill. What I heard in the Law Amendments Committee was that employers did not want it, period.

I've spoken a lot on this bill in this Legislature in this sitting, and I'll be speaking about it a lot today. It may have a goal of better redistributing wealth to workers in the province, but I think that it attacks the wrong people. It attacks all those people who came forward in the Law Amendments Committee, owners of small businesses who have taken risks to build the businesses that they have, whose cost structures have been determined through years of competitive activity - and I say "competitive" because they had to work hard to be successful. The very fact that they're still in business means that Nova Scotians actually wanted to buy products or services from them, so they brought value to Nova Scotians. Their cost structures were determined in a competitive environment. Now, all of a sudden, the government creates a committee that comes forward - although there's not even unanimous consent on the committee to bring forward the legislation, but the government brings it forward anyway - that could result in an arbitrator walking into a business place and saying, we're going to change your cost structures.

Madam Speaker, that's why I think that the employers who came forward feel helpless. If we want jobs for Nova Scotians in this Legislature - and I can say, if there's one thing I want in my area it is jobs, because I believe that when people have work they have dignity. When they have a paycheque coming in, it cures a lot of the other challenges in life, it takes away a lot of the stress. When people are unemployed, you get a lot of stress in the home and you get all kinds of bad things that go with that.

I know when I talk to law enforcement in my area, they tell me the same thing - when there are economic challenges in an area, you start to see social breakdown. So when I think about what's most important for my area, I always think jobs, because if we have jobs and people have a place to work, it cures a lot of those problems and it saves the government money because they don't have to deal with those social problems, and it gives young Nova Scotians growing up in those families a better start.

If we in this Legislature want to be focused on creating jobs because that's what I want to be focused on, I think we need to be conscious of the needs of the people in our province who go out and take a risk to create a job. I think we need to understand the importance of helping them to be competitive.

I think of one of my favourite quotes by Churchill, and I won't have it quite on the mark, but I know he talked about capitalism and he said that some people see it as the cow to be milked - that would be the greedy person; some people see it as the lion, the predator that needs to be killed because it's an enemy to us all, that being capitalism. Then he said few people see it for what it truly is, the strong horse pulling the cart. That's what I see our Nova Scotia small-business owners as, the strong horses pulling the carts of our province.

I also see it in bigger companies like Michelin, whose workers are happy by the fact that they have not unionized, they're treated well. Michelin is one of the strong horses pulling the cart of our province. When their North American president of operations - who I might add goes to bat for Nova Scotia and talks about what exists in this province, all the variables, who goes to bat for this province when it comes to possible future investment - came here and told us, we do not want this bill, I think the government should have listened to that because Michelin is one of the strong horses pulling the cart of this province.

I've talked about it already today, three instances in 14 years, the government seems to want to encourage - they talked about that this legislation, it's not for non-unionized workplaces, but we've had many people come forward and say, it's going to be a tool to make work environments unionized. I will say it, I've said it many times here, I would never begrudge somebody from wanting to earn a bigger paycheque, but our Nova Scotia employers are not living in a world where they get to charge whatever price they want for their good or service and by extension none of us - unless we decide, ourselves, to go out and be entrepreneurs - can write our own paycheques either. There are realities. The reality is that we, ourselves, when we go to buy things, we look to get what we want for the best price. Everybody in the world is the same; it has been that way for a long time, that is just human nature.

To be putting forward legislation to encourage people without any risk, to have an arbitrator come in to their employer and say, we're going to change your cost structure, how is that doing anything to help our province? It is really unnecessary, and as I've said, we're not living in the times of the company store. I went on at length as well about if the real people who are behind this legislation, if they want to do something, if they want to

start a business and if they feel people aren't getting paid what they should be paid, please, become an entrepreneur, we need more of them - it is entrepreneurs who create jobs.

All these people out there who are so supportive of this legislation, let me tell you today that you do not need any legislation. If you really want to redistribute wealth, if you think you can do a better job of it, start a business.

It may be difficult to start a business to compete with Michelin in this province, I recognize that, Madam Speaker, but do you know what? Whatever the business happens to be, start it, and I think these people would soon realize that there are realities that companies face. They would soon start to respect those realities and I think they would start to see the error in their ways of advancing this kind of legislation, because essentially what they're doing is asking, they very well could be asking for terms of employment which may not be practical or even possible, and the very job that they have may be lost if the added costs drive their employer out of business.

There are many private businesses, and I've talked about some of them already, and I think of call centres and I spoke about them a number of times. I think call centres have their place in the Nova Scotian economy. It's a very competitive business - there are locations all over the world that are trying to lure call centres to their areas, because it's not bad employment. People get to work indoors; they often have a comfortable office set-up; they're providing customer service, which takes people skills; they have to be good listeners; they have to have a knowledge of the service that they're offering, whether it may be technical service for help with anything, I suppose, from telecommunications - it could be that they are required to have a lot of product knowledge, trouble-shooting knowledge, whatever the case may be; and they might be helping people with banking services, so they might have to inspire a lot of trust in the people they're dealing with, and be efficient and be able to handle a multitude of requests and be able to choose the right solution.

So, Madam Speaker, I think people who work at call centres are skilled people. They're people who have a place in our economy in Nova Scotia but, you know, I wonder if the government believes that, because - and I'm sure the Minister of Economic and Rural Development and Tourism would tell us that these call centres, because they're in such a competitive industry and because there are regions all over the world trying to lure them to set up in other areas of the world, I am sure the minister would tell you that they are very wage sensitive, and adding \$1 or \$2 an hour even could put them in a position where the person who is contracted to use their services will know the next time we're going to contract to a company in India, or in the Philippines.

Madam Speaker, if this legislation results in call centres wanting to be unionized and an arbitrator comes in and says, well, we're going to rule partially in favour of the organized group that now wants to unionize and, guess what? They might say to Minacs in my area in Port Hawkesbury, we're going to require you to raise wages. Well, the person who has the contract with Minacs could say, okay, we'll deal with this for a few weeks,

maybe a month or so, and since you've changed the terms of the contract and since we've now found another service provider who is offering the same service at a lower price, we're not going to do business with you anymore.

Madam Speaker, I saw in my area since I've been elected, when that happened, because for a time the Minacs call centre was down and out and, luckily, they secured a very good contract with a very good company and there are people back at work in Port Hawkesbury, in the Strait area. So I know all too well what can happen, and I know all too well what impacts this piece of legislation could have on my area.

When we look at our small manufacturers in the province, it's the same thing. They're competing; they're not really a lot different from Michelin. They are producing a product that has to be sold on a world market. We know from a lot of the things that we all buy that things are made in parts of the world where it's much cheaper to make products, all because there are different cost structures. That's just reality, Madam Speaker.

Why would we want our province to set the scene where we could have an arbitrator come in and change the rules, change the cost structure of our businesses in this province, and quite possibly risk losing jobs in the small manufacturing sector? I don't think we should do that, and that's why I'm standing here today. I think that this bill is really targeting the wrong people. This bill is in effect penalizing the people we need to be supporting. That's what they have come forward and told us. I listened to them, but some people didn't. I know when we have a recorded vote on this it will be all accounted for on the record, and everybody will know where we stood, as they should know.

I think when we get a letter representing 200,000 people working in the province, a letter representing that many people, I certainly want to listen to that, and I certainly see the value in what they have to say. Those are people I'd want to be consulting with. But if we put this bill in rewind and we go back to where it originated, from whence it came, we see that it started with Bill No. 100. I remember that bill - it was a thick document, and I remember because when we first saw it we didn't really want to read it.

Madam Speaker, sometimes there are bills that come through that are very long. There is a lot of legal language and you don't really feel - you feel like handing it to a lawyer and saying, tell me what that means, because it is a painstaking process to go through that. You certainly have to be on the ball and diligent to make sure you read every single line and understand how each line possibly impacts the next line. So I remember when that bill came in and we were told not to worry about it, and of course we started to get worried when we noticed some clauses in the legislation that looked unfavourable to our - well, to employment in our province.

We were afraid that the legislation could have a negative impact on jobs in our province. Then we started to hear from the employers. Then there was talk of setting up this Labour Management Review Committee, and we saw that the government purposely chose



not to appoint anybody from the non-unionized list of employers that we have in this province, who represent 85 per cent of the people employed - or, sorry, there are 85 per cent of the non-unionized employees in the province.

We knew that something was up at that point, and now, of course, we see this piece of legislation, Bill No. 102, and once again we're told, don't worry about it. But if we put this in reverse, put it on rewind and look back from whence it all came, we see that we just have to look at the people who were appointed to the Labour Management Review Committee, which was tilted in favour of organized labour, with organized labour leaders in the province sitting around the table, who were quite in favour of Bill No. 102, which we see here. Not everybody in the committee was in favour of it but then the minister took it forward anyway.

At the end of the day, Madam Speaker, my good friend Cyril Reddy always used to say, where you stand depends on where you sit. I often think of that on every issue that I am faced with, I often think okay, I hear what this person is saying but where are they really coming from? Often the truth comes out and I think this is a perfect example of that. The people sitting on the Labour Management Review Committee are patriots for organized labour and, of course, we see the bill here that they are championing, some of them even appeared at the Law Amendments Committee to champion it. Of course we see all the employers say no, we don't want this bill. So where you stand depends on where you sit and we just have to look at those sitting on the Labour Management Review Committee to know where this is coming from.

If we want to put it in rewind a little bit more, we could go back to the election of 2009 and we would see that there were significant campaign donations made by organized labour to the NDP Party. That's not a surprise as that happens every election but, in fact, they over-contributed. It was noted by Elections Nova Scotia, the people who make sure that we have fair elections in the province. It was noted that the NDP Party received more money than was allowed to be received from organized labour, to carry their message forth during the election, an election they won. They were asked, as I recall, to pay that money back and there was some delay, it didn't happen right away. So it was quite messy and again, Madam Speaker, where you stand depends on where you sit.

So we are where we are, we see where this bill has really come from and that's why we're here this afternoon, to try to provide some balance, to try to restate what we heard at Law Amendments Committee from the employers of the province and, Madam Speaker, if only this government would listen to the people who create jobs in our province. They have no problem listening to organized labour, they want to listen to organized labour. They don't seem to want to listen to the job creators. I don't think I can state it any more clearly than that. I don't think we could find an issue that could exemplify that fact any more than this issue, that this government does not want to listen to the job creators of our province.

It makes me wonder where we're going, Madam Speaker, when people responsible for over 200,000 jobs in the province write us a letter. We listen, the Progressive Conservatives are listening, but the government is not listening. It makes me wonder where our province is going. If we don't have a private sector, we are not going to have the tax revenues to pay for government. Of course, if we don't have that, we're not going to have money to pay for roads.

I certainly need that in my area, Madam Speaker, I've got over 2,300 kilometres of roads and actually I want to take a moment to thank the Minister of Transportation and Infrastructure Renewal. I was in church last Sunday and I did the readings and I was sitting right up front, in full view of everybody and the priest chose to do a sermon on potholes. I thought, oh my God, I wanted to hide in the confessional booth, but thankfully he went on to say, when he was talking about - I'll test my knowledge to see if I can remember his sermon, but he was talking about how we have shortcomings and how St. John the Baptist was kind of like the bulldozer for Christ when he was on Earth. He was filling in the potholes; he was trying to help people overcome their shortcomings. Then the priest said that, thankfully, we were driving in potholes, but we're not so much anymore. I was thinking, thank God that we got that work done this past summer, and I look forward to an additional stretch of Route 19 being completed next summer. I hope if perhaps the minister has any . . .

HON. WILLIAM ESTABROOKS: Bless you, my son. (Laughter)

MR. MACMASTER: The Minister of Transportation and Infrastructure Renewal has just absolved me of the responsibility of making sure that gets paved, so I thank him for that. I know that we're subject to when the companies do the work, Madam Speaker, but I do hope that the work gets done early in the Spring. (Interruption) Yes, I will return to the bill now.

We've talked about Michelin, and I suppose people are probably tired of hearing about Michelin, but somebody made a really good point at the Law Amendments Committee: a lot of the potential fallout from this legislation is what we don't see, being the companies who may take a look at Nova Scotia, consider an investment here, and then, evaluating the variables and the conditions here, have a look and see first contract arbitration. They say, well, we're also looking at New Brunswick right now and New Brunswick doesn't have first contract arbitration, and all things being equal, I think we'll go to New Brunswick. That would be disappointing. It would be good for people in New Brunswick. I've got some friends in New Brunswick, but I'm here to represent the people in my area and I want the best for my area. I want companies that take a look at Nova Scotia to say, there's a place where government understands our needs and is willing to work with us, is willing to listen to us, and help us build a successful business model in Nova Scotia. That's what I would like to see.

If this bill is about trying to change the cost structures for businesses, which I believe it is, and it's going to cause the business to say, well, we're not going to be able to make money here, or we have to raise our prices, our products are becoming less competitive, then the government is really putting those companies in the position where they have to make the inevitable decision which may result in leaving Nova Scotia.

But to my point, what I thought was one of the most interesting points raised at the Law Amendments Committee was that this bill is also a risk to our economy for all the things that we cannot see - all the businesses that may never come here but we'll never know about because when they make those decisions about where they're going to locate, those decisions are made probably somewhere far from Nova Scotia, especially if they're a larger company.

Madam Speaker, may I ask how much time I have left?

MADAM SPEAKER: You have about 17 minutes.

MR. MACMASTER: Seventeen minutes, thank you. (Interruptions) I hear somebody writhing over there.

Madam Speaker, I've said this before. The Leader of the Liberal Party and I were kind of laughing one night when we were speaking on this at another time. I was suggesting it might be nice if Michelin expands into the Strait area, and of course he has one of the plants very close to his area. In fact, I think it's even in his constituency. He was suggesting that he would rather have the expansion right where it is at one of the existing plants, but if the president of Michelin North America is listening today I would encourage him to have a look at the Strait area, we've got a lot of good young people who are not living in the Strait area now but I know they would come back, speaking for all the guys who play hockey in the Civic Centre in Port Hawkesbury, in our league there, we would like to see some more players back home. (Interruption)

No, we've got enough goalies, I don't need any competition there. But in all seriousness, Madam Speaker, a company like Michelin might take a look at the Strait area because we have - and this is according to a man who captains ships all over the world - in the Strait area we have as good a port as any he has seen in the world, and he has captained the ships in and out of ports around the world. A port, which I may add, does not need to be dredged, requires no government investment to be dredged. I know that has been a bone of contention in the Strait area when we look at legislation like this - I want to make sure I am speaking to the legislation.

When we have a beautiful port like that we want to make sure that companies, when they are looking at Nova Scotia, keep their eye on the Strait area because we have that great port and I would prefer not to have this legislation because if a company was looking at setting up in the Strait area I'd like them to see that nice port, I'd like to see the potential for

a good workforce with lots of young people who would relocate back home, as we say, and people who have some great experience who have travelled around the world. I know guys that work on exploration ships around the world, men and women, people who work out West, people who are working down in the United States. It's really quite amazing when you look at some of the people that you've grown up with and see how well they've done for themselves and their families. I know a lot of those people, if the right opportunity came along with a company looking to invest in Nova Scotia, that they would come home. Here's a plug for future expansion of Michelin North America in the Strait area.

This piece of legislation, of course, is something that I would like to see off the table because it would make it easier for a company to make a decision in favour of choosing Nova Scotia as a place to do business. I don't think this legislation is about redistributing wealth, I think it will lead to the closure of businesses if people take advantage of what is being proposed in the legislation. I think it will ultimately result in Nova Scotians losing jobs and when all of that happens that activity goes somewhere else and instead of redistributing wealth, I think this piece of legislation will export wealth from our province. Especially when we consider our population is flat, when we consider that people go where the jobs are and if we're starting to see a decline in employment in the province people are not going to come to a place where there is no work for them. So why are we looking at this legislation? I think it's just going to be another variable, another factor, negative factor in our economy that is going to hurt us even more.

I might just speak, because I think I have probably about 12 minutes left - something like that, Madam Speaker - I might speak a little bit about the small-business owner in the province because those people, to me, of all the people I listened to, my keenest ear is reserved for them for the very reason that I see them as being people who are leaders, who are making a difference for the people around them in the fact that for whatever reason, whatever it is about their personality they will take a risk, they'll work hard, they will sacrifice time away from their families, they will take another risk. We think about them taking risks with borrowing money at a bank or lending institution, and they take another risk in that oftentimes they may work for years without making any money beyond that to cover their basic expenses.

What I am getting at there, Madam Speaker, is the fact that they don't have money to save to put toward a pension and they don't belong to a pension plan because they are their own company. These people are special people. I mean, they are potentially risking retirement in poverty. I don't want to scare people who are listening, don't become an entrepreneur; I think those people who are out there, especially those who are successful, will tell you that they love what they do and they wouldn't change it for a minute. So I don't want to give the perception that it's not necessarily a very fulfilling lifestyle.

I listen to these people because they are really the people in the province who are making a difference. We talked about hearing people and actually listening to people. When these people came forward at the Law Amendments Committee, I was listening to

them, and that's why I am speaking the way I am speaking today. These are the people, if we had more of them, if we were looking at ways to support them instead of having their voice fall upon a deaf ear, I think (Interruption) Or deaf ears, because most of us have two. I'd like to thank the Minister of Education for pointing that out to me. I think that's two corrections in two or three days. That's good, though, that's good. It's good to strive for betterment, so constant improvement.

When I listen to these people I have a keen ear and I want to be attentive to them. I want to be helping them because the more of them we have - and we all know that a lot of these entrepreneurs, their children end up becoming entrepreneurs too. The more entrepreneurs who have good experiences, the more children who grow up in those families and see what it takes to run a business and who might believe that that's normal - because I think most of us would look at the lifestyles of entrepreneurs as not necessarily being normal; they don't work the Monday to Friday, 9 to 5 - the more of those young people we have growing up, seeing that it's possibly a normal lifestyle, as a fulfilling lifestyle, something that makes them happy, the more entrepreneurs we'll have in this province. I think that is the way to grow the economy. That is the way to cure all the other problems, the problems that happen when we lose jobs.

I know that in my area with NewPage, it's my worst nightmare. We can only hope that one of the companies bidding will continue to run the mill and save some of the jobs there, but I know there is going to be a lot of fallout, a lot of disruption for people, and a lot of heartache. So again, to support people who create jobs for people like that is my priority, ultimately.

When we have that problem solved, then we have tax revenues coming from a vibrant economy, then we can make decisions on how we can spend that and how we invest it and who we help. To have the ability to do that, we first need to look after the economy. When times are good, people are more generous and supportive of . . .

Sorry, Madam Speaker, I lost my train of thought. I'm going to end that there. I've been speaking for quite a long time, a number of times on this bill.

AN HON. MEMBER: Sit down.

MR. MACMASTER: I will sit down as soon as they start listening over there, Madam Speaker.

AN HON. MEMBER: Or your time runs out.

MR. MACMASTER: Or my time runs out - and I think my time is going to run out, and I think the time is going to run out for all of those people who came forward at the Law Amendments Committee and said no, please, take this piece of legislation off the table. And the time will run out for them.

I know where I stand and I know that they know where I stand, and I know that if I have a future in government they'll know that I'm someone who listens and they'll know that I'm someone who wants to be attentive to their concerns. (Interruptions) You're persuasive, but not persuasive enough.

Madam Speaker, to the owners of businesses in this province who go out and work hard to make payroll to pay their workers and take that responsibility - here's to them. I guess we're going to have to deal with whatever comes of this legislation, but I'm standing with them.

Madam Speaker, how much time do I have left?

MADAM SPEAKER: About five and a half minutes.

MR. MACMASTER: I think that I could go on here, but my time is going to run out in minutes, so I think with that, that's probably the last you'll hear from me because I think this is really my last opportunity. (Applause) I'm starting to finally get some applause.

But as much as I smile, I'm very disappointed that the government did not choose to listen to the job creators of the province. I'm very disappointed to see that this is as far as we can take it in this Legislature to stop this legislation from passing. I tried to choose an approach where I'm not always critical of the government, but where I'm trying to reason with them. I don't know if that's a better approach - I don't think it's going to make a difference, but I think sometimes we have to go that approach, as well, to do whatever we can to try to convince the government to move in the direction we believe, which is not to amend this bill, but to remove this bill from the floor of this Legislation. Thank you, Madam Speaker.

MADAM SPEAKER: The honourable member for Kings West.

MR. LEO GLAVINE: Madam Speaker, I just wanted to rise in my place today and reiterate a few of the comments that I made earlier on this bill, as we expected to be in a full third reading mode at this stage.

It's a bill that really very, very few people in Nova Scotia, including thousands of union members, thought was going to come along. Many have asked, why the bill? Why has it come on the Nova Scotia scene at this time? And to expand on that just a little bit - all of us in our ridings have members who are in unions. I was in a union during my teaching career, and I asked some union members. While they were generally supportive of FCA, none however seemed to be overly strong on using the Manitoba model in our province, and that's what probably surprised them perhaps even more than a bill like Bill No. 102 coming forward in our province.

Many also reflected on the fact, especially in the last two decades, we haven't had a history of labour turmoil where arbitrators had to be called in to bring about a finalization of a contract that has been very long in the making. In fact, there are lots of negotiations that go on for a year and sometimes even more. You know I think perhaps, as I said the first time I spoke, I've had some union people talk about modernizing the Trade Union Act and giving an overhaul to a piece of legislation that perhaps can facilitate the process of negotiations.

Again, their main plank of what they end up talking about, any union members that I converse with, they like the fact that inside the collective agreement, it allows for that give and take, the exchange of positions, the dialogue that goes on. So that's something which is at the heart of great negotiations, not something that is simply imposed, that is going to dramatically alter one of the positions taken. Again, it takes away the compromise, it takes away the middle area that, in fact, we often find is the best solution to reaching that next contract.

So what this bill with the Manitoba model research is showing is that very often it can bring discord as a follow-up and also it can lead to a second contract, taking a substantial amount of time, a rancorous period, in order to reach second contract. So I think that's perhaps something that we should learn from in our province and not have the current bill before us.

Of course it's still not too late for government to reconsider the voice of a couple hundred thousand Nova Scotians, a couple hundred thousand that are not unionized and that, at some point in the future, could in fact, form a union in their workplace. In a democracy, in our country, in our province, that is the right of workers.

While we do have some companies, large and small, that aren't strong on having a union in their workplace and, in fact, their histories show, as is of course the Michelin factor. That's really why I stand in my place today, living in a part of the province, living in a riding that has a Michelin plant, I've actually heard on this particular bill from the everyday plant worker - not from management but from the everyday plant worker who, in fact, is surprised and upset that this piece of legislation has come before us in Nova Scotia.

You know Michelin is a company that, yes, a union can be there, as we know, but generally speaking around the world, their preference is not to have a union. One of the plants that Michelin took over in Kitchener, Ontario, and I'm pretty sure it was a Bridgestone plant, they, in fact, you know, closed the plant in 2006, sold off the machinery and 1,100 workers were without a job. So you know Michelin takes this issue, indeed, very seriously and that's why we saw them come to Province House to state their case.

That's why, as I said, I stand in my place today: to ask government to reconsider because I think what the bill really does is create the atmosphere of uncertainty. We know that, again, this model only represents 4 per cent of workers across Canada. It is in six other

provinces and there is the federal bill, but it's a much more moderate and less severe intervention. I think what this bill does and what the business community tried to point out is that, as they look at investment, it's an area now that creates another layer of wonderment and uncertainty as they plan future investment in this province. It really does come at a very unfortunate time. We know right across the country, and indeed in a global context, there is a lot of economic uncertainty and investment has slowed down. So this bill comes, as I said, at a most unfortunate time.

So I just wanted to be on the record today as putting forth a final request that there would be reconsideration and that the amendments that we brought forth - these are reasoned amendments. They help to moderate this bill and make it a much less impacting first contract arbitration model. We hope that before the session is over there will be, like Bill No. 100, some consideration for a less severe form of FCA.

So with those few words, Madam Speaker, I bring my remarks to a conclusion.

MADAM SPEAKER: The honourable member for Dartmouth North.

MR. TREVOR ZINCK: Madam Speaker, I think it's safe to say that today the members on the government side have definitely wrestled the Opposition into submission, but sadly, today I believe that with Bill No. 102 this government has put a chokehold on the future of the economy of this province.

I don't say that lightly, because we have a Minister of Economic and Rural Development and Tourism who on a number of occasions in this House has probably stood and touted his jobsHere plan, a plan that calls for helping businesses be more competitive globally. I find it quite interesting that that's part of a major plan for the economic future of the province but here we are actually hindering businesses that are trying to compete globally and locally in this province.

I spoke earlier in the session around a recent article I read in the Business Voice in November 2011, a story about Stephen Lund, the CEO of Nova Scotia Business Inc. Mr. Lund went on in his article to talk about how we're not competing with Saint John and Moncton, we're competing with countries and businesses from all over the world, and the importance of standing out and being different than those other companies and trying to attract those businesses here.

I can't help but think that when members on the government side - and in particular the Premier, the Deputy Premier, and the Minister of Economic and Rural Development and Tourism - take these business junkets to go abroad and encourage and build relationships in places like Israel and India and all over the world, that they have to take certain pieces of the puzzle along with them, certain things that will attract those companies that want to come here and set up.



As I stated earlier in the week, I can't help but think how that conversation is going to take place with someone who's going to want to come here and potentially invest when the Premier or the Minister of Economic and Rural Development and Tourism makes that point of the fact that we now have first contract negotiations. I think it's going to be a tough sell, and I think that, for a government that was voted in on change in 2009, today the business community, the business leaders, the future investors, and the entrepreneurs in this province are sad at the fact that they do not see change.

The member for Annapolis, the Leader of the Official Opposition, made a very, very good point - it's not often that government over the years have had the opportunity to find that common ground and be in the middle and win on both sides. Here is a situation where we have a Premier who in the past has made the statements that he doesn't have a monopoly on good ideas and the government takes their time and they put legislation forward and they do some consultation, but they don't always get it right - not just this government, but governments in the past don't always get it right. That's why we take our place in this House and as legislators we argue. We argue our points, we do our research, and we bring it back to the floor in hopes that government can get it right the first time.

When it comes to business, we have to get this right. This is an important piece of legislation that will dictate the future economy and the future investments that are going to take place in this province. It comes at a very uncertain time for a lot of individuals who are thinking about or wanting to expand and invest. The question has been asked of this government as to why, and we haven't had that answer, but what a wonderful opportunity to show that that change that this government campaigned on in 2009 actually carries a message of weight. They have a real opportunity here. We've heard the presentations at the Law Amendments Committee and we've had large private-sector investors and companies come in and say, you know what? If you're so adamant about first contract negotiation, we'll adhere to it, but here is something that we think would fit better, would be more palatable, and that we could agree with and move on with.

Wouldn't it be wonderful if part of that change was that this government said they were going to be different; that they were going to do business differently; that they were going to conduct the business of government differently? To me, that spoke volumes. To me, that meant we were going to look at different situations in a different way than previous governments.

When we talk about Bill No. 102 and the situation we have before us, we have government being put forward a wonderful opportunity to show that they are different than other governments; that they are willing to say, yes, we believe that this piece of legislation is going to benefit the people of this province, both the worker and the employer. They can appease the union leaders who moved this piece of legislation and brought it to them and support them in their efforts, but they can also go back to the community by making this change and accepting an amendment. They can go back to the business community and say, we have listened; we're not always right. There's no one in this House who can stand

in their place and say that they are completely right about every situation, because there are three sides to every opinion.

What we, indeed, have done - and in the recent days we've heard from those employers and employees - is we've created a real uncertainty into the future of business and investment in this province. When it comes to business, any remote possibility of uncertainty is going to limit future expansion and future investment. We saw it in the Fall with Bill No. 100, and now we see it again here with Bill No. 102. The business community is wondering what is coming next. That is not a good position for future entrepreneurs, future investors, or future companies to be in. If there is any remote possibility of uncertainty, they're not going to set up shop. They're not going to expand. The more money we put into situations to salvage or maintain jobs, we're still not growing them. We need to pull back and look at this, and the opportunity is there for the NDP to really show change. They have a real opportunity to send a message to the majority of Nova Scotians working in our workforce that they do think differently from past governments. With those few words, I'll take my place. Thank you.

MADAM SPEAKER: The honourable member for Victoria-The Lakes.

MR. KEITH BAIN: Madam Speaker, I'm pleased to stand in my place to speak briefly on Bill No. 102. Good legislation isn't rushed, and it also takes time to develop. Good legislation requires proper consultation with relevant stakeholders and important groups. As a result of that, this is not good legislation. Instead, what the government has done is try to ram this legislation through the House without doing their homework and taking the time to get it right for Nova Scotians.

When dealing with legislation such as Bill No. 102, it's important that proper consultation occurs and that the government reaches out to both labour organizations and job creators. From the submissions released by the Department of Labour and Advanced Education, it's clear that there is a very strong divide between the employers of this province - the entrepreneurs who create jobs for people in our province, the risk takers - and the union groups.

Every letter from business groups was set against and every letter from union representatives was for, with each side representing thousands of people in this province. This considerable divide shows it's nowhere near a consensus. There is nowhere near enough consultation done to consider this legislation at all. The consultation that has occurred here in regard to this legislation is not real consultation. We had a study day that was thrown together last minute; many groups, unions, and businesses only received a couple of days notice and were unable to attend or send representation. The discussion paper brought back divided results. The committee heard presentations that were divided. The Labour Management Review Committee couldn't even come to a consensus, and only a few days later, this government introduced first contract legislation.

Not only did it introduce first contract legislation, it introduced the most anti-business model of first contract arbitration in the country. In fact, this reminds us of the consultation around Bill No. 100, another piece of extreme anti-business NDP legislation. As was the case with Bill No. 100, members of the business community and other stakeholders were hardly given the opportunity to make their case to government.

Madam Speaker, these job creators are the backbone of our economy. They deserve more respect than this, and they deserve to have their voices heard. That's why it is so important that we wait on this, that we make sure that the business community has been properly consulted and has had their voice heard. After all, they're the job creators. They're the people who will have to deal with the consequences of this misguided legislation. Shouldn't the government at least take the time to hear what they have to say?

One of the most serious problems with the consultation process this government has put together is the very nature of it: it does nothing, absolutely nothing, to foster a healthy relationship between the members of the government and job creators. In fact, it creates controversy and makes it harder for all of us. That's why we should wait. The government and job creators should be working hand in hand to help grow the economy. Instead, because of this government's adversarial approach to first contract legislation, we've seen that relationship - already sour because of the Bill No. 100 fiasco - deteriorate even further. To wait, to hold off on this for six months, would give the government and the business community enough time to come together in a proper consultation period.

It's not just that the government hasn't given the business community enough time to engage in a proper consultation process; that's not the only reason that we should wait on this. I haven't heard the government make their case yet either. Where's the empirical evidence that actually shows us that first contract arbitration is needed in Nova Scotia at this time? In fact, all the evidence we've seen suggests that we've been having pretty harmonious relations with labour in this province.

We spent a lot of time talking about why this is a bad piece of legislation - and it is a bad piece of legislation. I would just like to spend a couple of minutes talking about why it's a bad time, why this isn't the time for first contract arbitration, and why we should delay it. Businesses in Nova Scotia are already feeling the pinch; they're already suffering too much at the hands of this NDP Government.

Let's look at the HST. When the NDP raised the HST they made it harder for business, especially small business. That hike took money out of people's pockets; it gave them less disposable income. And who does that hurt? That hurts the grocery stores, convenience stores, gas stations; they're all important businesses that are already feeling the pinch. They can't afford first contract arbitration - not now.

Maybe if we had mass labour discontent in Nova Scotia the government could truly justify moving ahead with this legislation, but we don't. We don't have labour discontent

and it's clear that the existing provisions of the Trade Union Act already provide protection for any improper bargaining tactics by either employers or unions. These protections have worked so far - they've actually worked quite well so, again, the question: why now?

Letting us take time to go back to the business community and take part in a proper consultation will be a good thing. It will inspire business confidence in this province and that should be a priority for this government. But it's clear, it's very important that our businesses are confident so we can be sure that they will stay here and help us grow the economy.

The government will try to tell us time and time again that they've consulted enough, that they've finished up their consultations and they should move ahead, but that's not true. Let's use the Nova Scotia Employers' Roundtable as an example. They don't feel they were adequately consulted, and they represent many organizations that employ many, many Nova Scotians. Let's look into it in more detail. Has the government actually met and consulted with the roundtable members? Has the Minister of Labour and Advanced Education, or the Premier, or anyone on the government side, reached out to discuss first contract arbitration with Bowater Mersey? What about Clearwater Fine Foods? Clearwater is an important company, with a history here in Nova Scotia - surely they deserve to be consulted.

There are lots more who have expressed concern. There are lots of other members of the Employers' Roundtable who don't feel that they have been consulted properly - members like Dalhousie University, Farmers Dairy, IMP, Killam Properties, Medavie Blue Cross, Michelin, Mount Saint Vincent University, Dexter's, Nova Scotia Power, Oxford Frozen Foods, Scotia Investments, Scotsburn Dairy, the Shaw Group - don't they deserve a say? So let's do that, let's take the time to give them a say. Why won't the Minister of Labour and Advanced Education and the Premier pick up the phone and ask them what they think of first contract arbitration? Let's hear what they have to say.

Most employers we talked to, like the roundtable members, tell us the same thing - we just don't need first contract arbitration right now. It won't make the process better, it won't help the process; in fact, it will make things worse.

I know, Madam Speaker, I'm jumping over it, because I don't want to be too long here. (Applause) It's nice to get a standing ovation from the member too.

Madam Speaker, we have been talking about consultation, but we have to also on this side make government aware that we are not opposed to collective bargaining. We are not opposed to employees unionizing if that's their wish, not at all. Our position is that it ought to be done in a manner that is open and transparent, that brings both sides to the table in good faith and then can work together to reach a deal they both can live with.

Madam Speaker, we're sent to this House to find solutions to problems, not create them. That's why our constituents hire us and send us here, but in this case the government is forging ahead with a solution to a problem we don't have. We have other mechanisms that are used to reach collective agreements and we have proof that they work well, so the question is still there, why are we looking to pass Bill No. 102 now? What need are we trying to address?

The government may feel the need to pay back their special interest friends but that's the only need we can see, so there is no credible need for this legislation now. Let's wait. Our bosses want us to wait. I don't know about the members on the government side but my bosses are the people I represent in this place. Maybe they have other bosses, maybe they are listening to other forces but I'm listening to the people of Victoria-The Lakes and they're telling me to wait. They're telling me they don't want us to move forward with first contract arbitration right now. So I hope that the members on the government side will stop for a moment and think about the people who sent them here, think about the people of Cape Breton Nova, think about the people of Lunenburg West, think about the people of Pictou Centre, do they want first contract arbitration? I'm willing to bet that they don't, but how can we be sure?

Taking time will allow the members of this House to go home, to consult with their people, and that consultation would enable them to know for sure. That's all we're asking for, Madam Speaker, time - time to get it right, time. Thank you.

MADAM SPEAKER: The honourable member for Bedford-Birch Cove.

MS. KELLY REGAN: Thank you, Madam Speaker. I rise in my place today to speak on third reading of Bill No. 102. I really have to say that this whole process has been flawed from the beginning, much as we experienced last Fall around Bill No. 100, where we were told that business had - yes, it's déjà vu all over again - this is what we were told back then, that there had been consultation. This time it was slightly different, they didn't pretend there had been consultation on the whole bill, this time there was this so-called day of study, even though their own Labour Management Review Committee could not actually come to an agreement on whether we should proceed with FCA which was, we thought, the whole reason why we had the Labour Management Review Committee rammed down our throats last Fall.

So we have this committee that allegedly is supposed to be advising the government on matters of labour issues in this province and does the government listen? No, they don't, they decide to have this day of study. From everything we've heard from various groups, they did not get a lot of notice, those who actually got an invitation, they were saying that three or four days, or whatever it was, it was short notice. They didn't bother to invite the major private employers in this province.

The businesses or associations that were actually able get there arrived to discover that very quickly they had moved from the discussion of do we need FCA, do we need first contract arbitration to: here are the kinds. There was no evidence provided that we actually needed it here in the province. So once again we have the government with a solution in search of a problem.

One of the presenters at the Law Amendments Committee made a point: Glen Clark, who was the NDP Premier of British Columbia, at one time apparently said that they didn't have a lot of money so they had to be an activist government. You kind of wonder if that's what's going on here. They don't have money for a lot of new programs, but they're going to bring in all kinds of bills around things that don't actually need fixing, and this would be one of those things.

You have to ask yourself, why did the government bother to battle so hard to create the Labour Management Review Committee when they're not even going to listen to it? I mean, we were in here last Fall for an extra week because the government was heck-bent on bringing that particular committee in. So, anyway, they get to the study day - those who could make it at the last minute - and again, it does beg the question, here we have a commission going around the province discussing electoral boundaries, and they managed to travel around the province. It was over a couple of weeks, but it was in a variety of different places. Here we have a major piece of labour legislation coming in and we have one day of study. That's it. Talk about a sham. That wasn't even an attempt to make it a fulsome discussion or anything like that; it was just ram it down our throats.

That particular process very quickly moved from a discussion - well, they never really had it. Do we need it to - well, let's look at the kinds. What decision did the government come up with? You know, not try to introduce the kind that pretty much every jurisdiction in this country that actually has FCA tried to introduce. No, we're going to take the one model that's in only one other province - Manitoba - the one that's most punitive for employers, and we'll ram that down businesses' throats here because apparently the business climate is so good that businesses here could handle it.

Of course, Madam Speaker, I'm being sarcastic there, because it's the worst time to possibly introduce this. We've seen this sort of fun with words that some of the NDP members have engaged in where they said, well, no, this doesn't have anything to do with non-union employers. Yes, it does. There are employers who up until that particular certification vote were non-union, and it's a first contract. Therefore, there was no contract. So of course it's dealing with non-union employers, and that's why we fought so hard against their attempt to create a Labour Management Review Committee without any open employers on the board. Nonetheless, the unionized employers did not agree with the government's plan to proceed with this, and they couldn't come to any agreement, that particular committee.

We start along this path and everyone's getting up to speak. We move into the Law Amendments Committee, and there we see what really was a shameful attempt to intimidate potential witnesses who were going to appear before that committee. They were called up and told, if you don't come on Wednesday night, you're not going to get to speak at all. Why would a government interested in hearing from the job creators of this province have done that? It's because they really didn't want to listen and they really didn't want to hear. Thank heavens for people like Heather Cruickshanks from Merit Contractors, who stood up and said, no, you've already changed me - I think it was five times - I'm not going to be changed again, I will appear on Thursday afternoon as you first indicated. It was just another example of let's ram this in, let's get this through, we don't want to hear what business has to say.

The Liberal caucus listened to the presenters at Law Amendments Committee. We heard from, for example, the call centres and we were told quite plainly by Janet Hawley that some of these call centres are run by big, international employers and they do not have to be here. They can go to other jurisdictions where they pay their employees far less than what they pay here. If you don't think that a Xerox or a variety of other employers - I'm not exactly sure which ones she was talking about, but if you don't think that those employers aren't going to bolt at the first sign of a union drive, I think you're being naive.

We also heard from major employers in this province, other major employers, who have a vested interest in Nova Scotia, employers like Sobeys and Clearwater. Those business people took time out of their day and they travelled here, in some cases some distance, to talk about why their company did not want this bill.

We heard from Michelin, and Michelin made it very clear that they had communicated their concerns to the Premier. Then we were treated to the spectacle of the Premier saying oh, that 85 per cent of Canadians were covered by this kind of bill when, in fact, it's only 4 per cent and you have to wonder. At least you stand up and be factual. There's no reason to fudge the facts around this, just state your case openly and honestly, but to engage in that kind of sophistry I think diminished the speakers in that particular case.

We heard from small employers who were concerned enough to again take time out of their day to come down to Law Amendments Committee to speak on that particular issue.

We heard from speakers in favour of the Manitoba model of FCA. Interestingly enough, they were almost exclusively from public sector unions. There were a couple of exceptions but most of them were from public sector unions. NSGEU trotted out some examples of folks who had gone through protracted first contract drives. It struck me that those particular unions had a problem with a business that was basically being paid by the government to do work. You have to ask yourself, if that's where the big problem actually

lays, why didn't they just focus their bill on those particular employees but on no employers?

But no, they went after all employers, all job creators in this province. It seemed to me that once again this government was using a sledge hammer where a fly swatter would have done.

We talked a number of times over the last couple of weeks around this bill about the private business or the job creators here in this province. When I was growing up my dad had a couple of companies. The first one was a landscaping firm; the second one was a machine shop. I saw what my parents went through to keep those companies going. I saw the worry around it, I saw what it was like trying to hire people and keep people. I saw the worry and I saw the work.

I think that if you haven't been involved in a small business, meeting a payroll, you may not understand how much heart and soul goes into actually making a business run and making it successful and how often small-business people don't take a paycheque because they're trying to keep things going. So imagine their concern when they find out that our government is bringing in a bill that could actually have a third party come in and tell them how to run their business, how to pay their employees, all of that.

Interestingly enough, yesterday afternoon we all received a letter from a number of employers - the Nova Scotia Chambers of Commerce, a number of different associations. They asked once again for the government to stop and consider amendments. I'm just going to read from the letter here:

“United and unprecedented, businesses of all sizes appeared before Law Amendments. There, we suggested improvements to the proposed legislation that would maintain a commitment to collective bargaining and ensure that a third-party agreement is introduced only as a last resort. Such principles exist in all FCA legislation - except for the model we seem to be intent on adopting. Again, we were ignored.”

I would just like to point out that they weren't ignored, because the Liberal caucus did listen to the employers. We did propose those very amendments and they were turned down. They were turned down by the government and they were turned down by the Third Party. You had a chance to listen and you could have stepped back from this decision. You could have gone for a more moderate version.

I want to make a point here that I'm not against unions. I've been a member of three unions; I was on the executive of one. Unions can do really great work, but at the same time if we do not have a balance between the power of unions and the power of companies, if one side or the other gets too much power, then you have labour unrest. My fear is that -



maybe not immediately, maybe it will be after the next election, that's when we'll start to see the results of this particular legislation.

I do want to point out that businesses are the people who create the jobs. They are the people who elected us, and they put forward a compromise. The government has not made any move to compromise. There was a small sop that they threw out about some timelines, but they've made no move to compromise. All the way along it's been their way or the highway, and I don't think that by any stretch of the imagination can they say that they listened, because if they had listened they would have made some moves in that direction.

Instead, they've decided that they are going to ram this down the throats of Nova Scotians, hoping maybe that in the period right before Christmas people won't be listening - but people are listening. This morning I actually spoke to an employer in my riding who had called me. He said, I just want to touch base about how frustrated I am with this piece of legislation. He said it's the topic of discussion everywhere he goes. People are waking up and they know what you're doing.

MADAM SPEAKER: Order, please.

MS. REGAN: Sorry, sorry.

MADAM SPEAKER: I'd like to remind the member that the use of "you" is not permissible. I'd ask that you be mindful of that. Thank you.

The honourable member for Bedford-Birch Cove has the floor.

MS. REGAN: They know what this government is doing. He said, this is going to kill our small-business sector here in this province. Then it was relayed to me about a union fight that they had had. In the end the union withdrew, but not before it cost that small business \$70,000 in legal fees. I have to ask, is that really what we want for our province, to force small-business owners into laying out that kind of money to lawyers? Not that lawyers are a bad thing - I'm married to one - but I'm just not sure that this is where we want to go at this time.

Madam Speaker, we understand that this bill is going through; we understand the government is not going to listen - it is not going to listen to business, it is not going to listen to the Liberal Party, it's going to go ahead. I guess I didn't want to let this third reading pass without saying that I think it's a shoddy way to treat the job creators in this province - to have a sham consultation, to try to cut off their opportunity for debate in the Law Amendments Committee, and to ignore their olive branch around amendments. I don't think it speaks well of the government's concern for the job creators in this province.

Ships Start Here will certainly help here in metro, there's no doubt about that, but a government needs small-business employers too - they're the backbone of the economy. The way that they have been treated in this process, and in the process during Bill No. 100 last Fall, has been shoddy in the extreme.

And with that, Madam Speaker, I will take my seat.

MADAM SPEAKER: The honourable member for Hants West.

MR. CHUCK PORTER: Madam Speaker, I'm glad to have a few minutes this afternoon to speak to this bill for a final time. Unfortunately, I guess it will be a final time now that we're in third reading. I'm only going to go a few minutes, as I did the other day, and make a few last points.

Today would be starting week four, believe it or not, of this discussion on Bill No. 102. It was introduced three weeks ago today - I shouldn't say introduced, the discussion began three weeks ago today. People have remembered that, they've known and have been paying attention, and we're still getting calls. We had calls this morning, 11:30 a.m., 11:25 a.m. - it was interesting to hear from the fellow I heard from, actually, I would never have thought, but he's a small-business man, probably has four or five people working for him, and even he is concerned.

What he said to me was, make sure you're up speaking against this bill, we don't need it and we don't want it. I assured him that I would take a few minutes today if the opportunity presented itself to do just that. Also, on behalf of all the others who have been in contact with us through telephone, through e-mail, and in our own home communities as we've been there on the weekends and travelling around doing the business that we do, people stopping into your office wanting to remind our CAs, pass this message on.

People need to know this is an important step in the history of this province. It's not something that we want or something that we need. It's not just the people sitting on this side of the House saying that - there are thousands, upon thousands, upon thousands of Nova Scotians who are against this bill and they want the government to listen to what they have to say. We've been doing that, and I know that the government is probably not happy that we've taken a number of steps to be able to make sure that we've used every tool at our disposal to get forward the points of the people of this province.

It's important that they consider this, and I know it's going to go through finally, likely today sometime, or Monday or Tuesday next week, whenever it finishes through third and final reading. When it does finally get put in and proclaimed, we hope that Nova Scotians will still have the opportunity to express their concerns, because they need to. They need to be contacting government as often and as much as they can, and not let this just finish up and forget about it because it's Christmas. Well, it may be Christmas, it may

be the holiday season, and perhaps that's what government was counting on - that this would just sort of go through and not be paid attention to at all.

I want to reiterate as I have in my past comments, Madam Speaker - this isn't about unions versus non-unions. I've been there, I've been a long-time union member, and I have nothing bad to say about unions, in all honesty. They are needed at times to help represent people because they are professionals when it comes to sitting at the table and negotiating, they'll train people to be shop stewards and they'll bring them along through that model and teach them how to sit at the table and do just that, which is, of course, vitally important as well. So it's not about the number of unions.

But there were some examples that we heard throughout the contacts that we've had. You know, we may only be four or five people, some of these businesses may have 50, or 60, or 100, or a couple of hundred people, and some have thousands of people. We've heard about the Sobeys and the Michelins and so on and so forth. There are a lot of them. I've heard them named here again this afternoon, numerous businesses, but they are concerned and rightfully so. They are concerned that this is a union drive. I haven't heard anybody say that it is, because nobody over there wants to stand up and talk about it. Perhaps it isn't, but it certainly opens the door and it makes it look enticing to employees. In some ways they may think that's what they need to resolve their issues.

When you talk to the small-business community about some of these, and even the larger businesses, they don't want to be told, you're going to pay this, you're going to pay that. They want a fair negotiation because they believe that to be a good process. The process that is in place is a good process. It works, and we know that it works. We have seen it work many, many hundreds of times over the years.

Some take longer than others. I spoke of one earlier in the week on this bill about a lady who presented at the Law Amendments Committee with regard to almost two years in length of trying to get a contract negotiated, and I agreed, a long time to be sitting at the table trying to get something done. That needs to be looked at, and certainly there's room in the current process that does exist to adjust that, and if something needs to be accommodated to put a time frame on that, or encourage better ways of bargaining if that's what needs to be done, but nobody said that they're coming to the table in bad faith.

I think that there's an agreement whenever a negotiation is set between the employee and the employer and that organization - either an association or what have you, whatever they might be - with the union, that we are going to sit down, that we are going to bargain in good faith. In all honesty, I believe that word is taken to be the gospel. They do that, and yes, it takes a long time. Again, I've never gone back and looked, but I never heard anyone say, how many actual days of bargaining inclusive is it? It may take you six or eight months or a year to get a contract from start to finish, but how many actual days are you at the table?

My experience is you're not at the table a whole lot of days, and you get through some of the standard contracts that have been in place for years in the province that are strictly labour law related - there are a number of them - it's put together. You get down to the final pieces and some of the perks might go - for lack of a better word - some of the perks that may be part of a collective bargaining in a contract, vacation time and seniority, and if you're in certain workplaces maybe uniforms, like the nurses who have just gone through and negotiated. They will be getting an allotment for uniforms. We've heard a little discussion in Question Period this week on that kind of stuff. There are those kinds of things and then there's the financial stuff.

I know from experience, as well, that when you come to the end of that collective bargaining the days sort of do run together, because some do go long; some are two, three, or four in a row, or a week maybe as you try to finish it up. We've negotiated contracts with large corporations - many, many employees - where you've not sat at a table for very many days.

That's just one example or two, Madam Speaker, and I don't want to go a long time today. I just wanted to take a few minutes on behalf of all of those businesses that I do represent - and there are a lot of them, big and small, that have been in touch with us. There's a lot of them around the province who are very concerned in the business community. We've seen some representatives have been in and out of the gallery here in the Legislature over the last number of weeks, expressing their concern and their support. We have seen news articles in the papers and on radio and TV with regard to how this bill is not required in this province.

Again, in closing, on behalf of the people who have contacted us, thousands of people who have expressed their concerns, we stand today and in past days in support of each and every one of them in hopes that this bill would not be put through. Unfortunately, we know that it will pass at some point. With those few comments, I will take my place. Thank you.

**MADAM SPEAKER:** The honourable member for Halifax-Clayton Park.

**MS. DIANA WHALEN:** Madam Speaker, it's my pleasure to say a few words today. I know this is third reading; it's really the dying hours or perhaps dying minutes of this bill.

Bill No. 102 has the - I think - incorrect title of suggesting that it is an Act to Prevent Unnecessary Labour Disruptions and Protect the Economy. That does not define the bill. If you're watching on television now, at the bottom it says the Trade Union Act. That's really what it is: an amendment to the Trade Union Act to allow first contract arbitration. I'm sure for the members of the House a couple of months ago . . .

MADAM SPEAKER: Order, please. I just want to remind the member that you cannot speak to the specific clauses of the bill. (Interruption) The television audience, thank you.

MS. WHALEN: I'm sorry. I was just saying having watched a few minutes ago, it has, underneath, the subtitle says the Trade Union Act. That's how it's defined there so it differs from the title of the bill here, that's all. Thank you, Madam Speaker, that's very good of you to point that out.

Certainly I've been listening to many of the previous speakers and they're speaking to not individual clauses but to the thrust of this entire bill and asking the question really, asking the government, what is so compelling that this has to pass today? Why is it here? My feeling about this is that it's highly ideological; it really is. It is being driven by a dogma, a position of the Party in power. It isn't showing the best of what politics can be. Politics is, in fact, defined and it's often said - it's an often-used quote - "Politics is the art of the possible." I just checked with the Library, Madam Speaker, and they said that is, indeed, the right quote; I wasn't sure I had it correct, "the art of the possible."

So we have to be creative and innovative and yes, set a goal about what you want to attain, what government wants to attain, but look at how you can do it in such a way as to cause the least disruption; in fact, cause no harm - that's another guidance for any legislation. Make sure that you don't create harm in bringing in some new legislation that you've looked and on balance and you've done the very best you can to compromise. (Interruption) Exactly, you have to use your head to look further and see what might be unintended consequences.

When you head into something with an ideological bent, what we see is what has happened here today. This is a government that is determined to drive this through as is - unamended, unimproved, with no compromise, no gesture, even, to show the business community and those that have spoken and taken their time, I might add, to come here away from their businesses and travelling the province to come here and say this concerns us, this causes us disquiet. This is sending a signal that makes us very uncomfortable.

I'm not saying that businesses will close as a result of this bill; I believe that they will not. But I do think that it gives a signal and an attitude that is not going to encourage businesses to settle here, if they aren't here already, and it won't encourage those that are here to expand and invest here. It's just one more thing on top of a whole litany of difficult factors that our business community deals with every day and all the members of the House know what they are - high power rates, high gas taxes, high taxes in general, high corporate and small-business taxes, and high personal taxes. There are things that really make it difficult to maintain your business here and to expand your employment and hire more people, and yet this bill just adds one more thing into the mix, and it says government is not listening.

One of the reasons I wanted to rise today was particularly to reference the open letter that was sent to the Premier. I know all the members of the House, I'm sure, have seen it. I read it first yesterday in one of the news services, allNovaScotia.com. They had printed the letter in its entirety and when I read it I thought it said so much about distilling the issues that were brought to the Law Amendments Committee, speaking like one final attempt to bring their ideas forward. It's not pages and pages; it's just one page and, in fact, about a third of the page is made up with the signatories. The signatories are not individuals; they represent different businesses and business organizations.

Just to go through and give you a sense of the breadth of the support that this letter had, I'd like to go through and give you some of those names. But first of all, I think all members of the House should be aware that the thrust of this letter was a final, last-ditch effort to call for compromise, to ask government to make politics the art of the possible, to use good negotiating skills and good communication skills and find common ground.

That's what it means about the art of the possible - finding your way to some common ground where all the parties can be happy in the sense that they were respected, listened to, and some part of what they want is brought into the mix in terms of the final outcome, and in this case here, the final bill before us, and yet that challenge to be more innovative, to listen better, to try to reach common ground with both the forces at play that are wanting to see first contract arbitration in our province and those that really did not want to see it - you know, the government's job is to bring those two parties together at a point where the decision has been made to have first contract arbitration by the government and the next step is how we can do this with the least negative impact in our province, causing the least harm, creating the most goodwill - another job that government has to try to foster and create goodwill.

I see the government doing an awful lot to try to sound upbeat, and they accuse the Opposition of being negative, and yet I believe we're doing our job and simply pointing out challenges that need to be addressed. But being upbeat is not enough by itself, Madam Speaker. We need as a government, as a group here in the Assembly, Opposition and government members, to show good faith when we're dealing with Nova Scotians. I think it's very important that we remember that among all those businesses that came and spoke at the Law Amendments Committee was the president of Michelin Canada.

When I was speaking to somebody at the chamber of commerce lunch the other day, at which the Premier was the guest speaker, this person said to me that this was the first time in 40 years - that Michelin has been active in Nova Scotia and has plants and employment - it is the very first time that Michelin had come forward publicly. They do not like the limelight. They don't come forward. They like to do their business and try to, you know, allow the forces, I guess political forces, to do their thing. They came to the Law Amendments Committee for the first time in 40 years and - in fact, I've just been corrected, it was the Michelin president from North America who came and spoke here in Nova Scotia at our Law Amendments Committee, and his name is Dana LeBlanc.

It speaks to the fact that this was an unprecedented call for a compromise and for caution, and the government has flatly refused to listen. The letter that we've all received, and I'm sure it has been tabled many times, so I don't think it's necessary to table it, but it indicates and, in fact, I can read from it, it says: "United and unprecedented, businesses of all sizes appeared before Law Amendments."

"United and unprecedented" - this has not happened in that way before, never before has Michelin been there, one of our largest employers in the entire province. That company alone is responsible for the prosperity of three regions of our province - singlehandedly. When that company was attracted to Nova Scotia, it was a huge benefit to our province - 3,500 people directly working for that company in Nova Scotia and many ridings in this province are the direct beneficiaries. Many of the MLAs know very well about the benefits of Michelin.

I feel that it is a complete disservice to ignore the voices of employers like Michelin, Sobeys, Clearwater, and on and on. This letter that was a call for and is a call for compromise said that we believe there is a win-win in this for all of us. The business community was looking for the amendments that the Liberal Party had put forward. They wanted to see a situation where we would, in fact, find common ground and be able to go forward with legislation that everyone can live with - and isn't that what we look for in every instance, Madam Speaker?

Trying to advance the province, I understand we need change, and I understand that without change there is no growth, there is no prosperity, that our province cannot just continue to hold fast to the way we've always done things. I'm the first to say I like to have change and I embrace a lot of change, but I think that as we move forward we have to try to balance it with the best way, the best steps that we can take, so that everybody and all the stakeholders, especially huge stakeholders who are responsible for thousands of Nova Scotians' employment in this province, have to be respected, have to be listened to.

This letter alone really spoke volumes to me, Madam Speaker. In reading it on-line yesterday, there was a line in it, and I haven't got it highlighted to read, but it said that the issue around Bill No. 102, this amendment to the Trade Union Act, now goes far beyond this Act itself. The issue at play, the issue that the member for Hants West was talking about when he said that people are talking about this in the community, that some of the business people in his community have been calling him and they are telling him this is the topic of discussion in the workplace and at Tim Hortons; people are wondering what's wrong with the government that they can't find common ground, that they can't listen to employers and to unions.

Again, I do believe that unions have brought a lot of good to our workplaces, they've brought in changes that all people benefit from, whether they are unionized or not. Some of the things that they championed have become commonplace in all workplaces. Benefits that help workers, that protect workers are very important. But again, the unions

today are also a very powerful force and we need to balance their power and their wishes with the power of the employer, again a balancing act, much like we see in every bill that comes before us.

There's one before us now, Madam Speaker, on residential tenancies which again, you're looking at the balance between tenants and landlords. This is a common thing in every bill that we see. There are going to be different forces pulling for attention or wanting to have changes that will benefit one or the other.

In this case the business community said there are compromises that can be made that will be perfectly satisfactory to all. If those compromises are not made, Madam Speaker, I know that we will leave the business community with a great feeling of distrust, a sense that you cannot depend upon this government to listen when you have an unprecedented and united front come to the Law Amendments Committee - exactly the words that they've used here.

When I say "they", Madam Speaker, it has to be pointed out who "they" are: all of the Nova Scotia Chambers of Commerce, the entire umbrella body of the chambers of commerce; the Home Builders' Association, responsible for hundreds of jobs in home construction; the Road Builders Association, again a key organization; the Restaurant Association of Nova Scotia; the Retail Council of Canada - Atlantic Office.

Let me see, some of them are smaller as well. We've got the Hotel Association, though, the Halifax Chamber of Commerce, the Contact Centre Nova Scotia, which represents all of the call centres and contact centres in the province. So if people have their jobs, or their children are working in those jobs, take note - this is an opportunity for everybody to take note. Those employers are saying they don't feel comfortable with what is happening and they certainly are saying loud and clear that they feel ignored, and that word is in this exactly.

It says, again, we were ignored. It's not even how they feel, they've stated it as a fact, they have been ignored, none of their suggestions has been taken forward. Nobody on the government side has given a nod or a conciliatory approach to their concerns.

We see the impact of a majority government, a majority government that has the numbers to do exactly as they please and is completely thumbing their nose at the people who took time to come forward and speak. Those people were primarily people representing businesses and employers.

We did hear from some union members and even then the discussions I've heard here in the House have shown that other members have talked to some of the union representatives who would be quite happy - as long as this first contract arbitration comes forward, they would be happy to support it and they would be happy that the government



had done what they promised. I'm guessing that there was a promise to bring this forward, or why are we here?

At the same time, that would satisfy the unions of this province, to know that we now had first contract arbitration legislation. What the business community is saying is, choose one of the other models for that legislation.

I know, Madam Speaker, you've heard this from other speakers before me as well, that it is important in these final minutes and final hours of discussion on this bill, we're in third reading, when this bill comes for a vote, that will be it, the time for compromise will be past. We've already seen the amendments brought forward by the Liberal Party were all voted down, they were not accepted by the government. We saw an attempt this morning to return to Committee of the Whole House on Bills to perhaps consider new amendments, also voted down. So no signals on the part of government that they believed that politics is the art of the possible.

Another quote by Henry Clay says, "Government is trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people." I don't think that looking at how we're handling Bill No. 102, that the people of Nova Scotia would feel empowered or able to (Interruption) Certainly if you'd like me to table that I'd be very happy to, and I have who it is attributed to as well. Has the letter not been tabled as yet? I think it might. This letter has been circulated widely so many members of the House have had a chance to read it, and again, it's been in the newspaper as well - or if not the paper, it's been on-line.

As I said, I felt compelled because of this letter to stand up and just summarize where we've been with the legislation and the fact that the people of all those employers, one after another - the Canadian Federation of Independent Business, Canadian Manufacturers and Exporters, the Restaurant and Foodservices Association, the Construction Association of Nova Scotia, and even the Canadian Taxpayers Federation. I'm surprised to see them in that mix, but nevertheless they also disagree with Bill No. 102, and they are looking, as all of the employers are, to some level of compromise and some show of goodwill, seeking common ground where we can build and come to a consensus. I know that that would be something that I would believe many members of the government would like to do, and I don't know why the hardliners are running the show over there and running roughshod over the people who came forward to speak and ask for compromise.

I know there are people who are more sensitive to the public, more sensitive to the call for compromise that is held in this letter, and I am sorry to see that there is no way that the government will budge and no way that the government will move on this and that really we're whistling in the wind here in the Legislature today. We're trying to speak about compromise, about coming together, about seeking consensus, about doing less harm, and we're reaching nobody. Nobody is listening on the other side of the House, and Madam Speaker, it's very disconcerting and difficult sometimes to be the voice that is

trying to seek that place, that middle ground, that government should be trying to achieve. Yet again, ideology is really reigning. It is an ideologically-driven government that has a certain agenda they are determined to ram through, and basically they have no regard for the people who have come out to speak against what they are doing.

So maybe they think Nova Scotia's an island and nobody's paying attention to what's happening here. Maybe they think the president of Michelin North America won't be saying, I went to Nova Scotia, I spoke on behalf of our company and on behalf of our employees, and nothing was done, nothing happened, there were no changes. If you believe that there will be no repercussions to our little province as a result of this kind of legislation, then I'm sorry, the government is greatly misleading us. There will be repercussions.

I am frankly distressed at the attitude of the government and how this is going to be played out in the future in terms of trying to grow our economy, in terms of attracting people to live in our province, both from across Canada and from overseas, and just how this will be interpreted along with other regressive legislation that we see coming down the pipeline as well - about how we want to do things in a backward way, in a way that doesn't respect the people of Nova Scotia and the employers of Nova Scotia. I think it flies in the face of all the good news going on around the ships contract that we just won. It's a way to send a completely reverse signal.

At this point in time, we want to be the most open and responsive to employers. We want to create an environment for the very best that we possibly can to attract Nova Scotians who have gone away to work, to attract others to come and make them feel that this is the place to be, that this is absolutely the best province to be in. We know that we have so many wonderful attributes that can make for a really terrific standard of living, a quality of life, and that these sorts of signals that the government is sending fly in the face of that and will undermine the message that Economic and Rural Development and Tourism is sending when labour laws are changed in a way that is regressive.

Again, when the whole government, down to the last person in the NDP Government, is standing firm and refusing to listen to business, and not one is willing to stand up and say, we have respect for the employers of this province, big and small, and we want to do what's right and listen to them - I've sat here along with all the members and have listened to many speakers who've brought up some terrific points around why this type of first contract arbitration is not the best model for our province. I will say again, as I did before, that in the Manitoba model, which does not require any kind of evidence of bad faith or dysfunctional bargaining in order to kick into place the arbitrary intervention of first contract arbitration - in that model, you find more labour disruption in the second contract.

I know the government in every department likes to talk about evidence-based decision making. The evidence base in this case, Madam Speaker, is very clear that in the

second go-round there is labour disruption, there is anger and mistrust in the workplace and it's actually very non-productive to have that in place.

What we have right now in Nova Scotia is a very calm, what has been described as a harmonious, labour environment. In the letter that was presented by the employers that I noted, they said that in the last number of years, in the last 14 years, there have been only three orders issued as a result of bad faith bargaining and that would have gone to the Department of Labour. Only three times in 14 years has there been any evidence of bad faith bargaining. In those three - they don't break it down - but they said that not all were against the employers. So in at least one of those cases there was bad faith bargaining on the part of the employees.

It indicates so clearly that this is unnecessary legislation, at least if we're going to go to the Manitoba model, which is too extreme. With that in mind, the business community represented by many organizations and collectively they represent thousands of employees, are saying look for the art of compromise and the politics of the possible, try to get to that point where we find common ground and work together to make Nova Scotia a better province, rather than isolating and dividing us into sort of two camps that don't have anything in common, that breeds mistrust, that will breed a poor labour and management model. We'll have more labour disruptions and more unhappiness in the workplace as a result of this bill.

With that, Madam Speaker, I would like to take my seat and I hope to hear from a few other speakers before we vote.

MADAM SPEAKER: The honourable Leader of the Progressive Conservative Party.

HON. JAMIE BAILLIE: Madam Speaker, here we are on third reading and the point has been made and made again - this is a bad bill. It's the wrong bill at the wrong time and for the wrong reasons. Many people have been making that point inside this House and outside the House. It's the wrong bill because there is no problem to solve. It's at the wrong time because at this time of shaky economy, particularly with the job losses that we have outside of Halifax in our province, that putting more jobs at risk or future investment at risk, which creates jobs, it could not be worse-timed, when we have the shipyard contract coming our way that we need to take advantage of to create real jobs, this could not be coming at a worse time. It is for the wrong reasons because no one asked for it, no one campaigned on it, no one voted for it, no one in the employer community has asked for it.

Somewhere, though, Madam Speaker, someone clearly wants it, some hidden, unseen force is pushing the government to do this, which is clearly for the wrong reason.

Madam Speaker, much has been said about how the employers of the province, the job-creators of the province, small, medium and large are against this bill, how they don't

want first contract arbitration, how their first line of argument is we should not have any form of first contract arbitration, that we should stand up and stop first contract arbitration.

What I want to add to the discussion now, on third reading, Madam Speaker, is it is not just the businesses of the province that are against. We've heard about the Michelins and the Sobeys and the others and the small businesses that are organized through the Canadian federation and others, who are all unanimously opposed. But even now others are speaking up. For example, I know that just yesterday the Premier received a letter, which I will table in a moment because it's copied to any number of other people, from the Town of Bridgewater, from Bridgewater Town Council, dated December 8, 2011. Let me quote briefly from the letter, Madam Speaker:

“Dear Mr. Premier: I am writing this letter on behalf of Bridgewater Town Council to express our vehement opposition to Bill C102 [sic.] (First Contract Arbitration).”

The letter goes on to give many reasons, but one of the more interesting ones is this:

“We have been in steady consultation with the management of the Michelin Bridgewater plant. Michelin is totally opposed to this legislation and the ramifications it could have on investment in this province.”

Those are the words of the elected representatives of the Town of Bridgewater. I will table it, but just before I do that, I will point out that the Town of Bridgewater is in a very good place to have assessed the ramifications of Bill No. 102 on first contracts because of the many employers they have in Lunenburg County. But obviously, Michelin has been a big part of the debate on Bill No. 102. For the first time in living memory they actually came to the House on their own to express their complete disagreement on this course of action that the government is going to take today. They called it a black mark against Nova Scotia that will definitely be taken into consideration when they consider reinvesting in their plants or investing in new jobs.

The Town of Bridgewater knows that as much as anybody, and I will point out that the letter is copied to the MLA for Lunenburg West. I hope he has read his letter before this House votes in third reading on Bill No. 102, because that member still has a chance, like the mayor and town council in Bridgewater have done, to vote for Michelin and jobs and opportunity in Bridgewater.

I know that first contract arbitration sounds like a foreign thing for many who don't follow this day to day, but after this long debate, what people know now is it's really about jobs. It is about the jobs of today and the countless jobs of tomorrow that will or will not come our way, depending on what happens with first contract arbitration. That's why I find it very ironic, very ironic indeed, that on the same day that the government is ramming

through first contract arbitration - which will have no positive effect on jobs but multiple proven negative effects on jobs. It will cost jobs, today's jobs and tomorrow's jobs.

The government is trying to take credit for the creation of jobs with the announcement of their capital plan. Well, a \$610 million capital plan, even if it was going to create or maintain the 4,500 jobs that the government contends today, would come in at \$135,000 per job maintained or created - a very expensive way, if it were to work, to maintain and create jobs.

Madam Speaker, wouldn't it be more effective - not to mention much cheaper; not to mention free - to maintain and create jobs by doing the right thing and stopping first contract arbitration? Then we can take that \$610 million and put it to really good use because we'll have found a way to do the right things that government should be doing to create jobs: maintain the free collective bargaining process that has worked so well for our province and put in place appropriate tax and energy policies and user fee policies that encourage job creation, that encourage our small businesses to grow a little bigger, that encourage our manufacturers to invest a little more in their plant.

Wouldn't that be a better way? That's something that I think should be on the minds of all members as we vote shortly, instead of on the one hand putting all those jobs at risk with first contract arbitration, and on the other hand trying to claim to be creating jobs by borrowing \$610 million of the taxpayers' money and spending it around the province. That's the great irony of today.

Madam Speaker, we've come to that point in the debate where in Opposition we've done all we can to bring the government to its senses, to enable enough time for Nova Scotians to come to the House, to write to the government, to call the Premier's Office, and to have their views known; thousands, upon thousands, upon thousands of employers and hundreds of thousands of employees, through their representatives, have made their point; all the Opposition members, in both Opposition Parties, have made their point - and we come to that point in the debate where the government has a choice.

When I say the government, it is, of course, the government, but it is made up of individual MLAs representing their own ridings, representing for example the three Pictou County ridings, Pictou West, Pictou Centre, Pictou East. Those members I know have heard very specifically from the major employers in Pictou County, the famous major employers like Sobeys and like Michelin who have told them this is a black mark against Nova Scotia. They have heard from them, and they have also heard from MacGregor's Fabricators and other small- and medium-sized businesses, and through the Pictou Chamber of Commerce they have told them this is a bad idea, this will hurt investment and jobs in Pictou County, and now those three members have a choice.

Now those three members have a choice. Those three members have a choice between doing what is right for their riding, for the employers of their riding, for the jobs in

their riding - to do the number-one job of an MLA, which is to vote in the interests of their own people and what is best for them, or to set them aside and set their concerns aside and vote with the backroom interests of their Party. That's the choice they are going to face here this afternoon, and I call on them to do the right thing.

I mentioned a moment ago the Bridgewater Town Council letter, and I will point out that there is an MLA for Lunenburg West and an MLA for Lunenburg. They're both NDP MLAs, and they now have a choice to make. They can stand up for the jobs at Michelin, which are so important to Lunenburg County, and to all the small businesses in the area, they can stand up for them and tell the people of Lunenburg West and Lunenburg that they did the right thing today to ensure that Michelin has a long and prosperous future in our province that includes constant reinvestment and upgrades to the plant that exists now, and untold future ability to invest in more jobs on the South Shore. That's a decision they will have to make and, hopefully, they will put the interests of the jobs in their areas of the province ahead of the backroom interests of the NDP.

I'll also point out that there are at least two NDP MLAs in the Annapolis Valley, in Kings North and Kings South. Michelin is a very important employer in their area as are others, small and large. Those jobs need to be protected, and they need to be encouraged. Future jobs for the next generation need to be invested in. They have the same choice, to stand up for jobs in their ridings in Nova Scotia or to set their own people aside and vote with the backroom interests of the NDP. That is the choice that those MLAs face.

We can remain hopeful that the right thing will happen in the end, but in politics, I guess you have to be realistic at this point. We know that the dark curtain of tyranny is about to come descending down on this House. We know that despite the hundred opportunities in Opposition we've given to the NDP MLAs, the members opposite, to do the right thing, to reconsider, to recommit, to send back to committee, to listen to their constituents, to lobby their fellow MLAs who don't care about jobs, to do the right thing - none of that has worked and now the time has come, and all Nova Scotians are going to watch as the majority rule takes shape in this Chamber after all that has been said and done. It's a real shame, Mr. Speaker, it's a real shame.

Of all the issues for the NDP to draw a line in sand over, of all the issues that are going on today, of all the real problems we have, of all the real opportunities that we could be talking about, whether it's taxes, or budgets, or health care, or long-term care, or schools and education, or getting every child through to Grade 12 and beyond, to doing all the things that we could be doing to make life easier for families who are struggling with their power bills, to make life easier for those who want to save a few dollars for their retirement, all of those things we could have spent our time on. But no, Madam Speaker, the one thing that the NDP Government chose to draw a line in the sand over is first contract arbitration and no amount of capital spending is going to make that right, so here we are.

Just let me conclude with this, Madam Speaker. This clearly will go on the list of things that a future government, perhaps a future PC Government, is going to have to clean up when these guys are gone. Let me tell you how we're going to do it, Madam Speaker, let me tell you how that's going to work. When the time comes to review first contract arbitration when that Progressive Conservative Government takes over, we're going to listen to the voices of all Nova Scotians. We are going to listen to the employers of the province, the small businesses, the large businesses, the unionized, the non-unionized, we're going to listen to what they have to say.

Madam Speaker, what we won't do is form a sham committee that shuts out a lot of those voices. What we won't do is have a study day of one day that not everyone is invited to. I can assure you that when that study day comes, everybody will get a sandwich when that day comes, who wants to have their say. No one is going to get told sorry, you can't come in because we don't have a sandwich for you. When that day comes, Madam Speaker, there . . .

MADAM SPEAKER: Order, please. Order. It's getting a little loud in the Chamber.

The honourable Leader of the Progressive Conservative Party has the floor.

MR. BAILLIE: Thank you, Madam Speaker. I know they are trying to shout us down. They are trying to shut us down like they shut down their study day and their Labour Management Review Committee, like they tell people to call the Premier's Office but you can only get through if you already agree. Now they are trying to shout us down at this point but it's important that people know, as gloomy as what is about to happen here, is that there is a better day when the voices of all Nova Scotians - employer, employee, unionized, non-unionized, management, labour, rural, urban - are all brought together as we make that great diverse sandwich that is Nova Scotia and turn it into something better. (Interruption)

Madam Speaker, a Hamm sandwich would be better than the baloney sandwich we're getting from that bunch over there.

Madam Speaker, before we get into all the different kinds of sandwiches there are, let me just say one last time to the NDP members who truly care about jobs in their riding, to do the right thing and stop this bill before damage is done because otherwise, we will clean it up when we have our turn. Thank you.

MADAM SPEAKER: The honourable Minister of Labour and Advanced Education.

HON. MARILYN MORE: Madam Speaker, I think there is one thing we can all agree on in this Chamber and that is that Bill No. 102 has certainly generated a lot of discussion, especially within these walls.

I'm going to take a few minutes to reaffirm what our government has said from the very beginning on Bill No. 102. I'd also like to, quite frankly, correct some of the distortions and myths that have been brought up by the members of the Opposition Parties. I want to also affirm that our government has listened very respectfully to all the input on this issue and that we are moving forward with this small change to the Trade Union Bill.

This session appeared to be a very good time to introduce this legislation, Madam Speaker, because there were no hot-button, first contract negotiations underway. Unlike when some other jurisdictions brought in first contract settlement legislation, we're not in the midst of a bargaining crisis. Nova Scotia, as has been said many, many times, has enjoyed a stable labour relations environment for some time now.

Now there are five key principles that make this a unique Nova Scotia model. First, it provides a reasonable amount of time and support for the workplace parties to arrive at a first contract on their own. Second, there is no political intervention possible in the Nova Scotia model. Third, it is a no-fault system which lets the parties move forward toward a contract without having to prove bad faith bargaining, possibly creating longer-term divisiveness. Four, our model includes an early educational piece that is tailored to the comfort levels of the parties within the negotiation process. Five, the Nova Scotia model, at the request of some employers, does not include Part II of the Trade Union Act, the construction industry, including road and sewer building, commercial and industrial construction, and home building.

To be clear, Bill No. 102 provides a first contract settlement model that provides timelines which encourage both parties to settle their own agreements in a timely way. Six provinces already have this, federal workplaces in Nova Scotia already have this, it is good and proven legislation.

Madam Speaker, I want to thank and give credit to the Labour Management Review Committee for leading the consultations around first contract settlement. These consultations included a study day that was attended by more than 55 participants representing business and labour, unionized and non-unionized workplaces. Even before this study day, I met with representatives of various business organizations and coalitions. I explained the LMRC consultation process, I gave them information about the various opportunities for information and input, and I encouraged them to accept the invitations extended to them to attend the study day.

After the study day a discussion paper was released that broadened the consultation to include each and every person, workplace and organization in this province. I would like to thank the respondents for the 40 submissions and presentations that were delivered to the LMRC.

The Law Amendments Committee is another option for the people in this province to share their thoughts about what is going on within this House. We listened to the labour



and management representatives who came forward, as is the nature of the Law Amendments Committee, and we are making amendments to Bill No. 102. These amendments provide more flexibility for the parties, more opportunity for them to successfully negotiate a first contract.

The first amendment would extend the time allowed to negotiate a first contract by an additional 60 days. This option would come into effect where the Labour Board believes the extension could result in a first collective agreement and where both parties agree in writing to the extension.

Over and above the additional 60 days the parties may jointly ask the Labour Board for more time to continue their negotiations. That is in line with the intention of this legislation, Madam Speaker, to give the workplace parties several opportunities to reach an agreement on their own and only - and only - imposing a one-year first contract on the rare occasion when this can't be accomplished without help.

I want to remind the members here today that the Labour Board and the minister's list of arbitrators are for the most part the same reputable citizens who were originally appointed by previous governments. Their experience and knowledge on these matters is unquestionable.

Madam Speaker, there have been several questions asked of the Premier and myself in this place over the normal course of our daily activities as well, about the wisdom of introducing the legislation at this time. Despite the fact that most Canadian jurisdictions have some form of first contract settlement legislation, despite the fact that many of our detractors are already doing business and prospering in jurisdictions that have first contract arbitration - even in Manitoba - despite the fact that Canada has thrived with first contract legislation in place for three decades, some members would have us believe the sky will fall in Nova Scotia if we were to adopt this legislation. That is simply not the case.

The members don't have to take our word for it; there is independent opinion that supports our contention. The Industrial & Labour Relations Review has been issued quarterly since October 1947 and provides international coverage of work and employment issues. An extensive study of FCA in Canada was published this year - and I will table a copy of that document.

The authors of this study are two noted scholars, Madam Speaker, Sara Slinn and Richard Hurd. Dr. Slinn joined the Osgoode Hall law faculty in 2007, after five years at Queens faculty of law. Dr. Hurd is the Associate Dean for External Relations and Professor of Industrial and Labour Relations at the prestigious Cornell University. He earned his Ph.D. in economics from Vanderbilt University. The authors conclude: "First contract arbitration provisions are posed as a solution to the difficulties of negotiating a first contract for newly certified bargaining units. FCA is a longstanding, and no longer controversial, element of Canadian labour legislation."

Another study published last year, First Contract Arbitration: Effects on Bargaining and Work Stoppages also appeared in the Industrial & Labour Relations Review. In that study, and I will table a copy as well, Madam Speaker, Dr. Susan Johnson, Associate Professor of Economics at Wilfrid Laurier University, concluded that FCA legislation creates the incentive for parties to freely negotiate collective agreements without resorting to disruptive and costly work stoppages or using a third party to impose the terms and conditions of employment.

Madam Speaker, we asked the Opposition Parties to show how first contract settlement affected those other jurisdictions that have it, and all they could come up with was one 14-year-old case in a jurisdiction that has since amended its legislation. Bill No. 102 introduces small changes to the Trade Union Act that have not had the impact in other provinces that the Opposition Parties are forecasting for Nova Scotia, but it will be very important to employers and employees who find themselves on opposite sides of a bargaining table and need help reaching that first contract.

Six provinces already have first contract legislation; it's time for Nova Scotia to enjoy its benefits as well. Thank you, Madam Speaker.

MADAM SPEAKER: The motion is that the question be now put. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

The motion is for third reading of Bill No. 102. Would all those in favour of the motion please say Aye. Contrary minded, Nay.

A recorded vote is being called for.

Ring the bells until the Whips are satisfied.

[3:20 p.m.]

[The Division Bells were rung.]

MADAM SPEAKER: Are the Whips satisfied?

[The Clerk calls the roll.]

[3:35 p.m.]

**YEAS**

**NAYS**

Ms. More

Mr. Gaudet

Mr. Estabrooks	Mr. Glavine
Ms. Peterson-Rafuse	Ms. Whalen
Mr. Corbett	Mr. McNeil
Mr. Dexter	Mr. d'Entremont
Mr. Steele	Mr. Baillie
Ms. Maureen MacDonald	Mr. Bain
Ms. Jennex	Mr. Porter
Mr. MacDonell	Mr. MacMaster
Mr. Belliveau	Mr. MacLeod
Mr. Preyra	Mr. Orrell
Ms. Zann	Mr. Younger
Ms. Conrad	Ms. Regan
Mr. Wilson	Ms. Casey
Mr. Parker	Mr. Zinck
Mr. MacKinnon	Mr. Theriault
Ms. Raymond	Mr. MacLellan
Mr. Smith	Mr. Churchill
Mr. Epstein	
Mr. Prest	
Mr. Ramey	
Mr. Skabar	
Mr. Whynott	
Mr. Morton	
Ms. Birdsall	
Mr. Boudreau	
Mr. Burrill	

THE CLERK: For, 27. Against, 18.

MADAM SPEAKER: The motion is carried.

Ordered that this bill do pass. Ordered that the title be as read by the Clerk. Ordered that the bill be engrossed.

The honourable Government House Leader.

HON. FRANK CORBETT: Madam Speaker, would you please call Bill No. 55.

**Bill No. 55 - Medical Act.**

**Bill No. 100 - Municipal Elections Act and Municipal Government Act.**

**Bill No. 106 - Libraries Act.**

**Bill No. 114 - Consumer Protection Act.**

**Bill No. 115 - Labour Standards Code.**

**Bill No. 116 - Elections Act.**

**Bill No. 118 - Motor Vehicle Act.**

**Bill No. 121 - Education Act.**

**Bill No. 122 - Environment Act.**

**Bill No. 123 - Corrections Act.**

**Bill No. 124 - Arts Nova Scotia Act.**

**Bill No. 125 - Creative Nova Scotia Leadership Council Act.**

MADAM SPEAKER: The motions are carried.

Ordered that these bills do pass. Ordered that the titles be as read by the Clerk.  
Ordered that the bills be engrossed.

The honourable Government House Leader.

HON. FRANK CORBETT: Madam Speaker, that concludes the government's business for today. I move that the House do now rise to meet again on Monday from the hours of 4:00 p.m. to midnight, where we will be doing Public Bills for Third Reading, Nos. 90, 96, 109, and 110; and Public Bills for Second Reading, No. 133. I move the House do now rise.

MADAM SPEAKER: The motion is that the House do now rise to meet again on Monday at 4:00 p.m.

Is it agreed?

It is agreed.

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

[The House rose at 3:46 p.m.]