

That might be called a tacit agreement providing at least the acknowledgment of a *de facto* situation whereby both provinces applied their own regulations in their jurisdiction, which obviously did not make things any easier.

Senator Molgat: Consequently, we could simply have abrogated the 1947 act?

Mr. Cadieux: Respectfully, no, Senator Molgat. Because the mine overlaps the two provinces, it is under federal jurisdiction.

Senator Molgat: But it was not enforced.

Mr. Cadieux: We did not enforce it in practice, if you wish, insofar as federal inspectors were supposed to make the inspections but, in fact, the provincial inspectors made them.

That has indeed caused a problem when, in 1976, the courts determined that Manitoba did not have jurisdiction in a death case on the mine site, and neither did it have then jurisdiction over the implementation of regulations.

Considering thus this overlapping, there was no other solution in order to standardize the regulations applying to the mine, as much for the Manitoba workers as for those from Saskatchewan. Even though they live in Manitoba and normally work in that province, they can find themselves underground in Saskatchewan, and vice versa.

So federal jurisdiction will ensure uniformity with the provincial agreement, and by reference, if you wish, it will apply provincial health regulations at the workplace.

You will note, by the way, Senator Molgat, that Manitoba has recently amended its health and security regulations at the workplace and has now fully adequate ones. Moreover these regulations have the unanimous approval of the trade unions, the employers, the provinces and the federal government.

Senator Molgat: Then, there are no federal inspectors and, consequently, none will be laid off as a result of this bill?

Mr. Cadieux: No, not as far as I know, senator.

Senator Molgat: Now, about the miners themselves—

Mr. Cadieux: Well, if you will permit me, the federal government, I think, will save money.

Senator Molgat: And if we did not have inspections, no money would be saved.

Mr. Cadieux: No, if this bill was not passed, inspections would perhaps be necessary, however, and we might have to hire people to do them.

Senator Molgat: But we do not have inspectors in the mine now and we have had none since 1947?

Mr. Cadieux: Not to my knowledge, Senator Molgat.

Senator Molgat: About the miners, now. Do provincial regulations in Manitoba differ much from those of the federal government? Will miners not be as well protected under the provincial legislation as they would be under federal law?

Mr. Cadieux: Under federal jurisdiction, there are now no specific regulations dealing with professional health and safety in hard rock mining.

But the consensus of Saskatchewan and Manitoba unions, employers as well as the federal government is that the Manitoba regulations that have been developed are adequate considering that specific type of work in hard rock mining.

Senator Molgat: So there are no federal regulations?

Mr. Cadieux: For hard rock mining, no.

Senator Molgat: Are there other circumstances in other provinces or areas of Canada where the same problem as in Flin Flon exists?

Mr. Cadieux: As I said earlier about uranium mines, we also apply the regulations by reference in provinces where those uranium mines are.

Senator Molgat: Each province has the right to have its own regulations in that regard. Considering the problem we have had in Flin Flon—

Mr. Cadieux: If I may interrupt at this point, 90 per cent of the jurisdiction over mines is strictly provincial. In circumstances such as these where there is overlapping, by definition, federal jurisdiction applies, as it does when we are dealing with uranium mines that come under the Atomic Energy Control Board.

Senator Molgat: This is why we do not have any regulations in the field of hard rock mining.

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In the case of large mining corporations, like Inco that operates a mine in Sudbury and another in Thompson, Manitoba — and there are many others — the miners themselves go from mine to mine and from province to province. Did the federal government ever try to make regulations or to reach an agreement applying to all provinces? After all, miners who work in Nova Scotia have the same right to be protected as those who work in Flin Flon. I think the federal government should try to work out some kind of general agreement. It would ensure that miners are protected and that everyone understands the regulations. I often feel that what happens in the mines is not due to any lack of goodwill but simply to a lack of understanding of the rules. People are not fully aware of the danger involved. Had there been regulations applying all over the country, there would be no reason for concern when a miner travels to another region and there would be no concern that a company trains its workers differently.

Mr. Cadieux: Philosophically, Senator Molgat, I think you are absolutely right. It would often be ideal or extremely practical to have uniform regulations applying all over Canada. However, various factors must be considered. One of them, of course, is that provinces are often very sensitive, and rightly so, about their jurisdiction. The kind of field we have to deal with must also be taken into consideration. I am told — unfortunately I am not an expert in the field of mining exploration — that general regulations governing all Canadian mining operations could often be difficult to apply. They may not be bad *per se*, but they could be impractical. You sometimes have to adapt certain conditions depending on the type