

*Adjournment Debate*

return-to-work agreement discriminatory as to the reinstatement of striking pilots.

The board ordered EPA to cease and desist from bad faith bargaining and from interfering in the union's internal affairs. EPA must cease from conferring permanent status to the replacement pilots hired during the strike. EPA must cease discriminating against striking pilots as to their re-instatement.

EPA is directed to remove from its proposed collective agreement a clause which added a third year to the two-year term earlier negotiated. The union has been directed by the board to submit the proposed collective agreement to its membership for ratification. If it is ratified, the union is to inform the board whether it is ready to sign the agreement. If ratification is confirmed, the board has ordered that a collective agreement is deemed to be in effect. The parties must further meet within five working days from the date of the board's order of May 27, 1983 and negotiate a return-to-work agreement.

Each striking pilot with seniority standing on January 27 who wants to return to EPA is directed by the board to confirm his desire in writing to the company and to send a copy to the board within 24 hours of the termination of the strike. The striking pilots, under a revised return-to-work agreement, are to be reinstated to their former positions or substantially equivalent positions. The board will retain jurisdiction to deal with any problems arising out of the implementation of its order.

Current media reports suggest that EPA intends to challenge the board's decision through a court appeal. While this is not a matter for which the Minister has responsibility, I draw your attention, Mr. Speaker, to Section 122 of the Canada Labour Code which states:

—every order or decision of the board is final and shall not be questioned or reviewed in any court, except in accordance with paragraph 28(1)(a) of the Federal Court Act.

The latter provision does empower the Federal Court to hear and determine an appeal concerning a decision of a federal board where it is alleged that the latter has failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction. I again thank the Hon. Member for Gander-Twillingate for his invaluable advice and support in settling this matter.

● (1820)

MEDICAL CARE—REQUEST THAT MINISTER INTRODUCE NEW HEALTH CARE ACT—INQUIRY RESPECTING DATE OF INTRODUCTION

**Mr. Bill Blaikie (Winnipeg-Birds Hill):** Mr. Speaker, today I would like to pursue a question I put to the Minister of National Health and Welfare (Miss Bégin) yesterday about the status of the proposed Canada Health Act. I would like to elaborate on why I think it is so very, very important to see an actual proposal for a Canada Health Act in the very near future.

I believe that the events in Alberta in particular, where we have seen the proposed introduction of user fees by October 1, make it incumbent upon the Minister of National Health and Welfare to act and to act very soon to do something about the

erosion of the principles of medicare which the action taken in Alberta represents and which I predict will only be the beginning of many, many actions of that kind should nothing be done about what is happening in Alberta. I have asked the Minister of National Health and Welfare to bring forth a Canada Health Act and so far, her answers to me have been unsatisfactory. She either argues that she has powers within existing legislation to do something about what is happening in Alberta and so she likes to ask me why I am calling for a new Act, or, alternatively, she says that the Canada Health Act will be coming forward when it is ready, but there has never been any indication of when it might be ready.

My argument, Mr. Speaker, is that the present legislation puts the Minister in a position where she has no viable political options. She can only continue to lecture the Province of Alberta until October 1 at which time, if the Province is unpersuaded and brings in the user fees, she will have only one alternative other than simply complaining about it and that will be to withdraw all federal health funding to Alberta. In my view, that would not only risk interruption of health care services but would also contain a great many known and unknown risks. One of the known risks would be that it would provoke a federal-provincial political crisis of great magnitude, I am sure.

I suggest to the Minister that if she brings in a Canada Health Act which clarifies and strengthens the five basic principles of medicare but which also provides the federal Government with more flexibility in responding to Provinces which are seen to be in violation of the principles of medicare, she will accomplish two things. One, she will indicate to the Minister of Health in Alberta and any other Minister in any other Province which is considering these kinds of actions, that she is really serious about being able to deal with the problem. She will also give Canadians who are in favour of preserving medicare a more real and viable political option around which to rally and give support, providing that the Act does these things which I have mentioned.

Right now, she only has the negative option of literally kicking Alberta out of medicare, and this is not something around which, I believe, she can as effectively rally pro-medicare Canadians. Whereas, she could rally pro-medicare Canadians around a Canada Health Act, because it would be a positive action. That is why I suggest this to her and why I wanted to take this opportunity to elaborate on the reasons that I believe it is so very, very important that by the end of June, we see something around which pro-medicare forces in Canada could gather. Otherwise, if the Minister fails to indicate her intention to remove herself from the box that the federal Government put itself in as far back as 1977 went it adopted block funding, then the Minister of Health in Alberta and all the others who would erode Medicare, will know that the federal Government and the Minister are not serious about trying to do something. The federal Government will have failed to indicate its intention to give itself the capacity to