

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Monday, March 5, 1990

TIME — 8 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Edward Helwer (Gimli)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. Downey, Enns, Hon. Mrs. Hammond

Messrs. Ashton, Edwards, Evans (Fort Garry), Harper, Helwer, Maloway, Praznik, Rose

* Substituting for Mr. Burrell, Mr. Helwer

WITNESSES:

Mr. Luc Jegues, Private Citizen

Ms. Melany Jackson, Private Citizen

Ms. Juliette MacDougall, Private Citizen

Ms. Lucy Marion, Private Citizen

Ms. Donna Payne, Private Citizen

Ms. Lila Hornby, Private Citizen

Written Presentation Submitted:

Mr. Robert MacGregor, Unicity Taxi Ltd.

APPEARING:

Mr. Jay Cowan (Churchill)

Ms. Judy Wasylycia-Leis (St. Johns)

MATTERS UNDER DISCUSSION:

Bill No. 31—The Labour Relations Amendment Act

* * * *

Clerk of Committees (Ms. Patricia Chaychuk-Fitzpatrick): Order, please. I call the Standing Committee on Industrial Relations to order. I have the resignation before me of Mr. Ed Helwer as Chairperson for the committee; therefore, the position of Chairperson is open. Do we have any nominations for the position?

Hon. Gerrie Hammond (Minister of Labour): I would like to nominate Darren Praznik.

Madam Clerk: Mr. Praznik has been nominated. Are there any other nominations? Mr. Praznik, you are elected Chairperson.

Mr. Chairman (Darren Praznik): Thank you. I call this committee to order. The Honourable Minister.

Mrs. Hammond: We would like to substitute Mr. Helwer for Mr. Burrell.

Mr. Steve Ashton (Thompson): In terms of substitutions, the House is sitting, so I would suggest if people have substitutions that they make them in the House.

An Honourable Member: Parker is sick. Can we not do it here?

Mr. Chairman: Order, please; order, please.

Mr. Ashton: I am just saying that the House is sitting. It would just be a matter of getting a Committee Change form filled out and then—

Mr. Chairman: I understand we can do substitutions by leave. Is there leave to make this substitution? The Member for St. Vital, on a point of order?

Mr. Bob Rose (St. Vital): Mr. Chairman, if I could hear the substitution repeated, I did not get it, I am sorry.

Mr. Chairman: Yes, I believe the Minister of Labour (Mrs. Hammond) has moved that the Member for Gimli (Mr. Helwer) substitute for the Member for Swan River (Mr. Burrell), who has taken ill. That can be done with leave, I understand. Is there leave to do that? The Member for Thompson.

Mr. Ashton: I just want to say that you have to make the substitution anyway in the House, but we can accept that. I just request that it would be easier I think for the staff and for everybody to keep track of things if the change was made concurrently in the House. There are Bills being debated, so we can get up actually on leave right now and make the change. So I suggest we will accept it by leave, but I would urge we confirm it tonight.

Mr. Chairman: The agreement then is, we have leave if it is reconfirmed in the House at some point tonight. Then the substitution, is it agreed to? (Agreed). Thank you. Then I would like to tender my resignation as Chair of this committee.

* (2010)

Madam Clerk: I have before me the resignation of Mr. Praznik as Chairperson of this committee. Therefore, the position of Chairperson is open. Are there any nominations for the position? The Honourable Mr. Downey.

Hon. James Downey (Minister of Northern and Native Affairs): I would like to nominate Mr. Ed Helwer, the Honourable Member for Gimli.

Madam Clerk: Mr. Helwer has been nominated. Are there any other nominations for the position of Chairperson? Mr. Helwer, you are Chairperson.

Mr. Chairman (Edward Helwer): Order. This evening the Standing Committee on Industrial Relations resumes public hearings on Bill No. 31, The Labour Relations Amendment Act.

If there are any members who wish to check and see if they are registered to speak to the committee, the list of presenters is posted outside of the committee room.

If members of the public would like to be added to the list to give a presentation to the committee, they can contact the Clerk of Committees and she will see that they are added to the list.

If there are any presenters from out of town, or presenters who are unable to come back for subsequent meetings, please identify yourself to the Clerk and she will see that your names are brought forward to the committee as soon as possible.

Just prior to resuming public hearings, did the committee wish to indicate to the members of the public how late the committee will be sitting this evening? Ten o'clock? Do I hear ten o'clock? Is ten o'clock fine? Agreed, ten o'clock. Just prior to going to our first presenter, I would like to inform the committee that a written brief was received from Mr. Robert McGregor on behalf of Unicity Taxi. This brief is being distributed right now.

I will start at the top of the list then. Mr. Sidney Green, Ms. Buffie Burrell, Mr. Ken Crawford, Mr. Irvine Ferris, Mr. Randy Porter, Mr. Michael Campbell-Balagas, Mr. Wayne Andon, Mr. Alain Trudeau, Mr. Eugene Fontaine, Ms. Heather Orton, Mr. Art Barnson, Mrs. Jan Malanowich, Mr. Bill Comstock, Mr. Larry Rumancik, Mr. David Hisco, Ms. Annette Maloney, Mr. Chris Monk, Ms. Joanne Maciag, Mr. Welland Ritcher, Mr. Dale Neal, Ms. Beatrice Bruske, Mr. Garry McGowan, Mr. Dan Goodman, Ms. Nell Clarke, Miss Michaela Toffler, Ms. Susan Koo, Mr. Erskine Lord, Mr. Luc Jegues. Please come forward. Mr. Jegues, please proceed then.

Mr. Luc Jegues (Private Citizen): I am here this evening to speak against the repeal of final offer selection. I work at St. Boniface Hospital and even though we have not been on strike, we have come very close a number of times. We have essential services but that just provides a skeleton crew of employees, providing the bare minimum of services. Even with essential services, the hospital has had to discharge patients prematurely. They stop accepting admissions and other hospitals must take the surplus of patients that would have been admitted at St. B. This greatly increases the other hospitals' operating costs; some of these additional costs are increases in overtime and sick time.

I say that this also has a negative impact on the quality of patient care. Manitobans expect a high level of care when they or their families are in the hospital. I believe that most Manitobans are in favour of FOS because it avoids or limits strikes which could affect the care they would be receiving while in the hospital. I believe that FOS is an effective catalyst to jump-start negotiations when they break down.

The majority of FOS applications do not usually end up with the selector choosing either the employer or

the union's final offer. What happens more often than not is that negotiations get back on track and a favourable settlement is reached between the two parties. I believe FOS is working to the benefit of both unions and the employers and I would like to urge all MLAs to vote against the repeal of FOS. Thank you.

* (2015)

Mr. Chairman: Mr. Jegues, there may be some questions.

Mr. Ashton: Yes, one thing I would like to ask you about is, what your sense is in terms of the mood of people you have talked to. One thing that I am puzzled about myself, is that here we are dealing with a Bill that would eliminate a process that was put in place for a five-year period, as a trial. It is new, it is innovative. It has been in place for two years. Most of the statistics, most of the arguments we have heard have suggested at the very least that it is working, and the strongest argument we have heard against it is that you cannot tell from the statistics, which leaves me to really ask where the pressure is in terms of getting rid of it. From the people you have talked to, are you hearing a lot of people saying that the Government should get rid of final offer selection? If not, what are people you have talked to saying?

Mr. Jegues: Some of the people that I work with, and other friends and other family members do not like strikes in general. They like the idea of FOS, because you can avoid a strike which is costly to the employer as well as the employees who have to lose wages and whatever. There have been a lot of applications for FOS and a lot of times it gets the two parties to get back on track and negotiate and reach a settlement. That is what a lot of people are telling me.

Mr. Ashton: In other words, there really is not a great push, the groundswell of support for the Bill which has been introduced by the Conservatives, and at least up till now has been supported by the Liberals. You are saying that people are suggesting we keep final offer selection, if anything, and not get rid of it.

Mr. Jegues: That is correct. Yes, that is the feeling I get.

Mr. Ashton: As I said, it has been puzzling in terms of some of the dynamics behind this. One of the concerns that has been expressed is the fact, as I said, that this was put in for a five-year trial period, and the suggestion has been made that if five years is considered too long, that a shorter time period can be considered. I am just wondering what your thoughts are in terms of the trial period, whether you support the trial period, whether it be four or five years, and what your recommendation to Members of this committee would be in terms of how we proceed from here, in terms of this Bill.

Mr. Jegues: I think the five-year trial period is a reasonable length of time to see whether FOS is going to work, if it gives an unfair advantage to either labour

or the employer. You need some time for that. I think FOS has been used five times, and out of three times the selector has chosen the union's position; and the other two times has chosen in favour of the employer. So that is a relatively equal number, the selector selected the employer twice and the union three times; that is pretty reasonable and equitable.

Mr. Ashton: The concern has been expressed that somehow final offer selection leads to division in the workplace, or even the potential for it, and this is one of the arguments that has been used, supposedly, against it. I am just wondering if you would perhaps describe to us your particular workplace, and whether there has been any negative impact at all in your workplace with the number of people you work with, from having final offer selection these past two years.

* (2020)

Mr. Jegues: I think most of the people I have spoken to in my workplace like FOS because, whether it is the employer who applies for FOS or the union, the employees get the final say, whether to go ahead with FOS or not. That is one of the things that they like. They get to have a say. I think that a lot of the people that I talk to like FOS because of that. That is one of the reasons that they like FOS.

Mr. Ashton: In other words, it does not take away the right to strike. What it does, really, is provide an alternative, as you said, which can be initiated by either side, but does still fundamentally protect the right to strike. One of the concerns that has been expressed too, is, somehow final offer selection can increase the length of strikes. The rationale behind it is that people are somehow going to go on strike for 60 days, because you can take advantage of final offer selection after the 60-day period.

I am just wondering if you feel that is a legitimate point. I mean, a number of us have felt that it is rather absurd to suggest that people would go on strike to take advantage of a procedure they can access prior to being into a strike situation. But do you believe that is a legitimate criticism of final offer selection?

Mr. Jegues: No, I do not think so, because from what I understand of FOS you can apply for FOS 60 days before the expiration of your agreement, or 60 days afterwards. You never can tell when negotiations are going to break down, and if they do break down, I guess after the expiration of the agreement, then you may have to go on strike for a length of time. It is hard to tell whether you are going to be on strike for a long time or a short time, so at least strikes do not have to go any longer than 60 days. At that point, if negotiations are now back on track, then you can apply for FOS.

Mr. Ashton: There have been other suggestions too that, in particular, final offer selection weakens the accountability of a union leadership to its members. We have had people come to this committee from both sides, union leaders and many individual workers as

well, who have said that has not been the case. I would just like to ask you for your own opinion of it. Do you believe that final offer selection, as it currently exists in legislation in Manitoba, in any way weakens that accountability between the union leadership and its membership?

Mr. Jegues: No, I do not think so. I think it actually increases the accountability of the union leaders to their membership because they really have to advise the membership in which best direction to go. You know, strike action might not always be warranted. FOS might be a better tool to get the negotiations back on track.

Mr. Ashton: As I said, the reason I am asking these questions, these are questions that have been raised by those who are opposed to final offer selection. I would just like to give you an opportunity here, and ask a question in the hopes that you will be able to talk directly to those on the committee. There may be some still who have an open mind on the issue, who perhaps previously had thought of supporting the Bill which would get rid of final offer selection, but perhaps now are looking at some arguments as to why we should keep it. I am wondering what you would say to Members of the committee who do have an open mind on this, to persuade them to support the maintenance, or retention of final offer selection.

* (2025)

Mr. Jegues: I think that, if you look at FOS and you see what it can do, look at the good points, it enhances negotiations, it tries to bring the two parties together. Without FOS, if negotiations break down, you only have one other alternative, to strike. I think that they should really try to allow the trial period to go through, and look at FOS then.

Mr. Ashton: As I said, we are hoping that people such as yourself will be able to get the message over to committee. I want to thank you for coming forward, and from your own personal perspective speaking on this very important matter. Thank you.

Mr. Chairman: Any further questions? If not, thank you for your presentation, Mr. Jegues. Next presenter, Mr. Gilbert Lorteau, Mr. Bernard LeBlanc, Ms. Debbie Oram, Mr. Cliff Beaulieu, Ms. Anne Goodman, Ms. Joyce Hill, Mr. Robert Schick, Ms. Kathy Coulombe, Ms. Diana Leclair, Ms. Melany Jackson. Is she here? Okay. Have you a written brief? No, okay. Would you mind bending down the mike a little, so we can hear you. Thank you. Please proceed.

Ms. Melany Jackson (Private Citizen): Thank you. I work for SuperValu 1505, that is the Westfair Foods Company. I have worked there for six years, so I have worked through the strike. I have seen nothing good come out of that company. Maybe it would help if I just go back in time. I had a serious car accident before the strike, about six months before the strike, and their attitude towards me after that time was, I have something wrong with me, so it may not get better, so

get rid of me. I watched the strike. I did not deal with it because I was on disability at the time, but what they were offering was so unfair and unreasonable that nobody would agree to it. It was just so far-fetched that I thought of it as a joke that they would actually offer these things. It is a tug of war; they want to see who can last longer. The strike lasted a long time, the people had no money and had no way of income, and the only people behind them was the union supporting them. Behind Westfair, they have a lot of money to the point that they had to walk all that time on strike when it was for unreasonable issues.

So I think that if FOS was there all the time that they would not have to do that. I know my brother-in-law works for Canadian now but it was Pacific Western, and they did not have FOS. My brother-in-law is supporting a wife and two children. While they were on strike during the winter, they had no money and they just kept on walking the picket lines. I do not think that was fair that they had to kind of beg for food and money to survive. It is just not fair.

Mr. Ashton: I would like to ask you a few questions about your work situation, your workplace, the people you work with, and then lead into some questions about final offer selection afterwards. Approximately how many people do you work with in the store?

Ms. Jackson: In my department I am in a photo lab so there are six people in the photo lab, but a maximum of two people working at one time.

Mr. Ashton: Do you have any idea of how many people would be working in the store overall?

Ms. Jackson: Five hundred, six hundred.

Mr. Ashton: I am just trying to get some sense because what I am going to ask you really is what they feel. We have heard people coming to this committee say that people, regardless of whether they walk the picket lines during the strike, whether they crossed the picket lines during the strike, whether they were not employed at the time—

An Honourable Member: Whether they walked the picket lines—

Mr. Ashton: I have an echo here. Excuse me?

An Honourable Member: It sounds pretty good. Could we run it again?

Mr. Ashton: We are hoping the repetition gets the message through to the committee here, but I want to ask you what people are saying about final offer selection. We have had people come to this committee saying that it is a positive thing. What are people saying in your workplace about final offer selection?

* (2030)

Ms. Jackson: Since I have worked there so long, I know all the people who have been in my store for a

long period of time. FOS is the best thing because everybody—the feelings that the employees have against the management at SuperValu now is not very good. They just do not want to ever strike again, the people who have been on strike. The people who were hired after the strike—it is funny because they are getting a minimum wage, or they are making very low—and people who have been there are making a lot more than they are. They are doing the same job; there is no difference between the jobs. They are getting paid maybe eight dollars less for—

I see no reason and that is because the company, when the strike was on, they would only settle for that. The strike would have lasted longer, and it would have been more stressful and more tension, I guess. So people who have not been there a long time do not know what it was like, but they know how the management is.

As I was saying before, I was on disability from SuperValu. I was in a car accident, a serious one, and I was fine to go to work but not at the same job. Because I was not the same, I was not good enough to work there anymore, and they made me aware that I was not up to their standards anymore. They told me that personally and they said, well, you are not good enough to work here anymore when, as you can see, I look—it is just knowing how they act and deal with issues like that and how they are when we were on strike. Now, it is funny, the management once a month picks on one person in one department and just does everything to make that person quit or leave. If they are at top wage, they do not want them anymore kind of thing. And it is sad to see them push and bully people around when the people really do not deserve it, even if they are hard working.

Mr. Ashton: It is interesting, because on Friday we had the vice-president of labour relations for Westfair Foods who came to this committee and said there are very good relations at SuperValu. He indicated one of the reasons he said that was because there was a good turnout at the Christmas party. Quite frankly, I was amazed when I heard that, because I know what people such as yourself have been saying that it is anything but that. You are saying that since the strike there have been continuing problems in terms of the labour relations at SuperValu.

Ms. Jackson: It is very degrading to get told in front of other people things that you are doing wrong, when it is a lie. They will say that you have done these things, that you have not even gone near or tried, and they blame people. Well, I have been blamed for things I have not had any part of, and it is because they did not want me there to begin with. They will do anything to get rid of me now.

Mr. Ashton: One thing that happens often in a strike situation is that people end up going on strike over some contract issues and over general frustration in the workplace. I have been through a couple of strikes and that was certainly the case in one of them, where many people were as much upset with the company generally as over any specific items, and it was just

Monday, March 5, 1990

the general attitude. Would it be reasonable to say that there could be another strike at some time in the future at SuperValu, in your mind, unless some of these problems, some of the ways in which the employees are treated, are settled?

Ms. Jackson: I would see one in the future, because they are not going to settle for, say, how Safeway gets a contract. They work with the workers. They do things with them. Westfair will do things and say, either you do this this way or else leave; you do not have to work here. It is either you do what they say or else go. That has been the attitude that they have carried for about four or five years now, and I do not think it will stop.

Mr. Ashton: So if final offer selection is not available in the future, you may very well be faced with really one choice and one choice only if you feel that there are continuing problems, that their contract is not a fair contract. Currently though you would have two choices, to go on strike or else to have FOS as an option to that. So you are suggesting to this committee that some time in the future, whether it be this or upcoming contracts, you think what happened in 1987 could repeat itself.

* (2035)

Ms. Jackson: Yes. I know co-workers, as myself, do not want to get pushed around anymore. They want to be treated fairly, and right now you are not. It is obvious.

Mr. Ashton: One thing that people said before the committee, too, people such as yourself, was that a lot of the bitterness over the strike continues to linger. You saw people cross the picket lines, for example. In the workplace a lot of people will not necessarily talk to them. You had families who were affected by this, families that broke up, families that split.

I am wondering what the impact was in terms of the people you know, whether it be in your immediate workplace or the store generally or families and friends. Has that been your experience, that it created a fair amount of bitterness, and if so, has that bitterness continued?

Ms. Jackson: At times it does continue, my bitterness for them—not for the strike but for other reasons. Then they will turn around a minute later, or a day later, and do something very unusual, very helpful, very nice. It is unusual.

I know, as I was saying before, when my brother-in-law was on strike with Pacific Western he was very irritable. Our whole family was upset. Their children, they were one and two so they did not know that he was on strike, but they knew there was something wrong, so their whole family was chaos. It was a very upsetting time for everyone.

Mr. Ashton: The representative from Westfair that came to this committee said he felt that to have effective collective bargaining there had to be—and this was his word—the fear of a strike or a lockout.

Now you have been through what can happen in that situation. You are before this committee to suggest that we keep final offer selection. What are your views on that statement, that argument that is used? Do you feel that is the way disputes should be settled between workers and managers and over fear?

Ms. Jackson: Westfair Foods, their worst quality is their fear tactics. They will try and scare anyone into anything. Most of the time the workers at SuperValu, the majority of them are under 22. They are students going to school, and it scares them. Right away they get scared. They run back. They will do whatever Westfair tells them to without really realizing that they are letting them get away with everything, which I do not think is fair.

Then, whoever stands up and says, this is not right, you guys are not being very fair, then they will do it against the other worker and go down the line. They get pressure from their management who gets pressure from theirs, and it falls down to the employees, which is worse. We all get in trouble for absolutely nothing, because they are under so much pressure.

Mr. Ashton: It sounds familiar, because I know for years that was the way it was at Inco and certainly is still to this day in some ways. Even Inco has started talking about co-operative management.

You are suggesting that this fear that Westfair talks about in terms of strikes as being their way of getting what they want in negotiations, also applies on a day-to-day basis, that they operate on the basis of fear day to day.

Ms. Jackson: Yes, they do.

Mr. Ashton: I have mentioned before to members of the public making presentations, this is a committee, it is unique. This is the only province in Canada that has this form of committee hearings, that allows members of the public such as yourself to come forward and make a direct appeal to the Members of the Legislature, Members of this committee.

I would like to ask you what you would say to the Members in this committee in any way, shape or form, who have not made up their mind yet. Obviously, there are those of us like myself who want to save final offer selection, but to those who feel they previously were predisposed to getting rid of it, or perhaps have not made up their mind yet, what would you say to them from your own personal experience. What would your recommendation be to them? What kind of factors should they be looking at in making their decision on whether to keep final offer selection?

* (2040)

Ms. Jackson: My opinion on final offer selection is to keep it. As a province it would be unique if we are the only ones that have it now, to keep it, to prove—hopefully to get all the other provinces to have it in their province, keep having it so things are more fair between a company and the workers. I know that in

FOS they have to make an agreement and the union or someone else would have to make another agreement, and someone would pick between the two. If the company knows that, they are not going to make an outrageous contract. They are going to say, well, we are not going to get picked as the offer or the contract, if we are just, like, unreasonable. If the union, that is, their contract seems fairer and makes more sense, that somebody is going to pick them instead of the company when as, where the company goes in to make this agreement, they are not going to take outrageous claims. They are going to think about it and make it fairer to begin with, so both offers will be quite fair. That way it will be picked between one or the other, and it will not be so unfair to the parties.

Mr. Ashton: I thank you because in a way, you put it very succinctly from your own personal experience. I would like to thank you for your presentation to this committee, and I really hope people listen.

Mr. Chairman: Just a minute, Ms. Jackson. Mr. Rose has a question.

Mr. Rose: Thank you, Ms. Jackson, for coming to convey to us your feelings on the strikes and FOS, and your experiences and your co-workers. One of the things that we have heard that for years has been contentious and probably certainly besides wages is the number of hours. We were rather surprised to hear that almost the maximum for most employees is 24, and then it goes to 21 and 18 and even less. I am wondering is this, to this day—I guess I know the answer, but, let us put it this way, I imagine this is still probably one of the minor problems with the employees of Westfair, and particularly of Superstore.

Ms. Jackson: Yes, it is. Actually, before the strike I was getting about 22, 24 hours a week. After the strike, when they would not take me back to that department, and I got switched, after almost two years, I am making eight hours a week. I could not live on that. There is no way anyone could live on eight hours work a week, so I went back to school. I thought that would be the only economical way. For me to be at work for eight hours a week, I would not have money to pay for rent, to buy food, for anything, so I went back to school.

Mr. Rose: Mr. Chairman, it may be the last two questions, but first of all, what would you think that would be, briefly if you could, what could the company and the union agree to that would get you more hours. Secondly, I would like to know, just what arrangement the company has, eight hours is not very much, to bring you on duty. How much notice, do you have to sit around for a long time and wait for them or what is the circumstances there?

Ms. Jackson: I work in the photo department. It is a very seasonal job. During the summer time I will get a lot more hours, but it has been very slow lately, so it has been up to a maximum of five hours a week, for a month at a time. Other departments, it depends on how well they are doing. I used to be in the meat department. That is a stable department, and you are

guaranteed that many hours all the time; but because I am in the photo department, and there are only six people working there, I am not guaranteed any hours, so it is whatever I get I am lucky. The people who are making the \$5 an hour in our department are getting more hours than us, but still their cheques are less than ours, even though they work more than us. We do the same jobs exactly but we are classified as different things, different people, like a specialist and an assistant. It is the same job, so sometimes we do not get along because the other employees will look and say, why are you worth so much more than I am? What is the reason? I have been working for this company longer.

Mr. Rose: Just before—if my memory is correct—and during and after the strike in 1987, I seem to have heard a lot of stories and I had a hard time squaring with the stories, but I would like your views on it, if you have the information. That is, we heard a lot of stories that, well, a lot of the employees of Superstore only wanted a limited number of hours. Number one, they had other jobs; and No.2, perhaps in the case, particularly of female employees, they only wanted to work 18 to 20 hours a week because they had a family and a home to look after. Is there any truth to that and to what extent may that be true?

Ms. Jackson: The only way that would be true is if a female had a family and restricted herself and said she could only work during these times. But you are allowed to pick how many hours you want to work, like if you want to work Friday nights only, you will get Friday nights only, if they had the hours for it. Otherwise, you will not. It depends on your restrictions and your availability—if you are available any time or no time. But even then it depends on the department and how busy the department is and what time of year it is, because if the department is not making that much money you are not going to get the hours and it is going to be divided among all the employees.

Ms. Judy Wasylycia-Leis (St. Johns): I first of all want to thank you for coming forward, Ms. Jackson, and giving your human story in terms of this very important issue. It seems to me that a lot of the presenters actually have been women, and in my view it seems that women are taking a real leadership position on this issue, maybe because it impacts upon women particularly in a particular way. Is that a fair assessment of the situation, that FOS is really important to women, perhaps even more important to women than other workers in our society?

Ms. Jackson: I think in this situation at SuperValu, whereas the management will try to take advantage of their employees considering that the majority of the employees at Westfair Foods are females and they are not, what can I say, brave enough, to say that they are not going to do these things, they are going to be intimidated by their boss or others in charge of them.

Ms. Wasylycia-Leis: Yes, some of the presenters have suggested that women have really been leading this fight, because the old way of doing things is most

difficult for women, that long, prolonged strikes with a lot of conflict and a lot of nasty tactics around them are not to women's benefit, especially if they have family to worry about and if they do not have the kind of economic security that a lot of men do. Would that be the case, in your view?

* (2050)

Ms. Jackson: I think, especially during the Westfair strike, the majority of the workers, females, had children, had to support their children. They crossed the picket line. They had to work, they could not live on strike pay. In their opinion I am sure it was more of, they would like to strike, they would rather strike, but not having the funds to strike, not enough, they crossed the picket line and worked.

Ms. Wasylycia-Leis: From your experience in terms of the strike you were involved in, can you describe the impact it had on families and in particular the women who you worked with in terms of their personal lives and their family situations?

Ms. Jackson: At the time of the strike I worked in the meat department, where the majority of employees were female. A lot of them were divorced or separated and had small children, and they had to support these children. There was no way they were going to walk the picket line. They had to work; they needed the money. Their feelings did not really count, because they believed everything that everyone was fighting against, but they could not do anything about it, so they were defenceless. It was very unfair for a lot of them, and the conflicts of them versus the other employees at SuperValu were—they were getting called names, they were being harassed all the time, but they were forced to work. They had to work, otherwise they would not eat. I do not think it is fair to put people under that pressure, especially women.

Ms. Wasylycia-Leis: So what you are saying is that in terms of basic survival and of keeping families together, in terms of carrying out one's family responsibilities as well as do one's job, women in particular were looking for a different approach to labour disputes, were trying to find ways that would actually be a benefit to the needs of women in the field but not involve those long, prolonged strikes.

Ms. Jackson: Yes.

Ms. Wasylycia-Leis: On that same sort of issue, I get the feeling that women are also not only in terms of sort of the economics of the situation and because of family responsibilities fighting for FOS, but also because they really believe there is another way to achieve the same end, that there are more peaceful, co-operative ways to achieve what we all want in society. Do you think that is a fair statement, that women really believe that there is another way in terms of the fight that workers have in the workforce?

Ms. Jackson: I feel women think in a different manner than men. Because there are more women in the

workforce today, their idea is not to scare people; it is not to fight. It could be done in a more peaceful way, like FOS. I do think it would be helpful for women to have FOS available to them.

Ms. Wasylycia-Leis: Just a final question on that. In fact, I asked a male trade unionist the same question, and I would be interested in hearing your response. My question was, is it fair to say that in fact men in the trade union movement have had to rethink their own approaches to conflict resolution and to labour disputes and to perhaps abandon some of the more competitive, macho ways of handling problems, and looking at new ways that women have talked about for a long time? Do you think that is happening in the trade union you are a part of, that in fact there has been a transformation in terms of approaches to labour disputes in our society?

Ms. Jackson: Yes, I think the Food and Commercial Workers Union is thinking from a different aspect than they were before. Now they are thinking more of how we would like to have it done, how we would think, how we would feel, and I think—I do not know about any other unions, what they are trying to do. Then I think the male-dominated unions should start thinking this way, the way our union thinks.

Ms. Wasylycia-Leis: Just a quick follow-up to that. Let me ask you; I will not put words in your mouth. Would it be fair to say that this sort of approach and this set of values that you talk about in terms of your own work situation would also be usefully extended, not only to the broader labour movement, but also to the management side of the equation as well as to broader society in general, including politics?

Ms. Jackson: I think that, in the '90s especially, we are becoming even with employers and there are more women in the work force. If employers and employees think that way, then it will be a smoother run; it will not be so difficult to have it all one way or the other way. It will be in between so it will go out both ways. It will be helpful to everyone.

Ms. Wasylycia-Leis: Thank you very much. I really appreciated your coming forward this evening.

Mr. Laurie Evans (Fort Garry): Thank you for coming forward as well because you have given me quite a few ideas that I would like to pursue a little further. You currently have access to FOS. Do you feel that the availability of FOS has improved the relationship within your workplace?

Ms. Jackson: Yes, I do. I think their company thinks about things like that before they are going to throw these things at you that are totally unfair, that they know that it is unreasonable. They think about it before they actually do it now, whereas before FOS they did not.

Mr. Laurie Evans: Maybe I misinterpreted your earlier remarks, but I got the impression from the comments you made that it is still not what you would call a very harmonious workplace. Is that a fair statement?

Ms. Jackson: It is not fair, but it is better.

Mr. Laurie Evans: You are saying it is better than—

Ms. Jackson: It is getting better over the past, maybe six months. It is getting better, from my point of view.

Mr. Laurie Evans: A further comment or question then is, do you feel that it is imperative that you retain the right to strike, even though FOS is available to you?

Ms. Jackson: It depends on what is chosen. If the contract is still very unfair to the employees, I think they should have the right to strike on top of that.

Mr. Laurie Evans: Would you agree, then, if the decision is made that you are going to FOS, that it is then at that point in time you have lost the right to strike?

Ms. Jackson: It entirely depends on the situation, but I think in our company, the company I work for, FOS might not work at the beginning. They might just think, well, we can get away with this, so we are going to try. Whatever they can get away with, they are going to try for. If they are chosen and it is still very unfair for us, I think that we should strike on that.

Mr. Laurie Evans: I realize it is not an either/or situation, whereas if you agree to go to arbitration it is an either/or. The arbitrator makes a decision and that is binding on both sides. But I still have a little difficulty with the rationale that if you decide to go the FOS route, you should not expect then that when the selector makes a decision that should be binding for the period of time that the contract is negotiated for.

On the other side, you, the union, have the right to decide whether they go the FOS route or not. The management does not have the authority to say, no, we will not do it, if that is what the union wants. Do you not feel that this is stacking more on the union side by giving you both the right to decide whether you are going the FOS route and then the option to strike if you are not satisfied with the decision? I have a little difficulty with the rationale as to why you would think that you should have both of those options open to you.

* (2100)

Ms. Jackson: Well, thinking what would be offered by having worked for the company for so many years, I know how they think. Well, I do not know how they think, but I have an idea how they are going to attempt to do something. From this time, I have not seen anything good come from that company. Their employee relations—personally, mine, I found very unfair. I do not think it was right to do that. How they treated me I do not think it was right for anyone to treat any person, let alone an employee, in that manner.

I am not on the company's side at all. I think anything against the company—like, we are for employees. Considering what they did to me, knowing that if they had the chance to do that to another person, they would. It was so degrading and so demeaning. My thoughts of the company—I do not like them.

Mr. Laurie Evans: In essence, with FOS you have the two choices. You either go the FOS route initially, with the decision being made before the contract runs out, or you go the FOS route after the strike has taken place. After the strike has taken place, the FOS decision is binding. Is this correct?

Ms. Jackson: I believe so.

Mr. Laurie Evans: So you have essentially lost the right to strike if you have—you cannot strike a second time.

Ms. Jackson: No.

Mr. Laurie Evans: In your experience with Westfair, would you visualize the likelihood of a negotiated settlement occurring, or would you think that going to FOS would be virtually automatic with the union at Westfair?

Ms. Jackson: It would go to FOS, I believe. Knowing that they would be chosen, either their side or the union side, that their offer would be reasonable. It would not be all wages. Just for them to do that, to make an acceptable contract, would be something nice to see.

Mr. Paul Edwards (St. James): It has been very interesting to hear your comments. I thank you for coming forward as well. I just wanted, specific to your comments about the use of final offer selection and your feeling that the union would probably want to go to final offer selection, it might interest you to know—I am not sure what history you have with Westfair, in terms of how long you have been there—that they did have final offer selection in the contract between Westfair and your union from 1983 to 1986. In other words, we did not have the statute then, but it was actually in your contract.

That was how the contracts were settled between 1983 and 1986. In 1986 it was negotiated out. I do not know the details of how it came to be out, who requested it, or how that came to be. In any event, it was negotiated out, and in many respects, obviously from the union's point of view, that would have been an error, seeing as in 1987 there was the 125-day strike. You might be interested also to know that following that strike it was negotiated back in, in a different form.

There are final offer selection provisions in your contract right now. I do not know if you are aware of that. For this round of negotiations now, there have been some concerns expressed that if this legislation is repealed outright, those provisions might not be binding because they specifically refer to the statute. I simply bring that to your attention. I have listened with great interest to your comments, and I can say I have sat through hours and hours. You have been a very refreshing presenter. I thank you for coming forward.

Mr. Chairman: Thank you for your presentation. I will continue down the list. Ms. Melody Cushnie, Ms. Colleen Pearce, Ms. Sandra Cwik, Mr. Ralph Conia, Ms. Rita Mogg, Mr. Eric Jalpersaud, Mr. Remi Serraton, Ms.

Juliette MacDougall. Is she here? Please proceed, Ms. MacDougall.

Ms. Juliette MacDougall (Private Citizen): First of all, I did not bring a letter to read. I have been driving around for three weeks, trying to figure out what am I going to say. So I am a little bit nervous.

First of all, I am a single mother. I have been in the workforce for 26 years. I am also a grandmother. When I stop to think of FOS—and it has been in 1987 now, so that is coming up three years—what I had before then, I had nothing. I work at St. Boniface Hospital. I have been there going on 10 years. I did work at Westfair in 1978, so I had a touch of what they went through. A lot of what she was saying hit home.

We have not had to involve FOS—I am very nervous—at St. Boniface Hospital, thank God. But if I was ever involved in a strike, and there was an FOS option, I would like to see it enforced because I stop to think now of—our doctors are going on strike, but they are going to have binding arbitration. What about the working person? What about us? What rights do we have? FOS gives us a right. It gives us a chance; it gives us something that we can accept, where we know somebody is looking fairly at a contract.

The reason I say that is because there is not anything in this society where we do not use a mediator of some type, be it a child guidance councillor, marriage councillor, whatever. With FOS I am very strong. I normally do not say anything until I believe in it in my heart and in my gut. That is how I believe about FOS. That is all I have to say. Thank you.

Mr. Chairman: Are there any questions? Mr. Cowan.

Mr. Jay Cowan (Churchill): Thank you for that presentation, Ms. MacDougall. It is very helpful to have individuals like yourself who have experience directly in the workplace to come out and speak on this issue which we tend to approach from a more theoretical or abstract perspective.

You indicate that you have not used it in your own work situation yet. That is at St. Boniface Hospital?

Ms. MacDougall: That is right.

Mr. Cowan: Are you involved actively in the union at the hospital or in the negotiations for the union?

Ms. MacDougall: I am a shop steward. I have not been too active the last years; I have been on compensation.

Mr. Cowan: So you are aware of the negotiations, but are not directly involved in them for the most part. Would that be an accurate assessment of the situation?

Ms. MacDougall: That is right.

Mr. Cowan: As a shop steward, you of course see the results of negotiations and the results of agreements that are reached through the collective bargaining process. Have you personally ever been involved in a strike?

Ms. MacDougall: Not personally, no. Sorry.

Mr. Cowan: Have friends of yourself or your family been involved in a strike to the extent where you had discussions with them about the impact it had on them?

Ms. MacDougall: Yes.

* (2110)

Mr. Cowan: I tried to take down what you said as verbatim as I could, so I am going to paraphrase it. I think it is pretty close to your actual wording. You said the thing that you like about final offer selection is that you know somebody is looking fairly at your contract. Maybe you could elaborate on that for one moment. Why is it you feel it is important to have that legislative mechanism for fairness with respect to contracts?

Ms. MacDougall: Because I believe that management looks after management. We, the employees, are fighting for our rights, proper wages, job security. If management does not want to give what we are looking for, we need somebody in there to say, all right—like Miss Jackson stated earlier, management offers you one thing. We are looking for another. Management knows that FOS is in still, and they will offer something better. She was right.

Mr. Cowan: So you think that when management comes to the bargaining table, to the contract table, to the set of negotiations, they have in mind their own objectives which are not always consistent with those of the working people whom they employ. Could it not be said conversely that unions themselves have in mind their own objectives which are not always consistent with management and that you would find sometimes there is enough common ground that a settlement can be shaped, but in other instances, the irreconcilable differences between them, the gulf between them is too wide to be solved under ordinary circumstances?

Ms. MacDougall: I have two questions out of that. One question, I am sorry—first of all, I would like to answer the first part of that in that, yes, I do believe strongly that management looks after themselves. The reason being is because I have had to deal with management directly because of my compensation. Secondly, the union does look out for the workperson—I cannot say workman anymore because that is not what it is. We are workpeople. They try and get us the best. I never was, at one point, a union person. But I have to say, thank God for unions, because they have saved me my job many a time over because of being treated unfairly from management, like being fired when you are on comp. You do not get fired when you are comp. Things like, they try to pull out the contracts that did not give me job security, but the union was there. The union argues for the workperson against management, and if there is something that is not quite clear for the workperson, yes, then I can see FOS coming in. I hope that answers your two questions.

Mr. Cowan: So in the instances where the differences in approach are so great that they cannot be solved

by normal methods, you either have a strike or a long, protracted drawn out set of negotiations which creates animosity and some bitterness, or you have another option available to you which would be something like final offer selection. Is that as you see it?

Ms. MacDougall: Yes, that is exactly as I see it. Nobody wants to strike. There is no winner. Not management, not employees, and not the public. I think the public suffers more, really. If there is a strike, it is not only the people that are striking that are paying for that. What about the other people that are involved in their unions who are paying off their pay cheques every pay to help the strike? Strikes do not solve anything. With a FOS in legislation we have a chance to avoid a strike, because then we do get fair contracts.

Mr. Cowan: Earlier on in your presentation, Ms. MacDougall, you mentioned that the doctors are asking for some recourse to binding arbitration in their particular dispute now. You worked at the St. Boniface Hospital, you said before?

Ms. MacDougall: Yes, I am still employed there.

Mr. Cowan: Do you feel that strike in that circumstance, whether it be by medical personnel or non-medical personnel, would be as disadvantageous to the public?

Ms. MacDougall: Definitely, definitely.

Mr. Cowan: So you feel in that particular instance, final offer selection could not only make the parties be more reasonable with each other, but could also help avoid a dispute which would have a profound impact on the general public. Would that be an accurate assessment?

Ms. MacDougall: Yes, that is very accurate. There is not one person, and I am going to include this whole room, that has not had somebody step between and help them out at one point or another in their life, and that is very important. We need somebody. We need to know that somebody is there in case we lock heads and cannot win, that somebody can help us out to solve a problem for what is best for that person involved.

Mr. Cowan: There is a sense of, in your presentation, frustration at the inherent unfairness of the system, that management has more rights and more power than do working people, and they can impose their will whether it be on an individual or on a union, if they so desire, that the balance of power is not really a balance of power, but that one particular group—management, or the owners of a business—have more power over the fate of that business than do the working people themselves.

Ms. MacDougall: Yes, I believe that very strongly, and a very good example of that is with the FOS right now. We have a minority group that I believe wants it in there, and some majority people do not want it in, but we have to look at who it is going to affect. It is going to affect the workperson.

Mr. Cowan: So you had personal instances where you felt you were being treated unfairly and your initial step

was to become involved or to seek the assistance of a larger organization of your brothers and sisters in the workforce through the union, and you have had experience where the union itself has come up against unfair circumstances and had to fight for its rights, and you have supported it in those efforts. Is that a fair assessment?

Ms. MacDougall: Yes, it is—

Mr. Chairman: Ms. MacDougall.

Ms. MacDougall: Sorry—

Mr. Chairman: It is okay.

Ms. MacDougall: —I was brought up rude—no, I was not. I am not used to this—

Mr. Chairman: It is just so the commentator can distinguish your voice from his, you see.

Ms. MacDougall: I am not that deep, I hope.

The union had to step in, in my case on several occasions. 1983 I was injured on the job, was off for three years. I went back to work into a position that was not within the limitations, but the hospital said it was. I reinjured myself 1989 on the other arm. As you see, I wear two braces, and that is not for decorative purposes. The union again had to step in, not with management this time, but with workman's compensation. So they have helped, yes, and I will back them, yes, because I believe in FOS and other little facets.

Mr. Cowan: I will ask one more question, Mr. Chairperson. I believe Mr. Ashton has a couple of—my friends across the table do not have any at this time.

One of the criticisms of final offer selection by those who oppose it, has been that they believe it upsets a delicate balance within the labour relations field that has been brought about year after year by having stable labour relations legislation. I had to put that question in the proper context, because it is interesting to note that whenever we have labour legislation that is being changed in a progressive fashion, there is a group in society, nominally the group that is either, or is aligned with, big business, that say that at the time those changes are being discussed we have a perfect labour relations climate here in Manitoba, one of the best in the country.

* (2120)

Then when a progressive change is brought forward, they say, well, that progressive change is going to upset the balance of that perfect labour relations climate that we have, and they talk about a dark cloud descending on Manitoba. They talk about business leaving, they talk about a poor business environment. Then when those changes go through, and are in place for a couple of years, and no changes are being made, invariably there are other changes that are proposed, and when

those other changes are proposed, they say, oh, look, we have the best labour relations climate in the country now, even though a few years before they said it was going to be destroyed by those changes that were brought into place—and now if you bring these changes forward, it will destroy the labour relations climate and we will have a dark cloud descend over our province and business will leave. It is a cycle that goes on and on like that.

The reason I made that point is what we are seeing now is a point in the cycle where three, four and five years ago, when the New Democratic Party Government was changing labour legislation, the business community and the Conservatives said that it was going to destroy our labour relations climate and our business environment. We made the changes anyway. It did not destroy it, and now, when this change is being looked at, they are saying we have a perfect labour relations climate without final offer selection; therefore, we have to get rid of it.

Do you think, firstly, that there is a problem with the balance of power within the labour relations field there? Do you think one side has more power than another? I have asked you that question before, but I ask you to reiterate in the context of this answer. And secondly, do you think that final offer selection will in any way upset the existing labour relations field to the extent where business would want not to move to Manitoba or to move out of Manitoba?

Ms. MacDougall: These are power questions.—(interjection)— Yes, but they are power questions—they are. I am relaxing now, and I feel sorry for you guys. Okay, let me try and answer that first question as best as I can with the knowledge that I have.

Yes, there is power tripping going on. We have a dark cloud, but not to the extent, I believe, that some people think. I think our dark cloud right now is security for the workperson. That is our dark cloud.

We need to know there is job security—one way or the other. We need that counsellor. They are marriage counsellors because they are making some kind of contract, okay? A bond. We need that. In my own opinion—I am not a politician—I do not believe that it would scare business away. I believe people would come here and want to work because of the fact that we have FOS. They know the chances of their striking are nil because the Government can say, we will look at your contracts, we will see what is the fair deal for the workperson.

It is the workperson who is making the society. It is the workperson who has put us all here. I have to be careful because I have three daughters, two grandchildren, and I want the best for them. Right now, as I see it, and it has only been in on a trial basis for a few years, FOS is good. It gives me some kind of security, and possibly them.

Mr. Ashton: You have been very clear in terms of your position on final offer selection, as have many people before the committee, and that is what we are here for, by the way. I really appreciate people such as yourself coming forward.

It is a unique opportunity to be able to talk to committee Members, and as I have said throughout this, those of us who are trying to save final offer selection do hope that this committee will perform its role and people will have an open mind.

What I would like to ask you is to just to go beyond yourself—and I have asked this before, and I am sure you heard it earlier. I want to ask you in terms of your workplace, if you are picking up people who are saying, get rid of final offer selection, because one thing that has puzzled me throughout this whole debate in the Legislature and even from some of the questions we have heard in the committee is that here is a Bill that has been in place for five years. It was put in place on a trial basis. If it works, presumably it could be reintroduced; if it does not, it dies a natural death. We are only two years into it, out of five years.

I have been trying to determine where this big clamour to get rid of final offer selection has come from. In fact, throughout these committee hearings I think we have had less than half a dozen people come forward and support the Government's Bill. Most of them, shall we say, are representatives of companies. They are paid to represent the companies. We have not even heard from the people who supposedly wanted to get rid of final offer selection.

What is your experience? I will start with your workplace. Are people against final offer selection in your workplace, or are people supporting your sort of position and the position of other presenters, saying that we should give it a chance?

Ms. MacDougall: As I stated earlier, I have not been working for the last year, but I do have contact with a lot of the people down there. I am getting a positive feedback, because at least they know that with FOS there is some kind of intervention, that they are going to get a good contract. They know that very soon we are going to be negotiating. They know that if negotiations do not come around—I mean, we all want good jobs and good security—if they do not get it, if management refuses and it comes down—I mean, I have done a minute countdown to when a strike might occur, FOS just might be able to come in there before or after the fact, from the knowledge that I know about FOS, having the two alternatives.

Mr. Ashton: I would go a bit further in terms of the community, because once again, one thing that has puzzled me is why the Government has been in such a rush to get rid of this, when we have heard from people saying within their own communities, outside the workplace, why not have an alternative to strikes that does not take away the right to strike? That is the beauty about this legislation. It does not take away the right to strike itself. It is still there as an option, but it provides an alternative.

It means that if you are in a situation where you have a contract dispute, it does not necessarily have to end up in a strike situation. I would just like to ask you. Are you picking up people—friends, family, neighbours who are saying, the Government is right, they should be getting rid of final offer selection, or are they saying

they want to see it kept? What is your sense of what people of saying?

Ms. MacDougall: They are saying they want to see it kept, because right now they are feeling that the Government is just for the business, period. They do not feel they are getting the security. They know FOS is there. They want it to stay, to leave it exactly where it is. It is not fair to give something only a couple of years. I do not know how often it has been enforced—and I do not think that often over the last two years, if any—but the thing is, in order to see something in action, you have to put it in action.

Mr. Ashton: As a matter of fact, that has been one of the points we have raised, and that is that no one has really been asked for their views, including the 72 bargaining units where it has been used in some way, shape or form. That is one of the questions that we have been asking the Government.

I would like to ask you a further question, and you probably heard me ask it before. I realize it was related directly to an official from Westfair who had come here and said that Westfair want to get rid of final offer selection. They thought you had better collective agreements where there is a fear of a strike or a lockout. I just want to touch on that, because you would talk in the sense, how you felt. Do you feel that is what we should be using to decide collective agreements, and come to a contract resolution in society—strictly fear, or do you feel there are other ways such as final offer selection that can provide contracts that are equally as fair without the disruption that occurs if the strike or lockout is the only weapon available?

Ms. MacDougall: All I can relate to you is a personal experience I went through a few years back when we were going for our collective bargaining agreement at St. Boniface Hospital. When we had our big meeting, we were told what management was going to offer us. You would hear people say, I cannot afford to strike, how am I going to feed my kids? I too was saying that. How am I going to feed my kids?

The union at that point said, okay, we cannot accept what they are giving, so they went back and forth for a while, came back and offered. By this time the people were so afraid of a strike, of losing their jobs for that period of time, losing their homes, whatever—and homes are a big issue nowadays—that they took. The union did the best they could to avoid the strike, which they did.

* (2130)

If we had had final offer selection, then, I know, the contract would have been looked at and said, this is not totally fair. I know you are not arbitrators. You do not go in and say we will take a little of this and a little of that. A selector is a selector, from my understanding. They go in and say, this is the best out of the two contracts. Obviously, if that would have been, it would have been very well noted that the contract that was accepted—and had no choice; we went down to the last minute—that we had to take it. It was not exactly

what we wanted, but we took it, because it was something a little bit better than they originally offered.

Mr. Ashton: It is interesting, because this has been one of the arguments that has been used against final offer selection, that somehow people are going to go on strike for 60 days and sit out on a picket line for 60 days, with all the loss of income and all the pressures and all the personal difficulties it creates, and then apply for final offer selection for that second opportunity that you mentioned. You have been through that sort of choice. Do you think that is realistic in any way, shape or form? Do you think there is anyone in their right mind who would ever go on strike for 60 days to apply for the second window of final offer selection?

Ms. MacDougall: Personally, I would not. That is my personal opinion, and that is why I am here, to give my personal opinion. No, I would not. I have to put in the same thing I did earlier when I made my statement. When people go on strike, when Westfair went on strike, \$20 a pay was off my pay. That is twice a month, because I was supporting—I believed in what they were doing. I was supporting them, because they were being treated unfairly. If FOS had been implemented then, and they had gone, that strike would not have occurred, and I would not have lost \$40 a month, which was food out of my kid's stomach.

Mr. Ashton: Well, I know there are others of us, and I was at one of the informational picket lines, and I remember there were some disruptions a couple of hours after I left, and they even came up in the Legislature as a big issue. But, like yourself, I made no apologies for going out and speaking up for the workers. Although I am here today arguing that we should have final offer selection, so it may happen again. I am not saying it will not, but so there is an alternative.

I just want to ask you, and I have asked this of other presenters, and I know you may have touched on this, but I want to give you a chance—sure, go ahead—to put it in your own words here, because one of the reasons we have this committee—and as I have said to previous presenters, it is the only province in Canada where members of the public do have a chance to make this type of presentation—is for people such as yourself to speak, not just in a formal way, not just to put things on the record, but to speak to people who may still have an open mind on this.

As I have said, I know what my position is, and our caucus's position. We want to save final offer selection. But there may be Members on this committee, if not on the Government side, certainly in the Liberal Caucus, who wish to keep an open mind on this. My question to you really is, what would you say to them, from your own personal experience, and just to sum up what you have said tonight, what would you say to them to try and convince them to save final offer selection, something I know you have expressed quite forcefully? But if you could just sit down with them privately, what kind of things would you say to them to try and make up their mind for them?.

Ms. MacDougall: You would not want to know what I would say privately. I would have to say, in all honesty—

no, you do not get that one; talk to me later—in all honesty, it has been working people that made Manitoba what Manitoba is. It has been working people that made the businesses that we now have in Manitoba. The most important thing is to protect the working people, because it is the working people that have put you in your chairs here today.

Mr. Ashton: I think you just said it all. Thank you very much for your presentation, and I appreciate you coming forward like this. I know it is a new experience for a lot of people, but well said. Thank you.

Mr. Chairman: Are there any further questions? If not, thank you for your presentation this evening.

Ms. MacDougall: Thank you.

Mr. Chairman: Ms. Anita Trudeau, Mr. Norman Dube, Mr. Mersla Chorney, Mr. Les Lutz, Mr. Allan Webber, Judy Wickens, Mr. Ed Ste Marie, Mr. Dennis Atkinson, Mr. Bruno Zimmer, Mr. Robert Hilliard, Ms. Cindy Sabovitch, Mr. Robert Ziegler, Ms. Blythe Pestor. That is the end of our list for today. There were no other presenters that were registered other than there were two people who walked in this evening who put their names on the list.

Is it the will of the committee that we hear these people? (Agreed) Lucy Marion is the first one. Will she come forward, please? Please proceed, Ms. Marion.

Ms. Lucy Marion (Private Citizen): Good evening. I am here to—she is not the only one who is nervous. I am just as bad. I work in the health care facility. I have never been at Westfair. I avoided their picket line when they were on strike. I would never cross a line, not even if they offered free food; I would never cross a picket line.

I am a single parent as well. I raise four children and have for the last 15 years of their lives. I re-educated myself through this Manitoba Government, went to work and have been in the work force for the last eight years in the health care facilities. I went from a very large home, and worked my way up through the union from a shop steward right through to the president of my local. I sat at the bargaining table. I listened to what management had to offer, which was diddly squat when it came to support myself and my siblings.

I ended up, after four and a half years working at that facility, five years, four—well, they called it a .4, four days bi-weekly. I decided it is time to move on. I moved onto another health care facility. I have been there for the last year and a half. When I went to apply for the job—my sister works there—I lied about my identity. Otherwise, they would have never let me in. I have been there for a year and a half. We are very close to a new contract.

I have been watching what they have been doing. They have been deleting this position, that position, saying management cannot afford it. They cannot do this; they cannot do that. They are finding ways to save their bucks, so that when it comes time to negotiations, they can cut the rest of our throats. We are such a

small home, this second place, that if we walk out, that place will be filled with scabs inside of a week.

The 200 people who work there do not have a hope unless we have the union and final offer selection. Listen to about a 60 day—60 days on a picket line for any one individual, when they have to support themselves, is a long time. Having other unions support us in that fact is knowledge enough. Having your family cut their expenses, having your children pick up paper jobs, go and babysit, give you that money to help pay the hydro, the gas, the cable—the children will give it. But we need the right to strike, and we also need that right of final offer selection. You take that away from us, you may as well put all the rest of us single mothers back on the welfare line.

The ones of us who are trying to stay out of this system, let us stay out of it. Leave final offer selection where it is. Do not take it away. That is the end of what I have to say.

Mr. Chairman: Thank you, Ms. Marion. Mr. Ashton, you had a question?

Mr. Ashton: I certainly do. You indicate you have four children. I wonder if you could give the committee—and I think you touched on the surface a bit—some idea of what really is at stake whenever a contract you are involved with comes up, the kind of choices you are looking at. I know you touched on the question I had asked about the 60 days, but what kind of thing goes through your mind, a single parent with four children, when you are faced with, do you support a contract or not.

* (2140)

If, in your opinion, it is not a good contract, whether you go on strike or not, and what you have said in terms of final offer selection, could you give us, the committee, perhaps people who have never had to go through that sort of decision, some idea of the kind of things that would go through your mind and perhaps have in the past, and are going through your mind right now?

Ms. Marion: When it comes to negotiations, like I say, I sat at a table, and my negotiator said I did not have to say a word at that table. I did not. We would leave the room. He and I would talk. I would not have to speak to management. He would explain to me what management had to offer us, and I would think about it in my own terms. When I sat at that negotiating table, I sat there representing almost 400 people, and I thought, with all due fairness, if I would not settle for it, they had security that I did not have, would they have settled for any less? I do not think they would have.

If it came to a strike, if it would ever have come to a strike, even though I still had those children to support, and I believed in what I believed in that contract and what management was offering back, I would have taken those four kids and they would have pounded the pavement with me.

Mr. Ashton: It is important that we in this committee, at least those Members of the committee who never

had to go through it—While I have been through two strikes and I have never been in the situation with four children—I currently am married with two children, so two parents and two children, and I can imagine what it would be like in terms of that. I can only begin to imagine the issues that would be at stake in a situation where you are a single parent with four children.

I want to take it one step further. You have talked about being the negotiator, sitting down with people, and we have heard some suggestions, some arguments against final offer selection that I really believe were based on ignorance of what happens in a strike situation, in a contract situation. One of the criticisms of final offer selection, for example, has been that somehow it weakens the accountability of the union leadership to its membership.

Do you think, based on any knowledge you have of the last two years of final offer selection, and having been through the position of being a negotiator, that there is any legitimacy to that? Is that a good reason to get rid of final offer selection, as some have suggested? Somehow I have never quite figured out what they mean by that, but they have suggested it takes away the accountability of the union leadership to its membership.

Ms. Marion: It does not take anything away from the union, as the union stands. A union is only as strong as its membership is. You do not like that union; you can deregulate that union. You can move that man right on out the door.

When it comes to my rights as a Manitoban, I vote, I encourage my three oldest children to vote. I do not tell them who to vote for, but I have strong views. They know my views. They know where we are going. In the next 10 years we intend to be in this province. When it comes to what they are going to be given, final offer selection was—just in the last few months, I have tried very, very hard to pick up and read up on what it is offering to a person who is within a union. Like I say, the union is only as strong as its membership is standing behind it.

As an individual, I feel that the more I have as a Manitoban or as a Canadian citizen, the more you give me the more I give back. That is quality. You want quantity? Forget it. I am not going to fill your pockets; I am not going to fill anybody's pockets. I want quality and quantity in my life. I cannot offer it to my children without it. You take so much away, give me something back. Final offer selection might seem that—all this paperwork that is building up, just in this committee alone. Who is ever going to read it all? I would not waste my time. I would rather be home cooking spaghetti tonight or making homemade bread or scrubbing my kitchen floor. This took a lot to come here tonight. I work tomorrow morning. Are you going to get up at four in the morning and come with me? Nobody is coming with me. Are you going to drive me? No. But if you take something more away from me, you are taking everything I have ever worked for.

Mr. Ashton: I think the fact that we have had so many people such as yourself come to this committee, the

vast majority for the first time, indicates what is at stake for people. You are right, you are going to be going to work—tonight you could be doing a lot of other things, but that is really what this process is about, people who believe in something coming forward and expressing it.

I want to ask you a bit further because I am still puzzled really, the more we get into this committee meeting, as to where this push is from these people wanting to get rid of it. You indicated your own personal views very strongly.

I just want to ask you, the people you work with in the health care facility, are you picking up a lot of people going around saying, yes, the Conservatives are right, the Government is right, we should get rid of final offer selection, it is a bad thing, it is a terrible thing, or are they saying that they support final offer selection? What is your sense of the public mood out there? Is there much support for the Government in trying to get rid of this mechanism, even before it has been allowed to go the full five-year trial period?

Ms. Marion: If I went into the little nursing home that I am working in now and asked the majority of the girls there or the male staff that is there, and I could ask them two questions: What is pay equity and what is FOS, they would look at me and say, I do not know. What are you talking about?

They are there to make a living. If they have to sit and watch Channel 7 or Channel 3 every night to find out what is going on in Parliament, nobody has the time. We have to get on with living. If I told them what final offer selection meant, if I could sit down and explain to them, and the options that it has for them if ever they came into a predicament where you had to get into a strike situation—the other lady said, nobody likes a strike, nobody likes to walk that pavement.

Who wants to leave their position? I like what I do. I live a lowly life working as a support service aide. I am a housekeeper; I wash floors all day long. I have a Grade 12 education; I wash floors. That is my livelihood. The girls there, they look at me, and they think, she just swings a mop all day long. What does she know?

I scrape feces off the walls. Who knows what that is? I can say the term, half the nurses at my place, these women are RNs. I say feces is on the wall and it is lumps. I am not cleaning it; that is not my job. What are you talking about? They want me to say it in layman term. I will not do it here.

So when you say to somebody like that, well, trying to explain what FOS is to them, they do not know, they do not understand until it is right there on the table. Tell them it is an option they have that the Government provides. Then they will understand it, but to just say right now, you want to find out what is happening, I mean the biggest strike that has ever taken place is Westfair. What is going to happen when these little companies like the health care fields—they are covered by a lot of these unions. Our place is not even 300 employees. We walk out, our place is gone. I mean, it is going to be totally walked over with scabs within a week. Who is going to protect us?

Monday, March 5, 1990

Mr. Ashton: Well, it is interesting. As you say, most people are just trying to make a living and I have not heard a lot of people out there saying, get rid of final offer selection, and most people do not really know what it is, but once it is explained, a lot of people say, yes, it makes sense. I just want to put it to you directly in that sense.

If in the case of your workplace it came down to a vote on whether to accept a contract or not and someone perhaps was not watching this committee proceedings got up—and let us assume that this committee votes what I would say is the wrong way and gets rid of final offer selection—how do you think they would feel if someone had to explain that there was another alternative, final offer selection, but that it was taken away by the Legislature, even though it has been shown to be working, even though it is an alternative to the right to strike, which does not take away the right itself. How do you think they would feel at that stage, because I think you are right. Most people are out there making a living and if they never in recent memory had to go through a strike, they probably have not thought about it. If it came down to that, as you said, if it was put directly to them, what do you think they would say about the Legislature of this province voting away final offer selection?

* (2150)

Ms. Marion: After this committee meeting tonight I have become very smart. I am going to go buy a cattle prod, and I am going to tell them exactly what FOS is. I will re-educate everybody there. I might only be a small facility, but I will keep on educating and educating until we do make them understand that this was given to us. It might be only a small part of the legislation. This committee might not agree that it belongs there, but at least I have the right to come here today and say what I had to think about it.

Mr. Chairman: Any further questions? Mr. Ashton.

Mr. Ashton: That is what democracy is all about. Of course there is another aspect to it, and that is people listening. We hope that will take place. Just one final question, and I will give other people the opportunity. If you have any final comments, particularly to those Members of the committee who might be thinking about how they are going to vote on this and how their Party and their caucus is going to vote for it, what would your recommendation be? I know I asked the previous presenter what you would say privately to them; I do not know what you want to say privately to them or publicly, I will give you the option either way. What would you say to them to try and convince them to save final offer selection?

Ms. Marion: I said I would not clean shit off of anybody's floor, and I am not going to bring a shovel in here either to clean it up tonight. That is what I have to say. Thank you.

Mr. Chairman: Our next presenter is Donna Payne. Is Donna Payne here?

Ms. Donna Payne (Private Citizen): I have nothing prepared tonight, so I am just going to come up with whatever. Okay, I am here on behalf of our employees at work, and I believe in final offer selection—

Mr. Chairman: Would you mind turning your mike up a little bit, Ms. Payne? Thank you.

Ms. Payne: Hopefully they keep it in. A few years back, I started a union because our management was so unfair to employees. Like for instance—I will just use myself—I went to go on holidays, and they gyped me out of \$300.00. The union was just coming in, and if it was not for my union rep, David Watt, sitting there, fighting for me to get this back—where they give another girl, which is the honest to God's truth, one penny an hour raise, and that is the truth. That was like a slap in the face. This is why we want to keep this final offer selection, and that is the truth, with this one penny too. This is why we want to keep it in. I have explained to a lot of our employees what—I am having a hard time tonight, but—this is all about. They all signed cards to keep it in. Okay, that is all I have to say.

Mr. Ashton: I am just wondering where you work, if you can give us some idea?

Ms. Payne: I work at a health care facility, Fort Garry Care Centre.

Mr. Ashton: We had heard from the previous presenter, and obviously a lot of people are just trying to make a living. That is always the biggest thing you always worry about, the biggest thing you think about. You said a lot of people have been signing cards; they want to save final offer selection. What kind of reaction are you getting from people when you explain to them that the Government wants to take away final offer selection even though it has only been in place for two years? What kind of things are people saying to you when you approach them on it?

Ms. Payne: They will sign; they want it in. They want that protection. Like with negotiations a couple of years ago, we came so close to a strike, and they were so scared how they were going to feed their kids. The management was even making deals with people to sneak them in the back door, like scabs. They were really afraid.

Mr. Ashton: So you very nearly went through a strike—

Ms. Payne: Yes.

Ms. Ashton: —and one of the big things that people were concerned about was the fear of what they were going to do and how they were going to support their families?

Ms. Payne: Even myself, I am single, I have rent, car payments. I am just making it now, and if it was not for the union fighting for us to get a higher wage and this union in, I would be making about six bucks an hour now.

Monday, March 5, 1990

Mr. Ashton: There have not been very many people coming here, by the way, who argued for the Government's position of getting rid of final offer selection, but one of those that did, the representative from Westfair, said that he thought, to get good collective agreements you needed the fear of a strike and a lockout. What do you think about that? Do you think that is the only way to get a fair agreement, having the fear of a strike or a lockout?

In your case, you indicated, obviously you were afraid regardless of what had happened, whether you were into a strike or lockout, that people would be hired, strikebreakers would be hired, scabs would be hired. What is your view on that? Do you feel that is the way we should be approaching labour relations in Manitoba, that everything should depend on the fear of a strike or lockout? Do you agree with that statement?

Mr. Chairman: Did you want to answer the question?

Ms. Payne: Yes—I am nervous.

Mr. Chairman: Okay. Mr. Ashton.

Mr. Ashton: I think, because of the transcription problems here—I know you had indicated that you do not agree with that statement about the fear being the basis of—

Ms. Payne: A fear to go on strike?

Mr. Ashton: That is what the representative from Westfair said, that you needed the fear of a strike or—

Mr. Chairman: Mr. Ashton, whoa, let us try and keep order here so that they can keep the mikes separate. Okay, who wants to ask the question? Mr. Ashton, please continue.

Mr. Ashton: Perhaps I will just start again. Now part of the problem, I know, is that it is a bit confusing for people, with the recognition back and forth. But you were essentially saying that you do not think everything should depend on that fear factor, the fear that you went through before, in terms of that previous contract, and that you think final offer selection provides a way of getting a fair settlement without that fear.

Ms. Payne: Yes, like—I am sorry, he is typing there and it is bothering me. I cannot hear very—okay, yes, I am afraid of striking. We all are.

Mr. Ashton: I am glad you are telling people. I know you are nervous but do not worry about it. In fact I really believe, for people such as yourself, where we are getting the message through to people on the committee, what it is like to have to go through that—and that is important, determining whether we keep final offer selection or not. Because those of us who argue to keep it, say there should be an alternative. We are not saying to take away the right to strike. That is important, but if there is another way of settling disputes—

I would just like to ask you, as I have with other people, what you would say to people who have an

open mind on this committee, who might be considering how they are going to vote? What would you say from your own personal experience, from the people you have talked to, and obviously from your own comments you have talked to a fair number of people in your workplace? Whether it is privately, as I said before to the previous presenters, or publicly here, what would you say to those people who perhaps have not made up their mind yet, to try and convince them to save final offer selection?

Ms. Payne: Save it, please. We really need it. We need a—

Mr. Ashton: Great, I thank you for coming forward and I know how nerve-racking it must be, but you and many other people who come forward have done an excellent job on it. I am sure there must be a 1,000 and one things you would rather be doing on a night like this, but it is a pretty important thing that you have done, so thanks very much.

Ms. Payne: Okay, thank you.

Mr. Chairman: Just a minute, Ms. Payne. Mr. Rose had a question for you.

* (2200)

Mr. Rose: Thank you, Mr. Chairman. I just wanted to add our thanks for you coming out and sharing your experiences with us. Thank you very much, appreciate it.

Mr. Chairman: Committee rise? Is it the will of the committee? It is almost ten o'clock. Just before I rise, just prior to rising for the evening, I would like to remind committee Members—Ms. Wasylycia-Leis.

Ms. Wasylycia-Leis: I just wondered, there is one more presenter here. If we could get agreement on the part of the committee, just to hear the last presenter who is with us this evening. I am sure it will not take very long.

Mr. Chairman: What is the will of the committee? Okay, Ms. Lila Hornby—Lila? Okay, would you please come forward, Lila. Please proceed.

Ms. Lila Hornby (Private Citizen): I work for Econo-Mart, and I have worked there for 25 years. I walked the picket line with Westfair Foods for four months, and have seen a lot of hardships on the picket line, and mostly all part-time people that work anywhere from 12 hours to 24 hours a week. I really think that FOS, when it came into legislation, was the best thing that ever happened. The people who walked the picket line thought so too.

We have negotiations coming up in May again. It is very difficult to see them trying to take away FOS at this time when these people suffered so much on the picket line for four months.

Mr. Chairman: Do you have anything else to add, Ms. Hornby?

Ms. Hornby: There are a lot of co-workers who would have liked to come out and speak, but due to the shift work they work, they cannot afford to take the time off to come. On their behalf, I am speaking for them and urging everyone to keep FOS.

Mr. Ashton: I know we are past our hour of adjournment, but I just wanted to ask a quick couple of questions. You mentioned you have talked to people in your workplace, and this is a workplace where people have been through it in '87; they have seen it directly. They know what is at stake.

Mr. Chairman: Would you mind speaking into your microphone, please, Mr.—

Mr. Ashton: Yes, Mr. Chairperson. I just want to ask you, you said your co-workers are saying that they would like to be here as well. What do you think they would say in addition to what you have said to the Members of the committee about final offer selection? Do they really feel it is important to keep? What is their sense of what is happening?

Ms. Hornby: They feel that this legislation was the best thing that ever happened for them. Even the people across the picket line are talking about it in the store right now. They do not want to go on strike. Who is it benefitting? It is not benefitting anybody; it is not benefitting the company or the people. If they have to go on strike again, they will go on strike to keep this legislation.

Mr. Ashton: So what may happen, in fact, is that people may actually end up in strike to try and keep FOS or try to get a clause put in. Obviously, if the Government takes it away, then it will not be in legislation. So if you wanted to have final offer selection in the future in the same way you have it now, you would have to get it in the contract.

Ms. Hornby: Yes.

Mr. Ashton: So people feel strongly enough about it, it might actually lead to creating a strike in itself. It might be an issue in a strike.

Ms. Hornby: Yes, it would be.

Mr. Ashton: As I said, I would love to ask you many more questions, because we had Westfair here last week, and they said how great labour relations were at Westfair. They based that on how good the turnout was at the Christmas party. Maybe I will ask you on that. What is your sense of what is happening at Westfair? Because they have a good turnout at their Christmas party, does that mean that everything is hunky dory at work?

Ms. Hornby: No, it does not. It is very frustrating when you go and negotiate with a company like Westfair and they start taking away from you. What do you do? We cannot go backwards. Inflation—you have to go forwards. We went on strike. They were taking the guarantee of hours away from the people. We had to

go on strike to keep those hours. There were a lot of issues that we went on strike for.

Mr. Ashton: I know Westfair, once again, had real trouble with final offer selection because one of the provisions in final offer selection is the cost of living, the CPI in Winnipeg. That is one of the things settlements are supposed to be based on. They thought that was not good in a recession. You are saying that you are faced with the situation of not even trying to advance what you have; it is really trying to hang on to what you have and prevent being pushed further back by the company.

Ms. Hornby: Yes, that is right.

Mr. Ashton: Just one final question, and I have asked everybody here tonight. I really think it is important, and I know you have said it pretty directly. Is there anything you would like to add, any last words to people who might in some way, shape or form still be undecided, recognizing that myself and the Member for St. Johns (Ms. Wasylycia-Leis) here from our caucus are fully in support of keeping FOS. There may be others who are not or at least have not made up their minds yet.

What would you say to them, as a final comment, as to why you feel they should keep final offer selection in place in Manitoba?

Ms. Hornby: We need somebody impartial between union and company when negotiations break down. FOS is it.

Mr. Chairman: If there are no further questions, thank you very much for your presentation.

Just prior to rising for the evening, I would like to remind committee Members and members of the public that the committee will also be meeting tomorrow morning, March 6, at 10 a.m.

The time is now 10:03 p.m. What is the will of the committee? Committee rise.

COMMITTEE ROSE AT: 10:03 p.m.

PRESENTATION SUBMITTED BUT NOT READ.

Written presentation of Mr. Robert MacGregor (Unicity Taxi Ltd.)

The process of final offer selection should be repealed.

The object of The Labour Relations Act is to promote harmonious relations between employers and employees through the practice and procedure of collective bargaining.

The process of final offer selections gives the union an unfair advantage because it allows the union to get by final offer selection what it often cannot get by collective bargaining. The union should not be placed on a better footing than the employer by the use of legislation to obtain what they want. This is the effect of the final offer selection.

Some unions used the process of final offer selection in some situations as an alternative strategy to collective

Monday, March 5, 1990

bargaining. They have avoided their obligations to negotiate.

When the unions apply to the Labour Relations Board, the board in our opinion grants authority for unions to have employees vote on whether to use the final offer selection without making a detailed hearing into whether the union has complied with their obligations to

negotiate in good faith and to make every reasonable effort to conclude a collective agreement. This does not promote good labour relations.

The way unions have used final offer selection is contrary to the objects of the Act. Final offer selection allows settlement to be imposed without real collective bargaining take place.