

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Thursday, February 22, 1990.

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Edward Helwer (Gimli)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Mr. Enns, Hon. Mrs. Hammond
Messrs. Burrell, Edwards, Ms. Gray, Messrs.
Harapiak, Helwer, Ms. Hemphill, Messrs.
Patterson, Praznik, Storie

WITNESSES:

Ms. Susan Hart-Kulbaba, Manitoba
Federation of Labour

Written Presentations Submitted:

Mr. Terry Dingle, Private Citizen
Manitoba Women's Agenda

APPEARING:

Mr. Steve Ashton (Thompson)

MATTERS UNDER DISCUSSION:

Bill No. 31—The Labour Relations
Amendment Act

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Clerk of Committees (Ms. Patricia Chaychuk-Fitzpatrick): Will the Standing Committee on Industrial Relations please come to order? We must proceed to elect a Chairperson. Are there any nominations for the position of Chairperson? Mr. Burrell.

Mr. Parker Burrell (Swan River): I nominate Ed Helwer.

Madam Clerk: Mr. Helwer has been nominated. Are there any further nominations? Seeing as there are no other nominations, Mr. Helwer has been elected Chairperson. Will you please come and take the Chair?

* (1005)

Mr. Chairman: The Standing Committee on Industrial Relations will be considering Bill No. 31, The Labour Relations Amendment Act. It is our custom to hear briefs before the consideration of Bills. What is the will of the committee? Shall we hear the briefs, hear from the public?

Does the committee wish to impose time limits on the length of public presentations? Mr. Edwards.

Mr. Paul Edwards (St. James): Mr. Chairman, on behalf of our representatives from the Liberal Caucus on this

committee, I think we would prefer that there not be time limits on either the presentations or indeed the questioning. I think that this is an issue which has obviously caused an extensive amount of debate in the community. I think that persons who have come forward to speak to the committee should be given the full opportunity to make their views known. We certainly want to hear from them, and to that extent, given the very controversial nature of this legislation and the many people who have expressed interest, our suggestion would be that we definitely not impose restrictions. Thank you.

Mr. Burrell: Mr. Chairman, we would like to hear everyone, too, in the fullest. I look at the number of presenters; there are now 107 with a possibility of more coming out. I go back to the committee on the Meech Lake Accord—30 minutes in total, 20 for presentation, 10 for questions—and I wonder if maybe we could not either, more or less, maybe we would not have to impose a time limit, but we should keep in mind that we are going to be negotiating for next Christmas holidays if we do not keep some sort of a semblance of order on the presenters.

Mr. Steve Ashton (Thompson): Well, I am disappointed that the Government wishes to restrict public input on this. We have had many contentious Bills in the past. The general principle has been to allow for the public to make presentations without artificial time limits. It has not generally been a problem. I have been in this Legislature and sat through other Bills, and it has not proved to be a problem at that particular time.

To the Member for Swan River (Mr. Burrell), I am of the opinion that if it takes the Government until Christmas to come to its senses and drop this Bill, that is one thing, but I do not think that they should use this alarmist sort of rhetoric to try and restrict public input. Let us hear from the members of the public without any artificial time limit on presentations.

Mr. Allan Patterson (Radisson): Mr. Chairperson, I do not think the analogy that the Member for Swan River (Mr. Burrell) has expressed with respect to the Meech Lake hearings is a correct one. That was an ad hoc committee to hear views, but there was no legislation involved which we could put through. I think it is incumbent on us, as representatives of the citizens of the province, that we give them full hearing. It is the right of every citizen to have his or her say in matters of this nature, and it has been pointed out as a very serious and controversial piece of legislation with some fairly firmly-held views on some of the extreme sides. I think full opportunity should be given to any citizen or organization in the province to express their particular views.

Mr. Chairman: So it is the wish of the committee that we do not impose time limits, I understand. Agreed.

I have a list of persons wishing to appear before the committee. I will read the names of the presenters from the first page of the list. The list of the presenters is also posted outside of the committee room so that members of the public can check to see if they are registered to speak to the committee. Should anyone wish to make a presentation to the committee and they are not already on the list of presenters, they can contact the Committee Clerk, and she will see that they are put on the list to appear before the committee.

The first page of presenters reads as follows: first is Mr. Grant Mitchell, Mr. David Ryzebol, Ms. Susan Hart-Kulbaba, Mr. David Newman, Mr. Frank Goldspink, Mr. Peter Olfert or Mr. Ken Hildahl, Mr. Sidney Green, Mr. Bill Gardner Jr., Mr. George Smith, Mr. Leo Desilets, Mr. Brian Hunt, Mr. Colin Trigwell, Ms. Bev Seman, Mr. Jim Murphy, Ms. Buffie Burrell, Mr. Ken Crawford.

Did the committee wish to hear from out-of-town presenters first, or what is the wish of the committee?

* (1010)

Mr. Ashton: I think normal practice is to try and accommodate not just out-of-town presenters but those within the city who are unable to come to another committee hearing. I would suggest we start into the order and then perhaps see, as time progresses, if there are people in that situation.

Mr. Chairman: We will start at the top of the order, and if someone who is from out of town has a particular time schedule to meet, if they would come forward, we will try and accommodate them. Before we proceed with the public presentations, I would just like to mention to the committee that we have received two written presentations, one from the Manitoba Women's Agenda and one from Mr. Terry Dingle, a private citizen. Copies of these written briefs are being now distributed to Members of the committee.

Also, the presenters, if they have a written brief, if they could give it to the Clerk before they present their brief. That would be of some benefit.

The first presenter, Mr. Grant Mitchell, has sent us a letter saying he cannot be available this morning, but he will be available this evening, so the letter will be distributed. Is it the will of the committee that we hear from Mr. Mitchell tonight? Agreed.

The second presenter is Mr. David Ryzebol. Is he here, from the Westfair Foods? Mr. David Ryzebol—is that how you pronounce it, Ryzebol—is he here? If not, we will go on to the third presenter, Miss Susan Hart-Kulbaba, Manitoba Federation of Labour. Do you have a written presentation for us?

Ms. Susan Hart-Kulbaba (Manitoba Federation of Labour): Yes, I do, Mr. Chairman.

Mr. Chairman: Do you want to just wait a minute till we distribute these, please? Okay, proceed, please.

Ms. Hart-Kulbaba: As President of the Manitoba Federation of Labour, I have been elected to represent

and speak on behalf of 85,000 workers and their families in Manitoba.

The Manitoba Federation of Labour applauded the enactment of final offer selection provisions within the Manitoba relations Act in January, 1988. Its objectives were simple and straightforward, provide an innovative method to encourage good faith bargaining and the settlement of collective agreements. It added to the list of bargaining aids already provided for in The Labour Relations Act, such as conciliation and mediation.

A substantial majority of delegates to the MFL constitutional convention in 1985 and the annual convention in 1987 felt this measure represented a creative approach to the ongoing challenge of creating a healthy climate for the collective bargaining process in our province.

The MFL is convinced the experience under FOS has met the expectations that the labour community had for it before it was proclaimed into law, and Department of Labour statistics bear that view out.

There can be no doubt that the best way to establish and maintain a positive working environment for employees is to promote and nurture the collective bargaining process. When both parties to an agreement negotiate in good faith, mutually acceptable contracts are the result.

Unfortunately, there are too many employers who behave in a predatory manner at the bargaining table, determined to hold the line at all costs, to force wage and benefit concessions and "take backs" on their employees for philosophical reasons. There are too many employers who do not respect their employees' legal and moral right to form unions and bargain collectively. Their aim is to break the union and operate in an environment where workers have only those rights their employers choose to give them.

A colleague of mine likes to tell of a series of collective agreements he negotiated with a Winnipeg employer. This employer had a traditional speech he began every round of negotiations with. He would say to the union negotiators, I have everything, you have nothing. You will get what I choose to give you. Unfortunately, too often this is a typical relationship, not an aberration. Before final offer selection existed, this approach destroyed bargaining units, jobs and people's lives, all on the altar of expelling the union from the workplace.

* (1015)

A return to pre-FOS conditions will mean, in some cases, a shift away from the good faith bargaining that it induced to unreasonable attacks on the worker's basic right to organize and bargain collectively. Some employers will declare open warfare on workers and attempt to break their unions.

Recent changes to the Canadian political economic environment, embodied in the Mulroney free trade deal with the U.S., only encouraged this attitude. The regressive move to match U.S. social and workplace conditions by eroding Canadian standards will add fuel to the anti-union fire in some workplaces in Manitoba. The extra pressures that employers face in attempts

to remain or become competitive bring hard line positions to the table.

The value of final offer selection is its capacity to focus the parties on meaningful good-faith bargaining. It is a tool that encourages the parties to work toward agreements which meet both sides' needs in the workplace. It is a disincentive for predatory employers to use the collective bargaining process for another sinister purpose, union busting through unreasonable concession demands and forced strikes or lockouts.

One of Manitoba's qualities that attracts the attention of new investors is its positive labour relations record. It is incomprehensible that when Manitoba's economy is under stress that you would consider throwing a tool like FOS into the trash can.

It is no secret that misguided Progressive Conservative policies at the federal Government level have brought Canada and Manitoba to the brink of an economic recession. Some analysts maintain we have already entered a recession.

We would have thought that the Government of Manitoba would be interested in attracting new investment to Manitoba to improve our economy. I also assume the Government would like to attract the kind of good corporate citizen that views a healthy bargaining system as an asset, not a liability. This type of employer is a valuable addition to a community and likely to help establish a long-term stable economic base.

What the Liberals and Conservatives on this committee are attempting to do is ensure that anti-worker, profit-at-all-costs, short-sighted employers will be our new investors. That situation is bad for workers. It is bad for Manitoba. Final offer selection has been used exceedingly sparingly since it was proclaimed, as was meant to be.

In the years 1988 and 1989, 633 collective agreements came up for renegotiation in Manitoba. Fewer than 1 percent were settled by way of a selector decision. Only 72, or 11.3 percent, involved an application for final offer selection. Of the 58 FOS cases disposed of by the Manitoba Labour Board, the vast majority, 49 of them, or 85 percent of applications resulted in the two parties reaching agreement on a new contract before the selector appointment or decision stage was reached or the applications were withdrawn.

This statistic, more than any other, makes the case for final offer selection's positive impact on the collective bargaining process. It clearly shows that faltering negotiations can be revived by the presence of FOS bringing good-faith bargaining back to the negotiation table.

Contrary to the expectations of some FOS critics, it has not resulted in intentional foot dragging at the bargaining table in anticipation of having an agreement imposed later by a third party. Statistics compiled by the Manitoba Department of Labour outline more beneficial effects of final offer selection. Since enactment, final offer selection has been brought into play to end lengthy strikes and lockouts before they could develop into interminable, destructive standoffs.

In the first three-quarters of 1989 the average strike or lockout duration was 6.3 days. Clearly the existence

of FOS did not draw out the disputes to the second window to take advantage of a selector's decision, nor has it replaced the traditional means of resolving a bargaining table impasse, a strike or lockout option. The average strike or lockout duration since FOS was proclaimed is well within the pre-FOS experience range.

What FOS did accomplish was provide encouragement to bargain in good faith to reach a mutually acceptable collective agreement. At the same time it provided a means to settle a protracted dispute by means of a fair decision-making process without precluding the fundamental collective bargaining principle, the employee's right to strike and/or the employer's right to lockout.

* (1020)

Final offer selection has the capacity of creating conditions necessary for those new to the collective bargaining process to grow into their new role. Many newcomers to the collective bargaining process fear it and resist it for unwarranted reasons. Too often, this results in confrontation and sometimes a destructive strike or lockout.

Final offer selection provides the necessary climate for good-faith bargaining and good experiences that can lead to workplace harmony and joint effort toward a common goal. In recent days, much has been said about the alleged negative impact on the overall labour relations climate in Manitoba. This is only right-wing rhetoric designed to ease the way for the repeal of FOS. It is anti-worker propaganda that falls apart under even casual scrutiny. Both the Progressive Conservative and Liberal Members of this committee are aware of the games they have been playing. Certainly Industry, Trade and Tourism Minister Jim Ernst can see through their smoke screen.

Mr. Ernst's promotional material aimed at potential investors in Manitoba is clearly truthful and accurate. It states: "A reliable and productive workforce plus consistently good labour management relations have given Manitoba one of North America's best labour reputations." This is obviously the kind of investment climate that all Manitobans would prefer to exist here. I am mystified why Mr. Ernst can perceive this with such startling clarity while his colleagues and Liberal Party supporters are so far out of the picture.

I would like to take a few minutes now to deal with some of the propaganda that supporters of the FOS repeal are using to prop up their case. Myth No. 1: Final offer selection creates an imbalance of power in the union's favour. There is not now nor has there ever been an equal sharing of power in the employer-worker relationship or anything approaching it. Management has always enjoyed tremendous powers and legal rights that greatly exceed any that exist for the unions.

For example, management has the ultimate right to open or close a workplace, hire, fire, lock out or lay off workers, determine the nature of jobs, control safe or unsafe working conditions. Management determines corporate strategy, which determines the viability of the enterprise and job security for the workers. The relationship between employer and worker has been

focussed on by Government and employers for centuries. In fact, as early as 1348, when the Black Death swept Europe and England creating a shortage of workers, ordinances and statutes began to appear mainly in an effort to control workers and their new found bargaining power which stemmed from the labour shortage.

The statute of labourers and the accompanying common-law of master and servant, a name which speaks volumes, has given legal weight to management rights through the subsequent centuries. Statutes passed by Governments, funded and supported by employers, rarely pass legislation to benefit workers. When they have, it has been in the face of overwhelming public demand, not because it is what they perceive as the right thing to do.

In the United State, for example, many jurisdictions have been passing right-to-work legislation in recent years. Far from being a description of workers' rights, right to work invariably boils down to the right to work for less. These legislative adventures are characterized by their anti-worker nature, making it harder for workers to organize into unions and easier for employers to break unions.

Thanks to the free trade deal, some Canadian employers want similar legislation passed here. Workers on the other hand have the right to associate with each other, the right to bargain collectively, the right to grieve, and the right to strike in most cases without employer involvement in that decision. Whatever else is gained by workers, it is through the collective bargaining process. Having access to a tool like FOS to facilitate the bargaining process can hardly be described as tipping the balance of power to unions. It is a measure that brings greater fairness to the relationship, not equality.

Enemies of final offer selection worry that it makes the employer-employee relationship one-sided. It is already one-sided in the employer's favour. One of the favourite targets in the workforce for antagonistic employers is women. They are viewed as vulnerable to intimidation tactics when unions are initially formed, and they are often the target of union-busting activities once unions are in place. Much of this arises from the fact that for the most part no union activity involving women occurs in the service sector, which has little if any experience in establishing and building on harmonious relationships with women in unions.

Final offer selection discourages that activity. Take away FOS and you run the very real risk of encouraging anti-women action and indirectly denying them the right to organize, to improve their quality of life and prevent them from enjoying full economic partnership in society.

* (1025)

Myth No. 2: FOS destroys the collective bargaining process. The vast majority of applications for FOS resulted in negotiated and mutually acceptable collective bargaining settlements. Far from being a disincentive to bargain in good faith, it has restored the good faith atmosphere to the bargaining table enabling the parties to reach a fair and equitable

settlement. Final offer selection has built in incentives to bargain in good faith, to settle as many issues as possible prior to selector involvement and to provide the selector with as realistic a position as possible in the form of a final offer package.

Myth No. 3: Final offer selection makes strikes and lockouts longer. This is a concern voiced by Liberals and Conservatives seeking to justify the attack on workers that the repeal of FOS represents. It is usually made by those who have never been involved in a strike or walking the picket line. It is made by someone who has never faced a lengthy strike or lockout without any income. It is a statement made by someone who has never had to explain to their children why Santa Claus will not be coming this year and why birthday presents have to wait.

Only a fool would believe that workers and their union representatives would sit down and seriously propose a guaranteed strike of 60 days. If a strike is lengthy, it is because extremely serious issues are at stake. Clearly final offer selection is a mechanism that can shorten what would have been a much longer strike.

The 10-day FOS application window which opens 60 days after a strike or lockout commences is designed to provide an incentive to bargain and reach a mutually agreeable settlement. In the event that a strike or lockout occurs, the length of time before the window opens provides the parties with an opportunity to reflect on their positions and to resume negotiations and settle the dispute.

The second window is also meant to address those situations where bargaining deteriorates after the first window of application opportunity passes. This removes the temptation to bargain in good faith only until that first window passes and then switch to their bad faith bargaining strategy.

Recently the Minister of Labour (Mrs. Hammond) engaged in selective statistical analysis when she put forward the notion that strikes and lockouts involving FOS were substantially longer than the average established before January 1988. This isolation of a few instances to bump up the numbers in order to strengthen her point is blatant intellectual dishonesty. If the Minister was going to look at disputes involving final offer selection, she should have included all 72 applications in her averaging formula to see the full picture. Instead of an average strike duration of 77 days, the calculation would have shown that disputes involving FOS application had an average lost time of 6.9 days.

The only important point to be made is that FOS has resulted in the two sides bargaining in good faith and reaching an agreement on their own, without a selector in the vast majority of cases. FOS works.

Myth No. 4: FOS creates winners and losers. The best way for the sides to avoid a winner-loser situation is of course to bargain in good faith at all stages of the negotiation process, hence reaching a mutually acceptable collective agreement. However, bad faith bargaining by employers has created legions of winners and losers through the years of collective bargaining.

The winners have been predatory companies, and the losers have been workers.

When an employer is bent on destroying the workers' union, forcing unreasonable concessions on the work force and slashing wages and benefits to increase profits and dividend payouts, the tools used are bad faith bargaining and forced strikes and lockouts. The reservation has been expressed that a winner-loser situation decreases the commitment of the loser to the collective agreement. Bitter strikes and bad faith bargaining have not been big contributors to commitment to the collective agreement.

* (1030)

In any event, the winner-loser relationship is not unheard of in labour legislation. For example, in the grievance and arbitration process there is a winner and a loser. When this occurs the parties' commitment to the process or the collective agreement does not go out the window. The issue is simply addressed at some point in the future at the bargaining table. If final offer selection creates winners and losers, then workers are willing to take their chances.

The Manitoba Federation of Labour is absolutely opposed to the repeal of final offer selection.

Those bent on this course of action cannot point to a single major union that speaks in favour of the repeal. Even those unions who put greater store in other collective bargaining tools recognize that FOS is a valuable asset for many other unions and are totally opposed to its repeal.

The Manitoba Federation of Labour believes FOS is working well and will only bring greater improvements to the labour relation climate in Manitoba as the experience continues. The statistical evidence is irrefutable.

It is clear that the Progressive Conservatives and those in the Liberal Caucus who support the repeal are not removing something that is bad for workers and Manitoba.

They have another agenda in mind, one that will ultimately undermine and weaken the trade union movement in Manitoba. In short, they are anti-worker and acting on behalf of union busting employers.

In the final analysis, it is the people of Manitoba who benefit from final offer selection. The positive effect it is having on employer-worker relations through good faith bargaining brings stability to the economy. This alone must improve our province's attractiveness to potential new investors.

Employers benefit from the atmosphere of good faith bargaining FOS brings to the bargaining table. Workers benefit from the greater measure of fairness it brings to the employer-worker relationship. Equality at the bargaining table remains to be a goal the MFL strives for on behalf of 85,000 members and their families.

The Manitoba Federation of Labour urges the members of this committee to reject this Bill and the anti-worker sentiment it embodies. Thank you.

Mr. Chairman: Are there any questions for the presenter. Mr. Edwards.

Mr. Edwards: Thank you, Mr. Chairman. I want to thank Ms. Hart-Kulbaba and the Manitoba Federation of Labour for obviously a brief which must have taken a lot of time. I think it is very well written, except for a few paragraphs.

I want to ask some questions, primarily clarification questions. In your closing statements you indicated that in the final analysis it is the people of Manitoba who benefit from final offer selection. Of course, what is not mentioned is that final offer selection does only apply to a unionized workplace and approximately, I believe, 35 percent of Manitoba workers are in unionized workplaces. That is correct is it not?

Ms. Hart-Kulbaba: Yes, it is.

Mr. Edwards: Of those 35 percent of Manitoba workers, this does not apply to those who work in federally regulated workplaces which would further decrease the number of Manitoba workers that this actually applied to. Is that not correct?

Ms. Hart-Kulbaba: Yes it is.

Mr. Edwards: Ms. Hart-Kulbaba, I just wanted to make sure that statement was clarified.

Ms. Hart-Kulbaba: Well, I would like to clarify it as well.

Mr. Chairman: Ms. Susan Hart-Kulbaba, I wonder if you could wait until I recognized you before you speak so the mikes can be activated. Mr. Edwards.

Mr. Ashton: On a point of order. I might remind the Member for St. James that this is not a courtroom, if he wishes to ask question, if he would allow sufficient time—she just indicated that she would like to respond to some of the points that were raised, so I think we should perhaps treat this as a Legislative Committee, not a court of law.

Mr. Chairman: Thank you. That is not a point of order. Mr. Edwards, please continue. After Mr. Edwards is done, we will let Ms. Hart-Kulbaba answer the questions.

Mr. Edwards: Absolutely. I look forward to her answer, Mr. Ashton.

Mr. Chairman, again for the presenter. Last week I was at a meeting with you, Ms. Hart-Kulbaba, and some other representatives from the Manitoba Federation of Labour, and it was what I would call a free-ranging meeting in which we discussed this issue. One of the conclusions that we agreed on, I certainly recall from that meeting, was that comparing the statistical evidence with respect to number of strike days lost in

1988 and 1989, since FOS has come into place, in tying that to FOS, was a dubious link at best and that was a conclusion I thought we had made at the meeting.

I see that certainly a portion, in the tables attached to your presentation, would suggest that perhaps you had changed your mind on that conclusion. I am wondering if, in addressing that, you can also address whether or not you do not consider the economic cycle of a province, the number of collective agreements that come up in any given year in this province, and indeed the particular bargaining units that come up for negotiation in any given year as certainly the more important factors in determining how many strikes we have in this province.

I wonder if you have changed your position since our meeting of last week, and if so, maybe you could explain why.

Ms. Hart-Kulbaba: I will address your first question first, Mr. Edwards. That is that in fact this legislation does affect more than Manitoba's unionized workers under provincial jurisdiction because unfortunately the public ends up being pawns in strikes and lockouts.

You can ask anybody during a very lengthy dispute, as emotions run high— you, I am sure, as a Member of the Legislative Assembly, hear from your constituents—how they have been affected by such a strike or a lockout. We are looking at encouraging good-faith bargaining here and therefore avoiding any troubles that the public may have to face in this, while we are still maintaining the right of workers to withdraw services and employers to close the doors. It does in fact affect more than just Manitoba workers under provincial jurisdiction.

In terms of our meeting the other day, yes, we did in fact agree to that, and I have not changed my mind. The points in this brief are made to show that in fact the statistics that the Minister put forward in statements earlier this month could in fact be used the other direction as well.

If you look on page 14, I say the only important point to be made is that FOS has resulted in the two sides bargaining in good faith and reaching an agreement on their own.- (interjection)- Yes, it is under Myth No.— it is on page 9 of the brief.- (interjection)- No, it is not. Page 8 in the middle of the page, I think, yes, page 8, just above Myth 4.

The reason I say that is specifically because of the point that I raised with you earlier that those statistics can be massaged any old direction we want. If in fact the length of strikes was an issue that we were addressing and that was the reason we supported final offer selection, then we might have an argument about that. The reason this Federation of Labour supports it is because it has encouraged and given incentive to collective bargaining and agreements settled without selector.

In some ways it is very much like the strike vote theory. The strike vote is often a greater incentive to the bargaining process than the strike itself and the threat of a strike with a vote is often the catalyst for

getting bargaining going again. We see that FOS is the catalyst for getting the bargaining going again.

I really believe that, if we wanted to play around with statistics, we could say that the 1919 strike was only two days long so 10 people losing their lives was irrelevant to the history of this province, and two workers in the middle of nowhere on a picket line for a year and a half is a major event. We have to look at this in perspective and I think the statistics show that they can be massaged and played with. Our point is that it results in good, mutually bargained collective agreements.

Mr. Edwards: Thank you, Miss Hart-Kulbaba, for that clarification and, as I did at the meeting last week, we certainly agree with you that the statistics can be used either way and really should not be looked to, to either defend or go against final offer selection.

In closing, one thing that is not mentioned here—and I think all committee Members would want to be aware of—is in fact, and I am sure you can confirm, that seven out of ten provinces in 1989 experienced reduced strikes and strike days lost in addition to Manitoba. Thank you again for your clarification.

Mr. Ashton: First of all, I would like to ask the President of the Manitoba Federation of Labour in terms of these committee hearings. We have expressed major objections about the fact that these committee hearings were scheduled for this morning, this evening, tomorrow afternoon and on Saturday. I would like to ask when I look at the number of presentations, we are dealing with about 89 presentations from private citizens, many of whom obviously are working people, and we have seen even this morning that two individuals, one a private citizen and one actually an employee of a major corporation, have been unable to attend the morning—

Mr. Chairman: I wonder if I could interrupt you, Mr. Ashton. The questions to the presenter are supposed to be a clarification of the items in the brief that were presented. I wonder if we could try to keep the—

* (1040)

Mr. Ashton: Mr. Chairperson, I am asking about the distractions of this committee. If I am allowed to place my question first. I think it is highly improper for a committee Chair to prevent a Member from even asking a question. I have not even had the opportunity to ask the question.

What I am asking the President of the Manitoba Federation of Labour who represents many working people and would have direct knowledge in terms of some of the issues being raised about the timing of this committee is: Does she feel that the timing of this committee gives a fair opportunity to working people in this province to make their views on Bill 31 clear? That schedule that includes only one evening meeting, includes weekend meetings, one morning meeting and one afternoon meeting, is that a schedule that is fair to the working people of this province?

Ms. Hart-Kulbaba: No, I do not believe that is fair, Mr. Ashton. We have a major problem here in that many

of the people who would be affected by legislation like FOS are working in the service sector. Now I raised that in my brief. Many of the women who would be affected by this work in the service sector. Service sector does not shut down Saturdays. You cannot even find part timers who will not work Saturdays. Full-time and part-time workers will end up being workers on Saturdays. At least if committee hearings are in the evening, most full-time workers, and I say most, would have the opportunity to come out, but Saturdays are simply not an option for the entire service sector, many of whom would be affected by this legislation.

Mr. Ashton: In other words, by having afternoon and morning and weekend sittings, many workers are being prevented from making their views available to this committee in terms of Bill 31.

Ms. Hart-Kulbaba: Yes, I believe that is so. If the Government really would like to listen to workers who have a view on this, who would be affected by this kind of legislation, then I would encourage them to change the time of their meetings.

POINT OF ORDER

Mr. Edwards: On a point of order. I see the line of questioning that the Member for Thompson (Mr. Ashton) is pursuing. I do not have a vast experience in the Legislature, but we have 107 on the list. I doubt if we are going to get done between now and Saturday, and we certainly commit ourselves next week to some evening sessions. I am sure we are going to be having some evening sessions and I think that all committee Members will share in the view that if people cannot make it during the day, we will hear them in the evening.

Mr. Ashton: On the point of order. I would like to indicate that the currently scheduled committee hearings have only one evening committee scheduled, have four that are either on weekends or in the morning or the afternoon. We have even seen today, as I said, Mr. David Ryzebol of Westfair Foods has been unable to make this committee meeting. I would like to know about the employees at Westfair—

Mr. Chairman: Mr. Ashton, I wonder if I could interrupt your remarks here because that is an item that should be discussed at the House Leader level and these things should be ironed out. They should not be brought to the committee. We are here to deal with the briefs, Mr. Ashton, and I would appreciate if you would continue your questioning and try to pertain to the briefs and to the presenter.

Mr. Ashton: On a point of order, Mr. Chairperson. We have indicated in the Manitoba Legislature, I indicated on Tuesday that there have been no discussions, that has been the decision of this Government in terms of the timing of this—

Mr. Chairman: Mr. Ashton, I have to cut you off.

Mr. Ashton: Mr. Chairperson, I am stating my point of order. I would appreciate if you would allow me to complete my point of order.

Mr. Chairman: Mr. Ashton, if you continue your questioning of the—I will not accept the questions—that is something that you will be—

Mr. Ashton: Mr. Chairperson, I have not completed my point of order. I would suggest that you allow me to do so, and I believe it may help the functioning of the committee.

Mr. Chairman: Are you challenging the Chair, Mr. Ashton?

Mr. Ashton: Mr. Chairperson, I am asking that I be given the right as a Member of the Legislature to state a point of order without you interrupting me and preventing me from stating a legitimate point of order in terms of the operation of this committee business.

I wanted to indicate that we will be moving a motion at this committee later to assure that a better schedule is arranged, something the Government House Leader (Mr. McCrae) has refused to accommodate. We will be moving a motion later in this committee to ensure there is far better opportunity for the working people of this province to make their presentations known on Bill 31. I was asking legitimate questions to a witness before this committee about a matter of significant importance, namely allowing people the opportunity, the fair complete opportunity, to make their views known on this committee.

Mr. Chairman: Thank you. I just want to clarify that the line of questioning here should be to the presenters for the clarification of the items that are presented in the brief, and we will try to stick to that agenda.

Mr. Chairman: Are there any other questions for the presenter? Mr. Ashton.

Mr. Ashton: I have a number of other questions, yes, Mr. Chairperson.

I would like to deal with one other myth that has been raised by Opposition, those who are opposed to final offer selection, the Liberals and Conservatives. It has probably been stated most clearly by the Leader of the Liberal Party (Mrs. Carstairs) who said that she feels that final offer selection is unfair to organized labour.

I would like to ask the president of the Manitoba Federation of Labour her response to that criticism of final offer selection and what indeed the position of organized labour is, both the Manitoba Federation of Labour and other major labour federations in Manitoba.

Ms. Hart-Kulbaba: Mr. Chair, in fact we have been speaking to many of the unions who were opposed to the legislation coming in at first, many of whom I see on the list you will be hearing from later, who are also opposed to the repeal of final offer selection. I will try and explain how we work first of all.

Within the structure of the labour movement we have annual or biannual conventions whereupon policy is

made. That policy cannot be changed until the next convention. In the interim period the executive council of most of the unions, or the executive elected at those conventions, makes policy. On the issue of final offer selection, when it was first introduced the discussions ranged, from other unions, from some unions, about their concern that a Government could easily amend this legislation to in fact take away the right to strike. So because of the ability to amend it, we had some unions who were not in favour of the implementation at all.

There were others who were concerned that major goals that had been policy for a long time of the labour movement, i.e., anti-scab legislation, would not be attainable if final offer selection was legislation. I am sure, Mr. Ashton, you remember some of those conversations since they were raised with your caucus at that time. In fact we still do not have anti-scab legislation.

Unions have written to me, who opposed final offer selection or who have policies opposing it, who have not been able to change it yet, also indicating that they are completely opposed to the repeal of final offer selection. I have received letters from the nurses' association. I have received a letter from CUPE. I have received a letter from Canadian Union of Postal Workers who have said to me we are opposed to the repeal of final offer selection. It is because the issues that they were opposed to final offer selection being brought in for, in the first place, have either not come to fruition, or they have seen that it really has not changed the way things will operate for them. We still do not have anti-scab legislation.

That does not mean that, for instance, the Canadian Union of Postal Workers sees that FOS should be repealed for those unions who would like to use it as a collective bargaining tool. In fact they see value in it and oppose the repeal. As I say, if you look around, you will see other unions coming forward to bring their views on this matter, but you do not see and you will not see because I have heard from them, you will not see any major union come forward and support the repeal of this legislation.

Mr. Ashton: In other words, the concerns expressed for example by the Liberal Labour critic that, and I quote, he went back to the previous committee hearing, the original committee hearing on FOS, and said that the majority of unions presented to the committee had opposed FOS which, by the way, was not true.

The suggestion that labour is somehow in support of this repeal is patently false. In fact, just so we get a clear picture for the committee, there are many unions that opposed introduction of the original Bill bringing in FOS that now are opposed to its repeal.

* (1050)

Ms. Hart-Kulbaba: The policies of those unions need not change to be able to carry both of those. They are not mutually exclusive. Because I do not use the minimum wage does not mean that I would support the repeal of it for anybody else. I just choose not to use it myself.

Mr. Ashton: I want to go further because since we have seen it is clear that the vast majority of the labour movement in this province is opposed to the repeal of final offer selection, I would like to deal with some of the other points that have been up supposedly in support of it.

The Liberal Labour Critic again stated, and I quote: I believe that final offer selection weakens unions. I would ask you as the president of the Manitoba Federation of Labour, do you believe that final offer selection, in any way, shape or form, weakens unions?

Ms. Hart-Kulbaba: Not in its present form, Mr. Ashton. It does not weaken us. In fact, being without it weakens us because for instance we have seen it used to break unions when people organize. Their first experience then is that their employer will not talk to them and will not negotiate. They end up on a picket line, just looking for the right to negotiate with their employer.

The public crosses, they are out there for a long time. They end up in fact without a union in the end. That in fact is weakening unions. It is weakening support for unions because those people have gone through, and their families have gone through a terrible experience in an attempt which the Legislature has given them, in an attempt to use the right that the Legislature has given them and that the Charter has given them. That is the right to associate, belong to a union and bargain collectively.

Those are legislative rights. They are being denied us by some employers. The vast majority of employers are good employers. We manage to negotiate a collective agreement with the vast majority of them. The other that we do have the problems with, we need a tool to bring incentive back into the process.

Mr. Ashton: I want to go further then since it is your view clearly that it does not weaken unions. Another argument that has been made and suggested about final offer selection, once again by the Liberal Labour critic has been that it erodes the fundamental accountability of the union leadership to their members. Has that been the experience with final offer selection? Has it eroded the accountability of the union leadership to their members since final offer selection has been in place?

Ms. Hart-Kulbaba: Absolutely not, in fact the union leadership has a responsibility for bringing any outstanding proposals where there is no agreement to the workers. The workers are the ones to choose whether to use final offer selection or not, not the union. In fact, we have seen such a case here where the union recommended and the workers overturned that decision and in fact did not use final offer selection.

The workers ensure that the union leadership is accountable (a) when we go on strike, and (b) when we are bargaining. We are always accountable to the members. They have the final say. It is not at the whims of any union leadership.

Mr. Ashton: Well, I go further, another suggestion, once again by the Liberal Labour Critic—and I must apologize

in this case, the Conservatives have only put one speaker up on this, so their defence of this Bill is less easy to determine than the Liberals. Mind you, the Liberals have only put up two speakers on this so they are not much better—has been, and this is a direct quote: that final offer selection does not achieve what its proponent says it does, that is, a peaceful workplace. It may end the strike. Will it create a peaceful workplace? Not a chance. That is a direct quote from the Liberal Labour Critic.

I would like to ask once again—we have had some experience with final offer selection—has it led to this type of scenario that the Liberals are talking about, that is, final offer selection has led to a workplace that is not peaceful? Has that been the experience? Has there been a great deal of difficulties in the workplaces where final offer selection has been used as an option all the way through in terms of the resolution of a contract, or at least partially through?

Ms. Hart-Kulbaba: No, in fact that is not our experience at all. As I pointed out, if we are talking about using it to end a strike, those strikes would have been a lot longer and that workplace might have been peaceful because it would be non-union today. Wages in this province would plummet as the rate of unionization drops. In fact, workers in this province often receive wages and benefits in non-union places simply because others are unionized and those employers have to remain competitive or they lose their good people. So unionization has in fact done a lot for our economy. We would see that disintegrate.

On the other hand, we also see that the number of times it has been used to settle a dispute is very, very minimal. The true fact that we have to look at here is how the application of FOS—it is very much like a strike vote that way—has encouraged people to get back to bargaining. They have settled collective agreements mutually agreed to, and they have settled that because FOS has given them the incentive to. They would have been long-protracted disputes and, by God, if you think going back into a workplace after a strike or lockout is peaceful, we are hallucinating.

Mr. Ashton: In fact, the Liberal Labour Critic also said, and this is the view apparently of the Liberal Party: It has been unsuccessful; it has caused disruption in the workplace which is not working. It does not stop strikes in my view; it creates unrest in the workplace and will continue to do so. In other words, not only does FOS not create a disruption in the workplace, if anything it has provided an alternative to situations that would create disruption in the workplace. It has prevented disruption, not created it.

Ms. Hart-Kulbaba: Yes, it has had a calming effect. It has given us the incentive to get back to the table and come up with something that we can mutually agree to. I must say that even when we have had to go to a selector, when the issues have been so serious that a selector has had to be used, it has been balanced. It has been, I think, three for the union and two for the employer. It is not an imbalanced process.

Mr. Ashton: I want to deal with some of the comments in your brief in terms of strikes, because I have been

through two strikes myself—in 1976 in Thompson, the steelworkers, and 1981. One in which we took on the federal Government and, much to our great surprise, won on the anti-inflation award, a Liberal Government at the time. The second strike went three months.

I want to deal a bit further with some of your comments in the brief, that no one in their right mind would vote to go on strike for 60 days for the opportunity to be able to use final offer selection, opportunity that is available prior to the taking of a strike vote. I just want to deal with that. The argument has been made by both the Conservatives and the Liberals that, by having that 60-day window there, that has extended strikes.

I am just wondering if you could elaborate on that. Are you aware of any situations in which any bargaining unit has voted to first go on strike, sit out 60 days, and then bring in the final offer selection mechanism that they could have brought in prior to the strike vote taking place? Are there any situations that you are aware of that could even in the most indirect sense support what I consider to be an absolutely outrageous and illogical suggestion by both the Liberals and the Conservatives?

Ms. Hart-Kulbaba: No, I cannot say that I have seen that. In fact, one of the disputes that was quoted earlier as lengthening strikes was the Unicity Taxi one. Now, Unicity Taxi's agreement expired the day before the legislation became law. There is no way 30 days prior to that they would have had the opportunity to use it because it was not law then. So they end up in a strike situation, and in the end have to resort to final offer selection. Every means was sought prior to that, and they would have been out there today—those people would still be on strike today if final offer selection had not ended that dispute.

Mr. Ashton: Perhaps part of the problem is that the people who are making the suggestion have never been on strike or perhaps have not talked to people who have gone on strike. I am wondering if you could give us some indication of what would happen in a normal strike situation, the type of lost income that people would be faced with. I know from my own personal experience in Thompson, we had strike pay. I believe it was about \$100 a month at the time. Certainly, in the 1981 situation people were on strike for three months in the end.

By the way, I believe if final offer selection had been available, that strike might have been settled after two, if this other option had been available. What type of situation are we talking about when people do select to go on strike? What kind of lost income are they looking at when you compare the original wage and strike pay? Is it fairly significant in most cases? There seems to be a sense on the part of both the Liberals and the Conservatives that people can consciously decide to not work for two months so they can go on FOS after 60 days into a strike.

* (1100)

Ms. Hart-Kulbaba: In fact, just the opposite is true. People hesitate to go on strike because the economic

impact is so great on them. When workers make the decision that they have to go on strike, it is generally after every option has been worked through in terms of the bargaining process, every option that they can. The workers themselves vote on whether or not to go on strike, and that is all workers whether they are members of the union or not. The reason for that is because everybody's economic status is affected when they go on strike. Everybody, whether they are a member of the union or not, has a say as to whether they want their livelihood affected. People making that decision do not do it lightly. They make it because the issues are so serious that they feel they cannot continue to work under those conditions, that there has to be some give and take.

The general perception is that in fact there is a balance of power between the employer and the union, and therefore, when workers go on strike the employer will shut down. Now that is the perception that workers have always had. Unfortunately, it is a misperception, because when workers decide to go on strike it is in order to bring incentive back to the bargaining table, to encourage the employer to be more reasonable, to move on their position.

In fact, it has worked both ways because workers end up out there suffering. You can see the pressure building up on the union leadership. The longer and the longer they are out, the more pressure builds up from those people who now have very, very little in terms of pay, who, in order to get pay most of the time, have to be on picket duty. That precludes them from working in many cases, which makes it more difficult. They do not qualify for U.I., they get zip money except from what their union dues can give back to them; all their union dues they have put into the union before come back to them in form of strike pay.

When I was on strike we got \$50 biweekly. Could not live on that, put in my eight hours picketing, in fact put in more than that and waited tables in the evenings as best I could, while some other people took up picket duty. That was eight weeks and it was hell; we almost lost our house at that point in time because we could not make the mortgage payments. You have to go and see the bank and talk about those things, you have to talk to the public utilities and see if keeping up the interest payment will help so that they do not cut off your hydro.

Family pressures—because often, especially in public strikes where the public is affected, that can get pretty hairy when your neighbours start ending up on your doorstep talking about how the strike is affecting them. So pressures from the family to go back in. Birthdays coming up, you know, we have to buy presents for the kid, you better get some money somehow.

Those are all very, very real things. We have had strikes set up soup kitchens where everybody pools canned goods and stuff in the community so that the picketers and their families have a place to eat, at least they know they will get one good meal a day, a hot meal. These things happen today and they happen because people feel so strongly about the position that they are taking that they are willing to lose money to try and get positions to move, the two poles to move closer together.

Well in fact that incentive is no longer there with a strike because while the employees are losing money the employer is not anymore because they just hire scabs and keep the place open, so they are getting their money coming in and they say: You guys can be out there until it freezes over. Well, we are not willing to be out there until it freezes over, but that should not mean that we have to take what we are given, that we have to go cap in hand and accept everything our employers say.

We have the right in this country to bargain collectively and we want to use that right, and we should be able to use it without legislative processes, either taking our right to strike away from us, or in fact encouraging employers to continue that kind of behaviour. They have a responsibility, too. It is both sides, and we have seen employees, workers, have to be more responsible in their positions on final offer selection because they cannot afford the employer's position to get taken.

So final offer selection pushes both sides towards the middle; they have to be ultimately as reasonable as they can be, otherwise the other side is chosen and because groups fear that, it encourages bargaining because as soon as the application goes in the majority of them end up back at the table and they settle the dispute.

Mr. Ashton: Well, having been through a strike situation where scabs were not hired, where the company was shut down, I have always said to myself I can only imagine the frustration of being in a strike situation where you are on strike and the company is hiring strikebreakers. Once again I find absolutely bizarre and absurd that people would suggest you go on strike deliberately so you could wait 60 days to apply for final offer selection; it is one of the most ridiculous things I have ever heard. It is not even worthy of discussion in this Legislature.

I would like to deal just a bit further in terms of the mechanism and the experience with it because you mention a very interesting point, and this was raised indirectly before, by the Liberals once again, who were trying to suggest that this is somehow an issue that only affects the 35 percent of Manitobans who are currently unionized.

In my discussions with people—and to be quite frank, most people are not that aware of the mechanism and technicalities of final offer selection—I found that the general public, if you asked them the very straightforward question, if they think there should be this type of mechanism available as an alternative to strikes without taking away the right to strike, most people—and I am not talking about unionized workers—agree with it.

What I would like to ask is whether the Manitoba Federation of Labour has done any surveying or has looked at any sort of information that is available in terms of the general public, whether in fact that is the case, whether members of the general public support the Liberals and Tories who want to get rid of this alternative to strikes and lockout situations or in fact that the general public, when they are asked very

straightforwardly whether there should be this type of alternative, does not support it. As I have said, that has been my experience, and I am wondering what the Manitoba Federation of Labour experience has been on this.

Ms. Hart-Kulbaba: We have in fact done some surveying, some polling on this, and we have found that overwhelmingly the public supports FOS as an alternative. Just over 80 percent, I believe the figure was, support this as an alternative, a way to in fact avoid major disputes by incentive bargaining,

* (1110)

Mr. Ashton: In other words—and I have some other questions, but the Member for Flin Flon (Mr. Storie) does have some additional questions as well—the vast majority of the labour movement now is opposed to the repeal of final offer selection. Not only that, but your experience has been that the general public supports final offer selection? I ask that question because I am still puzzled why we are dealing with a Bill that is only in place for another three years—it was put in to show whether it would work or not—and why both the Liberals and Conservatives have been so adamant when in fact public opinion, whether it be in terms of the labour movement or public opinion generally, says keep FOS, and on a very minimum basis says give it another chance.

You are saying that not only the working people in Manitoba who are organized, but Manitobans generally support final offer selection, and in your experience are opposed to its repeal.

Ms. Hart-Kulbaba: That is right. The general public does not enjoy, the majority of them do not enjoy, labour disputes affecting them. The majority of workers do not enjoy labour disputes affecting them. The majority of employers do not enjoy labour disputes affecting them. I am very interested in the same answer you are interested in, Mr. Ashton, very interested.

Mr. Jerry Storie (Flin Flon): Mr. Chairperson, just to follow up on some of the questions that my colleague has been asking Ms. Hart-Kulbaba. First of all the reference was made earlier to, by the Member for St. James (Mr. Edwards), that this only affects some significant—or insignificant proportion of less than 35 percent of the people, unionized work force in the Province of Manitoba. How does that 35 percent compare to other provinces and other jurisdictions? Are we more unionized than most other provinces?

Ms. Hart-Kulbaba: I could not tell you for sure. I do not think we are much less unionized than other provinces at this point in time. One of the things that we have to consider is that in terms of the number of workers—agricultural workers of course are excluded, and you will see in the prairie region especially that will shift the numbers a little bit, but I do not think it is really significant.

Mr. Storie: Mr. Chairperson, then if we are certainly no less unionized than most other provinces, and in

some cases we are probably more unionized, how do you explain the concern over FOS when the number of days lost due to work stoppages in Manitoba are so low? How can the people who are opposed to it who are speaking to you rationalize the fact that we have such a good labour relations climate in general? We have fewer days lost to strikes than most provinces, perhaps other than P.E.I. How is that explained to you?

Ms. Hart-Kulbaba: Yes, in fact I have a great deal of difficulty explaining that. I just want to go back to that figure of 49. Eighty-five percent of the applications for FOS that have been dealt with by the Labour Board have been settled, so they culminate in mutually agreeable collective agreements. Eighty-five percent, now certainly that is going to contribute to our numbers.

The other argument I have heard often is that we have to do this in order to attract greater investment. I might say that Quebec has anti-scab legislation which we would give our right arm for, frankly, and it has not stopped investment in Quebec by any stretch of the imagination. I think this is an excuse to go after workers again, to keep us at our minimum so that they can maximize profits. It is anti-worker legislation.

Mr. Storie: It is very interesting, I think, that the Liberals and the Conservatives are ganging up to attack 35 percent of the people in the Province of Manitoba who are part of a unionized work force for no apparent reason, with no defence, no questions, and rather, as my colleague from Thompson said, easily refuted arguments against it.

I am wondering, Mr. Chairperson, if the MFL has had any meetings with perhaps the Chamber of Commerce on this particular piece of legislation. Has there been a dialogue about the perceived shortcomings, the perceived strengths of this piece of legislation?

Ms. Hart-Kulbaba: This particular piece of legislation there has been very little dialogue about. It seems there is a philosophical opposition as there is on other issues like this with the Chamber. We managed to talk on other issues, but labour legislation is generally not one of them that we can agree on at least. Whether there should be legislation or not is often where we get into our discussions with the Chamber. Under my presidency, we have not talked to the Chamber of Commerce about final offer selection.

Mr. Storie: I see the name of Mr. David Newman as a representative of the Manitoba Chamber of Commerce here, and I have met Mr. Newman before. I am hoping that today he will be here to indicate that the Chamber has in fact changed their mind, that the evidence is so overwhelming that this is positive legislation that the Chamber will be correcting its view on final offer selection. I have my misgivings about that eventuality, but it would certainly be nice to see that kind of recognition because it seems to me the Chamber of Commerce and other businesses have tried—

Mr. Chairman: Mr. Storie, I would like to just correct you. Let us try to keep our questioning to the brief that we have at the present time and not try to bring

any other briefs into this questioning. Carry on, Mr. Storie.

Mr. Storie: Thank you, Mr. Chairperson, for reining me in. Forgive the digression. I was simply in my preamble, attempting to provide some background or context for my question.

Ms. Hart-Kulbaba, the question is, in what circumstances could you see business supporting this legislation? What are their goals in labour relations management, labour relations? What goals do they have that are so different from yours? Under what circumstances do you think they could support something like final offer selection? What are they looking for that is not in this piece of legislation?

Ms. Hart-Kulbaba: Darned if I know, Mr. Storie. The only obvious thing to us is that—and we have heard it from Chamber representatives, from business people, let me put it that way, at other meetings that we do have with them where on an individual basis we have talked about it, we have never spoken to the Chamber as an organization about this.

We have had employers say to us: part of the spoils of the strike is being union free at the end of it. That is the attitude of some of those employers. As I have said, the vast majority of employers that we have collective agreements with get settled reasonably.

If we were to hear the Chamber say, if this so important to the labour movement, let them negotiate it, well I would tell you, we would have a hell of a strike trying to negotiate it with the employers we would need it with, because the employers that we manage to have a decent relationship with to settle collective agreements with regularly, we would never need final offer selection with, because the collective bargaining process ticks along quite well. It is with that small number of predatory employers, who want the spoils of victory to be a non-unionization of their workplace, that we need FOS in, and they are not going to give it to us at the bargaining table. Okay? They would not negotiate that into a collective agreement. They will end up putting you on strike to get it. There would be a long strike, and we would have no option, and there we would be.

Mr. Storie: Well, I guess my follow-up question is, how do you explain the Chamber of Commerce and the Minister responsible for Industry, Trade and Tourism's comments about two investors outside the province who acknowledge that a) we have a relatively low manufacturing wage in the province of Manitoba. We have a stable work relationship generally between workers and employers. With this constant attack, dark cloud over Manitoba kind of image that is being portrayed by the Chamber of Commerce, how do those two things square? How can they be saying those same things simultaneously?

Ms. Hart-Kulbaba: I think they are trying to co-opt us by saying that everything is just ducky in this province, and we have to change the perceptions of people so that they will invest here. What we see every time we see that, their perception is to take things away from

labour so that they can look like their keeping us in line, that wages will be even lower, that there will be less responsibilities for employers, and that is supposed to bring employers into this province.

* (1120)

That is not the kind of employers we want in this province at all. We want employers who are going to build a future here in this province, who are going to build a community, who are going to contribute to the community and make jobs available here to Manitobans, so we do not all have to leave, which happens every cycle or so. So we would really like to have some decent employers come in here. I think those opportunities, and opportunities for Manitoba businesses are things that we should be looking at, rather than trying to make the lowest bid and buy off the competition from Alberta or somewhere else in order to get investment in here. Next thing you know, we will be buying off the competition in Korea, and we will all be living like the Koreans do, too.

Mr. Storie: I would just like to deal with one other issue before I turn it back to my colleague, or any other Member who has questions. The Minister of Labour (Mrs. Hammond), back last fall, put out a press release indicating the Government was going to proceed with the repeal of final offer selection. The substantive argument that she used for the repeal of final offer selection was that final offer selection had failed to shorten work stoppages.

I am wondering if you can tell us in your view what the purpose of final offer selection is.

Ms. Hart-Kulbaba: In my view the purpose is to give incentives to bargain collectively in good faith with the workers. The purpose of final offer selection was not to shorten or get rid of strikes. If we had wanted that we would have given up the right to strike. That is not what this legislation is about. We supported this legislation because it in fact enshrined those rights that workers have while giving another option to promote good collective bargaining in this province. We have seen that work. We have seen it work over and over again. The incentive is that it is so scary to go the other way to have a selector do it that it forces reasonableness. It is a defence mechanism. It is not an offence mechanism. Unions are not going to make any great strikes using final offer selection. It is not a panacea for collective bargaining. We do not want it to become one. That is why we have always maintained that the second window should not happen close after the strike is taken, that the whole process should be able to work out like normal. We have seen that it has not in any way, shape or form. Eleven percent have applied for it and that has been the kickstart to negotiation again, because employers and unions would rather in the end negotiate than have something imposed on them.

So it is incentive for both sides to stop, pull their positions, and move to the middle to settle an agreement.

Mr. Storie: Mr. Chairperson, I am going to give the Minister of Labour the benefit of the doubt I am going

to believe, or suppose that she has other more substantial arguments, arguments perhaps better grounded in fact for the Government's intention to repeal final offer selection. I am going to suppose that and I ask you, has the Minister of Labour, in any meetings that you have held on this subject, or on any other subject, ever raised with you a matter on which the Government believes this repeal is necessary?

Ms. Hart-Kulbaba: I am trying to think, Mr. Storie, because we have had monthly meetings with the Minister and it has been raised several times, but I am trying to think of the response. I do not believe we have had anything substantive. Generally the position we have had is: well you know our position on that. When we presented our brief to Cabinet, our annual brief to Cabinet in December we did not spend a great deal of time talking about FOS because they were not about to change their position and they would see us in committee, and we agreed, yes, they would see us in committee.

Mr. Storie: Well I guess it is rather surprising that you have not spent a great deal of time. You would assume that if the Government, if the Members of the Liberal Party were anxious to repeal legislation that is supported by the vast majority of Manitobans, in principle, they would have brought forward some arguments that were, if not difficult to refute, certainly interesting, and I am wondering whether the Minister of Labour (Mrs. Hammond) is prepared to respond at committee, if she is prepared to offer some explanation for the Government's action, other than an ideological struggle which is based on an election commitment, rather than any principle.

My question is, has the other Opposition Party, has the Liberal Party, presented any arguments which have not appeared in the Hansard, which have not appeared as a result of debate in the Legislature, have they presented other arguments which are, in your opinion, more weighty than what we have seen today?

Ms. Hart-Kulbaba: The Liberal Party has raised several arguments. We have had a couple of meetings with them about this issue. I am sure that our discussion, which was animated, enlightened some of those caucus Members about our position and why, and we were enlightened by some of the interesting, frankly misperceptions that were put forward. We feel we addressed many of them and addressed the concerns they raised about the legislation and, therefore, we will be very interested in seeing how the position shakes out in the end of this from that caucus.

Mr. Storie: Well, Mr. Chairperson, the Leader of the Liberal Party (Mrs. Carstairs) has made one of the most pretentious presumptuous remarks that I have ever heard from a political Party leader in Manitoba. She said, and I quote, that final offer selection is unfair to organized labour. Has the Liberal Leader, has any Member of the Liberal Party explained how this Bill is unfair to organized labour?

Ms. Hart-Kulbaba: They tried to justify that statement, yes. We addressed it, we believe, fully and hope that they understand how that position may be a naive one.

Mr. Storie: So other than the rather pathetic arguments that have been, I think, dismantled by your brief, there has been no other explanation for that kind of a statement?

Ms. Hart-Kulbaba: In fact, at our most recent meeting where we had a major discussion with the Liberals about this, Mrs. Carstairs was not present; in fact, the critic chaired the meeting. In terms of the strident statements that have been made, my only guess is that she saw the poll.

Mr. Storie: Mr. Chairperson, my last question is—first I would say that perhaps the Liberal Labour Critic could now, through the use of some insightful questions to you, perhaps give us some better informed idea of why this legislation is being opposed.

My final question is, earlier you mentioned that there would be no organized labour representatives before the committee that would support the repeal of this legislation. I gather that means that there is considerable solidarity amongst certainly your affiliates for this legislation and opposing its repeal.

Ms. Hart-Kulbaba: Yes, and in fact our nonaffiliates as well. Other central labour organizations and the CFL have come onside. The building trades have come onside. We have a coalition together with the women's movement and unions outside of our own federation working against the repeal. It has been quite astounding to see the amount of support we have against the repeal of this legislation.

Mr. Chairman: Mr. Edwards, did you have a question?

Mr. Edwards: Yes, Mr. Chairman, thank you. I hardly know where to begin. I am going to ask Ms. Hart-Kulbaba some real questions for a change.

Ms. Hart-Kulbaba, let us start with your suggestion that at our meeting of last week somehow Mrs. Carstairs, I think you implied, somehow snubbed or did not want to be at that meeting. Will you please clear that up and inform the committee that meeting was requested by Mr. Hilliard of the MFL? Two days before the meeting he asked for it on an immediate basis, and in fact the very day of the meeting you had met with Mrs. Carstairs that morning. Now, would you please put that information on the record so that we do not have a fictitious representation as has been made by the New Democratic Party?

Ms. Hart-Kulbaba: In fact, the federation did request a meeting about final offer selection. Not true, I did not meet with Mrs. Carstairs on another issue the same morning; I met with her the day before on another issue; and I did not imply that for any reason, because I do not know her reason as to why she did not attend that meeting. She simply was not there, and therefore her statements may have been different, because she had not received the same information perhaps that we were giving the rest of the caucus at the time. She did not have the benefit of that discussion. I was asked why she would make those statements. I do not know why. She was not at the meeting, so I do not know

what her position is, in terms of our discussion, and that is the only statement I made.

Mr. Edwards: In fact, Ms. Hart-Kulbaba, approximately a month ago the MFL met with the Liberal Caucus to discuss various issues, and there were various leaders of unions who were at that, members of the MFL, at which FOS was discussed. In fact, at that meeting, at your request, we moved off of the FOS discussion. Would you confirm that to the committee?

Ms. Hart-Kulbaba: In fact, that was the day of our annual brief. There were a good 50 items in that brief and we were given a very short period of time to meet with the Liberal Caucus. We did that and it was a hairy meeting, as you might well remember, with a fair amount of misperceptions of positions, I think, on both sides.

We tried to clear up some communications between labour and the Liberal Caucus, and in fact talked about a number of issues of priority. We had given some time to final offer selection, but there were also other issues that needed discussing. So, within that time frame, we tried to allot a specific amount of time to each of those issues.

* (1130)

Mr. Edwards: Ms. Hart-Kulbaba, one of your statements has been that final offer selection is only really needed when an employer is out to union bust. Final offer selection has been used in this province, according to your briefs, 72 times. Is it your suggestion and the MFL's position that all 72 of those employers were union-busting employers?

Ms. Hart-Kulbaba: The reason final offer selection is applied for is because there are unreasonable positions taken at the beginning, which do not necessarily reflect reality. In order to become more realistic, one uses the threat of strike or the threat of final offer selection in order to encourage reasonableness.

The employers have used it when they have felt that the unions have not been reasonable, and unions have used it when they felt employers were not reasonable. No one has said that final offer selection is only going to be used against employers—if you want to put it in those kinds of terms, because we do not see it as against anyone—who are union busters.

Often during the collective bargaining process—and I am sure some people around this table have had some experience with that—it is much like a chess game, generally you try to start off with polarized positions and move towards the centre, and you respond to each sides' different moves.

In fact final offer selection is only used on the outstanding issues, after all of those other moves have been made. It is also used when those unreasonable positions—and they are tried out fairly early on. For a number of reasons, competitiveness, employers are feeling a lot of pressure right now to be competitive or die, thanks to the federal Government and free trade, and they are pressured to come to the table with bottom-line positions that they must have in order to survive.

Now, most of those employers would open their books, tell us the real story of the facts and get on with it. We have had unions take concessions, take wage freezes, et cetera, when in fact they know that the employer is facing trouble. We do not want to put ourselves out of work, we do not want our employers to shut down. That just would not serve us well, at all, but when they are using it for other means, when the necessities are not so great, that they just like to put a few extra profits in their pockets, they are not going to put us out on strike if we do not have to be out on strike, and I would really like to say that in fact we have seen how those positions have altered by the 85 percent of them who are suddenly willing to collectively bargain and come up with an agreement. It has been very, very few who have in fact gone to strike after that point.

Mr. Edwards: In fact, Ms. Hart-Kulbaba, those same agreements were made prior to final offer selection. The fact is that the number of agreements reached, the number of strikes, as we have already agreed, are not linked to final offer selection, so to that extent when you say that the settlements are made and cite that somehow in support of final offer selection, those settlements were made prior to final offer selection, correct?

Ms. Hart-Kulbaba: In fact, final offer selection has been used to avoid disputes. You could not tell me which of the 72 would have gone to a dispute had final offer selection not been available to force reasonableness.

Mr. Edwards: Ms. Hart-Kulbaba, one of the other things we discussed at our meeting last week, and I do not see reflected in your brief, is that in fact final offer selection acts as an enshrinement of the status quo to the extent that the parties must put their offers forward to prove which is more reasonable and to the extent that the existing contract will obviously be of extreme importance in deciding what is reasonable.

In fact, the progressive things, the innovative things that might come from either side, like maternity leave benefits, like job sharing, like day cares in the workplace, things like that, in fact will not be included in the final offers because if there are significant deviations from the existing contract it will aid the selector in finding them unreasonable. In fact, Ms. Hart-Kulbaba—I see the Members opposite chirping from their seats—you agreed, as did other members of the MFL, with that criticism of final offer selection at our meeting of last week.

Ms. Hart-Kulbaba: Mr. Edwards, I do not know if you have been listening to me today. I did say it was a defence mechanism, not an offensive one. We cannot make great gains here, neither could we through arbitration. It is a defence mechanism when everything is going down the toilet. When they are putting you out on strike, they are not going to give you child care in your workplace anyway, Mr. Edwards. This is a defence mechanism and you can see by the number of collective agreements that have expired, it is not overly used except in a defensive method. There have

been gains made at the bargaining table, but the employers who are willing to do that will not need us to use FOS.

Mr. Edwards: So every one of the 72 times, in fact, would have resulted in a strike. Is that your position?

Ms. Hart-Kulbaba: I cannot predict that. I am certainly saying that they were regressive talks, many of them concessionary bargaining, where it was take-backs, not anything progressive like mat-leave. Even the federal legislation provides us with more than employers would be willing to, and in fact we would use that in those kinds of defence situations. As I have said, the political economic climate of this country and of our province today have put some employers, who would not have been there before, on the defensive to have good swipes at labour because they have run out of innovative alternatives except to remain competitive, except to take back from their work force.

Mr. Edwards: I will just probably have one more question. I am cognizant of the fact that we have drawn out other people who may want to speak today.

Mr. Chairman, finally, I am intrigued, Ms. Hart-Kulbaba, by your citing of statistics which show that some 80 percent of Manitobans believe that final offer selection is a good thing. The reason you cite is that they feel it is good in that it reduces strikes. I believe you cited that as the reason they feel it reduces, it is going to stop strikes.

Ms. Hart-Kulbaba: It is an option.

Mr. Edwards: Ms. Hart-Kulbaba, I am interested to know how you come to that conclusion, given that you and I have already agreed the number of strikes and FOS are not linked.

Ms. Hart-Kulbaba: I did not agree to that, Mr. Edwards. I agreed that the lengths of strikes and FOS was not linked. The number of strikes we have yet to decide, because I do not know how many of those 72 applications would have gone to a strike had there not been a mechanism to force reasonable people to get back to bargaining realistically, and I cannot tell you that. The survey that we did, in fact, showed that people liked an option to that and it was not that there should not be strikes, but that they would like options to it. In fact, that is what FOS provides, an option to a forced strike. It is an option to force collective bargaining instead.

Mr. Edwards: With respect to the number of strikes, let us deal with that then, even linking that to final offer selection. In the first year of final offer selection, the number of strikes in this province went up. Is that not correct?

Ms. Hart-Kulbaba: As I have said, Mr. Edwards, some of those strikes, because of the way the legislation came in, some of those people were already down the pike into collective bargaining and could not avail themselves of an option prior to a strike situation.

Hon. Gerrie Hammond (Minister of Labour): I just have one question. Has FOS—and I am asking if you happen to know—been applied for before any positions have been put on the table or before bargaining has begun?

Ms. Hart-Kulbaba: I am not aware if that is the case at all; I am not aware of the circumstances of any case.

Mr. Chairman: Mr. Ashton, do you care for a question yet?

Mr. Ashton: Yes, I do. I am willing to defer to the Minister if she has any questions.

An Honourable Member: No, that is fine. I just had one.

Mr. Ashton: Mr. Chairman, one question. I notice how anxious the Conservatives are to ask questions to defend their Bill, but what I want to do is get back to a number of questions.—(interjection)— Well, I think we have here—

Mr. Chairman: Mr. Ashton, do you have some questions of the presenter?

Mr. Ashton: Mr. Chairperson, from the response of the Member for Lac du Bonnet (Mr. Praznik), that represents 85,000 workers in the province, I think they should ask a number of questions—the Government. At least the Liberals have chosen to ask some questions, although in fact I wish the Liberal Labour Critic would continue, because I think he demolishes his own arguments every time he asks a question.

What I want to deal with is the situation facing women in this province. At the beginning of the committee hearings, a brief was tabled from the Manitoba Women's Agenda. I am asking questions not so much in regard to the particular brief but to yourself, as president of the Manitoba Federation of Labour. I am noting from the list of participating organizations in the Manitoba Women's Agenda, which represents 35 women's organizations, that the Manitoba Federation of Labour Women's Committee is one of the organizations. Just for the information of Members of the committee, I understand that only one of the organizations - (interjection)-

* (1140)

Mr. Chairman: Order, please. Mr. Ashton has the floor. Carry on, Mr. Ashton.

Mr. Ashton: Mr. Chairperson, only one of the 35 women's organizations that are part of the Manitoba Women's Agenda had opposed a resolution, which had been passed, which opposes the repeal of final offer selection in this province. I note that the other organizations include: Charter of Rights Coalition (Manitoba); Coalition For Reproductive Choice; Coalition of Rural Women; Equal Pay Coalition; Fort Garry Women's Resource Centre; Ikwak Justice Society Inc.; Immigrant Women's Association; Clinic Community

Health Centre Inc.; Legal Education and Action Fund (Manitoba); Manitoba Action Committee on the Status of Women, Brandon, Parklands, Thompson, Winnipeg. There are many others including the YWCA; the various Women's Studies programs; Women's Health Clinic; Pluri-elles (Manitoba) Inc.; Reseau; M.A.T.C.H. International. I could continue on.

I would like to indicate, Mr. Chairperson, I have not read into the record any of the organizations—a number of them had abstained, but the vast majority—I believe two-thirds of the organizations—had voted for this resolution which opposes the repeal of final offer selection.

What I would like to ask to the president of the Manitoba Federation of Labour, how would the repeal of final offer selection impact on women in this province and working women in particular. Why is the Manitoba Federation of Labour Women's Committee so concerned about the repeal of final offer selection?

Ms. Hart-Kulbaba: Mr. Ashton, we are very concerned about it in that many women still work in the service sector. Affirmative action has not improved us at any major rate yet so many of us are still working in the service sector. It is largely not unionized, okay. We have seen in the past, especially in terms of hotels and restaurants where we have seen examples of it happen, where women have wanted to join a union and in fact have done so, and their employer has refused to negotiate with them. It forces them on a strike for what we call "union recognition."

Smitty's Pancake House was a pretty good example out there in Transcona. Those people were out on that picket line for quite some time. The public still went in and ate their pancakes. It was not very pleasant for some of those people or the public during that dispute. In the end, they were out there so long because the employer continued to make money and there was no incentive for him to get back to the table and bargain collectively with that group of women. That strike lasted a very long, long time, to the point where the union lost that strike and those people did not have jobs. They did not have unionized jobs. Now, today that restaurant is still not unionized.

A first contract has helped to address that concern, but it only imposes a one-year agreement. I understand Mr. Newman is up here and we know what he thinks of first contract legislation; I am sure we will be hearing about that—but it only imposes a one-year agreement. If the employer really does not want to have to deal with these people they will just do it in the second year, that is all. It really does not provide (a) women any real right to unionize, they are really denied the right that they are guaranteed in legislation, and (b) it does not improve their economic lot. If they ever find another job they are not going to be in any hurry to unionize. I would not hesitate to say that is probably part of the reason employers do it.

It denies them a fundamental right that most of us take for granted, that we have the right to choose to do that. What we are saying is: women do not have that right to choose to do that. It is there on paper and in reality, it is fiction.

Mr. Ashton: I want to deal with what is happening in terms of the workforce because statistics—and I hate to talk in terms of statistics, we are here to deal with people—show that there is an increasing number of working women in the province, particularly in the service sector. Your background is in the service sector, you have seen it directly.

I am wondering if you can give some reasons why people are so reluctant to unionize in a lot of cases because of the fear that the only way they have of resolving a contract, is a strike. Is it because of the statistics, which show there are a lot of, for example, single parents; a lot of people who are working in the service sector as either a sole support in terms of their salary; or else it is even a two-income family required to just keep them above board in terms of their paycheque. Are we dealing with people who are just choosing not to unionize or is it because of the economic difficulties they are faced with? Are those statistics born out with the reality of the world of the women worker in the service sector?

Ms. Hart-Kulbaba: I raise the issue of women in particular in the service sector, because we also find a lot of young people in the service sector. The young people also are trying to work those jobs and get some decent money so that they can pay tuition, which is obviously going to go up in this province after Wilson's budget.

Those people have a very short period of time usually in which to earn, and do not want to put themselves in a period of not earning money in a job that they are likely not going to stay in for a long time, because they plan on, as all young people do—I am going to get this wonderful education, I am going to go off and be junior management somewhere—and then they end up finding as I did that you end up at Safeway for a good 10 years because you cannot get a job after your degree.

They end up working there afterwards and then they are in an economic bind, where they cannot afford to have the income go; (a) they are paying off student loans, and (b) they need money to live on in the meantime. They are unionizing in the service sector more and more but it is because we have legislation like first contract that helps that happen.

Unfortunately, in the smaller places like Smitty's Pancake House—that is going to be a very, very long time coming because you are putting six or eight people out on a line. We have seen the banks do that to branch after branch across this country, where you get eight women out on a picket line trying to do better for themselves because they have had the same wages for 10 or 15 years, and they keep training the fellows that come in to be their bosses.

There is no economic justice in the world and those people are not given a hand by having the right to join a union. In fact they end up not working.

Mr. Ashton: One of the aspects of the brief as well was the contention that in the service sector, a lot of cases where there are strikes, strikebreakers are hired,

scabs are hired. I mentioned before, in my own situation having been through some strikes in Thompson, INCO has never hired strikebreakers, not in the service sector. I can say in the Community of Thompson, regardless of what people's views are of unions or of particular strikes, I do not believe that people in our community would ever want to see that happen. In fact it is interesting, I think my community is about the only place that Westfair would seem to be masters of the art of -(inaudible)- . Replacement workers and scabs did not keep their store operating during the recent Westfair strike.

I just want to ask what the experience is. Is it just the occasional strike where strikebreakers are hired in the service sector, or in fact are we seeing that, in many cases where there is a striking service sector, not only are strikebreakers being hired, but it is far more likely they are going to be hired than, for example, the mining industry or in manufacturing.

Ms. Hart-Kulbaba: That is absolutely true, Mr. Ashton. In the service sector you are very, very likely to see scabs. In fact I cannot recall a strike in the service sector of late where there has not been scabs. If you are talking health care, the essential service agreements have offloaded some of that, but generally in the service sector, and more specifically in the private service sector rather than the public service sector, you will certainly see scabs there.

Mr. Chairman, could I also address the Minister with regard to the questions she asked earlier? I received some information from my researcher. I wanted to check it out.

Mr. Chairman: Yes. Carry on.

Ms. Hart-Kulbaba: With regard to your question, Madam Minister, about somebody applying for FOS before proposals had been exchanged, et cetera. I understand by checking that in fact there was one such case where that did happen. The Labour Board did not grant final offer selection. They would not appoint a selector and in fact booted out the application.

In my opinion, the present system is working. The process in fact stops abuses from happening on either side. We are quite happy with the process as it is.

Mr. Chairman: Thank you. Mr. Ashton.

* (1150)

Mr. Ashton: I want to just expand a bit further. I have been talking about the fact that the Manitoba Women's Agenda, which represents 35 women's organizations, is opposed to the repeal of final offer selection. A few days ago you announced the formation of a coalition opposed to repeal final offer selection. I want to be fair here because we have seen a debate in which the Liberals and the Conservatives have tried to suggest that there is not support for final offer selection. I really want to be very specific in terms of that. I ask you, what is the position—the MFL is part of the coalition obviously, but who does the coalition opposed to the

repeal of final offer selection represent? Is it just the Manitoba Federation of Labour or are there other unions, women's organizations involved?

Ms. Hart-Kulbaba: There are other unions—

Mr. Chairman: Ms. Hart-Kulbaba.

Ms. Hart-Kulbaba: Thanks. I am sorry, Mr. Chairman.

Mr. Chairman: That is okay.

Ms. Hart-Kulbaba: There are other groups in fact involved in the coalition. The Canadian Federation of Labour is the national organization and their Manitoba provincial council participates in that coalition. The Building Trades Council which represents the construction industry in this province is part of that coalition. The Action Committee on the Status of Women is part of that coalition. There were groups within our own federation who originally opposed final offer selection for various reasons, not necessarily because of the process that final offer represented, that were part of that coalition. It is a fairly broad-ranging group.

In terms of the Manitoba Women's Agenda and their support, I thought I heard that they would be presenting. I thought I saw that on the list that they would be presenting a brief, but that was a very interesting experience for us to participate in. We have been in the Agenda for several years now, and with all of the resolutions that come in from those 30-some odd women's organizations they have to choose, I think it is six or eight resolutions that everybody runs with in the end.

I was very pleased they felt that final offer selection was an important enough issue to make that one of their priority resolutions that they would take action on over the coming year.

It is very easy to say that the public does not care about this Bill, when it is so technical and the ramifications of it do not seem very far reaching. In fact, once you sit down and talk with 35 women's organizations about what it means, even the business organizations can understand why it is important, and they want to see women get some economic and social justice in this country too. They had very little trouble supporting us at all and in fact have taken the position that they will also lobby on final offer selection. We are very pleased with that.

Mr. Ashton: There was some discussion earlier about what has taken place or not taken place in terms of discussions with the Liberals and yourself.

I note that Carolyn Garlich, the co-ordinator of the Manitoba Women's Agenda—and this is from an article of December 7, 1989, headlined: "Carstairs urged to alter stand on labor law"—was quoted as saying: "Mrs. Carstairs was flat out saying that she didn't agree with it and would not support the Women's Agenda on this issue."

To be fair to Mrs. Carstairs she then told the media, apparently at that time, that the spokesmen—probably

spokespeople for the coalition would be a more appropriate term—cut her off while she was explaining her position—just to be fair. That was on December 7, 1989.

You have been part of the Manitoba Women's Agenda as well as making your own presentation. What has the position of the Leader of the Liberal Party (Mrs. Carstairs) been in terms of the concerns expressed by the Manitoba Women's Agenda? Has she continued to say that she is opposed to the Women's Agenda and the hundreds of thousands—

Mr. Chairman: Mr. Ashton, I wonder if I could bring you to order. I think some of your questioning is not related to the brief at hand. Will you try to keep your questions pertaining to the brief at hand, please.

Mr. Ashton: Mr. Chairperson, I did not raise the topic of discussions between the Liberals and the Manitoba Federation of Labour. It was raised by the Liberal Member, and I just was trying to be fair.

My simple question was, has there been any indication—and let us be fair to both sides—by either the Minister of Labour (Mrs. Hammond) or the Liberal Leader (Mrs. Carstairs) or the Liberal Labour Critic (Mr. Edwards) in the time since the concerns of women have been raised? And by the way, Mr. Chairperson, on page 6 of the brief there is specific reference to the situation facing women. I am just asking if there has been any indication that either the Minister of Labour, the Leader of the Liberal Party, the Conservative Caucus, the Liberal Caucus, has recognized the situation facing women and has in any way changed their position.

Ms. Hart-Kulbaba: That is difficult for me to ascertain from the Women's Agenda lobbying, because I was not in town when the lobby occurred so I was not present at that to hear Mrs. Carstairs' comments or any other Party's comments, in fact, to that. All I have to go on is what I read in the newspapers, because the federation met early on with Mrs. Carstairs when I was not president, but I did attend that meeting and she was opposed to final offer selection at that point.

Certainly the issue of women and how it affected women was raised at that meeting, because I raised it myself. I was there representing the women's committee at that meeting. As I say, I do not know if the position has changed, because she was not at the last meeting and all I have to go on is from the newspapers.

Mr. Ashton: I just want to deal with a few more arguments that have been put off in terms of final offer selection. I must apologize to Members of the committee for having to do this, but we are in the unfortunate situation of having a major Bill, which our caucus has fully participated in in debate, but in which, in most cases, the position of the other Parties is we are having to glean from newspaper reports, quotes made outside of the House—

An Honourable Member: Eighty minutes of debate.

Mr. Ashton: Eighty minutes of debate says the—

Mr. Chairman: Mr. Ashton, I want to remind you one more time, would you please try to ask the questions that are pertaining to the brief at hand?

Mr. Ashton: Mr. Chairperson, I am talking to the presenter in regard to both the presentation that was made today and also in terms of items that have been raised today, so that the committee can have a complete, clear picture of the situation.

One of the arguments that has been used—and you addressed it indirectly in your brief—is that somehow by having final offer selection, you are going to end up in a situation in which the unions will lose. This was expressed once again by one of the most vociferous, most vocal individuals on this, the Leader of the Liberal Party (Mrs. Carstairs), who said that she opposes it because workers could lose benefits that they have had for 10 or 20 years. That, by the way, is a quote from the Winnipeg Sun, November 17, 1988, when the first Bill was brought in.

I would like to ask—you have had direct experience individually and as president of the Manitoba Federation of Labour. The federation represents many unions throughout the province. Is there any concern at all, on behalf of the people that you represent, that final offer selection will result in, and I quote: the loss of benefits that they have had for 10 or 20 years. Has that ever been expressed by labour? Is it being expressed now as some reason why we should get rid of final offer selection.

Ms. Hart-Kulbaba: It is not a concern that the labour movement has, Mr. Ashton, and it is not a concern because the only issues that go to final offer selection are those that are in dispute and are still outstanding.

In fact, when you would have to go before a selector, each side presents its position, and a selector has to choose one side or the other. It is not very likely, in order to look reasonable, that an employer would come back and take away something that the workers there have had for 20 years and still expect a selector to choose that position.

* (1200)

Therefore, we have not seen that type of activity happening when we get right down to selection, because employers want to look reasonable in order to have their side chosen. In the same way that we will not make great gains, neither will employers make great gains in taking things away from us in a final offer selection process.

So, no, we are not real concerned about that. I have said before we are willing to take our chances on this, because the process has shown to be that it does come in fact to be a decent incentive for good collective bargaining.

Mr. Ashton: Just finally—so in other words, the position of the labour movement is that in final offer selection, when it is used or in situations where it is not used, there are always consequences. The labour movement fully understands and recognizes that and does not in

any way, shape or form see final offer selection as having any such dire consequences as the loss of benefits that they have had for 10 or 20 years.

Ms. Hart-Kulbaba: In fact, we lose court cases, we lose arbitration cases, and we have to live with those things and try and address them in bargaining at some other time. We are willing to take our chances on this as well, and we think the process works.

We do not abandon the arbitration process when we lose one. We do not abandon the court procedures when we lose one, because we also have a chance of winning those things, the same as we have a chance of winning final offer selection.

We have lost two out of the five times that we have gone to final offer selection, in terms of being a movement, and you do not see us saying, almost half is not good enough for us, we do not want it any more, because we are liable to lose. We are willing to say that we believe our positions are reasonable and that we can convince the selector of our positions.

Frankly, Mr. Ashton, I am getting very tired of people who are not within the labour movement trying to tell the labour movement what is good for us. We are not addled and without brains, and we develop policy through lengthy discussion. We have decided democratically—and I have been elected to put that view forward—that we believe this is a useful collective bargaining mechanism. I am tired of people telling us what is good for us.

Mr. Storie: Mr. Chairperson, I appreciate the last comments from Ms. Hart-Kulbaba. I again refer to the fact that the Leader of the Liberal Party (Mrs. Carstairs) and the Minister, I gather, believe that somehow this Bill creates winners and losers. That is an unfortunate situation.

The Member for St. James (Mr. Edwards) said on one occasion that the idea of creating winners and losers should be opposed by all. Yet on September 29 he said he recognizes that we all lose when strikes occur. The Leader of the Opposition says that this Bill is unfair to labour. Then she says that this Bill was unfair to business. The Member for St. James says the Liberals have debated this Bill for 80 minutes. Eighty minutes of, we are on the one side and we are on the other side. Yet when the final blow is struck the Liberals are supporting the Conservatives and eliminating this tool for preventing strikes, a tool that is supported by 80 percent of the people.

Ms. Hart-Kulbaba, I have a question about the impact on women. The latest projections, or the last projections that I heard about the number of jobs that are being created in our country indicate that about 80 percent are in the service sector industry. The Women's Agenda paper refers to it, you referred to it in your report. I am wondering whether you can tell us something about the conditions for women in the service sector industry. For example, what percentage of unionized work forces have pensions versus non-unionized sectors? Do you have any statistics you can give us on the relationship between the benefits in the service sector industry or

generally? The comparison between unionized and non-unionized work forces.

Ms. Hart-Kulbaba: I do not have stats on that, Mr. Storie. I do know that much of the service sector does have decent benefits in terms of wages, extended medical, long-term disability, some have dental and vision care as well, as well as pharmacy. Most of the unions that are in the service sector—of course the public service sector ones have those benefits. The private service sector workers that are unionized, the majority of them have those benefits as well.

Mr. Storie: Then if I understand the tenor of your brief correctly and the written brief we received from the Manitoba Women's Agenda, that final offer selection in some ways is going to assist women in achieving the objectives that I think we all want, for fair and equitable treatment in the work force, for a reasonable wage and some benefits. I think certainly from my perspective, and I hope from all Members' perspectives, the issue of the treatment and the equity of treatment of women in the work force has to be a concern of all of us.

I am wondering whether the details of the final offer selection Bill make it more likely that service sector employers and employees would have the benefits of final offer selection. Are we going to see a creative use of FOS in the service sector? Do the statistics show that that is happening or is it used broadly across all sectors?

Ms. Hart-Kulbaba: It has been used broadly across all sectors. We will of course see unions in the service sector use it more frequently because of the type of industry that they are in and the method they have to organize and service, according to The Labour Relations Act. It is not like you have one employer often under one roof where you can talk about a specific problem and a specific workplace. Employers can be in 30 or 40 different locations in the service sector.

I mean, try organizing McDonald's, you would have to represent everybody in all of those stores across the city or across the province depending on what your certificate says. It is more difficult just even to service. The employer has the opportunity of pulling everyone together from those different facilities. The union does not have that opportunity. McDonald's could bring all their store managers together one morning and give them marching orders. The workers do not get time off to go and get together at convenient times where they all will have the opportunity to be there and discuss what they would like to see happen too.

It makes it more difficult. That is just the nature of the industry. You will see final offer selection be a more valuable tool in the service sector in terms of getting the message and starting to balance off that power in terms of getting a decent collective agreement rather than polarize positions.

Mr. Storie: I am just wondering if you can give the committee any indication of whether final offer selection works in a different way with smaller bargaining units

versus larger bargaining units. Is its impact on the bargaining units of eight or 10 or 12 people different than on 1,000 people or 200 people, or does it seem to work equitably amongst employers and employees of differing size bargaining units?

Ms. Hart-Kulbaba: I would say that in fact it works rather equitably. In terms of smaller numbers at a particular workplace, they will get the same benefit of having an employer be reasonable at the bargaining table as 1,000 people will. The other thing that you have to understand is that in the service sector you could have one collective agreement representing 3,000 people, but they are all in 30 or 40 locations. They are not under the same roof. So that will affect how the industry itself affects how often you would be able to use a tool like this strictly because of the advantage the employer has to organize their position versus what the workers can organize.

Mr. Storie: Mr. Chairperson, a final question from me I think is, your paper refutes the myth that somehow final offer selection is tipping the balance of power. That has been a concern that has been raised and I think it is fairly evident from the statistics that you have used and others have used, that in fact there is no evidence that that is happening at all and in fact quite the reverse. The principle that was used when the Bill was introduced was that we were trying to prevent strikes and it appears that that is working. It does not appear that the use of final offer selection has done anything to tip the balance of power.

I guess we are all wanting, at least I hope we are, for negotiations to be conducted in good faith, for reason to prevail. I guess if I was to ask you perhaps a difficult question, perhaps to ask you to put on a different hat. What is it in final offer selection that creates that atmosphere of reasonableness? What is it about final offer selection that creates reasonableness on both sides? If you can answer from both perspectives I think we would appreciate it.

* (1210)

Ms. Hart-Kulbaba: The aspect that creates the reasonableness is the end result if you are not reasonable. The end result is the imposition of an agreement that you either had a hand in or that you did not have a hand in. It is much more positive to come to a mutually agreed upon collective agreement, a mutually agreed upon settlement, than it is to have something imposed. If the imposition will stop the war, it is worth it. On the other hand, it is always more beneficial and more desirable for both parties to come to agreement.

We have seen from time to time unreasonable positions taken on both sides where employers have in fact said, go on strike, I will save money, so they will force it or a lockout. We have seen in history, workers have the chance to say, we will shut you down, we are gone, put the squeeze on you. Both of those positions have been maintained. The employers still have the right to lock out and the unions still have the right, with their workers, to strike. What this does is say, fine,

in order to avoid that we will have the opportunity to both be reasonable and present our best case scenario. I will present my best case scenario, the best I can do, and because it is reasonable I am sure it will get selected. But you run the risk of it not being selected.

I have gone into arbitrations where I thought for sure I was going to lose and we have won them. I have gone into them and thought for sure I was going to win, and I have lost them. The risk is the same with final offer selection.

If you get to the point where the selector decides, "you takes your chances." It is a crap shoot, as we have heard said. So, to avoid the crap shoot, the positions get very reasonable, and collective agreements are concluded.

Mr. Storie: I am glad the presenter raised the last point because I have said that the Liberals tried and then the Conservatives have tried to, in their discussion of the Bill, have it both ways: that everyone loses in a strike but yet there are winners; and that it is unfair to labour and it is unfair to business. The Leader of the official Opposition says that workers might lose benefits they have had for 20 years, and the Member for St. James (Mr. Edwards) says, well, you are not going to make any gains—an interesting contradiction.

Back to the question of reasonableness, obviously there are circumstances where, if I can ask you to put on the hat of the employer for a minute, where—

Ms. Hart-Kulbaba: I am one, you know.

Mr. Storie: I stand corrected. Mr. Chairperson, obviously there are times when circumstances create an atmosphere for an employer which make it difficult, the price of the widgets drops, whatever. Is there anything inherent in final offer selection which prevents those kinds of contextual realities in bargaining from affecting the outcome of the bargaining or final offer selection?

Ms. Hart-Kulbaba: No, there is nothing in final offer selection that would preclude those positions having an impact on the end result. Even if it was imposed, it is up to the employer to put their position, and if they can put a position forward that will convince a selector that this will be harmful, if we meet the demands, this is the best I can do, here is reality, here are the books, I have opened up everything and I am showing you how reasonable I am and that this is reality, I will go under if I do not get such and such, there is no selector in the world who is going to force an employer to go under.

So the realities of those economic consequences for employers will be met and often they are met at the bargaining table. Right now and prior to FOS those things could be met at the bargaining table where an employer will bring forward their position and say, you know, the way things are going, if we do not lay off some people, we are going to lose this thing altogether and we need to reduce the work force a bit.

The unions have been conducive to those kinds of arguments. We have agreements where in fact we have

had to agree that there would have to be layoffs or that there would have to be wage freezes or that we will have to move money out of a pension plan request that we were requesting and put it into wages instead and not get the pension that we wanted. I mean, all of those things are part of bargaining, and that has been done pre FOS and after FOS. There is nothing in final offer that would preclude an employer from taking that kind of a position, and I do not know a selector in the world who would shut a workplace down. Those are realities, and if it is reasonable, that is the point.

If an employer goes in there and makes those demands and cannot back up why they have to make those demands, and cannot show a reason for doing it, they will likely not get theirs chosen. What we have seen, and I want to emphasize this, is that 85 percent of the applications get settled. There is a dispute that cannot be settled, but as soon as that app goes in, hey, we are going to sit and talk. Fine, lights come on, let us talk then. That goes both ways.

Mr. Storie: Yes, just a question. We are all aware of circumstances where because of strikes or lockouts over the last 50 years companies have closed, rightly or wrongly, for the right reasons or the wrong reasons. I am wondering if you can tell us whether in your knowledge there have been any adverse circumstances such as that from the use of final offer selection?

Ms. Hart-Kulbaba: Mr. Chairman, no, in fact the opposite has been true. I know of one case where there was a strike ongoing and after the strike was going for a little while, the employer decided that they would shut the plant for a year. They told the workers that. The union applied for final offer selection and they got a collective agreement right away. It ended what could have been a lengthy dispute or in fact a shutdown in this province. That plant is still open today and it is operating. It is operating without an imposed collective agreement. It is operating with a bargained collective agreement.

Mr. Storie: Just one final question. The provisions of the final offer selection section of The Labour Relations Act provides that where the parties desire, material in support of its final offer can be provided. To your knowledge, do the collective agreement agents for both parties normally provide this background material so that the selector has the context within which bargaining is taking place? Does it lead to reasonableness?

Ms. Hart-Kulbaba: Yes, in the cases where we have had to go before a selector, the positions are put forward and the reason, all the backup documentation. Final offer selection briefs are fairly cumbersome documents for a selector to have to look at. In fact what has happened is, it has led to reasonableness.

What we have seen from the two positions put in at the selector is that the position has changed dramatically from the confrontational position to the one—and in fact the workers often never even heard that offer but it went to the selector.

Mr. Storie: Mr. Chairperson, am I correct in my belief that of the five decisions in Manitoba that have gone

to a selector, three have chosen the union's position and two, management.

Ms. Hart-Kulbaba: Yes.

* (1220)

Mr. Chairman: Are there any other questions for the presenter? If not, I want to thank you very much for your presentation this morning, Ms. Kulbaba.

Ms. Hart-Kulbaba: Thank you very much.

Mr. Chairman: Mr. Ashton, do you have a—

Mr. Ashton: Mr. Chairperson, earlier we indicated our concern about the scheduling of the committee hearings. I think we have seen already that it is not just working people who are being prevented from making presentations because of the fact the evening sittings have not been made.

We saw earlier, Mr. David Ryzebol of Westfair Foods Ltd. was unable to be here. We are very concerned that people are going to be stuck with the choice if they wish to make presentations to this committee, to either take time off work, potentially lose wages in the process to be able to make presentations Friday afternoon, and Saturday as well—

Mr. Chairman: Thank you, Mr. Ashton. We are going to be dealing with that.

Mr. Ashton: Mr. Chairperson, I am dealing with it right now. I just want to indicate we have a motion that we will be moving that we hope will address that and express the will of the committee that it is not acceptable that out of the first five committee hearings only one is during a weekday evening. I realize that there is no perfect time, but clearly a weekday evening is the most desirable time to allow, especially working people—I think we are even seeing it in terms of the business side as well that it is very difficult for people to come to committees. This is a Thursday morning. We are going to be sitting here according to the Government House Leader's (Mr. McCrae) schedule, which was not arrived at with any consultation at all with ourselves.

I do not know if the Liberals had the courtesy of consultation. They have not spoken out against it. We want to hear the people. That is why the Member for Flin Flon (Mr. Storie) will be dealing with that, a way out of the current situation we find ourselves in, and that is that many people are either going to have to lose time off work or not make a presentation because of the arrogant scheduling of this committee by the Government House Leader (Mr. McCrae).

I want to indicate, we are willing to sit here Monday evenings, Tuesday evenings, Wednesday evenings, Thursday evenings, as long as is necessary, but I want the scheduling to be done for the convenience of people, not the convenience of the Government House Leader.

We have been unable to raise that, so we will be raising that in the committee, Mr. Chairperson, so that we can deal with that particular problem.

Hon. Harry Enns (Minister of Natural Resources): Mr. Chairman, I will defer my comments until I see the motion.

Mr. Chairman: Okay. Mr. Storie.

Mr. Storie: Mr. Chairperson, I just want to add to that. I mean the Member for St. James (Mr. Edwards) says, we want to hear the people, as do we. Of the three people we have had a chance to hear this morning, two of them could not be here. That is not a very auspicious start. Clearly we want to listen to people. I particularly am anxious to hear Mr. Ryzebol's presentation, but there are many other people who have lined up to speak who, if they come at a morning sitting, having taken time off work, are going to sit and then because of the length of presentations or the detail of the questions will forfeit their opportunity, will have to go back to work, will lose their opportunity at that time, will have to reschedule, and it becomes a nightmare.

Evening sittings are much better. Of course we are asking people then to take time away from their families on Saturday for those few that get Saturday off. We are talking about the impact on the service sector industry and many of the people who are affected by the repeal of this legislation are service sector workers who work Saturday and Friday nights.

So therefore, Mr. Chairperson, I move, seconded by the Member for Thompson (Mr. Ashton), that this committee not sit at the scheduled Friday afternoon and Saturday sittings in order to accommodate the many people unable to attend during this time and that this committee request evening sittings be called instead to accommodate the many people wishing to make presentations on Bill No. 31.

Mr. Chairman: Are you making that a motion?

Mr. Storie: That is a motion.

Mr. Chairman: Okay, Mr. Enns, would you like to speak on that now? Or Mr. Edwards?

Mr. Enns: Well, Mr. Chairman, I think it should be noted, at least put on the record, that in Manitoba we have a very unique situation. We are the only Legislature in the country that takes the time to pause when passing legislation, first, second reading, formally in the Chamber, and then brings it to a committee, such as we are structured here, and allows the general public and interested parties to make presentations to us directly as legislators. No other jurisdiction in Canada takes democracy that further step.

It is a tradition that I am very proud of, a tradition that I think we can be very pleased that we continue to practise in this Legislature in Manitoba. Mr. Chairman, I do not think however that it was ever meant to be, nor should it be, an opportunity for delaying the work of the Legislature. Some Opposition Members may wish to take exception to that comment, but I remind Honourable Members of this committee and indeed the general public that this Legislature has now sat since May. We are stretching into a record sitting.

We are providing any and every opportunity for consideration on, admittedly, an important Bill. But it is not, and I say this with the greatest respect to any members of the public, incumbent on us, who are already because of our practices and tradition making this opportunity available to the general public to comment on Bills at this stage prior to final passage, that we have to make our schedule, which is already a heavy one—and we sit mornings to evenings, and we are at this stage now of this Session where our House Leader has suggested that in order to expedite the business of this House, and not to do away in any way or to infringe in any way of the tradition that we have in this House of allowing public input into the Bills, to proceed in a way that will move the Bill forward.

For Honourable Members opposite, for the New Democratic Party, to suggest that this is an unreasonable request, simply does not stand up to any kind of scrutiny and for those—and there are some Members of the New Democratic Party that are well aware of it, and indeed practised it, when they were the administration and they were calling the shots in terms of when committee hearings should sit or not sit, and committees did sit on Saturdays during their administration and on workday afternoons.

Mr. Chairman, I suggest to you, and I seek support from other honourable committee Members, that committee Members of all Parties in the current Legislature are more than prepared, in fact dedicated to providing the opportunity to have members of the general public make presentations to us. Certainly I speak for the Government side, but I reject the motion put forward by the Honourable Member for Flin Flon (Mr. Storie) on the basis that is undue interference in the conducting of the business of the House, as difficult as it is sometimes, particularly on these procedural matters for a minority Government. Mr. Chairman, I would be pleased to hear if there is any support for that position.

Mr. Chairman: Is there any further debate on the motion? Mr. Edwards was first.

Mr. Edwards: Mr. Chairman, I want to add some comments to that of the Minister of Natural Resources (Mr. Enns). Specifically the New Democratic Party, at the beginning of these hearings, put forward a suggestion that we not limit debate on anyone, in terms of time. We were very pleased to support that, and I spoke in favour of it at the time, because I think it is important that whoever makes the time and the effort to come to the committee get a chance and a full opportunity to do that.

That has some hazard, some downside, to it in that you cannot accurately predict when the next speaker will be called, and that has some scheduling disadvantages. However, it is my position that as we go through this list, I am sure we will have plenty of speakers available to speak when we are sitting, and as I indicated at the beginning of this session, it is our commitment to have sessions in the evening for those who cannot make it during the day, during the week for those who cannot make it on the weekend, and during the day for those who cannot make it on the evening.

* (1230)

We are going to have sittings at all times. With 107 presenters, there is no way we are going to be finished the 107 by Saturday, and that is obvious, given the progress we have made so far. What we have to do is accommodate those who can make it at different times. We are going to do that.

It sounds to me like the New Democratic Party is not willing to sit on this at the times when the rest of the committee is. That is Saturdays and Fridays. We owe it to the people of Manitoba to sit and listen and to work hard. It is a tough time for all of us. We have got a heavy, heavy load as the Minister points out.

We want to maximize the ability to hear people, and I would suggest there may be people who cannot make it during the week, who can only make it on Saturday. Now that is something that has not been mentioned. Let us sit at all times. Let us be flexible, but let us do our work, let us do it thoroughly, and let us do it as often as we can, so that we can hear these people and deal with the legislation before the House.

I am shocked that the New Democratic Party makes this motion in total contradiction, I would submit, to their earlier motion. To that extent, I certainly commit our caucus Members to sitting next week in the evening, whenever it is possible to arrange sittings so that we can hear all 107 or indeed more, if they come forward.

That is not unique in this House. I know of at least two other examples where we have had well over a hundred presenters, and I believe in both of those cases, the same flexibility was insured. The Member for Flin Flon (Mr. Storie) says, we never sat on Saturday. What if there are people that can only make it on Saturday? Saturday is perhaps a convenient day for many people to speak to us. Let us try it and see. Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Edwards. Mr. Ashton. Is this pertaining to the motion?

Mr. Ashton: Well, first of all on the motion I would like to point out that Friday, this Bill, last Friday, was passed through to second reading. Friday, the Government House Leader (Mr. McCrae) did not engage in any discussions whatsoever in terms of the committee hearings. On Monday he announced there would be a committee hearing on Thursday morning. On Tuesday he went further and announced four additional committee hearings to the point that we now find that only one out of the five is scheduled in the evenings.

We, Mr. Chairperson, in the New Democratic Party would have given leave to sit last Monday night if necessary. We would have sat Tuesday, we would have sat Wednesday evening, we would have sat Thursday evening, but we were never even asked which committee hearings would be convenient, not only for us but for other people. I just want Members of this committee to realize what is going to happen, because we are dealing -(interjection)- I am debating this for the Minister of Natural Resources (Mr. Enns). I would love to quote back some of his concerns previously in terms of Friday and Saturday hearings since I have them on record from a number of years ago.

Let us not forget that we have 89 out of 107 presentations coming from private citizens, Mr. Chairperson, not strictly working people. There may be business people involved in that too. We have seen already how difficult it is for people to attend, what people will be doing by sitting Friday afternoon and Saturday morning and Saturday evening in terms of the situation facing those people, the working people. Let us not forget this is a particular Bill that addresses The Labour Relations Act that affects working people generally. They will be faced with a choice of taking the risk of missing their place in terms of the order of speaking on this. Because let us not forget, we only have five sittings scheduled by the Government House Leader (Mr. McCrae). There has been no commitment, none whatsoever, by the Government House Leader for any further sittings.- (interjection)-

Mr. Chairman: Thank you. You have had an opportunity to—

Mr. Ashton: Mr. Chairperson, it is not in order for a Member to shout from his seat who does not have the floor of the committee to question, and then for the Chair to accept that. The Member has to be recognized first. I have been recognized and I ask for the same courtesy that was given to the Minister of Natural Resources (Mr. Enns) and the Liberal Labour Critic on this particular issue.

I just want to point out the dilemma you are putting people in. You are saying to them, this committee will be saying to them, that they have the choice of risking losing making a presentation because it is common, Mr. Chairperson, in committees that if one reaches the end of the committee hearings and there is no one left to make presentations, even if those people at another time would be available, the list of people who are unable to make it will be read a first, a second, a third time. If their name is still on the list, they are not at the committee hearings on Saturday they risk losing their opportunity to make their presentation. The alternate decision they have to make is taking time off work. They may have to take time off work tonight, Friday afternoon, Saturday morning and Saturday evening to assure they get the opportunity to make their presentation.

That is the kind of decision that would be unnecessary if the Conservative House Leader had asked us, had talked to people. We would have been quite reasonable in making—as I said, we would have sat every evening this week, we will sit every evening next week. I am surprised that the Liberals are—well, I am not perhaps as surprised after hearing their comments this morning, supporting this.

I just want to say that our position is, we are willing to schedule committee hearings. We are not in any way trying to prevent this committee from hearing from members from the public. What we want are evening hearings recognizing the specific nature of this Bill. We will sit Monday next week. By leave we can do that. I will give you our complete agreement to do that now if you reschedule the committee hearings. We will sit Tuesday next week, Wednesday next week, as long as is necessary, Mr. Chairperson, but we are not going to

allow the Conservative Party, supported by the Liberals in this particular case, to put people in the position of either having to lose wages to make their presentation or not making a presentation. That is not hearing from members of the public.

Mr. Patterson: Thank you, Mr. Chairperson. I am getting a little tired of the empty rhetoric of the Members across the way. We just take the 107 presenters who are listed so far and make the unrealistic assumption that they would be 20 minutes a piece, we come up with the figure of about 36 hours of presentations which certainly will go well beyond the five sittings that are scheduled for the remainder of this week, one of which is gone. It is perfectly obvious that there will be evening sittings next week. I fail to see any rationale for a hypothesis or assertion that some will be denied or lose their opportunities to speak. I think we should get on with it. Many of these will be cleaned up and we hope within the next four sessions, and those who are not able to attend will have full opportunity next week to make their presentations.

r. Edwards: Might I just make one observation, Mr. Chairman. I think this may allay some of the concerns that are being expressed by the New Democratic Party. If someone is called and is not present, I assume that Members agree that if that person gets in touch with the Clerk of the Committee that person will be allowed to speak at a convenient time later on in the list.

Just because you are not here at the time, in my view, should not mean that you are necessarily barred from speaking to the committee. We will make every effort to hear everyone who wants to speak, but we must sit and do our duty, I believe, and sit as often as we can on this, and that includes Saturday.

Mr. Chairman: Okay, I will read the motion—Mr. Ashton.

Mr. Ashton: I notice that the Liberals have made that suggestion. There has been nothing said from the Government. We still believe that this is the wrong way to function as a committee. We would like to have the vote on this motion.

I would like to ask whether the Government, the Minister of Labour (Mrs. Hammond), will give the commitment that if people are unable to make the upcoming hearings—we still would like to vote on the motion—but at least allay one of our concerns and that being that there will be further meetings next week of the committee during the evening to accommodate those—

An Honourable Member: Of course.

Mr. Ashton: Well, the Liberal Labour Critic (Mr. Edwards) says, of course. We have not heard from the Government on this and they do schedule committee hearings not committees. I am asking them if they can give us that assurance, then we can vote on this particular motion and deal with the schedule.

Mrs. Hammond: I will give the assurance, certainly, that we will have an evening sitting next week as needed.

That will not be a problem. We do not want to deny people from making presentations, but we do believe we should be sitting Saturday to give people an opportunity, who can only come on Saturday, a chance to speak.

Mr. Chairman: Ready for the motion? I will read the motion moved by Mr. Storie that this committee not sit at the scheduled Friday afternoon and Saturday sittings in order to accommodate the many people unable to attend during this time, and that this committee request that the evening sittings be called instead to accommodate the many people wishing to make presentations on Bill No. 31.

Is it the will of the committee to adopt the motion? All those in favour say aye, all those against say nay. The motion is defeated.

Before we rise we have two items that we should consider. Does this committee wish that the text of written presentations be printed in Hansard? Agreed, okay. Does this committee wish to deal with presenters who are unable to attend a particular meeting or are absent, shall the names be dropped to the bottom of the list, or shall the names remain as they are on the list? I am bringing this forward because some presenters have indicated that they are unable to attend particular meetings of the committee. Just drop them to the bottom of the list, or any particular time when they may be able to attend? (Agreed) Which is agreed to by the committee?

Mr. Ashton: I would just leave the list as it is and we look at the situation on that particular day. This gives people a better idea if they are able to make it, whether they can speak.- (interjection)-

Mr. Chairman: Just a minute. The hour is now 12:40. What is the will of the committee?

An Honourable Member: Rise.

Mr. Chairman: Before rising I would like to remind committee Members and inform members of the public that the committee will be meeting this evening (Thursday) at 8 p.m.; and on Friday, February 23, at 2 p.m.; and Saturday at 10 a.m. and 2 p.m.

Committee rise.

COMMITTEE ROSE AT: 12:40 p.m.

PRESENTATIONS SUBMITTED BUT NOT READ.

Written presentation of Terry Dingle

To me final offer selection is security to employees, employers and to all the people of Manitoba. It keeps us, the employees, working; it keeps the employer functioning, which in turn benefits all the people of Manitoba in that they are not doing without services or products.

Knowing full well that under a final offer selection system unrealistic demands by one bargaining party could jeopardize their bid for settlement in their favor,

both parties will be much more reasonable upon submitting their demands at negotiation time. Neither the employees nor the employer would ask for ridiculous demands when submitting their final offers as it would assure that the selector would side in favour of the most realistic proposal. For example, if the employees were asking for a 10 percent increase while the cost of living was around 4 percent, then a submission of 3 percent by the employer would more likely be selected.

The history of final offer selection since it was implemented in 1988 has been very successful in providing sensible compromises and has not led to one-sided bargaining in favour of the unions. Overall I think final offer selection has proven that in most cases it has encouraged the two bargaining sides to reach agreements on their own before a selector has become involved.

Final offer selection supports a sensible method of negotiations. Without FOS we could devastate our families financially due to long-term strikes or lockouts. Businesses could suffer or even be forced out of business which in the end will hurt all the people of Manitoba in some way or another. To me nothing good can ever come out of a long-term lockout or strike, and I really dislike the thought of how this could devastate me and also have a detrimental effect on the futures of my children.

To a small urban centre such as Portage, prevention of long-term strikes and lockouts is one way all residents of Portage can feel a little more positive in the future of our community. Anything that prevents situations of unnecessary hard times and suffering by employees, employers and the public of Manitoba, I must stand in favor of. Final offer selection is working, let's keep it working.

Thank you for hearing my thoughts.

Terry Dingle
752 4th St. NW
Portage la Prairie, Manitoba
R1N 2H2

**MANITOBA WOMEN'S AGENDA
16-222 OSBORNE ST. S.
WINNIPEG, MAN. R3L 1Z3**

**A BRIEF CONCERNING BILL 31
THE REPEAL OF FINAL OFFER
SELECTION LEGISLATION**

At its last annual conference held in October 1989 the Manitoba Women's Agenda, a coalition of 35 women's organizations in the province, passed the enclosed resolution concerning final offer selection. The resolutions that are adopted by the conference come to form an agenda of political action on which the member groups can focus for the following year. Thirteen issues, including the one on final offer selection have been presented to the caucuses of all three Parties represented in the Legislature, and meetings have been set up with some Ministers to discuss issues in greater depth.

It is clear from the large number of abstentions that the issue of final offer selection has not been widely publicized. Many people, including those who profit most from final offer selection, are not fully aware of what they will lose if the legislation is repealed. Many women at the conference were exposed to the issue for the first time and were unable to vote because their groups had not previously addressed the issue. The majority of those who attended the conference agreed that final offer selection is an issue that has a great impact on women and is a priority issue for this year.

A large percentage of women in the labour force work in the service sector. Because, in many service industries, it is often so easy for an employer to bring in strike breakers, the strike has not been an effective tool in many instances in bringing the employer to the bargaining table. Final offer selection gives service sector employees another tool for getting their case heard. Final offer selection is thus of benefit to those parts of the labour force that are most vulnerable. Because under FOS the selector chooses the most fairest package of proposals, both sides have an incentive to be reasonable. Because of this even the losers may in some sense be winners.

Statistics seem to show that final offer selection has been working well since it came into effect. The amount of time spent on strikes has been reduced, which is of benefit to the whole economy. In some cases it has helped women in vulnerable service sector jobs to reach an agreement with their employers. We therefore, ask the Government of Manitoba to consider the economic benefit that could be gained by many of the most vulnerable women workers in our society and to withdraw the bill repealing final offer selection.

ECONOMIC DEVELOPMENT

Resolution No. 7

WHEREAS many women work in the service sector and need alternatives to solving disputes with their employers; and

WHEREAS first contract legislation has helped women unionize without forcing strike action; and

WHEREAS most of the service sector employers would hire strike breakers to replace striking employees, allowing those employers to continue business operations without incentive to bargain fairly and settle a dispute; and

WHEREAS final offer selection has proven to facilitate settlements as a bargaining tool by allowing employers and unions to reach an agreement that causes least strain on both parties and the public;

THEREFORE BE IT RESOLVED that the Government of Manitoba live up to its commitment in the preamble of The Labour Relations Act to encourage collective bargaining between employers and unions as freely designated representatives of employees; and withdraw the Bill repealing final offer selection.

BECAUSE THEY HAVE NO POLICY ON THIS ISSUE
TWELVE ORGANIZATIONS HAVE ABSTAINED.

RECORDED ABSTENTIONS:

Business and Professional Women's Club
Council of Women of Winnipeg
Manitoba Association for Childbirth and Family Education
North End Women's Resource Centre
Provincial Council of Women of Manitoba
The Pas Committee for Women in Crisis
University Women's Club
Women's Business Owners of Manitoba

ONE ORGANIZATION OPPOSED

PARTICIPATING ORGANIZATIONS

Business and Professional Women's Club of Winnipeg
Charter of Rights Coalition (Manitoba)
Coalition For Reproductive Choice
Coalition of Rural Women
Council of Women of Winnipeg
Equal Pay Coalition
Fort Garry Women's Resource Centre
Ikewak Justice Society Inc.
Immigrant Women's Association
Klinik Community Health Centre Inc.
Legal Education and Action Fund (Manitoba)
Manitoba Action Committee on the Status of Women:
Brandon; Parklands; Thompson; Winnipeg

Manitoba Association for Childbirth and Family Education
Manitoba Federation of Labour—Women's Committee
Manitoba Committee on Wife Abuse
M.A.T.C.H. International
NDP Status of Women Group
North End Women's Resource Centre
Northern Women's Resource Service
Planned Parenthood Manitoba
Pluri-elles (Manitoba) Inc.
Provincial Council of Women of Manitoba
Reseau
The Pas Committee for Women in Crisis
University of Winnipeg—Women's Centre
University Women's Club of Winnipeg
Women Business Owners of Manitoba
Women's Health Clinic
Women's Health Interaction
Women's Post Treatment Project
Women's Studies Program of the University of Manitoba
Women's Studies Program of the University of Winnipeg
YM/YWCA of Winnipeg
YM/YWCA Resource Centre
YWCA of Thompson